

Council Assessment Panel Minutes

21 October 2019

Our Vision

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

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

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City of
Norwood
Payneham
& St Peters

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VENUE Mayors Parlour, Norwood Town Hall

HOUR 7pm

PRESENT

Panel Members Mr Terry Mosel
Ms Jenny Newman
Mr Phil Smith
Ms Fleur Bowden
Mr Carlo Dottore

Staff Mark Thomson Manager Development Assessment
Adam Bowey Senior Urban Planner
Ellen de Souza Development Officer Planning

APOLOGIES Mr John Minney

ABSENT

**1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 16 SEPTEMBER 2019**

*Motion was put that the minutes of the Meeting of the Council Assessment Panel, held on 16
September 2019 be taken as read and confirmed.*

Seconded and carried

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/C031/2019 – KSBA INVEST PTY LTD – 413 PAYNEHAM ROAD, FELIXSTOW

DEVELOPMENT APPLICATION:	155/C031/19
APPLICANT:	KSBA Invest Pty Ltd
SUBJECT SITE:	413 Payneham Road, Felixstow (Certificate of Title - Volumes: 5189 & 5190 and Folios: 928 & 40)
DESCRIPTION OF DEVELOPMENT:	Community Title Land Division creating eleven (11) Community Lots and the construction of a mixed use development comprising ten (10) three-storey townhouses and a two-storey office, including a car parking area, civil works and landscaping
ZONE:	Residential Zone – Medium Density Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on a Development Application for a Community Title Land Division creating eleven (11) Community Lots and the construction of a mixed use development comprising ten (10) three-storey townhouses and a two-storey office, including a car parking area, civil works and landscaping.

Staff do not have delegated authority to determine the Application, as it is a Category 3 form of development for public notification purposes. 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:	36.58 metres
Depth:	45.72 metres
Area:	1672m ²
Topography:	essentially flat
Existing Structures:	vacant single-storey office building with ancillary structures
Existing Vegetation:	lawned areas forward of the office building

The subject land is located on the north-western side of Payneham Road. The south-western side boundary is bound by St Johns Lane, which is a public road with a width ranging from 3.1 – 5.54 metres. More specifically, the south-western portion of St Johns Lane adjacent to Payneham Road incorporates a 'dogleg' with a corner-cut off and is 2.44 metres in width and 26.19 metres in length. The subject land is occupied by a single-storey hipped tiled roof former dwelling, which is currently used as an office. Forward of the office building are two sealed car parking areas. To the rear of the office building is an ancillary single-storey building (abutting St Johns Lane) and a freestanding carport located in the northernmost corner.

Locality Attributes

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

The northern side of Payneham Road is characterised by residential land use predominantly in the form of detached dwellings, mostly comprised of low density detached dwellings east of the subject land and medium density group dwellings within Briar Close west of the subject land. Two residential flat buildings constructed in the 1960's - 1970's are located at the periphery of the locality at 409 and 423 Payneham Road.

The southern side of Payneham Road is characterised by a mix of land uses including residential development (mostly in the form of independent living units located at 428 Payneham Road and 404, 406 and 408 Payneham Road), the Payneham Bowling Club at 402 Payneham Road, offices at 398 Payneham Road and a car wash facility all located between 410 - 418 Payneham Road.

The locality is considered to have a moderate level of amenity, resulting from the mix of residential and non-residential land uses, the heavily trafficked nature of Payneham Road and the existing built form quality.

A plan of the subject land and its surrounds is contained in **Attachments A and A1**.

Proposal in Detail

The Applicant seeks consent to undertake a Community Title Land Division creating eleven (11) Community Lots and the construction of a mixed use development comprising ten (10) three-storey townhouses and a two-storey office, including a car parking area, civil works and landscaping.

One of the residential flat buildings contains four (4) dwellings and fronts onto St Johns Lane. Each dwelling within this building has a two-vehicle garage and a study at ground level, three bedrooms and two bathrooms at the first level, with a combined kitchen/meals/living area and an open balcony area (fronting St Johns Lane) at the second floor level.

The other residential flat building contains six (6) dwellings and is located adjacent the north-eastern side boundary of the subject land. Five of the six dwellings within this building have a two-vehicle garage and a study at ground level whereas the north-westernmost dwelling (Dwelling 5) has a living area in lieu of a study. Three bedrooms and two bathrooms are located at the first level, with a combined kitchen/meals/living area and an open balcony area (fronting internally within the site) at the second floor level. All six (6) dwellings contained in this building have ground level yard areas.

The two-storey office is proposed adjacent the Payneham Road frontage. The overall office floor area is 250m². Ten (10) car parking spaces are proposed between the office and St Johns Lane. Seven (7) of those car parking spaces are exclusively associated with the office, while the remaining three (3) spaces are part of the common property and are proposed to be available to visitors to both the office and the dwellings.

A further two (2) car parking spaces are proposed within the common property adjacent to Lot 5. These two spaces are proposed to be exclusively available to visitors to the dwellings.

Vehicle access to the ten (10) dwellings is proposed via a common driveway accessed from a new two-way driveway crossover on St Johns Lane adjacent to the northern boundary.

In terms of appearance, each three-storey residential flat building has a rectilinear design and incorporates framed-out feature facade elements with concealed roofs. Both buildings have a combination of charcoal colour brickwork, Colorbond standing-seam cladding (colour Colorbond 'Monument') and painted lightweight cladding (colour Dulux 'Stowe white ') along with feature vertical fixed aluminium slats to the northern, southern and western elevations. The office building displays a similar design approach to the residential flat buildings with the use of brickwork, Colorbond standing seam cladding, splayed end wall elements and vertically fixed aluminium slats to the office entrance. The ground level front facade of the office building incorporates large extents of glazing up from the ground level to the underside of the projecting canopy.

Along the south-western, north-western and north-eastern boundaries of the site, new 1.8 metre high Colorbond fencing is proposed.

The proposed development includes a landscaping scheme that proposes specific small tree species, shrubs and ground covers including trees, shrubs, plants and grass covers.

The relevant details of the residential components 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 - 4	Dwelling 5	Dwellings 6 - 10	Development Plan Merit Assessment Quantitative Guideline
Site Area	64m ²	140m ²	73m ²	no minimum
Site Width	4.5m	4.5 – 11.4m	4.5m	no minimum
Site Depth	14.3m	9.7 – 16.3m	16.3m	no minimum
External Wall Height*	11.7m (maximum height)	11.7m (maximum height)	11.7m (maximum height)	N/A
Maximum Overall Height (to roof apex)*	11.7m	11.7m	11.7m	three-storey
Floor Area (total)	177 - 197m ²	227m ²	181m ²	Dwelling with 3+ bedrooms - 100m ² minimum total floor area
Floor Area (footprint)	60m ²	86m ²	60m ²	N/A
Site Coverage	45% overall			70% dwelling forms other than detached and semi-detached. No maximum for commercial development
Private Open Space (POS)	18.5 - 22m ²	64m ²	17.5m ²	15m ² per dwelling
Street Setback	21m	N/A	11.8m	N/A
North-eastern side setback (ground level)	N/A	3.0m	3.0m	3.0m
North-eastern side setback (First level)	N/A	3.0m	3.0m	3.0m
North-eastern side setback (Second level)	N/A	3.0m	3.0m	3.0m

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Dwelling 1 - 4	Dwelling 5	Dwellings 6 - 10	Development Plan Merit Assessment Quantitative Guideline
South-western side setback (Ground level)	900mm	N/A	N/A	3.0m
South-Western side setback (First level)	NIL	N/A	N/A	3.0m
South-western side setback (Second level)	NIL	N/A	N/A	3.0m
North-western rear setback (Ground level)	6.9m	3.0m	N/A	3.0m
North-western rear setback (First level)	5.7	5.7m	N/A	3.0m
North-western rear setback (Second level)	5.7m	5.7m	N/A	3.0m
Car Parking Provision	2 covered	2 covered	2 covered	Residential - 2 spaces per dwelling plus 1 visitor space for every 2 dwellings.

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

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

Notification

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

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

- the proposed three-storey construction;
- density;
- inadequate setbacks;
- the proposal has insufficient car parking provision;
- poor design response; and
- poor environmental performance.

Ms Dorothy Lewis and Mr Brenton Short desire to be heard personally by the Panel in support of their representations.

Mr Marc Duncan of Future Urban Group, has responded to the representations on behalf of the Applicant. A copy of Mr Duncan's response is contained in **Attachment D**.

State Agency Consultation

The Application was referred to the Commissioner of Highways pursuant to Schedule 8 of the *Development Regulations 2008*, as the proposed development changes the nature movement adjacent to an arterial road (Payneham Road). The Commissioner of Highway's response is discussed in detail under the heading *Car parking/access/manoeuvring* later in the report.

Discussion

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

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

Land Use and Density

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

Medium Density Policy Area (PA) Desired Character Statement

Medium Density PA Objectives: 1
Medium Density PA PDC's: 5, 6

Residential Zone Desired Character Statement

Residential Zone Objectives: 1, 2
Residential Zone PDC's: 1, 3

City Wide Objectives: 1, 2, 7, 8, 10, 26, 55-57
City Wide PDC's: 1-4, 80, 82

With respect to the residential component of the proposed development, the Desired Character Statement for the Medium Density Policy Area states (in part):

"Whilst detached and semi-detached dwellings will continue to be developed within the Medium Density Policy Area, more flexible development parameters for other forms of housing (including group dwellings, row dwellings and residential flat buildings) are included and will provide additional opportunities for increasing residential densities in these locations"

In relation to the area of the Medium Density Policy Area around the Payneham Road Corridor, the desired character statement states:

"Development will provide a range of residential accommodation and along arterial road frontages, may include some small scale commercial uses."

The proposed ten (10) dwellings within two (2) residential flat buildings are consistent with the desire for 'other forms of dwellings' which 'provide additional opportunities for increasing residential densities'.

Medium Density Policy Area Principle of Development Control 5 sets out the minimum site area and frontage requirements for new dwellings in the Policy Area. In relation to residential flat buildings, Principle 5 states that there is no minimum site area per dwelling, provided that the development site has a minimum frontage of 18.0 metres. In this instance, the subject land has an allotment frontage of 36.58 metres, consistent with the requirement for a residential flat building.

Medium Density Policy Area Principle of Development Control 6 states that dwellings contained within a residential flat building with three (3) bedrooms should have a minimum floor area per dwelling of 100m². The proposed floor areas range between 177m² (for Dwellings 2 - 3) and 227m² (for Dwelling 5), thereby exceeding the criteria specified in by Principle 6.

The other considerations referred to in the Desired Character Statement (private open space, communal space, car parking and the design of the built form) are discussed in greater detail under their relative headings later in the report. However, in summary, those considerations are considered to be reasonably consistent with the relevant Development Plan policies.

In terms of the office component, the Desired Character Statement for the Residential Zone states:

“Along arterial roads, some opportunity for the establishment of non-residential uses will be provided through the conversion of existing dwellings, small-scale purpose built buildings and on the ground floor of mixed-use buildings in close proximity to centres”

As previously set out, in relation to the area of the Medium Density Policy Area around the Marden District Centre, the desired character statement states:

“Development will provide a range of residential accommodation and along arterial road frontages, may include some small scale commercial uses.”

Residential Zone Principle of Development Control 15 further defines the opportunities outlined in the Desired Character Statement, by designating offices as non-complying in the zone other than (amongst other circumstances):

“(b) where the site fronts an arterial road and has a total gross leasable floor area of 250 square metres or less; or

“(d) within the Medium Density Policy Area, where located on the ground floor of a mixed use building that fronts an arterial road and where the gross leasable floor area does not exceed 500 square metres.”

Accordingly, the Development Plan anticipates either an office up to 250m² with no caveat that it be on the ground level of a mixed use building, or between 250m² and 500m², provided that it is on the ground level of a mixed use building. The proposed 250m² of total office area at both ground and upper level is therefore consistent with the Residential Zone policies from a land use perspective.

The proposed office is consistent with City Wide Principle of Development Control 82, which states that non-residential development in residential zones should not compromise the living amenity of adjacent and nearby residential occupiers. The office is relatively small in scale and activities within the office are unlikely to result in significant noise or other impacts on the occupants of adjacent dwellings. To a certain extent, the proposed office also provides for a “buffer” between the traffic noise on Payneham Road and the ten (10) proposed dwellings behind.

From a land use perspective, both the dwellings (in the form of residential flat buildings) and the office are considered to be acceptable.

Streetscape/bulk/scale/height/character

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

Medium Density PA Desired Character Statement

Medium Density PA Objectives: 2, 4
Medium Density PA PDC's: 1, 3, 7

Residential Zone Desired Character Statement

Residential Zone Objectives: 3
Residential Zone PDC's: 6, 8

City Wide Objectives: 18, 19, 20
City Wide PDC's: 28-32, 37, 39, 197

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

“Building heights within this part of the Policy Area (ie. Marden District Centre) will be up to two (2) storeys, however, along arterial road frontages and on sites fronting Broad Street, Marden and Marden Road (south of Kent Street), 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 and in the case of arterial roads, where it comprises a mix of residential and non-residential land uses..”

Medium Density Policy Area Principle of Development Control 7 states that three-storey development is envisaged within the Policy Area where a site fronts an arterial road. The proposed overall building height of three-stories is therefore consistent with the anticipated maximum height specified in both the Desired Character Statement and Medium Density Policy Area PDC 7.

The proposed building form and in particular, the two (2) residential flat buildings is larger than adjacent and nearby single-storey residential development located on both sides of Payneham Road within the locality. .

The current Medium Density Policy Area provisions were introduced on 2 July 2015 to provide opportunities for a higher density of development, facilitated by two and three storey development. In this policy context, the proposed scale of the development is considered to be appropriate, notwithstanding that it will constitute a ‘first intrusion’ within this particular locality.

The Residential Zone Desired Character Statement states (in part):

“The existing character of the zone is varied and is derived from a number of factors, including built form, allotment size, road widths and natural features such as vegetation, topography and waterways. Although it is expected that residential densities will increase over time, resulting in more dense forms of development and smaller site and allotment sizes, it is intended that the overall character of the zone will maintain a ‘suburban’ feel with a high level of amenity. This will be achieved by generally maintaining a rhythm of buildings comprising one and two storeys, set back from the street so that front gardens can be established and also by requiring ‘space’ to be established between buildings.”

“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.”

And

“Dwellings will be designed to provide a good level of visual interest and articulation and should avoid large expanses of uninterrupted walling, tilt-up concrete or glass, or the monochromatic use of materials and finishes.”

The character of the locality along the north-western side of Payneham Road is generally derived from residential buildings, predominantly in form of single-storey detached dwellings as well as two residential flat buildings, all of which incorporate pitched roof forms.

The predominantly rectilinear design appearance of the residential flat buildings is distinctly contemporary. Having regard to the established residential built form character along the north-western side of Payneham Road, namely single-storey dwellings with pitched roofs, the rectilinear form is inconsistent with the existing character when viewed within this part of the Payneham Road streetscape.

That said, the Medium Density Policy Area anticipates a variety of facade treatments with overall balanced building proportions that provide for a good level of visual interest and articulation when viewed within a streetscape context.

The finishes and architectural detailing to both residential flat buildings are considered to provide visual interest consistent with the Desired Character Statement as well as City Wide Principle of Development Control 30 and the proposed variation in building materials (ie. brickwork, painted walls, vertically fixed standing-seam cladding and extensive use of glazing to the office building), complement the existing residential urban character of the immediate area as called for by City Wide Principle of Development Control 29.

In terms of the south-western side elevation of the building containing Dwellings 1, 2, 3 and 4, the presentation of this building to St Johns Lane is considered to be reasonably well articulated with the three-storey mass sufficiently “broken-up” through the use of recessed ground elevations, balcony areas at first floor level and framed-out windows at the second floor level as called for by the Desired Character Statement.

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

Setbacks and Site Coverage

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

Medium Density PA PDC's: 7

City Wide PDC's: 50, 202, 203, 208 & 273

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

In relation to development along arterial roads within the Residential Zone, the desired character statement states:

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

Principle of Development Control 7 of the Medium Density Policy Area states that buildings should generally be set back 6 metres from arterial roads, however a closer setback may be provided for mixed-use buildings which comprise non-residential uses at ground level.

The proposed office component of the development is set back 3.0 metres from the Payneham Road frontage when measured to the main face. This is considered an appropriate setback which achieves the desired ‘urban’ character, while preserving room for landscaping.

In addition to this provision, City Wide Principle of Development Control 50 states:

The setback of buildings should:

- (a) be similar to, or compatible with, the setbacks of buildings on adjoining land and the predominant setback of buildings in the locality, unless otherwise specified in the relevant Zone and/or Policy Area;*
- (b) contribute positively to the existing or desired streetscape character of the locality; and*
- (c) not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.*

In this respect, the adjacent detached dwelling at 415 Payneham Road is set back in the order of 12.9 metres from Payneham Road. The adjacent dwelling at 17/2 Briar Road is set back in the order of 4.0 metres from Payneham Road.

On the other side of Payneham Road, the independent living units at 404 Payneham Road are set back between 3.7 – 4.2 metres. The Payneham Bowling Club building (402 Payneham Road) is set back approximately 37 metres from Payneham Road, while the dwellings at 406 Payneham Road are set back approximately 5 metres from Payneham Road.

In this context, the proposed setback distance from Payneham Road is considered reasonably consistent with the qualitative considerations of City Wide Principle of Development Control 50.

The *Inner and Middle Metropolitan Corridor (Design) Development Plan Amendment* (gazetted on 19 December 2017) introduced planning policies for medium density developments of three or more storeys in height, in to order improve their design quality and integration, provide better outcomes for local streetscapes and the public realm, improve the form and appearance of new developments and provide better relationships between nearby medium developments. These policies are contained in the City Wide section of the Development Plan under the heading of Medium and High Rise Development (3 or More Storeys), on pages 54-59.

Included in these policies, is criteria for siting of buildings and separation from boundaries, which differ from the 'regular' criteria that applies to residential development, contained in the City Wide section of the Development Plan under the heading of Residential Development, on pages 38-53.

With respect to side and rear setbacks, under the sub-heading of Building Separation and Outlook, City Wide Principle of Development Control 273 states:

“Residential buildings (or the residential floors of mixed use buildings) should have habitable rooms, windows and balconies designed and positioned with adequate separation and screening from one another to provide visual and acoustic privacy and allow for natural ventilation and the infiltration of daylight into interior and outdoor spaces.

One way of achieving this is to ensure any habitable room windows and/or balconies are separated by at least 6 metres from one another where there is a direct 'line of sight' between them and be at least 3 metres from a side or rear property boundary. Where a lesser separation is proposed, alternative design solutions may be applied (such as changes to orientation, staggering of windows or the provision of screens or blade walls, or locating facing balconies on alternating floors as part of double floor apartments), provided a similar level of occupant visual and acoustic privacy, as well as light access, can be demonstrated.”

The two three-storey residential flat buildings have a consistent separation from the north-eastern side boundary and the north-western rear boundary of 3.0 metres. Accordingly, the proposed separation from this side and the rear boundaries is consistent with the quantitative criteria prescribed in Principle 273.

With respect to the south-western side boundary the residential flat building containing Dwellings 1 – 4 abuts the St Johns Lane. According to the *City of Norwood Payneham and St Peters Register of Public Roads* publication, St Johns Lane has a carriageway width of 3.1 metres. The directly adjacent dwelling at 18/2 Briar Road is the closest neighbouring dwelling to the proposed development, namely the residential flat building containing Dwellings 1 – 4.

In terms of the three-storey form, this residential flat building is not expected to have a significant impact on amenity, either by way of visual outlook or overshadowing onto 18/2 Briar Road. In particular, the dwelling at 18/2 Briar Road has its open plan living/dining/kitchen area on the south-western side of the building. As such, the main private open space area is to the south-western side of the dwelling and also to the rear north-western section of the property. In this regard, the outlook from the rear of the internal living area of the dwelling at 18/2 Briar Road is therefore focused towards the side (southwest) and to a lesser extent the rear (northwest), whereas views of the proposed three-storey residential building would be more peripheral.

With respect to the three windows facing towards St Johns Lane, the windows service a bathroom, a WC and the secondary bedroom. In this context, it is considered that the south-westernmost proposed residential flat building is sufficiently in accordance with qualitative intent of City Wide Principle of Development Control 273, with respect to reducing the visual impact, notwithstanding that a 3.0 metre separation is not achieved.

In terms of site coverage, Medium Density Policy Area Principle of Development Control 7 states that the site coverage for dwellings other than detached and semi-detached dwellings (and ancillary structures) within the Policy Area should not exceed 70%. The site coverage of the ten (10) proposed dwellings results as well as office building in an overall site coverage of 45%. Accordingly, the proposal satisfies Policy Area Principle of Development Control 7.

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 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.”

Given that the subject land is on the north-western side of Payneham Road, the most significant shadowing will occur across the subject land, St Johns Lane and not on adjacent land. More specifically, a substantial degree of shadowing will occur to the car parking area located adjacent the junction of Payneham Road and St Johns Lane given the proposed three-storey form of the two residential flat building and their proximity. In this context, the proposal is not contrary to the Principle 196.

In terms of visual privacy from the proposed dwellings, the side and rear facing upper level windows either incorporate sill heights at or below 1.7 metre high or contain fixed obscure glazing to all portions of the windows below 1.7 metres above the internal upper floor level. In this regard, the proposal is contrary to City Wide Principle of Development Control 235, which seeks privacy treatment to a height of 1.7 metres. Accordingly, if the Panel determine to approve the proposed development, it is recommended that a condition be imposed requiring that all the upper floor dwelling windows on the northern, southern and western elevations be fixed and obscured to a height of 1.7 metres.

With respect to the upper level office area, the side elevations incorporate glazing with 600mm sill levels. In terms of the north-eastern side, a person standing within the upper level office area would be able to obtain views of the neighbouring property at 415 Payneham Road and would only be limited to views of a relatively small portion of the front yard area of this property. On this basis, it is considered unnecessary to obscure this section of glazing to the office. With respect to the south-western side, there is a concern that views may be obtained by a person within the upper level into the side and rear yard area of 14/2 Briar Road. On this basis, it is recommended that a condition be imposed requiring that the portion of upper floor glazing be fixed and obscured to a height of 1.7 metres.

The Applicant has proposed 1.0 metre high solid balustrades to the balcony areas of Dwellings 1 – 4 which front St Johns Lane. Given the minimal height of the balustrades and the number of balconies, the potential for occupants of the dwellings to overlook the adjacent yard areas of 17/2 and 18/2 Payneham Road is a concern.

If the Panel determines to approve the development, it is recommended that conditions of consent be imposed requiring the appropriate treatment of these upper floor balconies and the north-western side of the balcony of Dwelling 5 be undertaken to a height of 1.7 metres to prevent overlooking into adjoining residential properties.

Private open space

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

City Wide PDC's: 222-224, 226, 227, 229, 230

City Wide Principle of Development Control 226 states (in part):

“Residential development in the form of apartments within a multi storey building should have associated private open space of sufficient area and shape to be functional and capable of meeting the likely needs of the occupant(s) and should be in accordance with the following requirements:

(c) *three bedrooms or greater; a minimum area of 15 square metres of private open space.*”

All of the ten (10) three-storey dwellings have three bedrooms and, as such, should have a minimum area of private open space of 15m². The proposed private open space areas range between 18.5 - 22m² for Dwellings 1 – 4, 64m² Dwelling 5 and 17.5m² for Dwellings 6 – 10. The ground level private open space areas are accessible for Dwellings 1 – 4 are accessible from the garage/ stairwell whereas the ground level private open space for Dwellings 6 – 10 are accessible from internal study areas. Dwelling 5 has the most functional link to the ground level private open space which is accessible directly from the ground floor living area of this dwelling.

Of the ten (10) dwellings and their associated ground level private open space areas, Dwelling 5 has excellent orientation for solar access throughout the day. Conversely, Dwellings 6 – 10 will have good solar access from the morning through to midday whereas Dwellings 1 – 4 will have compromised access to northern sunlight from the morning through to the mid-afternoon period. This is considered to be a negative aspect of the proposal and is inconsistent with City Wide Principle of Development Control 224(f) and (g) which requires that:

“Private open space should be located and designed:

(f) *where possible, to have a northerly aspect to provide for comfortable year-round use;*

(g) *to not be significantly shaded during winter by the associated dwelling or adjacent development;”*

Car parking/access/manoeuvring

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

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

Tables NPSP/8 and NPSP/9

Pursuant to Schedule 8 of the *Development Regulations 2008* and more specially, Section 3 —Development adjacent to main roads, which changes the nature of movement through an existing access that is within 25 metres of a junction with an existing arterial road, the proposal was referred to the Transport Assessment and Policy Reform Division of the Department of Planning, Transport and Infrastructure (DPTI). Whilst not specifically shown in the *Metropolitan Adelaide Road Widening Plan* where land for road widening would be required, the Department has advised that given the site is situated at a junction of an arterial road, widening may possibly be required and more specifically, there may be a requirement for a 4.5 metre x 4.5 metre corner cut-off at the Payneham Road/St Johns Lane.

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

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 dwellings in multi-storey buildings, Table NPSP/8 states that two (2) on-site car parking spaces should be provided for the occupants of each three (3) bedroom dwelling, of which at least one (1) should be covered. In addition, one (1) visitor space should be provided for every two (2) dwellings.

Each of the proposed three (3) dwellings are provided with two (2) exclusive car parking spaces, in the form of a 'stacked' garage beneath the relevant dwelling. The proposed dwellings are to have access to the two (2) open-air car parking spaces at the end of the common driveway, adjacent Lot 5. In addition, the dwellings are also to have shared access to three (3) of the spaces adjacent to the office building.

The proposed residential component of the development results in a theoretical demand for five (5) visitor spaces. Accordingly, the proposed visitor car parking demand associated with the dwellings (ie. five (5) spaces) satisfies the requirements detailed in Table NPSP/8, albeit that 3 of the spaces are shared with visitors to the office.

In terms of the proposed office component, the overall floor area equates to 250m². The proposed office is to have seven (7) exclusive designated car parking spaces, as well as shared access to three (3) visitor spaces. Table NPSP/9 states that an office should be provided with four (4) spaces per 100m². In applying the prescribed rate to the overall floor area of 250m², the office would generate a demand of ten (10) car parking spaces. The proposed calculated car parking demand accords with the criteria prescribed in Table NPSP/9, albeit that three of the spaces are shared with visitors to the dwellings.

That said, City Wide Principle of Development Control 122(c) states:

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

(c) mixed use development including residential and non-residential development has respective peak demands for parking occurring at different times;”

The mixed use nature of the proposed development will typically result in visitors to the dwellings arriving at different peak times to the peak times associated with the office use component and as such, the proposal is considered to be consistent with part (c) of Principle 122.

City Wide Principle of Development Control 189 provides guidelines for the configuration of driveway and manoeuvring areas for battleaxe 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 6.0 metre x 6.0 metre paved carriageway at the front of the property, to enable safe and convenient access/egress for vehicles turning into and out of the site simultaneously. The proposal accords with this policy.

Principle 189 also states that the paved carriageway width should be no less than 5.0 metres in width, with an additional 1.0 metre of landscaping, resulting in a total width of paved carriageway and landscaping of 6.0 metres. The proposed development also complies with this policy.

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

Finished floor levels/flooding/retaining

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

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

The subject land is vacant and is essentially flat. The Applicant has a relative level of between 99.3 – 99.4 for all ten (10) dwellings. A relevel level of 99.2 has been nominated for the office building and is to be between 100 – 200mm lower than that of the dwellings. In terms of the dwellings, the proposed finished floor level is between 260 – 600mm above the existing ground level. On this basis, the proposed finished floor levels for the dwellings will result in the need for retaining walls along the north-eastern side boundary ranging between 60 - 400mm in height.

The Applicant has indicated that 1.8 metre high ‘Good-neighbour’ Colorbond fencing is to be used for the replacement of side and rear fencing. The resulting combined height of retaining and fencing at the boundaries of the site (up to 2.2 metres and the resulting level of fill are consistent with City Wide Principles of Development Control 58 and 164 respectively.

A copy of the indicative stormwater plan and survey plan are contained at **Attachment B9** and **B10** respectively.

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

The Council's Project Manager, Assets, has advised that the proposed levels and indicative stormwater disposal is considered to be acceptable in principle, but the Applicant should be required to prepare a Stormwater Management Plan to ensure that stormwater disposal is maintained at pre-development levels.

As such, if the Panel determines to approve the development proposal, it is recommended that a condition be imposed requiring a Stormwater Management Plan be submitted with the documentation for Building Rules Consent, which confirms that stormwater disposal will be maintained at pre-development levels.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives:	24
City Wide PDC's:	76, 220, 221& 288

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

The proposed development includes a landscaping scheme that proposes a range of trees, shrubs and ground covers including Ornamental pears, Japanese box hedge, Scented geraniums and assorted roses. The proposed landscaping will assist in softening the development when viewed from adjacent land.

The proposed landscape scheme and schedule is considered to provide for a reasonably good level of amenity for future occupants of both the dwellings and office, as specified by City Wide Principle of Development Control 221(a).

As detailed in the "Car parking/access/manoeuvring" section of the report, City Wide Principle of Development Control 189 states that the paved carriageway width should be no less than 5.0 metres in width, with 1.0 metre of landscaping, resulting in a total width of paved carriageway and landscaping of 6.0 metres. The proposed development does not comply with this guideline insofar as the proposed landscaping adjacent to the driveway has a total combined width of only 900mm.

Whilst this is a shortfall, the proposed landscaping either side of the carriageway and at the end of the two (2) visitor car parking spaces is considered to enhance the amenity of the proposed development in this section, particularly given the extent of hard paving associated with the common driveway as part of the development proposal. In this context, the provision of a 900mm landscaping section is considered to be acceptable notwithstanding the 100mm shortfall specified by Principle 189.

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

In terms of Dwellings 5 – 10, none of these proposed dwellings incorporate covered alfresco/verandah areas to their ground level yard areas. That said, it is highly likely that future owners of the dwellings would construct pergolas and/or verandahs in these locations, based on their personal preference and needs, which would provide sun and wet-weather protection to the ground level north-eastern facing window/door areas as well as the north-eastern facing windows/door areas of Dwelling 5.

The predominant extent of glazing associated with the office is situated on the south-eastern front elevation. As such, the extent of heat loading in the summer months will be limited to the early morning hours which is considered to be acceptable.

City Wide Principle of Development Control 159 prescribes that new dwellings should be provided with a 2,000 litre rain water tank in order to maximise the use of stormwater collected from roof areas. The Applicant has not nominated details of a rainwater tank as part of the proposal. Given that the proposed development includes relatively large areas of impervious 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.

In general terms, the environmental performance of the dwelling is considered to be reasonable.

Summary

The Medium Density Policy Area is intended to accommodate a greater range of dwelling types, at a higher density than the general Residential Zone. At a zone level, a small-scale office with a frontage to an arterial road is reasonably anticipated.

The proposed dwelling density is considered to be acceptable, as the proposed dwellings all meet the minimum dwelling floor area provisions and the dwellings generally meet the other relevant quantitative provisions of the Development Plan. The proposed three-storey residential built form is consistent with Principle 7 of the Medium Density Policy Area.

From a design response, the architectural approach is considered to be reasonably compatible and complementary in relation to other residential development within the locality.

The proposed development meets the minimum quantitative provisions of the Development Plan, with respect to car parking (both the dwellings and the office), private open space provision. However, the landscaping adjacent the vehicle carriageway is not 1.0 metre in width (ie. it is 900mm).

In terms of the qualitative provisions of the Development Plan, a negative aspect of the proposal is the orientation of the internal living areas and the private open space areas for nine (9) of the ten (10) dwellings. The extent of hard paved surfaces is also considered to be a negative aspect of the proposal, albeit that the impact of stormwater runoff will be addressed via a stormwater management plan at the Building Rules stage.

On balance, it is considered that the proposal is not seriously at variance with the Development Plan and the development sufficiently accords with the Development Plan to merit 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/C031/19 by KSBA Invest Pty Ltd to undertake a Community Title Land Division creating eleven (11) Community Lots and the construction of a mixed use development comprising ten (10) three-storey townhouses and a two-storey office, including a car parking area, civil works and landscaping, at 413 Payneham Road, Felixstow, 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:

- Community Plan of Division (Reference Number 19705.2; Drawing Number 19705.2-COM; and Version Number 1) prepared by John C Bested 7 Associates Pty Ltd and received by the Council on 25 July 2019.
- Scheme Description prepared by Raymond 7 Co. Conveyancers and received by the Council on 15 October 2019.
- plans and elevations (Project Number 30044) prepared by TECTVS and received by the Council on 9 and 11 October 2019.
- Landscape Layout Plans (Project Number 1005; Drawing Numbers A-01-01 and A-01-02) prepared by Faiyad Design & Construct and received by the Council on 20 September 2019.

SCAP Conditions of Consent

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0087476)

The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

For SA Water to assess this application, the developer must advise SA Water the preferred servicing option. Information can be found at: <http://www.sawater.com.au/developers-and-builders/building.-developing-and-renovating-your-property/subdividing/community-title-development-factsheets-and-information>. For queries call SAW Land Developments on 7424 1119.

2. Payment of \$65,277.00 into the Planning and Development Fund (9 allotment/s @ \$7253.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

Department of Planning, Transport and Infrastructure Conditions

1. Any obsolete crossover(s) on Payneham Road shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to operation of the development.
2. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Council Conditions

1. The portion of all upper floor windows on the two residential flat buildings, less than 1.7 metres above the internal floor level shall be treated prior to occupation of the dwellings in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)
2. The portion of all upper floor windows on the south-western elevation of the office building, less than 1.7 metres above the internal floor level shall be treated prior to occupation of the office area in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)
3. The portion of the upper floor balcony areas of Dwellings 1 – 4 less than 1.7 metres above the floor level of the balcony shall be treated prior to occupation of the dwellings in a manner that permanently restricts views being obtained by a person from the balcony, with details to be provided to the reasonable satisfaction of the Council or its delegate, prior to the issuing of Development Approval (Suggested treatments include, but are not restricted to, wing walls, solid or translucent panels or perforated panels or metal trellises which have a maximum of 24% openings).
4. The northwest side of the upper level balcony of Dwelling 5, shall be screened to a minimum height of 1.7 metres above the finished floor level of the balcony, in order to prevent views of the private open space area at 13 and 15 Pearce Avenue.

5. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.
6. A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land at pre-development levels. On-site retention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.
7. Each dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitres (2,000 litres), or alternatively, a 20 kilolitre communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m² of its roof catchment area to the communal tank and in either case, water shall be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.
8. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.
9. Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
10. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
11. All of the car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
12. All car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
13. All trade waste and other rubbish shall be stored in covered containers pending removal and shall be kept screened from public view to the reasonable satisfaction of the Council or its delegate.
14. All refuse and stored materials shall be screened from public view to the reasonable satisfaction of the Council or its delegate.
15. At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.
16. All external lighting of the site, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council or its delegate.

Department of Planning, Transport and Infrastructure Notes

1. The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a 4.5 x 4.5 metre cut-off at the Payneham Road/St Johns Lane corner for future road purposes. The consent of the CoH under the *Metropolitan Adelaide Road Widening Plan Act 1972* is required to all building works on or within 6 metres of the possible requirement.

The Commissioner's consent should be sought if Council deems the proposed car parking to require building rules consent under the *Development Act 1993*. If the consent of the CoH is required, the applicant should complete the attached form and return it to dpti.luc@sa.gov.au, along with a copy of the approved site plan, consent purposes.

Council Notes to Applicant

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

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

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

Ms Karen Lewis (on behalf of Ms Dorothy Lewis) addressed the Panel via telephone from 7:02pm until 7:12pm

Mr Brenton Short addressed the Panel from 7:13pm until 7:16pm

Mr Marc Duncan addressed the Panel (on behalf of the applicant) from 7:17pm until 7:33pm

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/C031/19 by KSBA Invest Pty Ltd to undertake a Community Title Land Division creating eleven (11) Community Lots and the construction of a mixed use development comprising ten (10) three-storey townhouses and a two-storey office, including a car parking area, civil works and landscaping , at 413 Payneham Road, Felixstow, for the following reasons:*

1. *That the proposal inadequately addresses the provisions of the Development Plan (mainly in respect of City Wide PDCs 120, 267, 275 & 276, 279 & 282, 284 & 285, Medium Density Policy Area PDC 7) with respect to:*
 - *Setback to St Johns Lane/massing*
 - *Usability of private open space and relationship to living areas*
 - *Street interface*
 - *Dwelling orientation*
 - *Landscaping*
 - *Site facilities and storage*
 - *Adequacy of parking*

Seconded and carried

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/D046/2019 – BEULAH ROAD 888 PTY LTD – 145-157 BEULAH ROAD, NORWOOD

DEVELOPMENT APPLICATION:	155/D046/19
APPLICANT:	Beulah Road 888 Pty Ltd
SUBJECT SITE:	145-157 Beulah Road, Norwood (Certificates of Title Volume: 6028 Folios: 883, 884, 885, 886 and 887)
DESCRIPTION OF DEVELOPMENT:	Land division creating twenty four (24) allotments from five (5) existing allotments
ZONE:	Residential Character (Norwood) Zone and Residential Historic (Conservation) Zone – Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
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 a Development Application for a land division creating twenty four (24) allotments from five (5) existing allotments.

Staff do not have delegated authority to determine the Application, as it comprises a land division which does not meet the relevant quantitative Development Plan criteria with respect to site frontage. In particular, the development application includes:

- detached dwelling sites fronting Beulah Road with frontage widths of 7.31 metres, where the relevant quantitative Development Plan criteria is 9 metres;
- detached dwelling sites fronting Queen Street and George Street with areas of 241m² and 276m² respectively, where the relevant quantitative Development Plan criteria is 300m².

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

Subject Land Attributes

Shape:	regular
Frontage width:	180 metres
Depth:	53.3 metres
Area:	9594m ²
Topography:	gradual slope from east to west
Existing Structures:	vacant nursing home
Existing Vegetation:	small non-regulated trees and shrubs

The subject land is a very large (nearly 1 hectare) site with frontages to Beulah Road, George Street and Queen Street. It contains a series of one and two storey buildings which are currently vacant and were formerly occupied as a nursing home. It is understood that the nursing home ceased operation nearly ten (10) years ago and as such, those use rights have likely been abandoned.

The land falls approximately 2 metres from east to west across 180 metres, resulting in a very gradual slope. Driveway crossovers provide vehicular access to the site at the northern extremes of the Queen Street and George Street frontages, as well as in four (4) locations along the Beulah Road frontage.

The subject land is located within two separate planning zones. The portion of the land within approximately 70 metres of George Street is located within the Residential Historic (Conservation) Zone and more specifically, the Norwood 4 Policy Area. The balance of the land (ie. the within approximately 110 metres of Queen Street) is located in the Residential Character (Norwood) Zone.

Locality Attributes

The locality is considered to extend approximately 100 metres in each direction beyond the subject land. The locality contains exclusively residential land uses, mostly comprising single storey 'character' dwellings on large allotments, many of which are listed in the Development Plan as Local Heritage Places, including those at:

- 124, 134 137, 139, 142, 143 and 163 Beulah Road;
- 21 and 25, 29 and 33 Queen Street; and
- 11A, 15 and 21 George Street.

Also in the locality are occasional 'infill' dwellings, including two storey semi-detached dwellings at 22 Queen Street, 122 Beulah Road and 133 Beulah Road, two storey group dwellings at 161 Beulah Road and a two storey retirement village at 148 Beulah Road.

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

Proposal in Detail

The Applicant seeks consent to divide the land twenty four (24) Torrens Title allotments.

A right of way is proposed along the rear of the allotments fronting Beulah Road (Allotments 5-20) and Allotment 24 which fronts Queen Street, to provide for rear vehicular access.

Allotment 1 is proposed to be subject to a drainage easement in favour of Allotments 5-20 and 24. Allotment 24 is subject to an electrical easement for an existing transformer.

None of the proposed allotments are subject to party wall rights.

The relevant details of the proposal in terms of areas and frontages are set out in Tables 1 and 2 below.

TABLE 1: DEVELOPMENT DATA GEORGE STREET AND QUEEN STREET ALLOTMENTS:

Consideration	Allotment 5	Allotments 6, 7, 10, 11, 14, 15, 18 & 19	Allotments 8, 9, 12, 13, 16, 17 & 20	Development Plan Merit Assessment Quantitative Guideline
Site Area*	396m ²	341m ²	434m ²	300m ²
Site Frontage	9.31m	7.31m	9.31m	9m detached dwelling sites in the Residential Character (Norwood) Zone
Site Depth	42.59m	46.59m	46.59m	N/A

* The site area has been taken to exclude the right of way, since that will not form the 'site' of any future dwellings on the allotments.

TABLE 2: DEVELOPMENT DATA BEULAH ROAD ALLOTMENTS:

Consideration	Allots 1&2	Allot 3	Allot 4	Allot 21	Allots 22 & 23	Allot 24	Development Plan Merit Assessment Quantitative Guideline
Site Area*	276m ²	356m ²	312m ²	340m ²	241m ²	459m ²	300m ²
Site Frontage	12.0m	15.5m	13.8m	14.3m	10.0m	19.0m	9m detached dwelling sites in the Residential Character (Norwood) Zone
Site Depth	22.97m	22.97m	22.97m	24.14m	24.14m	24.14m	N/A

* The site area has been taken to exclude the right of way, since that will not form the 'site' of any future dwellings on the allotments.

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

Notification

The proposal has been identified and processed as a Category 1 form of development.

State Agency Consultation

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

Discussion

The subject land is located within both the Residential Character (Norwood) Zone and the Residential 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.

Within the Residential Character (Norwood) Zone, a number of sites have been identified in Concept Plan Fig RC(N)/1, where pursuant to Principle of Development Control 20, land division creating additional allotments or dwelling sites should not occur. The subject land is not a site identified in Concept Plan Fig RC(N)/1 and therefore, land division is permitted.

Site Area

In respect of sites north of The Parade and east of Osmond Terrace, Principle of Development Control 10 states that detached and semi-detached dwellings should have a minimum site area of 300m² and a minimum site frontage of 9m and 8m respectively.

Within the Norwood 4 Policy Area of the Residential Historic (Conservation) Zone, Principle of Development Control 5 states:

“The average site area per dwelling unit for residential development in the Norwood 4 Policy Area should not be less than 300 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 Tables NPSP/5, 6 or 7, the average site area per dwelling may be less than 300 square metres (but not less than 200 square metres) provided that the development will not be inconsistent with the predominant pattern of development on allotments in the immediate locality of the subject site.”

The predominant pattern of development on allotments in the immediate locality of the subject site is of low density detached dwellings on site areas far in excess of 300m². As such, the qualifier in Principle 5 is not satisfied and the minimum site area is 300m², not 200m².

Accordingly, the minimum applicable site area across the subject land, regardless of the different zoning, is 300m².

Four (4) of the proposed allotments do not achieve the minimum site area; those being Allotments 1, and 2 fronting George Street and 22 and 23 fronting Queen Street. Allotments 1 and 2 are 276m² in area, representing an 8% shortfall. Allotments 22 and 23 are 241m² in area, representing a 20% shortfall.

Allotments 1, 2, 22 and 23 all have frontage widths exceeding the minimum criteria of 9 metres for detached dwellings, with widths ranging from 10-12 metres. As a result, provided that there is sufficient area for dwellings to be sited on those allotments (whilst maintaining appropriate boundary setbacks and private open space), the shortfall in site area would not be readily apparent from a streetscape character perspective.

In the case of Allotments 1 and 2, it is noted that in some localities of the Norwood 4 Policy Area, sites as small as 200m² are envisaged. Whilst that does not apply to the locality in which the subject land is situated, it indicates that the Development Plan envisages that dwellings can be designed and sited appropriately for sites of less than 300m².

Since the development application was lodged, the proposed allotments have been marketed by the Applicant and prospective purchasers have discussed with Council staff their ideas for dwelling designs for the allotments, including Allotments 1, 2, 22 and 23. In the case of Allotments 1 and 2, the prospective purchasers have been advised that the dwellings will need to have a single-storey appearance along the primary street frontage, consistent with Residential Historic (Conservation) Zone Principle of Development Control 17. The same requirement does not apply to Allotments 22 and 23, as they are located in a part of the Residential Character (Norwood) Zone where outwardly two storey development is envisaged, pursuant to Principle of Development Control 6.

In the case of all allotments fronting George Street and Queen Street, prospective purchasers have been advised that the minimum front setback which is considered acceptable, is 5.0 metres to the main face (verandahs may project forward).

The various prospective purchasers of Allotments 1 and 2 have generally been able to design dwellings within the parameters which have been stated by staff. The Council's Heritage Advisor has reviewed the designs and is generally supportive of the initial concepts. If the land division is approved, any subsequent development applications for dwellings on Allotments 1 to 4 would be determined by the CAP, since they are situated in a Historic (Conservation) Zone.

Discussions have also been had with a prospective purchaser of Allotments 22 and 23, who intends to amalgamate the two allotments into one 482m² allotment. That said, the proposal remains for two allotments and no concept plans have been seen for the individual allotments. In considering the dwellings which could potentially be designed for Allotments 22 and 23, the following parameters are generally considered appropriate:

- 5m front setback (ground and upper levels);
- 4.0m ground level rear setback (so as to achieve 40m² private open space);
- 6.0m upper level rear setback;
- 1m northern side setback (upper and lower levels);
- 1m southern side setback (lower level);
- 3m southern side setback (upper level); and
- 6m long garage wall on one side boundary.

When applying the above parameters to Allotments 22 and 23, dwellings with a floor area of 206m² are achievable, including a single garage (188m² living area plus 18m² garage). Whilst likely to be smaller in area than the expectations of some prospective purchasers, a dwelling of this size is considered to be readily achievable and well within the scope of the following extract of the Desired Character Statement for the Residential Character (Norwood) Zone:

"The zone will continue to support a mix of old and new development and provide opportunities for a range of housing types and allotment sizes."

As such, the shortfall in site area of proposed Allotments 1, 2, 22 and 23 is considered acceptable.

Site Frontage

As party wall rights are not proposed, all future dwellings constructed on the allotments would be detached dwellings. In respect to the portion of the subject land in the Residential Character (Norwood) Zone, the minimum site frontage for a site accommodating a detached dwelling is 9 metres. This means that proposed allotments 11, 14, 15, 18 and 19 are below the stated minimum frontage width, at 7.31m.

It is understood that the Applicant intends to develop all of the allotments fronting Beulah Road (Allotments 5-20). A separate Development Application (155/435/19) has been lodged for dwellings on each of those allotments (refer separate agenda item on the agenda). In the case of Allotments 10&11, 14&15 and 18&19, pairs of abutting dwellings are proposed. Therefore, whilst not qualifying as semi-detached dwellings by virtue of not being constructed as one building with a party wall, they would present to the street in a similar manner.

The minimum frontage width for semi-detached dwellings is 8m. Therefore, if it is accepted that Development Application 155/435/19 demonstrates that the proposed land division can result in dwellings on those allotments which achieve a similar appearance to that of semi-detached dwellings, the shortfall in frontage width is effectively 590mm per allotment in practical terms. It is also relevant to consider that the minimum frontage width for row dwellings in the Residential Character (Norwood) Zone is 6m, with no requirement for rear garaging.

An alternative land division proposal which provided row dwellings on sites with 6.0m width and no rear access, would achieve the site area criteria of 300m² and frontage criteria, however would be far inferior from a streetscape character perspective.

Combined with the fact that these Allotments 11, 14, 15, 18 and 19 are 41m² larger in site area than the stated minimum of 300m² and that all other proposed allotments fronting Beulah Road are 310mm wider than the stated 9m minimum, the shortfall in frontage width of those five proposed allotments is considered acceptable.

Other Land Division Considerations

City Wide Principle of Development Control 185 states:

“Residential land division should:

- (a) preserve significant natural, cultural or landscape features including State and Local Heritage Places, and Contributory Items;*
- (b) not relevant*
- (c) encourage where appropriate, the amalgamation of smaller allotments to ensure coordinated and efficient site development;*
- (d) preserve regulated trees; and*
- (e) preserve street trees and where possible, other mature vegetation which contributes to the visual and environmental amenity of a location.”*

There are no significant natural, cultural or landscape features, nor regulated trees on the subject land. The proposal is consistent with part (c), as it facilitates a coordinated and efficient development of the land. Due to the proposed rear of allotment vehicular access, the land division will not result in any impact on street trees along Beulah Road. The proposed allotments fronting Queen Street and George Street allow for vehicular access avoiding street trees.

City Wide Principle of Development Control 186 states:

“Residential allotments and sites should have the appropriate orientation, area, configuration and dimensions to accommodate:

- (a) the siting and construction of a dwelling and associated ancillary outbuildings;*
- (b) the provision of landscaping and useable private open space;*
- (c) convenient and safe vehicle access and off street parking;*
- (d) passive energy design; and*
- (e) the placement of a rainwater tank.”*

The plans forming Development Application 155/435/19 are considered to demonstrate that considerations a-e in Principle of Development Control 186 are achieved in respect to Allotments 5-20.

In relation to consideration b, the amount and configuration of the private open space shown in the dwelling plans accords with the relevant Development Plan criteria and it is considered that the amount of space between the dwellings and Charles Street is sufficient for landscaping; particularly considering that no driveways will be required in this location.

In relation to other land division considerations, City Wide Principles of Development Control 20 and 21 state that land should not be divided:

- if the intended use of the land is likely to require excessive cut and/or fill;
- if any portion of any allotment is within the principal flow path of the 1 in 20 year Average Recurrence Interval floodplain;
- unless stormwater is capable of being drained safely and efficiently from each proposed allotment and disposed of from the land or retained on the land, in an environmentally sensitive manner;

As the land has only a gentle slope, the intended use is not likely to require excessive cut and/or fill and Stormwater is able to be disposed of to the street water table. The land is not located within the 1 in 20 year ARI floodplain.

Summary

The proposed land division is generally consistent with the density provisions of the Residential Character (Norwood) Zone and Residential Historic (Conservation) Zone, with an average site area per allotment of 361m², however four of the allotments are below the stated minimum of 300m². In addition, the frontage widths of five of the allotments are below the stated minimum for detached dwellings.

Notwithstanding these shortfalls, it is considered that the land division is acceptable having regard to the development options available for those allotments which do not achieve the stated minimum area and/or frontage.

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/D046/19 by Beulah Road 888 Pty Ltd for a land division creating twenty four (24) allotments from five (5) existing allotments on the land located at 145-157 Beulah Road, 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:

- Plan of division by Alexander Symonds, Drawing Number A053218PROP(D), Revision D, dated 28 August 2019.

Conditions

1. Prior to Section 51 Clearance being issued by Council, all buildings shall be demolished and removed from the land to the reasonable satisfaction of the Council.

Ms Newman declared a conflict of interest for items 2.2 and 2.3.

Ms Newman left the meeting at 8:10pm.

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/D046/19 by Beulah Road 888 Pty Ltd for a land division creating twenty four (24) allotments from five (5) existing allotments on the land located at 145-157 Beulah Road, Norwood, subject to the following requirements, conditions and notes:*

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

- *Plan of division by Alexander Symonds, Drawing Number A053218PROP(D), Revision D, dated 28 August 2019.*

Conditions

1. *Prior to Section 51 Clearance being issued by Council, all buildings shall be demolished and removed from the land to the reasonable satisfaction of the Council.*

Seconded and carried

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/435/2019 – BEULAH ROAD 888 PTY LTD – 145-157 BEULAH ROAD, NORWOOD

DEVELOPMENT APPLICATION:	155/435/19
APPLICANT:	Beulah Road 888 Pty Ltd
SUBJECT SITE:	145-157 Beulah Road, Norwood (Certificates of Title Volume: 6028 Folios: 883, 884, 885, 886 and 887)
DESCRIPTION OF DEVELOPMENT:	Construction of sixteen (16) two storey dwellings with associated garages, fences, siteworks and landscaping
ZONE:	Residential Character (Norwood) Zone and Residential Historic (Conservation) Zone – Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
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 sixteen (16) two storey dwellings with associated garages, fences, siteworks 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. In this respect, only six (6) of the sixteen (16) proposed dwellings (ie. those proposed on Lots 5-10) are located in the Residential Historic (Conservation) Zone, however as all dwellings are proposed in one application, the Panel will be responsible for assessing all sixteen (16) dwellings.

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.

Consideration of this application by the Panel will follow consideration of Development Application 155/D046/19 to divide the land. If the Panel determines to refuse 155/D046/19, then this application will be hypothetical and the Panel should not proceed to assess it.

Subject Land Attributes

Shape:	regular
Frontage width:	133 metres
Depth:	53.3 metres
Area:	7088m ²
Topography:	gradual slope from east to west
Existing Structures:	vacant nursing home
Existing Vegetation:	small non-regulated trees and shrubs

The subject land fronts Beulah Road and containing a series of one and two storey buildings which are currently vacant and were formerly occupied as a nursing home. It is understood that the nursing home ceased operation nearly ten (10) years ago and as such, those use rights have likely been abandoned. If the Panel is assessing this application, a separate development application (155/D046/19) will have been approved by the Panel, to divide the subject land into sixteen (16) allotments, each with a depth of 53.3m and frontage widths of either 7.31m or 9.31m. The land division includes rights of way along the rear of the allotments, to provide rear vehicular access from Queen Street.

The land falls approximately 2 metres from east to west across 180 metres, resulting in a very gradual slope. Driveway crossovers provide vehicular access to the site in four (4) locations along the Beulah Road frontage.

The subject land is located within two separate planning zones. Allotments 5-10 are located within the Residential Historic (Conservation) Zone and more specifically, the Norwood 4 Policy Area. The balance of the land (ie. Allotments 11-20) is located in the Residential Character (Norwood) Zone.

Locality Attributes

The locality is considered to extend approximately 100 metres in each direction beyond the subject land. The locality contains exclusively residential land uses, mostly comprising single storey 'character' dwellings on large allotments, many of which are listed in the Development Plan as Local Heritage Places, including those at:

- 124, 134 137, 139, 142, 143 and 163 Beulah Road;
- 21 and 25, 29 and 33 Queen Street; and
- 11A, 15 and 21 George Street.

Also in the locality are occasional 'infill' dwellings, including two storey semi-detached dwellings at 22 Queen Street, 122 Beulah Road and 133 Beulah Road, two storey group dwellings at 161 Beulah Road and a two storey retirement village at 148 Beulah Road.

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

Proposal in Detail

The Applicant seeks consent to construct sixteen (16) two storey detached dwellings, with associated garages, siteworks and landscaping.

The dwellings proposed on the 9.31m wide allotments appear as detached dwellings, as they do not abut any adjacent dwellings. The dwellings proposed on the 7.31m wide allotments appear as semi-detached dwellings, as they are in pairs of abutting dwellings. The reason that these pairs of dwellings are proposed to be abutting (as opposed to sharing a party wall), is understood to relate to financing, as there is a growing trend of banks restricting lending to dwellings which are not freestanding.

All dwellings have a single storey component (comprising the master bedroom) located closest to the street, with a street setback of 4.0m. This single storey component has a height of 4.1 metres. Behind the single storey component, at a distance of 7.7m from the street, the dwellings are two storey, with a height of 7.4 metres.

The dwellings on the 9.31m wide allotments have four bedrooms and two living rooms, while those on the 7.31m wide allotments have three bedrooms and two living rooms.

A freestanding garage is proposed at the rear of the site of each dwelling, adjacent the right of way. The garages all extend from boundary to boundary, such that in the case of the 9.31m wide allotments three cars can be parked and in the case of the 7.31m wide allotments, two cars can be parked.

The proposed dwellings are contemporary in their appearance, with no visible roof. Bricks laid in a vertical stack bond pattern are proposed for the facade, with large vertically proportioned fenestration. Sections of the upper level facades corresponding with the fenestration are recessed, with angled soffit linings above finished in a range of timber (spotted gum), sheet metal (Revolution Roofing 'Europlus') and painted cement sheet (Cemintel sheets with paint effect finish).

Masonry front fences are proposed across the Beulah Road frontage, at a height of 1.2 metres, with vertical steel blade gates. The fences are proposed to be constructed of a brick to match with that used on the façade of the corresponding dwelling.

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 Dwellings 7.31m wide allotments	Proposed Dwellings 9.31m wide allotments	Development Plan Merit Assessment Quantitative Guideline
Site Area	341m ²	434m ²	300m ²
Allotment Width	7.31m	9.31m	9m
Allotment Depth	46.59m	46.59m	N/A
External Wall Height*	7.4m	7.4m	N/A
Maximum Overall Height (to roof apex)*	7.4m	7.4m	N/A
Floor Area (footprint, all roofed area)	222m ²	252.5m ²	N/A
Site Coverage	65%	58%	N/A
Private Open Space	72m ² 21% of site area	102.5m ² 24% of site area	20% of site area
Street Set-back	4.0m	4.0m	N/A
Side Set-back	Nil and 0.9m	Nil and 1.4m	N/A
Rear Set-back	6.7m	6.7m	4.0m (Residential Character (Norwood) Zone)
Car Parking Provision	2 covered spaces	3 covered spaces	2 (at least 1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage

** 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 Development Application has been identified and processed as a Category 1 form of development for public notification purposes.

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 Norwood 4 Policy Area of the Residential Historic (Conservation) Zone and the Residential Character (Norwood) 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.

Land Use

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 Objectives: 1

Norwood 4 Policy Area PDC's: 2, 3 5

RH(C)Z Desired Character Statement

RH(C)Z Objectives: 1.

RH(C)Z PDC's: 1, 2, 7 & 8.

Residential Character (Norwood) Zone Desired Character Statement

Residential Character (Norwood) Zone Objective: 1, 2 & 3

Residential Character (Norwood) Zone PDC: 1 & 10

City Wide Objectives: 1, 2, 7, 8 & 10.

City Wide PDC's: 1, 2, 3, 4, 16, 18 & 19.

Principle of Development Control 8 of the Residential Historic (Conservation) Zone 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 parts (a) and (b) of Principle 8, in that the land is currently vacant and the proposal seeks to replace buildings which do not contribute significantly to the heritage value, historic character or desired character of the zone. The existing buildings are circa 1960's, while Principle of Development Control 4 of the Norwood 4 Policy Area states that buildings constructed prior to 1940 contribute to the desired character of the zone and policy area.

Each of the dwellings are considered to be consistent with the following definition of a detached dwelling, as set out in the *Development Regulations 2008*:

"detached dwelling means a detached building comprising 1 dwelling on a site that is held exclusively with that dwelling and has a frontage to a public road, or to a road proposed in a plan of land division that is the subject of a current development authorisation"

The common driveway which is created by the series of rights of way, is not considered to comprise part of the site of each dwelling and therefore, each dwelling site is 'held exclusively' by each dwelling.

Detached dwellings are an envisaged dwelling type in both the Residential Historic (Conservation) Zone and the Residential Character (Norwood) Zone.

The proposal is therefore considered appropriate from a land use perspective.

streetscape/bulk/scale/height/character/heritage

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 PDC's: 1, 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.

Residential Character (Norwood) Zone Objectives: 3
Residential Character (Norwood) Zone PDC's: 5, 7, 9, 12, 15 & 18

City Wide Objectives: 18, 19 & 20.
City Wide PDC's: 29-35, 39, 41, 43, 48 & 196.

There are two distinctly different policy positions in respect to how dwellings should present to the street, between the sites located in the Residential Historic (Conservation) Zone and those located in the Residential Character (Norwood) Zone.

Residential Historic (Conservation) Zone, Principle of Development Control 17 states:

“Development of a new building or building addition should result in dwellings that have a single-storey appearance along the primary street frontage, where these are predominant in the locality, but may include:

- (a) sympathetically designed two-storey additions that utilise or extend roof space to the rear of the dwelling, such as the use of attics with dormer windows; or*
- (b) second storey components located to the rear of a building; and*
- (c) in either of these instances:*
 - (i) should be of a building height, scale and form that is compatible with the existing single-storey development in the zone;*
 - (ii) should not result in an excessive mass or scale that would adversely affect the visual outlook from adjoining residential properties;*
 - (iii) should not overshadow or impact on the privacy of neighbouring properties;*
 - (iv) should not compromise the heritage value of the building or the view of the building from the street; and*
 - (v) the total width of second storey windows should not exceed 30 per cent of the total roof width along each elevation and be designed so as to not overlook the private open space of adjoining dwellings.”*

On the other hand, Residential Character (Norwood) Zone Principle of Development Control 12 allows for the development of buildings fronting a public road to be outwardly up to two-storeys in height. Unlike development in 'character pockets', there is no requirement for the building to maintain a mostly single storey appearance along the primary street frontage.

Therefore, a strict application of the Development Plan would allow those dwellings on Allotments 11-20 to be outwardly two storey, while those on Allotments 5-10 would be required to have a single-storey appearance in the streetscape.

Given that the subject land is a single, very large consolidated site, it is considered that a strict application of the policy would lead to a compromised streetscape outcome in this instance. Rather, a consistent approach to overall scale and form, whilst allowing for variation to detail, siting, finishes, etc. would lead to a better streetscape outcome. The Council's Heritage Advisor, David Brown agrees, stating in his report:

“As less than half of the proposed site is within the Residential Historic Conservation Zone, the restrictions on that portion of the development theoretically would be greater than the portion in the Residential Character Zone. The dilemma being that a consistent balanced overall development is a desirable outcome”

All dwellings have a single storey component located 4 metres back from the street, with a two storey component set back further, at 7.7 metres from the street. This stepping back of the upper level is not considered sufficient to achieve a 'single-storey appearance in the streetscape', as would ordinarily be required of a dwelling in the Residential Historic (Conservation) Zone. However, it does provide for an appropriate scale across the frontage of the subject land, which is considered compatible with surrounding single storey buildings within the locality. The two storey components beyond would still be readily visible, however would be relatively recessive and akin to existing two storey buildings on the subject land.

Accordingly, the height of the proposed buildings is considered acceptable, notwithstanding that the dwellings located in the Residential Historic (Conservation) Zone portion of the land do not have a single storey appearance in the streetscape.

In relation to other design considerations, there is also some difference between the policy for the two respective zones.

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. The setback of new development will match the predominant setback established by existing dwellings. Where the setback is not consistent, new development will not project forward of adjacent heritage places or contributory items, or dominate the streetscape. 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. Corrugated iron roofing will be used in preference to tiled roofs as this is the traditional roofing material, except where Terracotta Marseilles tiles are the original roofing material."

On the other hand, the Desired Character Statement for the Residential Character (Norwood) Zone states (in part):

"The design of buildings will be innovative and contemporary, however, large unbroken expanses of glass or walling and monochromatic colour schemes will not occur where it will be highly visible in the streetscape or from surrounding properties."

As none of the dwellings have visible roof forms, the dwellings proposed in the Residential Historic (Conservation) Zone (Allotments 5-10) are inconsistent with the stated desire that '*roof pitch and basic roof form of surrounding houses will be repeated*'. Surrounding houses typically have large hipped and gabled roof forms.

Given that a portion of the subject land is located within a Historic (Conservation) Zone, advice was sought from the Council's Heritage Advisor regarding the heritage aspects of the proposal. The Heritage Advisor is generally supportive of the proposal, advising that:

"The main areas where the proposed design deviates from the more rigid constraints contained with the Development Plan for this area are the lack of visible pitched roof form, a strong verandah element, and the design approach that the development should have the upper level within the roof or set back on the site. Almost all other design based elements in the Development Plan are met by the proposed designs."

Of these design elements that deviate from the recommendations, the lack of visible roof form and single storey nature are that ones that define the character of the proposed development. The obvious two level form is softened by lower forward projecting elements, and the strong horizontal parapet line across all of the house is part of what makes the proposal cohesive.

To enforce a pitched roof approach on the applicant in this location seems somewhat onerous given the small portion of the project that is within the Historic Conservation Zone, and the desire for a consistent approach on the site. The design is of sufficiently high quality and resolution, that as a whole it will form an

elegant infill development to the northern side of Beulah Road, by returning the streetscape to one that is cohesive, residential in scale and use, and pedestrian friendly.

Whilst the proposal is at variance with some of the heritage provisions of the development plan, it has many positive aspects for the streetscape and this area of Norwood generally. The change of use back to residential being the most positive aspect from a heritage perspective. The other aspects are the quality of the design, scale, finishes and materials, the open front garden spaces, and rear garaging all contribute to what could be a great outcome.

In terms of impact on the surrounding Local Heritage Places and the streetscape, this proposal is a vast improvement on the current condition of the site, and a better proposal than the earlier aged care applications.”

A copy of Mr Brown’s advice is contained in **Attachment C**.

In relation to the proposed front fences, the Desired Character Statement for the Residential Historic (Conservation) Zone states:

“Fencing will complement the design of the dwelling and will be used to link the new dwelling into the streetscape. High solid fencing was not characteristic of the historic patterns of development in these areas. Preference will be given to low fencing rather than high solid masonry walls, as quite often these do not contribute to the historic streetscape character and in most cases obstruct views.”

The proposed front fences are considered to be consistent with the above statement, in that they are relatively low (1.2m) and are to be constructed of brick to match the corresponding dwelling, thereby ‘*linking the new dwelling into the streetscape*’.

As noted by David Brown, the location of all garaging at the rear of the allotment is a significant positive aspect of the proposal from a streetscape perspective, particularly as it eliminates driveways and crossovers from the streetscape and maximises space for soft landscaping. This is consistent with Principle of Development Control 32 of the Residential Historic (Conservation) Zone which states:

“Vehicle access to sites should be via minor streets and/or existing crossovers where possible. Where rear lanes exist, vehicle access and garaging should be located at the rear of the allotment.”

The proposed balance between ‘variety’ and ‘consistency’ in form and materiality is considered appropriate. Variety is provided through the use of three different themes of materials and colours, as well as staggering the siting of the dwellings which appear as detached dwellings, with those which will appear as semi-detached dwellings.

Greater variety could have been provided, such as through entirely different design approaches for each dwelling (eg. some with pitched roof forms). However, the general consistency in design approach is considered to create a harmonious overall development and result in a better streetscape contribution.

Setbacks and Site Coverage

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

Maylands Policy Area PDC’s:	6 & 8.
RH(C)Z PDC’s:	10, 11 & 12.
City Wide PDC’s:	212, 216 & 221.

Principle of Development Control 10 and 11 of the Residential Historic (Conservation) Zone respectively state:

“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.*

and

“Where a consistent building set-back is not evident in a particular locality, development should incorporate front and side setbacks that complement the predominant pattern established by the surrounding heritage places and contributory items, but in any case should not project forward of an adjacent heritage place or contributory item.”

Principle 11 is considered of greatest relevance, as there are no adjoining dwellings. Therefore, the proposed setbacks should *complement* the predominant pattern established by surrounding heritage places. The proposed 4m street setback is far less than the setbacks of Local Heritage Places in the locality. Despite this, the proposed setback is considered acceptable, as it is similar to the setback of some parts of existing buildings on the subject land and due to the absence of driveways, landscaping is able to be maximised in this space.

With respect to side setbacks, the proposal is considered to result in appropriate space between buildings and pairs of buildings. Whilst the setbacks are not reflective of the pattern established by surrounding development, the site is somewhat unique and it would be unreasonable to expect space to be preserved around buildings in a manner found with heritage places in the locality.

With respect to site coverage, the proposed dwellings covers between 58% and 65% of their sites. There is no quantitative maximum site coverage for either of the two relevant zones. It is therefore required that the site coverage of buildings, be compatible with the site coverage of buildings in the locality. The proposal is considered to be reasonably consistent with this principle, other than in relation to some very large properties in the locality.

Overall, the proposal is considered acceptable in respect to setbacks and site coverage.

Overshadowing/overlooking

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

City Wide PDC's: 11, 32, 37, 200 & 201.

The proposed dwelling will not unreasonably overshadow adjoining properties, due to being located south of adjoining properties in Prosser Avenue.

Side and rear windows have a sill height of 1800mm above floor level and therefore will not cause overlooking.

Private open space

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

City Wide PDC's: 225, 241, 243, & 248.

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

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*

The proposed dwellings have access to between 72m² and 102.5m² of private open space, equating to 21-24% of the site area, consistent with Principle 225. Also consistent with Principle 225, no more than 50% of the private open space is covered.

Car parking/access/manoeuvring

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

City Wide Objectives:	34.
City Wide PDC's:	101, 116, 123, 237, 238 & 265.

Table NPSP/8.

Table NPSP/8 states that a detached dwelling should provide 2 car parking spaces, whereby one of the spaces is covered and set back no less than 5.5 metres from the primary street frontage.

As the proposed garages are located at the rear of the dwelling sites, this criteria is satisfied. The Development Plan does not specifically require a visitor car parking allocation in this scenario, as the absence of driveway crossovers creates on-street capacity for visitor car parking.

The dimensions of the access driveway accord with City Wide Principle of Development Control 189 and provides for safe and convenient access and egress to/from the garage of each dwelling.

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:	60, 61, 140, 151, 165, 166 & 171.
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The proposed floor levels step down in height from east to west with the topography of the land. An easement is proposed over one of the allotments fronting George Street, to allow for stormwater to be efficiently disposed from the common driveway.

The design levels for the common driveway are based on not requiring a retaining wall along the rear boundary.

CPR Engineers have prepared a stormwater management plan for the site, which ensures that post-development stormwater discharge rates do not exceed pre-development discharge rates.

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)Z PDC's:	36 & 37.
City Wide Objectives:	24, 117 & 119.
City Wide PDC's:	76, 239, 240, 422 & 426.

There are no regulated trees on the subject land. No street trees are affected by the proposal.

A landscaping plan has been prepared by Oxigen Landscape Architects. The plan includes the planting of a range of trees along the rear boundary, on the northern side of the common driveway and a range of trees within front yards (1 per dwelling).

Environmental Sustainability

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

City Wide Objectives:	23 & 42.
City Wide PDC's:	70, 71, 72, 73, 149, 153 & 161.

Each dwelling has a north facing rear living area, providing for passive heating through the cooler months, while east and west windows are generally minimised and well protected by adjacent dwellings.

In relation to stormwater collection/reuse, the stormwater management plan states that this will be '*developed within the design as directed by the client*' and notes the Council requirement of 2000 litres per dwelling. If the Panel determines to grant consent to the application, it is recommended that this be imposed as a condition of consent.

Overall, it is considered that the design of the dwelling has a reasonable focus on environmentally sustainable principles.

Summary

The proposal for sixteen (16) detached dwelling on the subject land is consistent with the land use objectives of the Residential Historic (Conservation) Zone and Residential Character (Norwood) Zone.

The design of the dwellings has been considered in the context of the existing built form character of the locality and is supported by the Council's Heritage Advisor.

On balance, it is considered that the proposal reflects a similar bulk and scale as buildings in the locality by way of incorporating common architectural elements, and uses materials and finishes which complement the built form in the locality. It is considered that the design will not detract from the historic streetscape character in the immediate or broader locality.

It is considered that the proposal is not seriously at variance with the Development Plan and sufficiently accords 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 155/435/19 by Beulah Road 888 Pty Ltd to construct sixteen (16) two storey dwellings with associated garages, fences, siteworks and landscaping on the land located at 145-157 Beulah Road, 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 prepared by Studio Nine Architects, Drawing No.s 0901-346-PA01 - 0901-346-PA12, dated 2 July 2019 and received by the Council on 22 July 2019
- stormwater management plan by CPR, dated 25 June 2019
- Landscape Plan by Oxigen, dated July 2019

Conditions

1. A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres) shall be installed for the dwelling herein approved, 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.
2. Prior to Development Approval being issued by Council, a construction and environmental management plan shall be provided to the reasonable satisfaction of the Council, which includes details of how traffic and parking will be managed throughout demolition and construction phases.
3. All landscaping shall be undertaken in accordance with the approved landscaping plan and shall be established within six (6) months of occupation of the dwellings herein approved.

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

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 155/435/19 by Beulah Road 888 Pty Ltd to construct sixteen (16) two storey dwellings with associated garages, fences, siteworks and landscaping on the land located at 145-157 Beulah Road, Norwood, subject to the following requirements, conditions and notes:*

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2. Prior to Development Approval being issued by Council, a construction and environmental management plan shall be provided to the reasonable satisfaction of the Council, which includes details of how traffic and parking will be managed throughout demolition and construction phases.
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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 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.
4. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
5. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

Seconded and carried

2. STAFF REPORTS

2.4 DEVELOPMENT APPLICATION 155/344/2019 – METRICON HOMES PTY LTD – 101 THIRD AVENUE, JOSLIN

DEVELOPMENT APPLICATION:	155/344/19
APPLICANT:	Metricon Homes Pty Ltd
SUBJECT SITE:	101 Third Avenue, Joslin (Certificate of Title: Volume 5216 Folio 361)
DESCRIPTION OF DEVELOPMENT:	Construction of a single-storey detached dwelling
ZONE:	Residential Historic (Conservation) Zone – The Avenues Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
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 new single-storey detached dwelling.

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:	regular
Frontage width:	18.29 metres
Depth:	47.85 metres
Area:	875m ²
Topography:	slightly sloping from northeast to southwest
Existing Structures:	vacant land
Existing Vegetation:	an established garden at the rear of the property

The subject land is a regular shaped allotment on the south-eastern side of Third Avenue. The land is vacant and was previously occupied by a detached dwelling that was not identified in the Development Plan as having any heritage status. Vehicular access is via an existing crossover located adjacent the north-eastern side boundary.

Locality Attributes

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

The locality is considered to comprise the section of Third Avenue situated between Lambert Road and Joslin Reserve (located at 88 – 92 Third Avenue) and is characterised predominantly by single-storey detached dwellings. Of the nineteen properties within the locality, thirteen dwellings are listed in the Development Plan as Contributory Items. The locality is considered to have a high level of residential amenity and heritage value.

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

Proposal in Detail

The Applicant seeks consent to construct a new single-storey detached dwelling on the subject land.

The proposed dwelling presents to the street as a simplified cottage with an attached two-vehicle garage. Both the front portion of the dwelling and the garage incorporate simple roof forms pitched at 30 degrees and clad in Colorbond custom orb profile (colour Wallaby). The facade of the dwelling incorporates rendered banding (colour Dulux Powdered Rock) and face brickwork (PGH colour Oyster) laid with rolled mortar joints. The wall heights (measured from ground level to the underside of the fascia) of the front of the dwelling are 3.1 metres. The height of the garage walls is 2.8 metres. A simple Colorbond roofed front verandah is proposed to the front of the dwelling and will provide weather protection to the three traditionally proportioned windows (commercial aluminium and colour Dune) to the front elevation. A panel-lift door (colour white) is proposed to the garage.

Internally, the proposed dwelling comprises a combined kitchen/dining/living area, a master bedroom (with an ensuite and walk-in-robe), three additional bedrooms, a secondary living area, a bathroom and a laundry. A small alfresco area is situated to the rear of the dwelling and is accessible from the combined kitchen/dining/living room area.

A landscaping plan has been submitted with the Application. The proposed landscaping includes a range of ornamental trees, shrubs and groundcovers.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	875m ²	600m ²
Allotment Width	18.29m	18m
Allotment Depth	47.85m	N/A
External Wall Height*	2.8 - 3.1m	N/A
Maximum Overall Height (to roof apex)*	5.4m	Single-storey
Floor Areas	260m ²	N/A
Site Coverage	30%	50%
Private Open Space	390m ² (45%)	20%
Street Set-back	8.0m – verandah 10.0m – facade 11.5m - garage	N/A
Side Set-back	<u>North- eastern</u> 4.2 – 5.6m <u>South-western</u> 1.5m	N/A

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

Rear Set-back	15.9m	N/A
Car Parking Provision	2 undercover and 2 visitor	2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage

** 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.

The single-storey detached dwelling is Category 1, pursuant to Schedule 9, Part 1, 2 (a) of the *Development Regulations 2008*. 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 Avenues 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:

- The Avenues Policy Area Desired Character Statement
- The Avenues Policy Area Objectives: 1
- The Avenues Policy Area PDC's: 2, 3, 5 & 7

- Residential Historic (Conservation) Zone Desired Character Statement
- RH(C)Z Objectives: 2, 4, 6
- RH(C)Z PDC's: 7, 8, 30

- City Wide Objectives: 1, 2, 7, 8, 10 & 55-57
- City Wide PDC's: 1, 2, 3 & 4

The Avenues Policy Area Principle of Development Control 2 states:

“Development should comprise the erection, construction, conversion, alteration of, or addition to a detached dwelling.”

The construction of a detached dwelling is consistent with Principle of Development Control 2 of The Avenues Policy Area.

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.”*

As the subject land is currently vacant, the introduction of a new dwelling is consistent with part (a) of Principle of Development Control 8.

Streetscape/heritage/bulk/scale/height/character

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

The Avenues Policy Area Desired Character Statement

The Avenues Policy Area Objectives: 1
The Avenues Policy Area PDC's: 1, 3 & 4

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, 191 & 209-216

The proposed dwelling has been designed in the context of the historic nature of dwellings in the locality, including the use of pitched corrugated roof forms, a feature gable roof element, a timber framed front verandah and vertically proportioned window openings in the front facade. The front facade incorporates face brickwork above the base rendered banding and rendered corners. Brickwork and rendered masonry are traditional building materials, which have been typically used in the construction of historic dwellings in the locality.

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

“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.”

As the dwelling is located within the Residential Historic (Conservation) Zone, the Application was referred to the Council's Heritage Advisor, David Brown. Mr Brown has concluded that on balance, the proposed dwelling will result in a relatively positive and complementary contribution to the existing streetscape.

In his report, Mr Brown has identified inaccuracies with the streetscape elevation that was initially provided by the Applicant. Since these concerns were relayed to the Applicant, an updated streetscape elevation has been provided, as contained in **Attachment B6**. That said, the updated streetscape elevation still does not accurately reflect the proposed build-up of the proposed dwelling. This is discussed in more detail under the heading of *finished floor levels/flooding/retaining*.

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

The proposed dwelling has wall heights along with an overall scale and roof form that are compatible with existing bungalows and villas in the locality when viewed from the street as is evidenced in the revised streetscape elevation of the proposed dwelling, which provides a reasonable illustration of the bulk and scale of the proposed dwelling and the relationship with the two directly adjacent dwellings.

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

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

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

and

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

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

The width of the garage and its setback from the facade (ie. 1.5 metres) is consistent with City Wide Principle 211. The roof over the garage is also lower than the height of the roof over the principle dwelling, consistent with part (c) of Residential Historic (Conservation) Zone Principle 31. Although uncharacteristic of historic dwellings in the locality, the garage design is consistent with the clearly specified provisions of the Development Plan and therefore considered acceptable.

On balance, the proposal is considered to be acceptable from a streetscape heritage and character perspective.

Setbacks and Site Coverage

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

The Avenues Policy Area PDC's:	6 & 8
Residential H(C)Z PDC's:	10, 11, 12 & 20
City Wide PDC's:	50, 204-206, 208 & 218

The facade of the dwelling is proposed to be set back 10 metres from the Third Avenue property boundary, with a front verandah extending to 8 metres from the street boundary. The garage component is set back 11.5 metres from the Third Avenue boundary.

The Avenues Policy Area Principle of Development Control 8 states:

“The front and side setbacks of new dwellings should reflect the pattern established by the adjoining dwellings and should be sited at a distance equal to or greater than, the alignment of the main face of the adjacent heritage place or contributory item. Where a site is between two heritage places or contributory items the greater of the two set-backs should be applied.”

The adjacent Contributory Item at 99 Third Avenue has a front setback to the primary facade of 9.8 metres. To the northeast at 103 Third Avenue, the austerity dwelling (non-heritage listed building) is set back in the order of 11.2 metres from Third Avenue. The proposed dwelling has a greater front setback than the adjacent Contributory Item at 99 Third Avenue and as such, the proposal accords with Principle of Development Control 8.

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 side setbacks, the proposed dwelling does not incorporate any boundary development and as such, is consistent with Principle 20.

In terms of the south-western side boundary, the proposed dwelling has a setback of 1.5 metres. On the north-eastern side and at when measured at the closest point, the proposed dwelling (ie. the outer wall of the garage) has a setback of 4.2 metres with the remainder of the side setback being 5.6 metres. In the context of existing development within the locality, some of which incorporates single-storey walls close to side boundaries, the proposed side setbacks are considered to be a positive aspect of the proposed development.

In terms of site coverage, The Avenues Policy Area Principle of Development Control 6 states that “*buildings should not cover more than 50 percent of the total area of the site.*” The proposed dwelling has an overall site coverage of 30%, which is well within the quantitative criteria of this Principle.

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

The proposed dwelling is not considered to present unreasonable overshadowing or overlooking issues for the occupiers of the adjacent properties, due to the single-storey nature of the dwelling combined with the topography of the land and the setbacks from the side boundaries of the subject land.

As such, the proposal is considered to be consistent with City Wide Principles of Development Control 11 and 31.

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 390m² of private open space. The main private open space area (located within the rear yard area) includes a relatively small (ie. 12.5m²) rear alfresco area situated under the main roof of the new dwelling. The private open space areas are linked with the open plan kitchen/dining/living area of the dwelling.

The proposed area of private open space equates to 45% of the site area, therefore satisfying the minimum provision of 20%, prescribed by City Wide PDC 225(a).

Car-parking/access/manoeuvring

Residential H(C)Z PDC's:	32
City Wide Objectives:	34
City Wide PDC's:	98, 101, 104, 118, 120, 181, 198 & 218

Table NPSP/8

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

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

Finished floor levels/flooding/retaining

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

City Wide PDC's:	53-58, 79, 164, 167-171
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The subject land is not within a recognised flood plain.

The subject land has a gentle fall from northeast to southwest. In terms of stormwater from both the roof and ground surface areas, a gravity fed stormwater disposal system to Third Avenue can be achieved.

The proposed finished floor level of the new dwelling is to be lower than that of the previous dwelling on the land by approximately 520mm. This proposed level would result in excavation on the north-eastern side, which is proposed via a battered slope, rather than retaining at the boundary. On the south-western side, the proposed level is similar to existing ground levels (the previous dwelling was raised above ground level on this side).

Mr Brown provided advice on the application prior to the floor level having been proposed and advised that the scale of the proposed dwelling relative to adjacent dwellings would be acceptable subject to the floor level being 'similar' to the existing house on the site. The subsequently proposed floor level (520mm lower than the previous dwelling) is not considered to constitute a 'similar' level and is therefore inconsistent with Mr Brown's advice. In this respect, it is recommended that a condition be imposed, requiring that the floor level be increased in height by 300mm to a level of 101.00. The Applicant has been advised and is accepting of the recommended condition.

In terms of the side and rear fencing, the Applicant has advised that the owners do not intend to replace any side or rear fencing as part of the development proposal. Development Approval for fencing within a Historic (Conservation) Zone is a required and as such, a separate Application will need to be lodged for any such future fencing.

Trees (regulated, mature & street) and landscaping

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

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

There are no regulated or mature trees on the subject land or adjacent land that would be affected by the proposed development.

In terms of landscaping, the Applicant has provided a landscaping plan and schedule, which identifies a range of small trees and shrubs, which will enhance the garden setting of the proposed dwelling, which is a characteristic of the locality. A copy of the landscaping plan and schedule is contained in **Attachment B7**.

The proposed landscaping is considered to complement the development and the locality and is considered to be consistent with City Wide Objective 24, which anticipates development enhanced with appropriate landscaping. In addition to this, the owners are intending to retain the existing established garden located within the eastern section of the property.

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 runs northwest to southeast, which in turn allows for a reasonable orientation of the dwelling as well as reasonable access to northern sunlight given that the private open space provision is located both to the rear and the north-eastern side of the proposed dwelling. The main living areas are directly linked to both of the private open space areas.

City Wide Principle of Development Control 159 prescribes that new dwellings should be provided with a 2,000 litre rain water tank in order to maximise the use of stormwater collected from roof areas. The Applicant has not nominated details of a rainwater tank as part of the proposal. Given that the proposed development includes relatively large areas of impervious surfaces (ie. compared to the previous dwelling that occupied the land), it is recommended that if the Panel determines to approve the proposed development, that a condition be imposed requiring that a rainwater tank with a minimum capacity of 2,000 litres be installed in accordance with City Wide Principle of Development Control 159.

In general terms, the environmental performance of the dwelling is considered to be reasonable.

Summary

The proposed dwelling is an appropriate form of development in the Residential Historic (Conservation) Zone. The dwelling design reflects the basic scale and proportions of existing historic character dwellings within the locality. In addition, the proposed dwelling demonstrates a compatible visual relationship with buildings that contribute to the historic character of locality, through consistent setbacks and the incorporation of a traditional roof form, a front verandah and a combination of brick and rendered external masonry walls.

On balance, the proposed dwelling will fit comfortably into the existing streetscape and will not unreasonably impact on adjacent residential properties, subject to an increase in floor level.

The provision of private open space and the resulting site coverage satisfy the quantitative guidelines.

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 155/344/19 by Metricon Homes Pty Ltd, to construct a single-storey detached dwelling, on the land located at 101 Third Avenue, Joslin, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans and elevations (Job Number: 699854) prepared by Metricon Homes and received by the Council on 25 September 2019 and 14 October 2019; and
- SiteWorks Plan (Job Number: C26627) prepared by RCI Consulting Engineers and received by the Council on 14 October 2019.

Conditions

1. The finished floor level of the new dwelling herein approved shall be increased from by shall be increased by 300mm to achieve a RL of 101.00.
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. A 2,000 Litre rainwater tank shall be 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 with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
5. 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.

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.
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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 155/344/19 by Metricon Homes Pty Ltd, to construct a single-storey detached dwelling, on the land located at 101 Third Avenue, Joslin, subject to the following requirements, conditions and notes:*

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1. *The finished floor level of the new dwelling herein approved shall be increased from by shall be increased by 300mm to achieve a RL of 101.00.*
 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.*
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 4. *All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.*
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5. *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.*

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.*
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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 and carried

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 8:40pm

Terry Mosel
Presiding Member

Mark Thomson
Manager Development Assessment