

Council Assessment Panel Agenda & Reports

18 November 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

13 November 2019

To all Members of the Council Assessment Panel:

- Mr Terry Mosel (Presiding Member)
- Ms Jenny Newman
- Mr Phil Smith
- Ms Fleur Bowden
- Mr John Minney

NOTICE OF MEETING

I wish to advise that pursuant to Section 56A of the *Development Act 1993*, the next Ordinary Meeting of the Norwood Payneham & St Peters Council Assessment Panel, will be held in the Mayor's Parlour, Norwood Town Hall, 175 The Parade, Norwood, on:

Monday 18 November 2019, commencing at 7.00pm.

Please advise Kate Talbot on 8366 4562 or email ktalbot@npsp.sa.gov.au if you are unable to attend this meeting or will be late.

Yours faithfully

Mario Barone
CHIEF EXECUTIVE OFFICER

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City of
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Payneham
& St Peters**

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VENUE Mayors Parlour, Norwood Town Hall

HOUR

PRESENT

Panel Members

Staff

APOLOGIES

ABSENT

1. **CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 21 OCTOBER 2019**

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/C066/2019 & 155/416/2019 – MR M COOPER – 92B AND 92C OSMOND TERRACE, NORWOOD

DEVELOPMENT APPLICATION:	155/C066/19 and 155/416/19
APPLICANT:	Mr M Cooper
SUBJECT SITE:	92B and 92C Osmond Terrace, Norwood (Certificate of Title Volume: 6191 Folio: 2 and 3)
DESCRIPTION OF DEVELOPMENT:	Construction of a three-storey residential flat building (comprising five dwellings) with associated basement car parking; and Community Title Land Division (creating five lots from two existing allotments)
ZONE:	Residential Character (Norwood) Zone – 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 two Development Applications. The first is a Community Title land division and comprises the creation of five lots and common property, from two existing allotments. The second is for the construction of a three-storey residential flat building (comprising five dwellings) with associated basement car parking.

Staff have delegated authority to determine the land division application, however do not have delegated authority to determine the built form/land use Application (DA 155/416/19), as it was subject to Category 3 public notification.

As the Panel will be aware, it is necessary for the land division Application to be determined prior to determination of the built form/land use Application. On this occasion, staff determined not to exercise their delegated authority for the land division application, as to do so would effectively pre-determine the outcome of the built form/land use Application. This is due to the fact that the land division is a Community Strata division, which creates detailed building envelopes across three (3) different levels. It would not be feasible for the land to be developed in a manner other than ostensibly what is proposed in the built form/land use application, if the land division was approved.

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:	28.09 metres
Depth:	38.06 metres
Area:	1,075m ²
Topography:	The land has an average slope of 1.30 metres from side (south) to side (north)

Existing Structures: vacant land
Existing vegetation: a concentration of trees is situated adjacent the land's Osmond Terrace frontage. A significant Lemon Scented Gum is located amongst this concentration of trees that also includes three palm trees of which two are regulated and one is significant.

Adjacent the southern side boundary of the subject land (ie. 92C Osmond Terrace), is a 1.83 metre wide Council drainage easement that runs between Osmond Terrace and Church Avenue. To the north of the subject land is a vacant large single-level asymmetrical Late-Victorian dwelling with gable roof elements with a front return verandah. The vacant building is a Local Heritage Place (LHP) and was originally constructed between 1885 – 1887 as a dwelling with eight rooms, gardens and a paddock. An original bluestone masonry front wall spans across the property frontage of the subject land, the vacant LHP and the newly created allotment north the LHP.

A Torrens Title Land Division (Application No. 155/D044/16) was approved in December 2016. The land division resulted in the creation of three allotments fronting Osmond Terrace, one to the north of the LHP, one containing the LHP and the subject land.

Locality Attributes

Land uses: predominantly residential
Building heights (storeys): combination of single-storey and two-storey
Streetscape amenity: High - Osmond Terrace is characterised by established building stock and well established street trees and landscaping

Osmond Terrace is characterised predominately by large detached dwellings on spacious allotments, with established street trees and a wide centrally-located landscaped boulevard. The locality is characterised by a wide range of dwelling types and styles, including several original detached dwellings with heritage significance, later detached dwellings of various age and style and medium density infill in the form of residential flat buildings. In addition to 92 Osmond Terrace, there are several dwellings that are Local Heritage Places situated on the eastern side of Osmond Terrace between The Parade and Kensington Road including 88-90, 94-96, 112, 114A and 124 Osmond Terrace.

The built form character of the locality along both sides of Osmond Terrace is generally characterised by residential buildings. Furthermore, residential buildings within the locality vary between single-storey and two-storey detached dwellings with pitched roof forms. The nearest examples of residential flat buildings can be found to the north of the subject land at 84 and 86 Osmond Terrace.

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

Proposal in Detail

Development Application 155/C066/19 is for a Community Title Land Division comprising the creation of five community lots and common property, from the two existing Torrens Title allotments.

Development Application 155/416/19 is for the construction of a three-storey residential flat building (comprising five dwellings) with associated basement car parking.

The residential flat built comprises two dwellings at ground level, another two dwellings at first floor level and a fifth dwelling at second floor level. The five dwellings comprise an open plan living/dining/kitchen area, three bedrooms (the master bedrooms include an ensuite and walk-in-robe), bathroom, laundry and terrace/balcony areas.

A fourteen vehicle basement car parking garage is situated beneath the two ground level dwellings. Eight of the fourteen car parking spaces are in a stacked configuration. The basement also contains five storage units and a waste bin storage area for each of the five dwellings. A 3.6 metre wide opening is proposed to be created in the existing bluestone masonry front wall in order to enable vehicular access and egress to the basement garage. In addition, a 1.2 metre wide opening (ie. north of the proposed opening for vehicular access/egress) is also proposed in the masonry front wall in order to create pedestrian access to the residential flat building.

The proposed residential flat building presents to Osmond Terrace with a two storey 'podium' and the third level set further back. The proposed architectural design approach can be described as contemporary. Materials and finishes include a combination of bluestone veneer (random coursed ashlar pattern), rendered walls (colour "warm white"), aluminium cladding (colour dark charcoal), 10 degree pitched standing seam roof sheeting (colour Colorbond Monument) and black powder coated aluminium window frames.

The proposal also includes the relocation of two regulated palm trees. The significant Lemon Scented Gum tree and significant palm tree are to be retained and incorporated within the landscaping scheme for the front yard areas.

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	Residential Flat Building	Development Plan Merit Assessment Quantitative Guideline
Site Area	1,075m ²	No minimum
Site Width	28.09m	18m (total development site frontage)
Site Depth	38.06m	N/A
External Wall Height*	10.1 – 10.8m	N/A
Maximum Overall Height (to roof apex)*	12.5m	Two-storey
Floor Area (total)	198 m ² - Dwellings 1 & 3; 223m ² - Dwellings 2 & 4; and 281m ² - Dwelling 5	Dwellings - 100m ² minimum internal living
Site Coverage	39%	N/A
Private Open Space	35m ² - Dwellings 1 & 3; 36m ² - Dwellings 2 & 4; and 87m ² - Dwelling 5	15m ² per dwelling
Street Set-back	9.9 – 14.0	N/A
Side Set-back (southern side)	1.8 – 3.9m	N/A
Side Set-back (northern side)	1.7 – 6.1m	N/A
Rear Set-back	1.8 – 2.9m	4.0m (single-storey) 6.0m (two-storey)
Car Parking Provision	2 spaces for Dwelling 1 – 4 3 spaces for Dwelling 5 (ie. a total of 11 car parking spaces for each of the 5 dwellings) 3 visitor spaces for the 5 dwellings	Residential - 2 spaces per dwelling plus 1 visitor space for every 2 dwellings for a development of up to 10 dwellings

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.

No representations were received during the public notification period.

State Agency Consultation

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

Discussion

The subject land is located within the Residential Character (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:

Residential Character (Norwood) Zone Objective: 1, 2 & 3
Residential Character (Norwood) Zone Desired Character Statement
Residential Character (Norwood) Zone PDC: 1 & 10

City Wide Objectives: 1, 2, 3, 5 & 7
City Wide PDC's: 1, 2, 3, 4, 5, 6, 12, 20, 21, 23-26, 364 & 366

Residential Character (Norwood) Zone Objective 2 and the Desired Character Statement for the Residential Character (Norwood) Zone (in part) state respectively:

"Infill development in specified localities, including affordable housing, providing a variety of housing types and densities, which enhances the character of the locality."

And

"Outside of the localities identified on Concept Plan Fig RC(N)/1, opportunities will be provided for increasing the density of a site. Building heights of up to two (2) storeys may occur..."

The subject land is not within a locality identified on Concept Plan Fig RC(N)/1. A residential flat building is an anticipated land use within the Residential Character (Norwood) Zone, as Principle of Development Control 10 sets out minimum site area and frontage requirements for residential flat buildings. In particular, Principle 10 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 a frontage width of 28.09 metres, consistent with Principle 10.

Zone Principle of Development Control 11 states that dwellings contained within a residential flat building with three or more bedrooms, should have a minimum floor area per dwelling of 100m². All five dwellings have three bedrooms with the proposed floor areas ranging between 198 - 281m².

From a land use perspective, the dwellings in the form of a residential flat building are considered to be acceptable within the Residential Norwood (Character) Zone.

Streetscape/bulk/scale/height/character

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

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

City Wide Objectives:	8, 18 – 20 & 114
City Wide Principles of PDC's:	12, 21, 28, 29, 30, 32, 33, 35, 36, 37, 38, 39, 346, 349, 359, 360 & 361

Residential Character (Norwood) Zone Principle of Development Control 12 allows for the development of dwellings fronting a public road up to two-storeys in height. The proposed development is inconsistent with Principle 12 as it is three-storeys in height. When viewed within a streetscape context and adjacent land, the residential flat building will ostensibly appear as a three-storey building, despite the third level being somewhat recessed from the two storey podium.

In terms of the established streetscape character along Osmond Terrace, the locality is characterised by single-storey and two-storey development.

The proposed three-storey building is situated between two single-storey detached dwellings, which are listed as Local Heritage Places. The proposed three-storey building has a total overall height in the order of 12.5 metres above natural ground level. Having regard to the streetscape elevation (contained in **Attachment B7**) the Local Heritage Places located at 92 and 94 Osmond Terrace have total overall heights of approximately 8.6 and 7.0 metres respectively when measured above natural ground level. In this context, it is considered that the proposed residential flat building will have a poor visual relationship with the adjacent Local Heritage Places. The directly adjacent Local Heritage Places aside, the proposed building is of a bulk and scale that is also relatively inconsistent with other two-storey development in the Osmond Terrace locality.

The Desired Character Statement for the Norwood Policy Area contains the following guidance:

“A large building scale together with more generous siting and architectural approach is appropriate for development on the Osmond Terrace frontage, to reinforce the townscape significance of this major tree-lined boulevard.”

The proposed residential flat building is considered to be consistent with the above extract from the Desired Character Statement, as the building displays a large scale and architectural design approach. That said and as detailed previously, the proposed building is to be situated between two single-storey Local Heritage Places. In this regard, applying the above extract from the Desired Character Statement has to be considered in the context of City Wide Principles of Development Control 359 and 361. This will be discussed in more detail within the subsequent *Heritage* section of the report.

Having regard to the style of the proposed building, the contemporary architectural design approach, in combination with the proposed finishes and materials, is considered to be relatively consistent with the Desired Character Statement, which 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.”

Residential Character (Norwood) Zone Principle of Development Control 18 states that undercroft or below garaging should only be developed on the western side of Osmond Terrace. It is understood that this policy was adopted as there are several examples of undercroft garaging on the western side, which results in a different character on that side of the road. Undercroft garaging has the potential to have an impact on the streetscape, by creating large ‘holes’ forward of dwellings, in place of traditional at-grade driveways.

Whilst the provision of an undercroft garage is at odds with Principle 18, the impact on the streetscape is minimised through the retention of the heritage masonry bluestone front wall. The proposed opening in the wall is minimised (being 3.6m), so that views of the undercroft garaging would be limited to directly in front of that small section of the frontage.

A more conventional approach to vehicular access to more than one new dwelling on the subject land, would be to provide a separate driveway for each dwelling, which would create more openings in the front wall and be more disruptive to the streetscape.

In overall terms, the proposed residential flat building is considered to result in an incompatible bulk and scale when viewed within the Osmond Terrace streetscape and from directly adjacent land.

City Wide Principle of Development Control 21(d) states:

“Land should not be divided:

(d) if the intended use of the land would be contrary to the Zone and relevant Policy Area Objectives;”

The proposed Community Title land division is at odds with part (d) of Principle 21 as the land division would create building envelopes across three different levels. More specifically, the proposed land division would facilitate the construction of a three-storey residential flat building within the Residential Character (Norwood) Zone which anticipates development up to two-storeys only, as prescribed by Zone Principle 12.

Heritage

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

City Wide Objectives:	110, 111 & 113
City Wide Principles of PDC's:	346, 349, 359, 360 & 361

The subject land is situated between two Local Heritage Places located at 92 Osmond Terrace (a Late Victorian Bluestone Dwelling) and 94 Osmond Terrace (a Bluestone Victorian Dwelling). As such, the Application was referred to the Council's Heritage Advisor, David Brown, for comment.

A summary of Mr Brown's key observations are set out below:

- The main shortcoming with the proposed design is the overall height. The fifth dwelling (ie. third level) would be very obvious when viewed in a streetscape context; and
- Without the third storey, the design could potentially be an appropriate infill building on the subject land.

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

City Wide Principles of Development Control 359 and 361 relate specifically to development located on land adjacent to a Heritage Place.

City Wide Principle of Development Control 359 states:

“Development on land adjacent to land containing a State or Local Heritage Place as designated in Tables NPSP/5 and 6 should respect the heritage value, integrity and character of the heritage place and should clearly demonstrate design consideration of the relationships with the heritage place and its setting (without necessarily replicating its historic detailing) and the character of the locality by establishing compatible:

- (a) scale and bulk;*
- (b) width of frontage and boundary setback patterns;*
- (c) proportion and composition of design elements;*
- (d) form and visual interest (as determined by play of light and shade, treatment of openings and depths of reveals, roofline and pitch and silhouette, colour and texture of materials as well as detailing, landscaping and fencing);*
- (e) fencing and areas set aside for landscaping, particularly on the primary street frontage of an allotment, which complement the era, style and landscaping setting of the heritage place; and*
- (f) garages, carports or outbuildings set-back at a greater distance from the primary street frontage than the main face of the primary building.”*

City Wide Principle of Development Control 361 states:

“Development on land adjacent to land containing a State or Local Heritage Place should not be undertaken if it is likely to dominate or detract from the heritage value and integrity of the heritage place by way of design, appearance or standard of construction.”

The proposed development is considered to dominate the adjacent Local Heritage Places in terms of its overall scale and bulk. The proposed development is therefore contrary to City Wide Principles of Development Control 359 and 361 as the proposed dwellings do not display a compatible relationship with the adjacent Local Heritage Places.

Overall, the proposed development will have an adverse impact on the setting of the adjacent Local Heritage Places. This is considered to be a negative aspect of the proposed development

Setbacks and Site Coverage

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

Residential Character (Norwood) Zone PDC:	12
City Wide PDC's:	50, 204, 205, 206 & 208.

The Residential Character (Norwood) Zone does not specify minimum front setbacks. As such, City Wide Principle of Development Control 205 applies.

City Wide Principle of Development Control 205 states:

“Where the Zone and/or Policy Area does not specify a minimum distance, dwellings should be set back 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;*
- (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; or*
- (c) the same distance as the greater of the two adjoining dwelling setbacks, in all circumstances where a new dwelling comprising of 2 or more storeys is being introduced, and one or both of the adjoining properties are single storey.”*

Given that the proposed building is three-storey and the adjacent Local Heritage Places at 92 and 94 Osmond Terrace are single-storey, the proposed building should be set back the same distance as the greater of the two adjoining setbacks, in accordance with part (c) of Principle 205.

Having regard to the site plan contained in **Attachment B10** the adjacent single-storey dwelling to the north at 92 Osmond Terrace has a 21 metre setback to the main facade. The adjacent single-storey dwelling to the south at 94 Osmond Terrace has a front setback of 3.8 metres to the main facade. Applying part (c) of Principle 205, the setback of the residential flat building should be 21 metres.

The proposed residential flat building is set back from the Osmond Terrace property boundary ranging from 9.9 – 14.0 metres. The proposed setback is based on advice which was provided by the Council to prospective purchasers of the land when it was being offered for sale. In particular, a diagram was provided, showing a notional setback arc between the two adjacent Local Heritage Places.

Being less than the required 21 metres is a negative aspect of the proposal. However, the proposed staggering of the front setback of the residential flat building and the space provided between the two Local Heritage Places (ie. 5.7 metres to the north and 1.8 – 2.8 metres to the south) through the proposed side boundary setbacks, is considered to result in a reasonable setback relationship with the LHP at 92 Osmond Terrace, particularly in light of the varying setbacks of other buildings along the eastern side of Osmond Terrace, located between The Parade and William Street. In this context, the proposed front setbacks of the new building are considered appropriate notwithstanding that the criteria specified in Principle 205, is not met.

For the ground level and the second-storey, the side setback from the northern side boundary ranges from 1.7 – 2.4 metres and the side setback from the southern side boundary is 1.8 metres. In terms of the third-storey, the fifth dwelling is set back from both the northern and southern side boundaries by 6.1 and 3.9 metres respectively.

The dwelling at 94 Osmond Terrace has a large masonry gable wall on its northern side boundary, along with a large covered alfresco area, which is also situated on the northern side boundary, and is enclosed with high level openings facing north. The dwelling does not have any north facing windows that directly look onto the proposed residential flat building.

With respect to the open rear yard area of 94 Osmond Terrace, and having regard to the shadow diagrams contained in **Attachment B4**, the occupants of this property will not be subject to an unreasonable level of overshadowing or loss of natural light, resulting from the proposal. Therefore, it is considered that the proposed side setback of the residential flat building adjacent to the southern side boundary of the subject land accords with City Wide Principle of Development Control 206, which requires that side and rear setbacks should be progressively increased as the height of the building increases in order to minimise such impacts.

The proposed ground level and the second-storey are set back 1.8 metres from the eastern (rear) boundary. The fifth dwelling at the third-storey is set back from eastern boundary by 2.9 metres. Residential Character (Norwood) Zone Principle of Development Control 12 prescribes that the minimum setback from a rear boundary for single-storey and two-storey development should be 4.0 metres and 6.0 metres respectively. The proposal is inconsistent with these criteria.

To the east of the subject land (ie. 39 and 41 Church Avenue), two new dwellings have been recently constructed comprising a three-storey detached dwelling and a two-storey detached dwelling at 39 and 41 Church Avenue respectively. The three-storey dwelling has been designed and configured so that its private open space is centrally located on the land and as such, the internal living areas of the dwelling face onto this private open space area. The approved dwelling at 39 Church Avenue has a minimal outlook onto the subject land.

The two-storey dwelling at 41 Church Avenue has its private open space situated in the north-western corner of the allotment with almost 50% of the private open space area covered by an alfresco/verandah area. The ground level internal living areas are linked to the private open space area through north facing operable glass doors/windows. The ground level internal living area has no western facing windows that look onto the subject land. In this context, the covered alfresco/verandah area would limit the visual outlook onto the proposed residential flat building. On this basis, the proposed rear setbacks are considered to be acceptable in this instance notwithstanding they do not satisfy the criteria prescribed in Principle 12.

Overall, it is considered that the proposed setbacks and the potential visual impact of the proposed residential flat building on existing occupiers of directly adjacent land are acceptable in the context of the existing locality.

The Residential Character (Norwood) Zone does not prescribe any quantitative site coverage assessment criteria. The proposed building has a site coverage of 39%, which is not inconsistent with the site coverage of development on adjacent and nearby land. Furthermore, the resulting site coverage is less than that of detached dwellings within the immediate area, such as 94 and 96 Osmond Terrace.

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

Private open space

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

City Wide PDC's: 222-225, 227, 228 & 230

City Wide Principle of Development Control 226 states:

“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:

- (a) *studio (no separate bedroom) or one bedroom, a minimum area of 10 square metres of private open space;*
- (b) *two bedrooms, a minimum area of 12 square metres of private open space; or*
- (c) *three bedrooms or greater; a minimum area of 15 square metres of private open space.”*

All of the proposed dwellings have three or more bedrooms and therefore should have a minimum area of private open space of 15m², which may comprise ground level courtyards, balconies or a combination of both.

Each of the five dwellings have a combination of balcony and/or terrace areas. The combined balcony/terrace areas for Dwellings 1 - 4 ranges between 35 - 36m², while the combined terrace areas for Dwellings 5 is 86m².

Dwellings 1, 3 and 5 have good orientation for solar access throughout the day, whilst Dwellings 2 and 4 will have compromised access to northern light given the orientation of the subject land, the configuration of the residential flat building and that these dwellings are situated on the southern side of the residential flat building. This is considered to be a negative aspect of the proposal.

City Wide Principle of Development Control 230 states that balconies should make a positive contribution to the internal and external amenity of residential buildings and should be located adjacent main living areas to extend the living space of the dwellings. The private open space areas of each dwelling are directly accessible from the living areas of the respective dwellings, which in turn accords with Principle 230.

Overshadowing/Overlooking

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

City Wide PDC's: 11, 31, 71, 72, 196, 235, 236 & 273

City Wide Principle of Development Control 196 states:

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

The Applicant has provided shadowing diagrams, to demonstrate the extent of overshadowing that would result from the proposed development during the winter solstice. In relation to 94 Osmond Terrace, which is directly south of the subject land, the shadowing analysis demonstrates that the property will experience some shadowing to its open rear yard at midday and to a greater extent in the late afternoon period. The dwelling at 94 Osmond Terrace has a large masonry gable wall on its northern side boundary. Further back to the east, a large covered alfresco area exists which is also situated on the northern side boundary and is enclosed on its northern side. That said, the ground floor yard areas of 94 Osmond Terrace will continue to receive direct sunlight to their private open space area as prescribed by Principle 196.

In terms of visual privacy from the proposed dwellings, all of the south and east facing upper level windows and balcony/terrace areas incorporate a combination of 1.7 metre high sill levels and privacy screening respectively above the internal upper floor level. These proposed privacy measures are consistent with City Wide Principle of Development Control 235, which seeks privacy treatment to a height of 1.7 metres. In terms of the northern elevation of Dwelling 5 at the third-storey, there is no privacy screening proposed to the northern side of the terrace area which in turn would enable views to be obtained into the side yard area of 92 Osmond Terrace.

Car parking/access/manoeuvring

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

City Wide Objectives: 31, 32 & 34
City Wide PDC's: 98, 101, 113, 120, 121, 122, 123, 124, 126, 127, 129 & 130

Table NPSP/8

City Wide Principle of Development Control 120 states that development should include on-site car parking in accordance with the rates prescribed in Table NPSP/8. In relation to residential flat buildings, Table NPSP/8 states that two (2) on-site car parking spaces should be provided for each two (2) - three (3) bedroom dwelling, of which at least one (1) should be covered. In addition, one (1) visitor space, rounded up to the nearest whole number, should be provided for every two (2) dwellings up to ten (10) dwellings.

Four (4) of the proposed five (5) dwellings is provided with two (2) exclusive car parking spaces within the basement car park. Dwelling 5 (ie. located at the third-storey) is proposed with three (3) exclusive car parking spaces. The proposed development also includes the provision of three (3) on-site visitor spaces.

The five (5) dwellings result in a demand of 10 spaces, plus a demand of three (3) visitor spaces. Applying the requirements prescribed in Table NPSP/8, the proposed development results in a car parking demand of thirteen (13) spaces. The proposed development has a total of fourteen (14) spaces, therefore it satisfies the car parking criteria in Table NPSP/8.

City Wide Principle of Development Control 118 states (in part) that:

“driveways should:

- (a) not exceed a gradient of 1 in 5 at any point and have a near level gradient (of 1 in 20) at either end for a length of at least 5 metres and connect to any existing paved footpath surface at a level that does not require any modification to the level of any public infrastructure”*

The purpose of the requirement of a near level gradient at either end of the driveway for a length of at least 5 metres, is to provide an opportunity for convenient visitor car parking. The proposed driveway does not achieve this. Instead, the visitor car parking spaces are proposed to be located behind an entry door to the basement garaging. To ensure that visitors have convenient access to the visitor parking spaces, the Applicant has advised that an intercom system is to be installed within the driveway area of the subject land so that visitors can contact an occupier in order to arrange access to the visitor car parking spaces.

The Council's Planning staff applied the 85th percentile vehicle turning templates, within the Australian Standard for off-street car parking, to the manoeuvring areas. Having regard to the plans that are before the Panel, vehicle movements can be undertaken on-site in a safe and relatively convenient manner. More specifically and in relation to the two (2) eastern most spaces either side of the carriageway in particular, strictly speaking, reversing from these spaces is 'workable' whilst not necessarily convenient when egressing due to confines of the basement area.

That said, this aspect of the proposal is reasonable consistent with City Wide Principles of Development Control 113 and City Wide Objective 34.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives: 24, 120 & 121
City Wide PDC's: 73, 74, 75, 76, 77, 78, & 409 - 415

The subject land contains two significant trees (one Lemon Scented Gum and one palm tree) and two regulated trees (two palm trees).

City Wide Objective 121 seeks development, which balances the preservation of regulated trees, which display one or more of the following attributes:

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

The two regulated palm trees were originally part of the garden of the adjacent Local Heritage Place at 92 Osmond Terrace. In order to accommodate the driveway from Osmond Terrace into the proposed basement garage, the two regulated palm trees are proposed to be relocated to the front of the vacant property at 92A Osmond Terrace.

The Applicant proposes to retain and incorporate the existing Lemon Scented Gum tree and the significant palm tree (ie. located in the south-western corner of 92C Osmond Terrace) as part of the landscaping scheme associated with the development.

The Lemon Scented Gum has a calculated theoretical Tree Protection Zone (TRZ) of 13.6 metres, when measured from the centre of the tree's trunk. A portion of the basement car parking area, the north-western corner of the Dwelling 1 and the vehicle by-pass area of the driveway are located within the Lemon Scented Gum's TPZ.

Having regard to *Australian Standard 4970 - Protection of trees on development sites*, the City Arborist has advised that the extent of encroachment into the TPZ is feasible, subject to appropriate tree protections measures and non-destructive excavation methods, so as to minimise damage to the tree's root system from the construction of the proposed residential flat building and associated driveway area.

In addition to seeking to retain the Lemon Scented Gum and the significant palm tree, the Applicant has provided a landscaping plan and schedule, which specifies a range of hedge plantings, shrubs and grass types.

In combination with the retention of the two significant trees, the proposed landscaping is considered to enhance the amenity of the proposed residential flat building, particularly given the extent of hard paving required for the driveway area. In this context, the provision of landscaping is considered to be acceptable.

Finished floor levels/flooding/retaining

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

City Wide Objectives: 42, 43 & 44.
City Wide PDC's: 147, 148, 149, 151, 154, 155, 157, 160 & 161.

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

The finished floor levels of Dwellings 1 and 2 are approximately 100 – 485mm above the adjacent top of kerb level. Stormwater disposal from the roof area and the surrounding ground surface area can be disposed of to the Osmond Terrace street water table by gravity. The ground runoff from the driveway area is to be collected by a sump located in the front of the basement garaging and pumped back to the street water table. In this context, stormwater disposal is considered to be acceptable.

Environmental Sustainability

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

City Wide Objectives: 23 & 42.
City Wide PDC's: 67-72, 147, 148, 151, 154, 159 & 160.

Having regard to the orientation of the subject land it is considered that the siting of the residential flat building and the proposed floor and balcony/terrace area layouts, the proposal will only optimise exposure to natural light for three of the five dwellings, which is inconsistent with City Wide Principles 67 and 68.

With regard to Principle 69, which seeks that development minimises energy consumption by incorporating, where practicable, energy efficient building design elements, it is noted that the northern elevations of the Dwellings 1 and 3 have non-shaded "picture sized" proportioned window areas which in turn is likely to result in unnecessary heat loading resulting from direct northern sunlight to these windows. Conversely, the northern facing windows/sliding door areas to Dwelling 5 incorporate a 1.2 metre wide projecting canopy and as such, the extent of direct northern sunlight during the summer months will be largely precluded. In terms of the western facing windows of the residential flat building, they are recessed and shaded behind the respective balcony/terrace areas for Dwellings 1 – 4 whereas Dwelling 5's western windows are shaded by the continuation of the 1.2 metre wide projecting canopy. This is considered to be a positive aspect of the proposal.

City Wide Objective 42 seeks development that is designed to maximise the harvest and use of stormwater and Principle of Development Control 159 prescribes that new dwellings should be provided with a 2000 litre rainwater tank, which is plumbed to the dwellings for reuse. The Applicant has not indicated the size or location of rainwater tanks on the proposed plans.

Summary

The Residential Character (Norwood) Zone is intended to accommodate infill development and a mix of housing forms in specified localities and at varying densities. This is such a locality within the zone.

The proposed dwelling density is considered to be acceptable, as the proposed dwellings all meet the minimum dwelling floor area requirement. Furthermore, the proposed dwellings are located within a locality that is relatively close to public transport, shopping facilities and the city centre.

The proposed setbacks and site coverage are considered to be acceptable, as are the building materials and architectural style of the building. Stormwater is able to be adequately drained to the street water table.

That said, the Zone anticipates development up to two-storeys in height. The proposed three-storey development is at odds with this policy. From a built form perspective, the proposed three-storey building will ostensibly read as an outwardly three-storey development when viewed within the streetscape and adjacent land. In terms of the built form relationship to the two adjacent Local Heritage Places, the proposed building will loom large over the Local Heritage Places and is also too large within the context of the Osmond Terrace locality.

On this basis, the three-storey building height is considered to result in an inappropriate built form outcome.

Overall, whilst the proposed development is not considered to be seriously at variance with the Development Plan, it has been determined that the proposal does not sufficiently accord with the relevant provisions of the Development Plan to warrant consent.

As such, refusal is recommended.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **refused** to Development Application Number 155/C066/19 by Mr M Cooper to undertake a Community Title Land Division (creating five lots from two existing allotments), on the land located at 92B and 92C Osmond Terrace, Norwood, for the following reasons:

1. The proposed division of land is contrary with City Wide Principle of Development Control 21(d), in particular:
 - a three-storey residential flat building is at odds with City Wide Principle of Development Control 32 and Residential Character (Norwood) Zone Principle of Development Control 12 which prescribes that the maximum building height above natural ground level should not exceed two-storeys.

- The overall height and scale of the building which would result from the land division has a poor relationship with the adjacent single storey dwellings at 92 and 94 Osmond Terrace, which are identified as Local Heritage Places (LHP's) within the Council's Development Plan. The overall building mass would loom large in relation to the LHP's and result in an overbearing building. The proposed development is therefore contrary to City Wide Principles of Development Control 359 and 361.
- The overall height and scale of the building which would result from the land division is contrary to City Wide Principle of Development Control 29(c) as it is inconsistent with the established built form character of adjacent and surrounding development when viewed within the context of the Osmond Terrace locality.

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/591/2018 – LOU FANTASIA PLANNING – 25 WILLIAM STREET, NORWOOD

DEVELOPMENT APPLICATION:	155/591/2018
APPLICANT:	Lou Fantasia Planning
SUBJECT SITE:	25 William Street, Norwood (Certificate of Title Volume: 5109 Folio: 703)
DESCRIPTION OF DEVELOPMENT:	Construction of three (3) two-storey dwellings and associated retaining walls, fencing and landscaping
ZONE:	Residential Historic (Conservation) Zone Norwood 5 Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017)
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 three (3) two-storey dwellings and associated retaining walls, fencing and landscaping.

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

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

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

Subject Land Attributes

Shape:	essentially square
Total frontage width:	24.63 metres (Threlfall Street)
Total depth:	24.36 metres
Total area:	600m ²
Topography:	fall of 1m (approx) from south to north
Existing Structures:	vacant land
Existing Vegetation:	shrubs and grassed areas

The subject land is located at the southern end of Threlfall Street (south of Colliver Street) and comprises three (3) allotments, resulting from the subdivision of a larger site fronting William Street, Norwood.

The land division application (DA 155/D075/18) was granted approval under delegated authority on 11 February 2019, with the resulting allotments achieving the Development Plan criteria with respect to site area and site frontage. The approval was conditional upon the construction of stormwater drainage infrastructure within Threlfall Avenue, which has since been completed.

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed Dwelling 1	Proposed Dwelling 2	Proposed Dwelling 3	Development Plan Merit Assessment Quantitative Guideline
Site Area	200m ²	200m ²	200m ²	Not less than 200m ²
Allotment Width	8.21m	8.21m	8.21m	N/A
Allotment Depth	24.35m	24.35m	24.35m	N/A
External Wall Height*	6.7m	6.7m	6.7m	N/A
Maximum Overall Height (to roof apex)*	6.7m	6.7m	6.7m	N/A
Floor Area (footprint)	134m ²	134m ²	134m ²	N/A
Site Coverage	67%	67%	67%	Compatible with site coverage in the locality
Private Open Space	35m ²	35m ²	35m ²	35m ²
Street Set-back	4.0m	4.0m	4.0m	So as to contribute to the desired character of the area
Side Set-back	nil	nil	nil	Reflect pattern established by adjoining dwellings
Rear Set-back	4.3m	4.3m	4.3m	N/A
Car Parking Provision	2 undercover and 1 uncovered	2 undercover and 1 uncovered	2 undercover and 1 uncovered	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 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 the Norwood 5 Policy Area of 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.

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 5 Policy Area Objectives: 1
Norwood 5 Policy Area Desired Character Statement
Norwood 5 Policy Area Principles of Development Control: 2, 3, 5

RH(C)Z Desired Character Statement
RH(C)Z Objectives: 1, 4
RH(C)Z PDCs: 7 & 8.

City Wide Objectives: 1, 2, 7 & 10.
City Wide PDCs: 1, 2, 3, 4 & 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 part (a) of Principle 8, in that the proposed dwellings are proposed on vacant land, which prior to the recent land division was underutilised communal open space at the rear of units 1-4, 25 William Street.

The proposed use of the land for detached dwellings is consistent with Norwood 5 Policy Area PDC 2 which provides for the development of a ‘...range of types and forms of residential accommodation, offering a wide range of housing choice’.

With regard to density, the site area of the subject allotments are all 200m². They were approved by staff under delegation through a previous land division application, as the site areas exceeded the minimum site area requirement of the Norwood 5 Policy Area, being not less than 250m² except where the site of the development does not contribute positively to the historic character of the Policy Area, in which case the site area should not be less than 200m².

Density within the locality is varied and includes a range of allotment sizes and frontage widths and in this regard the proposed allotment sizes and frontage widths are considered to be consistent with the range of allotments found within the locality.

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 5 Policy Area Objective: 1
Norwood 5 Desired Character Statement
Norwood 5 Policy Area Principles of Development Control: 1, 4

Residential H(C)Z Desired Character Statement
Residential H(C)Z Objectives: 1, 5 & 6
Residential H(C)Z PDCs: 1, 2, 13-19, 22, 23, 25 & 26.

City Wide Objectives: 18, 19 & 20.
City Wide PDCs: 28-35, 41.

Principle of Development Control 4 of the Norwood 5 Policy Area states:

“Development in the Norwood 5 Policy Area should not exceed two storeys in height above natural ground level.”

The proposed dwellings are two-storey, consistent with Principle 4.

Where two storey development is anticipated, Principle of Development Control 17 of the Residential Historic (Conservation) Zone provides guidance on the streetscape appearance of two storey dwellings:

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.*

Despite having a shallow single storey portion located closest to the street, all three proposed dwellings appear outwardly two-storey. This section of Threlfall Street is characterised mostly by rear fences and garages. Except for a single-storey dwelling at 1 Benson Street, other dwellings fronting Benson Street and the southern part of Threlfall Street are two (2) and three (3) storey residential buildings. As such, the outwardly two-storey presentation of the dwellings is considered to be acceptable.

All proposed dwellings have double garages facing Threlfall Street. Principle of Development Control 31 of the Residential Historic (Conservation) Zone states:

“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.”*

In addition, City Wide Principle of Development Control 211 states:

“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 (Refer to Figure 8); and*
- (c) *be set back no less than 5.5 metres from the primary street frontage, to allow for vehicle parking.”*

The proposed garages occupy 70% of the width of each dwelling site frontage, which is substantially inconsistent with both RH(C)Z PDC 31 and City Wide PDC 211. As a result, garaging is a dominant element of the façade of each dwelling. The design of the garages attempts to reduce their dominance, by:

- staggering the alignment by 1.5m;
- placing the inside space under the main pitched roof, with the outside space having a flat roof; and
- treating the garage doors differently.

In combination, the above design treatments are intended to give the general appearance that the inside garage space is a living room of the dwelling. Whilst in reality that would not be the case (ie. it would remain evident that it is garaging), the result is a far better façade and streetscape contribution than a typical flat garage with one roof treatment and one door.

Another negative implication of double-width garaging on narrow allotments is that it results in extensive hard paving for driveways, in lieu of landscaping. To alleviate this impact, a portion of the driveway of each dwelling is proposed to be constructed using ‘grass block pavers’, which allows grass to grow in voids between paving blocks.

The issue of double garaging on narrow frontages was considered by the Council’s Heritage Advisor, David Brown, who has advised:

- *the design attempts to deal with this by stepping the garaging and using roof design to hide the fact that there are two garage doors and the only part of the house at ground level is the front door and porch;*
- *this is one of the few cases in a zone like this where this intense level of development can get away with double garaging at the front. The factors that contribute to this are the fact that this part of Threlfall Street has no historic character and there are many garage doors facing on to the street that service the rear of the William Street properties; and*
- *with confirmation of the colours and materials, given the context, this proposed development will not have an impact on any heritage places, and its impact on the immediate streetscape, while visually significant, will not diminish the importance of the area as a Historic (Conservation) Zone.*

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

The applicant has subsequently provided details of colours and materials, which Mr Brown has reviewed and advised is acceptable.

With regard to fencing the Desired Character Statement of 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 fencing is a simple contemporary design with 1200mm rendered pillars and metal infill, which is considered consistent with the above statement.

Setbacks and Site Coverage

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

RH(C)Z PDCs: 9, 10, 11, 20
City Wide PDCs: 35, 50, 52, 204 - 207.

PDC 11 of the Residential Historic (Conservation) Zone states:

“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.”

There are no surrounding heritage places or contributory items in Threlfall Avenue. That being the case, there is limited relevant guidance at the zone level for front setbacks and City Wide Principle of Development Control 204 should be considered, which states:

“Dwellings should be set back from front or side boundaries so as to:
(a) contribute to the desired character of the area; and
(b) provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.”

Buildings in Threlfall Avenue are generally set back very close to the street. In this context, the proposed 4m setback is considered appropriate.

With regard to side boundary development within the Residential Historic (Conservation) Zone, PDC 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.”

In this instance, the development does not involve the retention of a heritage place so the proposal for boundary walls on the side and rear boundaries of the subject land is not in accordance with this provision. Whilst this is a negative aspect of the proposal, the boundary walls are not likely to have any real streetscape impact, nor are they likely to have any unreasonable visual or overshadowing impact on the occupiers of the adjacent land.

With respect to site coverage, the proposed dwellings cover 67% of their respective sites, which includes covered alfresco areas. The Norwood 5 Policy Area does not prescribe site coverage, however PDC 12 of the Residential Historic (Conservation) Zone seeks that site coverage should be compatible with the site coverage of those buildings in the locality which contribute significantly to the historic character. Site coverage in the locality is varied but is observed to be generally in the order of 60% or greater. In this context, the proposed level of site coverage is considered to be acceptable.

Overshadowing/overlooking

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

City Wide PDCs: 11, 31, 35, 71, 195, 196 & 235.

The units at 25 William Street are located approximately 4.5 metres to the south of the boundary of the subject land. The upper level of proposed dwelling 3, is set back 2.0 metres from the boundary, resulting in a separation of approximately 6.5 metres from the units. This distance is sufficient to prevent excessive overshadowing of windows of the units.

The space between the units at 25 William Street and the boundary of the subject land is communal open space, used predominantly for clothes drying. The units do not have their own private open space.

City Wide PDC 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.”

As PDC 196 refers to private open space, it is not strictly applicable to the consideration of overshadowing of the communal open space at 25 William Street. That said, applying the Development Plan as a practical guide for practical application, it is considered that the communal open space should continue to receive access to a reasonable amount of sunlight. In this respect, the setback distance of the upper level of Dwelling 3 is likely to result in an acceptable level of sunlight access.

With regard to overlooking, all upper level windows of all dwellings either have a sill height of 1700mm above floor level or fixed obscure glass to that height.

Private open space

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

City Wide PDCs: 222 – 225.

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:

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

All proposed dwellings have 35m² of private open space, comprising ground level alfresco and open yard areas to the rear, with dimensions of 8.2m x 4.3m. The private open space areas are all directly accessible from the main living areas of the dwellings.

Car parking/access/manoeuvring

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

City Wide Objectives: 34
City Wide PDCs: 101, 117, 120, 123.

Table NPSP/8.

Table NPSP/8 requires that detached dwellings provide a minimum of two (2) on-site vehicle parking spaces, with at least one of those spaces being covered. In this regard, all dwellings have three (3) on-site car parking spaces, comprising two (2) covered spaces and one (1) uncovered visitor space.

Due to the narrow width of Threlfall Street, the construction of the proposed vehicle access for Dwelling 3 would result in the loss of existing on-street visitor parking spaces on the western side of Threlfall Street, which is not in accordance with City Wide PDC 101 which states:

“Driveway crossovers should be appropriately separated and the number minimised to maintain streetscape character, preserve street trees and optimise the provision of on-street visitor parking (where on-street parking is appropriate)”.

The loss of on-street car parking spaces is a negative aspect of the proposal, however, the Council's Governance and Community Affairs Department has advised that in this instance, it supports the removal of on-street parking in this location for the following reasons:

- the spaces are not specifically allocated for residential parking and the nearby dwellings have off-street parking;
- they appear to be only used by casual parkers and visitors to the area; and
- the narrow width of Threlfall Street is not wide enough in accordance with the relevant Australian standards to accommodate on-street parking and allow one way through traffic.

In this regard, the loss of on-street parking spaces does not offend PDC 101, because in this instance, it is not considered appropriate to require the maintenance or provision of on-street parking, where it is not able to meet the relevant standards for on-street parking in any event.

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 PDCs: 57, 58, 140, 148, 164 & 171.

The subject land is not located within an identified flood affected area.

The site has a fall of approximately 1m from the south-eastern corner to the north-western corner. Accordingly, Dwelling 1 is proposed to have a finished floor level which is 500mm lower than that of Dwellings 2 and 3. The nominated floor levels require a minor amount of filling in the north-western corner and excavation for the balance of the site. In turn, the levels result in the need for retaining walls up to 500mm in height, with adjoining properties being on the 'high side' of the retaining.

Overall, the proposed finished floor levels and retaining walls are considered to be appropriate in the context of the existing ground levels and provide a reasonable built form transition across the site.

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 PDCs: 36 & 37.

City Wide Objectives: 24, 120, 121

City Wide PDCs: 73, 220, 221, 409 & 410.

There are no regulated trees on the subject land or street trees in Threlfall Avenue.

The site plan provided by the Applicant indicates areas nominated for landscaping and a planting schedule. Overall, it is considered that there are sufficient areas nominated for the establishment of landscaping in accordance with PDC 37 which requires new development to include '*landscaped front garden areas that complement the historic character and desired character of the zone.*'

Environmental Sustainability

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

City Wide Objectives: 23 & 42.

City Wide PDCs: 67, 68, 69, 147, 148, 153, 159.

The private open space areas of all dwellings have reasonable access to northern sunlight. Due to the orientation of the allotments, the internal living areas at the rear of the dwellings do not have direct northern sun access, with the exception of Dwelling 1.

Upper level western facing windows (Bed 1) include window surrounds for summer shading.

A drainage plan has been provided, which indicates that all dwellings will include a 3,300 litre retention/detention rainwater tank, which includes 2,300 litres detention capacity for controlled release of stormwater to Threlfall Street.

Only 1000 litres of stormwater retention capacity is proposed for each dwelling. If the Panel determines to approve the application, it is recommended that a condition be imposed, requiring this to be increased to 2000 litres per dwelling.

Summary

The proposal for detached dwellings on the subject land is consistent with the land use objectives of the Residential Historic (Conservation) Zone and Norwood 5 Policy Area.

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 design of the dwellings complement the scale and form of dwellings in the locality to a reasonable extent, by way of incorporating a shallow single storey element at the front, similar roof pitch and sympathetic use of materials and finishes.

Whilst the dwellings have an outwardly two storey appearance and double garaging on narrow frontages, it is considered that they will not detract from the historic streetscape character in the locality, as Threlfall Avenue has no such historic character.

The loss of onsite car parking spaces in Threlfall Street is considered acceptable, as they do not achieve the relevant standards.

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 155/591/2018 by Lou Fantasia Planning, to construct three (3) two storey detached dwellings and associated retaining walls, fencing and landscaping, on the land located at 25 William Street, Norwood, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Plans by Eastern Building Group, Drawing No. 02 Revision I, Drawing No. 03 Revision H, Drawing No. 04 Revision I, Drawing No. 05 Revision H, Drawing No. 06 Revision H, Drawing No. 07 Revision H and Drawing No. 08 Revision H.
- Siteworks and Drainage Plan by Harriot Consulting, dated 22 October 2019;
- Hand marked-up Drawing No.4 describing proposed colours and materials.

Conditions

1. That the upper level windows of all dwellings shall incorporate privacy treatment to a height of 1.7m above the finished floor level prior to the occupation of the dwelling and to the reasonable satisfaction of the Council or its delegate and thereafter maintained at all times.
2. All stormwater from buildings and paved areas shall be directed to the existing Council drain located on the north-west corner of Benson and Threlfall Streets and 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.
3. In addition to the proposed 2,300 litre stormwater detention capacity per dwelling, rainwater retention capacity of not less than 2 kilolitre (2000 litres) shall be provided for each dwelling, which is 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 plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/489/2019 – MR IAN RADBONE & MS FAY PATTERSON – 16 THERESA STREET, NORWOOD

DEVELOPMENT APPLICATION:	155/489/19
APPLICANT:	Mr Ian Radbone & Ms Fay Patterson
SUBJECT SITE:	16 Theresa Street, Norwood (Certificate of Title, Volume: 5110, Folio: 78)
DESCRIPTION OF DEVELOPMENT:	Two-storey alterations and additions to a row dwelling and the construction of a combined carport and verandah
ZONE:	Residential Historic (Conservation) Zone – Norwood 3 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 two-storey alterations and additions to an existing row dwelling and the construction of a combined carport and verandah.

In September 2010, the Council considered and endorsed an amendment to the Panel's Terms of Reference, such that in circumstances where a Development Application is lodged by a Council Employee or an Elected Member, or a member of their immediate family, the Panel must determine the Application.

In this instance, one of the owners of the subject land is an Elected Member. 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:	5.3 metres
Depth:	33.4 metres
Area:	177m ²
Topography:	essentially flat
Existing Structures:	single-storey row dwelling and freestanding carport
Existing Vegetation:	a mix of trees and shrubs exist on site

The subject land contains one of a group of three single-storey row dwellings constructed in the 1980/90's. Directly to the west is a group of four two-storey row dwellings located at 8 – 14 Theresa Street. Directly to the east is a single-storey detached dwelling that fronts Woods Street and is identified as a Local Heritage Place (ie. an Asymmetrical Victorian Bluestone Dwelling) in the Council's Development Plan. Vehicular access to the site and the other six dwellings located between 8 – 20 Theresa Street, is via Stanley Street and a private lane at the rear.

Locality Attributes

Land uses: predominantly residential
 Building heights (storeys): predominantly single-storey
 Streetscape amenity: high – influenced by the extent of original character dwellings and established mature street trees

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

Theresa Street is a short (approximately 90m long) no-through road, located adjacent Norwood Oval. The northern side of Theresa Street is characterised by original detached cottages, while the southern side is characterised by one and two storey row dwellings constructed in the 1980's in a reproduction heritage style.

Proposal in Detail

The Applicant proposes to construct two-storey alterations and additions to the existing row dwelling, as well as a combined carport and verandah which is intended to replace an existing carport and pergola structure.

The proposed upper level addition is proposed to be situated and integrated to the south of the existing roof ridge area of the row dwelling. The upper level addition is to contain a study, a bedroom, bathroom, WC and a balcony area facing the rear yard. The upper level addition is to be clad in "Timbercrete" blockwork and aerated concrete panel cladding with a rendered and painted finish (colour sooth cream).

The combined carport and verandah is proposed within the rear yard adjacent the southern rear boundary. The proposed structure has a maximum height of 3.6 metres and is to incorporate Colorbond roof cladding and 'Hardiflex' panels (colour smooth cream) to the rear elevation.

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 Development	Development Plan Merit Assessment Quantitative Guideline
Site Area	177m ²	250m ²
Allotment Width	5.3m	N/A
Allotment Depth	33.4m	N/A
Floor Area (total footprint)	123m ²	N/A
External Wall Height	6.2m	N/A
Maximum Overall Height (to roof apex)*	6.3	N/A
Site Coverage	69%	N/A
Private Open Space	57m ²	35m ²
Side Set-back	Nil & Nil	N/A
Rear Set-back	Nil to carport/verandah 13.5 to upper level addition	N/A
Car Parking Provision	1 undercover	2 on-site parking spaces per dwelling (Table NPSP/8)

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

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

Notification

The proposal has been identified and processed as a Category 1 form of development, pursuant to the Development Regulations 2008. Schedule 9, Part 1, 2 (b) and (d) describe alterations and additions (up to two-stories) and the combination of ancillary structures such as a verandah and /or carports as category 1 development.

As such, no public notification was required.

State Agency Consultation

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

Discussion

The subject land is located within 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.

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

Land Use and Density

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

Residential Historic Conservation Zone Objectives:	5
Residential Historic Conservation Zone PDC:	7

Residential Historic Character Zone PDC 7 states:

“The following kinds of development are considered appropriate in the Residential Historic (Conservation) Zone:

- (a) dwellings at densities that reflect of the historic development patterns of the locality and the established residential amenity and the historic character of the zone;*
- (b) dwelling additions;*
- (c) outbuildings and minor forms of development that are ancillary to the residential use of land;*
- (d) the retention, continuation and rehabilitation of old buildings reflecting the traditional character of the area; and*
- (e) non-residential use where there is a historic basis for such a use, for example, old corner shops.”*

The proposed dwelling addition is consistent with Principle of Development Control 7(b), while the combined verandah and carport component is consistent with and Principle of Development Control 7(c). On this basis, the proposal is therefore considered to be an appropriate from a land use perspective.

Streetscape/bulk/scale/height/character

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

Norwood 3 Policy Area Desired Character Statement	
Norwood 3 Policy Area Objectives:	1
Norwood 3 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

Norwood 3 Policy Area Principle of Development Control 4 states:

“Development in the Norwood 3 Policy Area should not exceed two storeys in height above natural ground level.”

As the proposed dwelling additions do not exceed two-storeys, this aspect of the proposal is consistent with Principle 4.

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.”*

The proposed upper level addition is to be integrated into the existing dwelling and is to be located directly behind the existing roof ridge (which runs in an east - west direction). In this context, the proposed upper level addition is not anticipated to be read readily when viewed from Theresa Street and is consistent with Principle 17 of the zone.

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 whilst the roof of the upper level addition will be visible from certain angles within Theresa Street, given the height of the existing neighbouring western boundary wall, the proposed addition will not have an impact on the streetscape or surrounding historic and heritage properties.

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

On balance, the proposed upper level addition to the existing dwelling is considered to be acceptable from a streetscape heritage and character perspective.

With respect to the combined carport and verandah component, City Wide Principle of Development Control 209 states:

“Garages, carports and outbuildings should:

- (a) be domestic in size and nature;*
- (b) be ancillary to and in association with a dwelling or dwellings;*
- (c) not dominate the appearance of the dwelling from the street;*
- (d) not detract from the visual appearance of the site as viewed from neighbouring properties due to their size and location relative to property boundaries and the siting of adjacent dwellings; and*
- (e) not project forward of the main face of the associated dwelling.*
- (f) not result in unreasonable overshadowing of, or visual impact from, habitable room windows of adjacent dwellings; and*
- (g) not result in a significant loss of private open space.”*

The carport and the verandah are consistent with all elements of City Wide Principle of Development Control 209. In particular, the proposed structure:

- is domestic in size and nature,
- is ancillary to the dwelling..
- is located at the rear of the property, so as to not dominate the appearance of the dwelling from the street;
- is not likely to detract from the visual appearance of the site as viewed from neighbouring properties (ie. existing structures are located on both adjoining properties to the east and west which in turn will prevent the occupants of the adjoining property from directly viewing the carport/verandah);
- will not project forward of the main face of the dwelling;
- will not result in excessive overshadowing (ie. the resulting shadowing will be largely cast upon the subject land and the right-of-way to the rear of the subject land); and
- will not result in a significant loss of private open space.

City Wide Principle of Development Control 213 states:

“The floor area of a garage, carport or outbuilding should generally not exceed 60 square metres. A greater floor area may be considered where it does not exceed 10% of the total site area on which the associated dwellings is situated.”

The combined carport and verandah have a combined floor area well under the 60m² of floor area stated in Principle 213, with a total area of 18.8m².

City Wide Principle of Development Control 214 states:

“The external wall height of a garage, carport or outbuilding should generally not exceed 3 metres and the overall height should not exceed 5 metres.”

The proposed post heights are dimensioned as between 2.3 - 2.4 metres and the roof of the carport is in the order of 3.6 metres, which in turn has an overall height of less than 5 metres as prescribed in Principle 214.

On this basis, the proposed carport and verandah structure is considered to be acceptable.

Setbacks and Site Coverage

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

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

City Wide Principle of Development Control 208 states:

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

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

Residential Historic Conservation PDC 12 states:

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

The proposed additions result in a small reduction in site coverage, which is a positive aspect of the proposal.

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 orientated north-south, the most significant shadowing from the two-storey component will be contained to the subject land, the right-of-way to the rear and not on adjacent land. In this context, the proposal is not contrary to the Principle 196.

In terms of the proposed upper level area and in particular, the rear facing balcony, the Applicant has proposed a 1.0 metre high glass balustrade to the southern side of the balcony area and 1.7 metre high louvered privacy screens to both sides. Given the narrow adjoining rear yard areas, the potential for occupants to overlook the adjacent yard areas of 14 and 18 Theresa Street is a concern.

If the Panel determines to approve the development, it is recommended that a condition of consent be imposed requiring privacy treatment of the upper floor balcony balustrade to a height of 1.7 metres above floor level, to prevent overlooking into adjoining residential properties. If during construction and prior to the installation of the privacy treatment, it is able to be demonstrated that overlooking will not occur without screening to the southern edge of the balcony, an application could be made to vary the authorisation accordingly.

Private open space

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

City Wide PDC's: 222, 223, 224, 225.

In regard to City Wide Principles of Development Control 222, 223 and 224 the current level of private open space largely remains unchanged.

City Wide Principle of Development Control 225 states:

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

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

The subject land has in the order of 57m² of private open space, which is in excess of the 35m² minimum stated in part (b) of Principle 225.

Finished floor levels/flooding/retaining

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

City Wide Objectives:	51
City Wide PDC's:	169, 170 & 171

The subject land is not within a recognised flood affected area.

The proposed combined carport and verandah will not alter the existing ground level.

Trees (regulated, mature & street) and landscaping

The following Development Plan provisions provide guidance with respect to considerations relating to significant trees, mature trees, and 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 significant trees on the subject land or adjacent land.

City Wide PDC 220 states:

"Residential development should incorporate soft landscaping of a scale and intensity to offset built form and to reinforce the established garden and mature tree lined character of the City."

The proposed development is considered to be consistent with Principle 220. The combined carport and verandah is being developed on land which is currently impermeable, so is not taking away from a permeable landscaped area.

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

City Wide Principle of Development Control 67 states:

"Development should provide for efficient solar access to buildings and open space all year round."

City Wide Principle of Development Control 68 states:

"Buildings should be sited and designed to ensure:

- (a) that the main living areas and the private open space associated with the main living areas, face north to maximise exposure to winter sun; and*
- (b) adequate natural light and winter sunlight is available to the main internal living areas and principal private open spaces of adjacent properties."*

The existing open plan living/kitchen/meals area is located at the ground level towards the front (ie. north) of the existing dwelling. The two main north facing living room windows are protected from northern sunlight by an existing 1.9 metre deep concave front verandah. This portion of the existing dwelling is to remain unchanged.

The proposed development will not impede solar access to the existing or adjacent dwellings, or their private open space. The proposed development is therefore consistent with part (b) of Principle 67.

Summary

The proposed upper level addition and ancillary combined carport and verandah will improve the living amenity of the dwelling's occupants. The proposed upper level addition is compatible in terms of scale and design to that of the existing dwelling and adjacent buildings.

The resulting site coverage and private open space are considered to be acceptable and the provision of on-site car parking is maintained.

Whilst the proposed carport and verandah are sited on the neighbouring property boundaries, they are located abutting neighbouring structures, which reduce any potential impact. The proposed building work will not have any adverse impact on the character of the streetscape.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/489/19 by Mr Ian Radbone & Ms Fay Patterson to undertake two-storey alterations and additions to an existing row dwelling and to construct a combined carport and verandah, on land located at 16 Theresa Street, Norwood, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans and elevations prepared by Artec Building Designers Pty Ltd and received by the Council on 8 August 2019.

Conditions

1. The rear balcony shall be screened on all sides to a height of 1.7 metres above the floor level of the balcony prior to occupation of the upper level addition 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).
2. All stormwater from the dwelling addition and the combined carport and verandah additions 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 and water table or a Council underground pipe drainage system.

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

2. STAFF REPORTS

2.4 DEVELOPMENT APPLICATION 155/527/2019 – DESIGNTECH STUDIO – 1/21 & 2/21 WILLIAM STREET, NORWOOD

DEVELOPMENT APPLICATION:	155/527/19
APPLICANT:	Designtech Studio
SUBJECT SITE:	1/21 & 2/21 William Street, Norwood (Certificate of Title: Volume 5036 Folio 143) (Certificate of Title: Volume 5036 Folio 144)
DESCRIPTION OF DEVELOPMENT:	Demolition of a residential flat building and the construction of a two-storey detached dwelling with associated garage and cellar
ZONE:	Residential Historic (Conservation) Zone – Norwood 5 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 demolition of a residential flat building and the construction of a two-storey detached dwelling with associated garage and cellar.

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

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	12.19 metres
Depth:	37.21 metres
Area:	453.6m ²
Topography:	essentially flat
Existing Structures:	two-storey residential flat building comprising two (2) dwellings
Existing Vegetation:	small areas of landscaping to the front and rear of the site with a Significant Eucalyptus Melliodora contained within the front yard.

The subject land is a regular shaped allotment on the northern side of William Street, approximately 30 metres east of Charles Street and backs onto Threlfall Avenue.

A two-storey residential flat building (comprising two dwellings) exists on the land with small areas of landscaping located at the front and rear of the site. The site contains a significant tree in close proximity to the William Street frontage. A horizontal timber slat front fence is located behind the tree, with the area between the front boundary and front fence landscaped. Driveway access gates are located on the front boundary.

Vehicular access to the subject land is via an existing crossover from William Street, as well as Threlfall Avenue at the rear.

Locality Attributes

Land uses: residential
 Building heights (storeys): predominantly single-storey with some examples of two storey development.

The locality is considered to comprise the section of William Street situated between Charles Street to the west and Sydenham Road to the east, and is characterised by single-storey detached dwellings and mid 20th century residential flat buildings. Adjoining the subject land to the east at 23 William Street is a Local Heritage Place, which is set well back from the street frontage. Other Local Heritage Places in the locality are located at 27, 37, 44-46 and 48 William Street. Other nearby dwellings on the northern side of William Street at 19 and 25 William Street are replacement dwellings which do not contribute to the desired character of the streetscape. Dwellings on the opposite (southern) side of William Street, are generally cottages and villas which contribute to the desired character of the streetscape.

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

Proposal in Detail

The Applicant seeks consent to demolish the existing residential flat building, and construct a single two-storey detached dwelling with a garage and cellar.

The proposed dwelling is of a traditional appearance with a symmetrical hipped roof form over the front façade, and a set back cantilevered front verandah incorporating projecting aluminium beams. This roof form merges into a rectilinear two level form at the rear, with inset side walls separating the two elements. The front elevation of the dwelling incorporates vertically oriented windows with rendered walling on the front façade.

The proposed dwelling utilises a timber framed rendered hebel construction for the front façade, and tilt up pre-cast concrete panels for the sides and rear. The concrete panels are to be unpainted, and proposed to be acid washed to produce a sandy rendered appearance.

The front façade of the dwelling is to be rendered and painted Dulux ‘white duck’, with traditional galvanised roofing and gutters at a 47° pitch. The dwelling is to have timber windows, door frames and fascias, painted ‘Monument’ colour.

Internally, the proposed dwelling comprises a combined kitchen/dining/lounge room, a master bedroom (with an ensuite) and sitting room, with three bedrooms and a lounge on the first floor.

Beneath the garage located on the side and rear boundary, is an underground cellar and water tank.

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	453.6m ²	200-300m ² – Norwood 4 Policy Area PDC 5
Allotment Width	15.24m – 12.8m – 15.24m	N/A
Allotment Depth	47.85m	N/A
External Wall Height*	2.7m - 3.01m	N/A

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Maximum Overall Height (to roof apex)*	5m	Two-storey – Norwood 4 Policy Area PDC 4
Floor Areas	380.3m ²	N/A
Site Coverage	49.4%	N/A
Private Open Space	97.9m ² (21.6%)	20% - City Wide PDC 225(a)
Street Set-back	5.79m -8.59m	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 (HCZ PDC 11)
Side Set-back	<u>eastern</u> Boundary development and 1.26m <u>western</u> 1.89-2.39	Reflect the established pattern – (HCZ PDC 11)
Rear Set-back	On Boundary (garage) 12.15 (Dwelling)	N/A N/A
Car Parking Provision	2 undercover spaces	2 on-site parking spaces per dwelling (Table NPSP/8) (one covered)

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

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

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

Land Use and Density

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

Norwood 4 Policy Area Desired Character Statement	
Norwood 4 Policy Area Objectives:	1
Norwood 4 Policy Area PDC's:	2, 3 & 5
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:	
City Wide PDC's:	1, 2, 7, 8, 10 & 55-57
	1, 2, 3 & 4

Norwood 4 Policy Area Principle of Development Control 2 states:

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

The construction of a detached dwelling is consistent with Principle of Development Control 2 of the Norwood 4 Policy Area.

Norwood 4 Policy Area Principle of Development Control 3 states:

Existing buildings originally constructed prior to 1940 which contribute to the desired character of the Zone and the Policy Area should not be demolished.

The existing residential flat building on the subject land was constructed in the mid 1970's and is not considered to contribute to the historic character of the Norwood 4 Policy Area.

As the subject land currently contains a mid 1970's residential flat building, the replacement with the proposed dwelling is consistent with Principle of Development Control 3 and the Desired Character Statement of the Policy Area.

Streetscape/bulk/scale/height/character

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

Norwood 4 Policy Area Desired Character Statement	
Norwood 4 Policy Area Objectives:	1
Norwood 4 Policy Area PDC's:	2, 3 & 5
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:	
City Wide PDC's:	18, 19 & 20
	28-32, 37, 39, & 209-215

The locality is considered to have a high level of residential amenity and heritage value. The proposed dwelling has been designed in the context of the features of historic dwellings in the locality, including the use of pitched corrugated roof form, cantilevered front verandah and vertically oriented windows with a painted rendered front façade. The front facade incorporates rendered masonry and galvanised roof and gutters which are traditional building materials, and 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 the design satisfies most, if not all of the principles of the Development Plan that relate to new dwellings in a Historic Conservation Zone, and being adjacent to a Local Heritage Place.

A copy of Mr Brown’s report is contained in **Attachment C1**.

The proposed dwelling is positioned between an outwardly two storey dwelling to the west and a Local Heritage Place to the east, which has an unusually low eave height not typical in the streetscape. The proposed dwelling has wall heights, and overall scale and eave heights that are compatible with older dwellings within the locality. The applicant has provided a 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. The streetscape elevation is contained in **Attachment B13**.

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:

Residential Historic (Conservation) Zone Desired Character Statement	
Residential H(C)Z Objectives:	1, 3 & 6
Residential H(C)Z PDC’s:	1, 2, 5, 9, 10, 11 and 12

The adjoining allotments at 19B and 23 William Street have front setbacks of 5.98 and 13.74 metres, with the dwelling at 23 William Street listed as a Local Heritage Place.

Historic Conservation Zone Wide Principle of Development Control 11 states:

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.

The adjacent outwardly two storey dwelling located at 19B William Street has a front setback of 5.98 metres. East of the subject site at 23 William Street is an early Victorian two level house with a 1920’s roof and verandah listed as a Local Heritage Place, which has a front setback of 13.7 metres. The proposed dwelling has a lesser front setback than the adjacent Local Heritage Place at 23 William Street, and as such, the proposal does not accord with the Historic Conservation Zone Principle of Development Control 11. In order to do so, the dwelling would need to be set back 13.7 metres or 2 metres further than that proposed.

That said, the front setback of 23 William Street is an anomaly in terms of front setbacks along the northern side of William Street, with the residential units at 25 William Street displaying a front setback of 4.7 metres. The proposal’s setback has been staggered, to allow a transition to the Local Heritage Place to the east, by stepping the dwelling back to 8.6 metres, allowing views to be obtained to the Local Heritage Place.

In this context, the proposed front setback of the new dwelling is considered acceptable.

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 incorporates boundary development along the western side boundary. The proposed western boundary wall is 3.510 metres high, and set back 10 metres behind the front façade of the proposed dwelling, for a length of 9.2 metres. The boundary wall abuts the adjacent dwelling (19b William Street) which is also located on the boundary, with the exception of 1.2 metres, which would be exposed to the adjoining allotment. This wall continues along the boundary at a reduced height of 2.4 metres for a breezeway, before connecting to the rear garage which is located on the boundary abutting the adjoining garage, which is typical with garages with rear access within the locality. The portions of boundary development visible to adjoining occupants is expected to have a minor impact on occupants of adjoining allotments, due to the north-south orientation of the allotment and existing fencing and screening along this boundary being of a similar height to that proposed.

Setbacks along the eastern boundary have been provided to allow for space between dwellings, which ranges from 2.39 meters at the front of the site, to 1.89 meters for the two storey component, which reflects the siting characteristics of the Local Heritage Place to the east.

In terms of site coverage, Residential Historic (Conservation) Zone Principle of Development Control 12 states that:

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

The proposed dwelling has an overall site coverage of 49.4%, which is less than most development found within the locality. While the dwelling does not include a covered outdoor living area, given the relatively low site coverage, it is considered that there is sufficient space available if required in the future.

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 two storeys in height and contains upper level windows to both side elevations with a minimum sill height of 1800mm. The rear elevation has fixed glazing to upper level windows to a height of 1800mm. This exceeds the requirements of City Wide PDC 235(c).

The applicant has provided overshadowing diagrams of the adjacent properties, which demonstrates that the extent of overshadowing during the winter solstice is acceptable when considered against City Wide Principle of Development Control 71. The overshadowing diagrams are contained within **Attachment B14, B15 and B16**.

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 dwelling has a non-conventional layout on the ground floor which locates the lounge, dining and living areas at the front of the dwelling, with large timber doors which open out into the front yard of the dwelling. The existing high timber slat front fence is proposed to be retained and extended across the William Street frontage to provide privacy. In theory, the Panel could determine that the retention of the front fence is not a suitable outcome for the proposal as a whole and seek (either through condition or deferral) for the fence to be removed or replaced with a low, open style front fence which is more suitable for new dwellings in the Residential Historic (Conservation) Zone. In this respect, City Wide Principle of Development Control 222(a)(i) anticipates high, solid front fences where such fences 'form part of the existing streetscape'. Several adjacent and nearby properties have high, solid front fences and in this context, the proposed retention of the existing front fence is considered acceptable.

Aside from the front yard, the proposal includes approximately 97.9m² of private open space, excluding areas which do not strictly meet the 2.5 metre minimum dimension requirement of CWPDC 222(a)(ii) along the eastern boundary. The main private open space area (located within the rear yard) is accessed from the master bedroom and sitting room which while not meeting all of the requirements of City Wide PDC 224, is considered functional due to the dwellings layout.

The proposed area of private open space (excluding front yard and eastern side) equates to 21.6% 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 dwelling should be provided with two on-site car parking spaces, of which at least one should be covered.

The Applicant has proposed to construct a garage against the rear boundary of the site, with access from Threlfall Avenue, which is similar to the existing arrangement. The proposed garage exceeds the minimum dimensions of City Wide PDC 212 of 5.8 metres by 3 metres and allows undercover parking for two vehicles. The applicant has amended the width of the roller door to allow for convenient manoeuvring due to the narrow width of Threlfall Avenue.

The existing arrangement permits access from William Street through an existing crossover, to allow for an additional uncovered parking space. The applicant seeks to replace this area with landscaping, which while removing an onsite parking space, assists in maintaining the health of the significant tree within the front yard, and is considered a positive aspect which removes the streetscape impact of this parking space.

The total car parking provision is 2 undercover parking spaces, which meets the requirements of CWPDC 120.

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 is relatively flat with a slight fall towards the rear of the site, adjacent Threlfall Avenue. A gravity fed stormwater disposal system will drain the front portion of the dwelling to William Street, while a sump and pump system will service the rear of the dwelling by pumping out stormwater from both the dwelling and garage, and paved surfaces along the eastern boundary to William Street. The proposed

finished floor level of the proposed dwelling is to be 100.250, which is 200mm above bench levels, and 270-310mm above the Top of Kerb measurement.

Due to the extent of boundary development along the western boundary, and the setbacks from the eastern boundary, no retaining walls are required, with the existing fencing to remain in place. New fencing and a gated entrance via a sliding gate is to be provided along the rear boundary of the site (Threlfall Avenue), which is proposed to be galvanised iron corrugated profile and 2.1 metres in height.

The Civil Plan and Site Survey is contained in **Attachments B17 and B18**.

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

A significant Yellow Box (*Eucalyptus Meliodora*) with a circumference of 3.3 metres (at 1 metre) is located close to the William Street frontage which is proposed to be retained as part of the development. The applicant has provided an arborist report by Dean Nicole, which concludes that the tree will not be impacted by the proposed dwelling construction. A copy of the applicant's arborist report is contained in **Attachment D**.

This report has been reviewed by Councils external consulting arborist, Colin Thornton who initially raised concerns with the proposal due to additional encroachment within the Tree Protection Zone. The applicant revised the proposal to remove the existing vehicle parking space and include the landscaping of this area, which serves as a suitable offset to the additional encroachment. Colin Thornton is now comfortable with the amended proposal, provided that the application is conditioned for landscaping and the maintenance of a fenced Tree Protection Zone during the dwellings construction. These conditions have been included, should the panel elect to grant planning consent to the application. A copy of Colin Thornton's report is contained in **Attachment E**.

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 characteristic of the locality. A copy of the landscaping plan and schedule is contained in **Attachment B11**.

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.

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 orientates south to north, which allows for a reasonable orientation of the dwelling. The private open space is located to take advantage of northern sunlight, as is the large windows within the two storey component of the dwelling which provide natural light into the master bedroom, sitting room and upstairs bedroom 2 and lounge.

The main living areas are orientated to provide a direct link into front yard of the dwelling, which is screened from the streetscape by the existing front fence.

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 nominated a 2,000 underground rainwater tank which is consistent with the above requirement.

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

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, while displaying a sympathetic design and spacious siting characteristics along the eastern boundary to avoid competing for prominence in the streetscape with the adjacent Local Heritage Place. The proposed dwelling incorporates a reasonably traditional roof form, with a recessed contemporary projecting front verandah, and a combination of rendered masonry and acid etched concrete external walls which reflect traditional building materials in appearance.

On balance, the proposed dwelling will fit comfortably into the existing streetscape and will not unreasonably impact on adjacent residential properties.

The provision of private open space, site coverage and landscaping are considered to be acceptable, with the application having a minimal impact on the significant tree adjacent the William Street frontage.

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 155/527/2019 by Designtech Studio, for the demolition of a residential flat building and the construction of a two-storey detached dwelling with associated garage and cellar, on the land located at 1/21 & 2/21 William Street Norwood, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Plans and elevations (Dated 05/11/2019) prepared by Designtech Studio and received by the Council on 5 November 2019.
- Site Plan/Civil Plan (Dwg No. 19589-C01) prepared by Gama Consulting and received by the Council on 25 October 2019.

Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.

2. The portion of the upper floor windows to the rear elevation less than 1.7 m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person from within the room to the reasonable satisfaction of the Council or its delegate. (suggested treatment include, but are not restricted to, permanently fixed translucent glazing in any part of the windows below 1.7 m above the internal floor level or a windows sill height of 1.7 m above the internal floor level.)
3. 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.
4. All plans shall be watered through the installation of a suitable irrigation system which shall be maintained to the reasonable satisfaction of the Council or its delegate.
5. A Tree Protection Zone is to be provided to the Eucalyptus Meliodora (Yellow Box) at the William Street frontage of the allotment and no works of any kind shall occur within 3.48 meters of the tree during the construction of the dwelling herein approved, known as the Structural Root Zone. The Tree Protection Zone extends 11.48 meters measured outward from the trunk of the tree. The footprint of the dwelling approved herein is excluded from the Tree Protection Zone stipulated above.

The Tree Protection Zone shall be fenced before any works commence on site and the following provisions must be adhered to:

- (a) The fence shall consist of 2.0 metre high solid, chain mesh, steel or similar fabrication with posts at 3 metre intervals;
- (b) The fence shall incorporate on all sides a clearly legible sign displaying the words "Tree Protection Zone";
- (c) there shall be no changes to the natural ground level within the Tree Protection Zone;
- (d) no persons, vehicles or machinery shall enter the Tree Protection Zone without consent of the Council except to adhere to Tree Protection Zone Conditions.
- (e) no storage or dumping of material, fuel, chemicals, equipment or temporary building shall take place within the Tree Protection Zone.
- (f) nothing shall be attached to the tree.
- (g) supplementary watering shall be provided to the tree through any dry periods during and for a period of 3 months after the construction process.
- (h) no trenching form for the installation or replacement of existing underground service is permissible within the Tree Protection Zone.
- (i) no root pruning to be conducted within the Structural Root Zone of the tree. If root pruning is absolutely necessary for development to proceed, this will be undertaken in consultation with a level 5 arborist before any pruning takes place to ensure the structural integrity of the tree is not compromised in any way
- (j) roots with a diameter greater than 25 millimetres, located within the Tree Protection Zone should be retained during the construction. If such roots require removal they shall be severed by saw cutting, sharp axe or secateurs and not with a Backhoe or any machinery or blunt instrument.
- (k) excavation to construct driveways or paths within the Tree Protection Zone shall be constructed by hand digging and any structural roots, that is, roots with a diameter greater than 25 millimetres, encountered should be retained.
- (l) Any demolition works undertaken within the TPZ shall be undertaken with as little soil disturbance as possible, using machinery located on hard surfaces or located outside of the TPZ.

If any roots greater than 100mm are exposed within the Tree Protection Zone, the Council arborist shall be consulted on 8366 4588 before any further action affecting the tree is undertaken.

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.

3. **OTHER BUSINESS**
(Of an urgent nature only)
4. **CONFIDENTIAL REPORTS**
Nil
5. **CLOSURE**