

Council Assessment Panel Agenda & Reports

17 February 2020

Our Vision

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

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

City of Norwood Payneham & St Peters
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City of
Norwood
Payneham
& St Peters

11 February 2020

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 Clause 7.4 of the Terms of Reference, 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 17 February 2020, 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

Mark Thomson
ASSESSMENT MANAGER

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City of
**Norwood
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 16 DECEMBER 2019**

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/739/2019 – KEYLEND PTY LTD – 30 BEULAH ROAD, NORWOOD

| | |
|--------------------------------------|--|
| DEVELOPMENT APPLICATION: | 155/739/19 |
| APPLICANT: | Keylend Pty Ltd |
| SUBJECT SITE: | 30 Beulah Road, Norwood (Certificate of Title Volume: 5873 Folio: 190) |
| DESCRIPTION OF DEVELOPMENT: | Demolition of a warehouse and showroom and construction of a mixed use development comprising basement car parking, office accommodation and five (5) dwellings (non-complying) |
| ZONE: | Business Zone Beulah Road Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019) |
| PUBLIC NOTIFICATION CATEGORY: | Category 3 |

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the demolition of a warehouse and showroom and construction of a mixed use development comprising basement car parking, office accommodation and five (5) dwellings.

Staff do not have delegated authority to determine the Application, as it is a Category 3 development application for public notification purposes.

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

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

Subject Land Attributes

| | |
|----------------------|--------------------------------------|
| Shape: | rectangular |
| Frontage width: | 19.28 metres |
| Depth: | 33.48 metres |
| Area: | 645.5m ² |
| Topography: | essentially flat |
| Existing Structures: | single storey warehouse and showroom |
| Existing Vegetation: | nil |

The subject land is located on the corner of Beulah Road and Charlotte Place and contains a brick warehouse constructed in the mid to late twentieth century. The latest use included a showroom facing Beulah Road. There are no Council records of previous approvals, indicating that it was constructed prior to the introduction of a planning regime in the 1970's.

The warehouse/showroom is constructed to the northern, eastern and western boundaries of the subject land. Behind the warehouse is a hard-stand loading area and behind that, adjacent to the southern (rear) boundary is a right-of-way in favour of 26 Beulah Road, ranging in width from 2.74m to 2.82m.

Locality Attributes

Land uses: mix of commercial uses and some residential
Building heights (storeys): one and two storey

The locality is considered to extend approximately 100 metres east and west of the subject land along Beulah Road and also include the section of Charlotte Place between Beulah Road and Fisher Street.

The portion of the locality along Beulah Road is located within the Business Zone (Beulah Road Policy Area) while Charlotte Place is located within the Residential Historic (Conservation) Zone (Norwood 1 Policy Area).

The locality on Beulah Road contains a mix of single and double storey office buildings constructed in a variety of architectural styles which have been constructed over different periods. A mixed use development comprising ground floor office areas and four residential apartments within a two storey building with undercover at-grade car parking is located at 27 Beulah Road, opposite the subject land. A Local Heritage Place (the former Salvation Army Hall, and now the Council's Beulah Road Community Hall) is located adjacent the subject land at 31 Beulah Road. Building setbacks along Beulah Road are generally in the order of 2- 3 metres

Charlotte Place contains dwellings in the form of single storey detached and semi-detached cottages, also with street setbacks in the order of 2-3 metres. Whilst making a positive contribution to the historic character of Charlotte Place, none of the dwellings in the street have any heritage listing.

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

Proposal in Detail

The Applicant seeks consent to demolish the existing warehouse/showroom and construct a mixed use development comprising basement car parking for seventeen (17) cars, office accommodation and five (5) dwellings.

The basement car parking area is entirely below ground at the northern end of the site adjacent Beulah Road and ramps up towards the southern end, such that it is up to 1.3 metres above ground adjacent to the right of way. Of the seventeen car spaces provided, seven (7) are proposed to be associated with the dwellings and ten (10) are proposed to be associated with the office.

The office accommodation is at ground floor level at the northern end of the site adjacent Beulah Road, whilst at the southern end it is approximately 1.6m above ground level, to enable vehicular access to the car parking off Charlotte Place. The ceiling level is consistent across the entire office area, resulting in 4.3m high ceilings over the northern section and 2.7m high ceilings over the southern section.

The apartments are located above the office level and are accessed by a common lift and access corridor. Three (3) of the apartments have two bedrooms and the other two (2) apartments have one bedroom. Clerestory windows provide access to northern sunlight to all apartments and each apartment has a balcony. A courtyard adjacent the western boundary provides access to natural light and ventilation to the common walkway.

The proposal presents as an approximately 6 metre high detailed red brick building, with slightly recessed steel and glass above that, to a total height of 8 metres. The clerestory window sections protrude higher, to a total height of approximately 9.4 metres.

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 | Office | 2 Bed Apartments | 3 Bed Apartments | Development Plan Merit Assessment Quantitative Guideline |
|--|-------------------|---|--|--|
| Site Area | | 645.5m ² | | N/A |
| Allotment Width | | 19.28 m | | N/A |
| Allotment Depth | | 33.48m | | N/A |
| External Wall Height* | | 8.0m | | N/A |
| Maximum Overall Height (to roof apex)* | | 9.4m | | Two storey |
| Floor Area (footprint) | | 580m ² | | N/A |
| Site Coverage | | 90% | | N/A |
| Floor Area (total) | 470m ² | 61.8m ² - 67.8m ² | 83m ² - 105.5m ² | N/A |
| Private Open Space | N/A | 11.2m ² | 14m ² - 17m ² | 10m ² (1 bedroom) 12m ² (2 bedroom) |
| Street Set-back | Nil | Nil | Nil | N/A |
| Side Set-back | Nil | Nil | Nil | N/A |
| Rear Set-back | 2.8m | Nil | Nil | N/A |
| Car Parking Provision | 10 spaces | | 7 spaces | 19 spaces (office) 11 spaces (dwellings) |

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

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

Notification

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

Five (5) representations were received (1 in favour, 3 opposed and 1 neither opposed nor in favour) in response to this notification, copies of which are attached (**Attachment C**). A sixth representation was received from 1/3 Charlotte Place, however as the name of the person(s) making the representation was not given it is not a valid representation. A copy of this representation has been included for information only. The key issues of concern raised by representors are, in summary:

- Loss of light to the dwelling at 1 Charlotte Place, Norwood (windows and solar panels)
- Insufficient on-site car parking
- Conflict between residential and established non-residential uses
- Increased traffic in Charlotte Place

The following representors desire to be heard personally by the Council Assessment Panel (CAP):

- Ms Cherily Wilson
- Mr John and Ms Gloria Bond

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

A summary of the response is provided below:

- Car parking has been maximised on site through a full basement carpark
- Access to light has been facilitated through a step down in scale at the southern end, with a curved roof/wall
- An offer has been made to the owner of 1 Charlotte Place to relocate solar panels
- The application is prepared to accept a condition to include double glazing for the dwellings, to address concerns regarding land use conflict;
- The impact of cars associated with the development using Charlotte Place will be less than the impact of trucks associated with the existing warehouse use.

State Agency Consultation

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

Discussion

The subject land is located within the Business Zone of the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is a non-complying form of development, due to the office having a gross leasable area greater than 250m² (it is 470m²).

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:

Business Zone Objectives: 1, 3
Business Zone Desired Character Statement
Business Zone Principles of Development Control: 1, 3, 8, 12

City Wide Objectives: 1, 2, 3, 7, 67,
City Wide Principles of Development Control: 3, 291, 303, 305, 306

Objectives 1 and 3 of the Business Zone state respectively:

“Development providing a range of business and related activities, including offices, consulting rooms and retail showrooms.”

and

“Residential development located above compatible ground level non-residential development in identified locations along arterial road frontages, with some opportunity for wholly residential development in identified locations.”

Relevant excerpts from the Desired Character Statement for the Business Zone are set out below:

“The Business Zone accommodates a range of existing business activities in premises of variable nature and quality, with opportunity for the development and consolidation of offices and consulting rooms with some retail showrooms as well as for the upgrading, expansion and consolidation of business activities. Progressive improvements should be made to the environmental and servicing aspects of business, and development in the zone should progressively upgrade existing business areas and main road frontages.

Opportunities for residential development located above compatible non-residential land uses will be provided where identified in the West Norwood and Magill Road West Policy Areas along arterial road locations. In addition, wholly residential development located behind the arterial road frontage is appropriate within the Magill Road West Policy Area.”

Beulah Road Policy Area

“Beulah Road Policy Area relates to established business development at the western end of Beulah Road and extends to encompass land on the eastern side of Sydenham Road. Development should achieve further consolidation of the existing office and warehouse functions with associated showrooms.”

West Norwood Policy Area

“The West Norwood Policy Area comprises localities along the arterial road frontages of The Parade, Fullarton Road and Kensington Road in West Norwood should be consolidated as an area for high quality offices and consulting rooms. The establishment of residential dwellings above ground level non-residential land uses will be considered within this Policy Area.”

Magill Road West Policy Area

“The area is generally an appropriate location for offices and warehouses. Additional industry or light industry should only be introduced in the context of reasonable on-site expansion of Caroma Industries, and having regard to the protection of the amenity of the residential development to the south of the site. Along the Magill Road frontage, the establishment of residential dwellings above ground level non-residential land uses will be considered within this Policy Area. Behind the Magill Road frontage, wholly residential buildings are appropriate.”

Principle of Development Control 1 of the Business Zone states:

“Development in the Business Zone should primarily be for offices, consulting rooms, retail showrooms and in identified locations, residential development above ground floor non-residential land uses.”

Principle of Development Control 3 of the Business Zone states:

“Development within the Business Zone should not include land uses which by their operation will adversely affect the amenity of the adjacent residential zones.”

Principle of Development Control 8 of the Business Zone states:

“For office and/or consulting room development, the gross leasable area should not exceed 250 square metres per individual building, except in the West Norwood Policy Area where the gross leasable area should not exceed 500 square metres per individual building.”

The proposed use of the land for office and residential purposes is consistent with the objectives of the Business Zone generally. However, the proposed residential use is inconsistent with the stated policy for the Beulah Road Policy Area, as is the size of the proposed office use.

Residential development is only envisaged in the Business Zone where it is located above non-residential land uses and where it is located in either the West Norwood Policy Area or Magill Road West Policy Area.

Office development over 250m² is only envisaged in the West Norwood Policy Area, where it may be up to 500m² in area.

The Beulah Road Policy Area extends from Fullarton Road (not including properties fronting Fullarton Road) to Sydenham Road and includes some properties along the eastern side of Sydenham Road north and south of Beulah Road. On the other hand, the West Norwood Policy Area (where offices of the scale proposed and first floor dwellings are anticipated) includes part of Fullarton Road and Edmund Street and is approximately 100 metres away from the subject land. It also includes the southern side of The Parade west of Sydenham Road and the eastern side of Fullarton Road, south of The Parade.

The policy intent for not allowing first floor dwellings or offices greater than 250m² in the Beulah Road Policy Area is not clear. The adversity to dwellings in the policy is likely due to a concern that this section of Beulah Road and Sydenham Road contains several warehouse/showrooms with associated noise impacts which may not be compatible with residential use, whereas other policy areas have more of a focus on office uses, which are relatively low-impact.

In this respect, the section of Beulah Road in the immediate locality of the subject land contains mostly office uses and also includes residential development at first floor level opposite the subject land at 27 Beulah Road. The subject land is also on the border of the Residential Historic (Conservation) Zone. In this context, the introduction of dwellings as proposed, is considered to be appropriate and not likely to lead to land use conflicts. The adjacent hall at 31 Beulah Road is a potential conflict source, however the use of acoustic glazing as proposed in the response to representations is a suitable way of addressing this and in any event, the subject land is located further from the hall than several existing dwellings in the locality at 27 Beulah Road and in Runge Place.

The adversity to offices over 250m² in the policy is potentially aimed at encouraging larger office buildings along arterial roads, due to character considerations and/or a desire to promote those arterial road frontages as large-scale administration precincts. That said, Edmund Street is a nearby local street and is partly included in the West Norwood Policy Area where larger offices are envisaged.

If the policy intent behind restricting office size relates to character, the proposal does not present as a typical large office building. Its design is sympathetic to the mix of building types in the street, including warehouse/showroom buildings. If, on the other hand, the policy intent relates to promoting other locations as large-scale administration precincts, then it is acknowledged that the proposal is inconsistent with that intent. Allowing offices of the size proposed within the Beulah Road Policy Area could lead to less demand in the West Norwood Policy Area, where larger scale offices are envisaged.

That said, despite being greater than the 250m² threshold for offices in the policy area, the proposal is for only one (split) floor level and is not of a scale which is considered incongruous with surrounding offices in the locality. It also would seem consistent with the objective of the policy area to achieve further consolidation of the existing office and warehouse functions.

streetscape/bulk/scale/height/character

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

Business Zone Principles of Development Control: 4, 5, 6, 7, 9

City Wide Objectives: 18-22,

City Wide Principles of Development Control: 28-47

Principle of Development Control 7 of the Business Zone states:

“Development in the Business Zone should not exceed two storeys in height above mean natural ground level, except where identified in the West Norwood Policy Area and the Magill Road West Policy Area, where development incorporating a residential component above ground level non-residential land use/s, should not exceed three (3) storeys above natural ground level.”

City Wide Principle of Development Control 32 states:

“The height of buildings, structures and associated component parts should not exceed the number of storeys or height in metres above the natural ground level prescribed in the relevant Zone and/or Policy Area.

For the purposes of this Principle, ‘storey’ refers to the space between a floor and the next floor above, or if there is no floor above, the ceiling above. A mezzanine floor level shall be regarded as a floor. A space with a floor located below natural ground level shall be regarded as a storey if greater than one metre of the height between the floor level and the floor level above is above natural ground level.”

As the floor level of the office is more than 1 metre above natural ground level at the southern end of the building, the proposed building is considered three storeys at that point. However, overall, the building is considered to appear as a two storey building and is compatible with the scale of two storey buildings in the locality.

The use of brick for the ground level and upper level balcony balustrades, creates a 6.0m high street wall, which is approximately the same height as the existing warehouse/showroom building on the subject land and lower than most 2 storey buildings in the locality. The visually recessive glass and steel sections above the red brick take the height to 8.0m which is taller than some two storey buildings in the locality, but akin to the adjoining building at 26 Beulah Road. The clerestory window/roof sections are further recessed and unlikely to be readily visible in the streetscape.

The height of the proposed building is therefore considered appropriate, despite being technically more than two storeys for a small section.

Principles of Development Control 5 and 6 of the Business Zone state respectively:

“Car parking and service areas should be located at the rear of buildings or in the form of basements or part-basements except in the West Norwood Policy Area east of Charles Street, Beulah Road Policy Area and Magill Road East Policy Area, where car parking and service areas in basements, part-basements or at-grade beneath occupied areas of buildings should not be included in development.”

and

“Where development includes basement, part-basement or at-grade beneath-building car parking, it should not interrupt the continuity of the streetscape in both the horizontal and vertical planes and should be visually screened from the street.”

The policy intent behind not allowing car parking in basements, part basements or at grade beneath occupied areas of buildings in certain parts of the zone (including the Beulah Road Policy Area) is likely to relate to the streetscape impact that such an arrangement typically has. In particular, the basement is typically visible at street level through the need for ventilation, resulting in poor levels of street activation and a relatively poor streetscape outcome.

The proposed building has the basement entirely below ground, other than a section facing Charlotte Place, where the office floor is raised, to provide ventilation and access to the car park. The Charlotte Place façade has been designed in a way that conceals the basement, with the lower section of voids which appear as windows, comprising flat steel bars. The combination of this treatment and the ramp down to the entrance of the car park, is considered to have a minimal impact on the character of the locality and is considered acceptable. It is also noted that the mixed-use building opposite the subject land at 27 Beulah Road has ‘at grade beneath occupied areas of building’ parking off Runge Place contrary to PDC 5 and forms part of the established character of the area.

Principle of Development Control 9 of the Business Zone states:

“Development should incorporate architectural features and variations in set-back on street frontages so as to break-up facades and enhance the streetscape. Long, continuous facades of greater than 20 metres should not be developed.”

The proposal is considered to be consistent with Principle 9. Although the building does not have large variations in setbacks, it is very well detailed, with a high level of visual interest, using high quality materials and finishes.

Principle of Development Control 4 of the Business Zone states:

“Development adjacent to the Kensington 1 and Kensington 2 Policy Areas of the Residential Historic (Conservation) Zone should be compatible in design and scale with the character sought for that Zone and those Policy Areas.”

There is no such requirement for development adjacent to the Norwood 1 Policy Area of the Residential Historic (Conservation) Zone.

The proposed building is considered to make a positive contribution to the streetscape of both Beulah Road and Charlotte Place.

Setbacks/Overshadowing/overlooking

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

Business Zone Principle of Development Control: 4

City Wide Principles of Development Control: 11, 31, 35, 71, 195, 196 & 235

The occupier of the adjoining residential property at 1 Charlotte Place, which is located in the Residential Historic (Conservation) Zone, has raised concern that the proposal will cause excessive overshadowing of windows and solar panels.

To some extent, the impacts on the adjoining property resulting from development, can be reasonably expected to be greater than would be the case if the subject land was also in a residential zone. The subject land is located in the Business Zone, where development up to two storeys high comprising offices, warehouses, light and service industry, service trade premises, retail showrooms are anticipated. In this context, occupants of a residential property located adjoining the Business Zone can anticipate associated impacts, including overshadowing, traffic and noise.

City Wide Principles of Development Control 194, 195 and 196, which provide quantitative criteria with respect to overshadowing, are within the section of the Development Plan which applies to residential development. As the proposal is for a mixed-use development in the Business Zone, they are not considered applicable.

That said, City Wide Principle of Development Control 46 is applicable and states:

“Development adjacent to the boundary of a Residential Historic (Conservation) Zone, should provide a transition down in scale and mass to complement the built form within the Residential Historic (Conservation) Zone.”

The proposed building is set back 2.8 metres from the boundary of 1 Charlotte Place (ie. the width of the right-of-way). Combined with the curved wall/roof at the southern end of the building, this setback is considered appropriate to achieve a suitable transition down in scale and mass to complement the built form within the adjacent zone. Whilst the proposed development would prevent direct northern sunlight access to north-facing windows during the winter solstice, the proposed setback and curved wall/roof treatment will enable access to direct northern sunlight at most other times of the year.

Also applicable is City Wide Principle of Development Control 71, which states:

“Development should maintain solar access, for a minimum of 3 hours between 9am and 3pm on 21 June, to:

- (a) any existing solar collectors (such as solar hot water systems and photovoltaic cells) on adjoining properties; or*
- (b) an area of at least 10m² on the north facing roof of the existing building/s, in the event that there are no existing solar panels and/or photovoltaic cells on the adjoining property; and in any case development should not increase the overshadowed area by more than 20 per cent in cases where overshadowing already exceeds these requirements.”*

Drawing number SKDA 12 shows that the proposal will maintain solar access during the winter solstice (21 June) to a portion of the existing photovoltaic cells on the adjoining property, around the middle of the day. At the time of writing, further information to determine the extent of compliance with Principle 71 was not available, however had been requested to be made available in advance of the Council Assessment Panel meeting. That said, it is considered likely that Principle 71 will be largely satisfied, between the hours of 9:00am and 12:00 midday.

It is understood that the applicant has advised the owner of 1 Charlotte Place, that in the event that the application is approved, they are willing to meet the costs of having the bottom row of photovoltaic cells moved to the western roof. As this relies on agreement of the owner of that property, it would be inappropriate for this to be imposed as a condition of consent.

With respect to overlooking, the private open space at the rear of 1 Charlotte Place is enclosed with a shade structure, such that overlooking of this area from the office and/or apartments windows will not result in a loss of privacy. Similarly, the two windows on the northern side of the dwelling at 1 Charlotte Place comprise obscure lead-light.

Private open space

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

City Wide Principles of Development Control: 222, 223, 224, 226, 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.”*

The proposal accords with Principle 226, with the one-bedroom apartments having balconies of 11.2m² and the two-bedroom apartments having balconies ranging in area from 14m² to 17m². The dimensions of the balconies accord with City Wide Principle of Development Control 222, as they have a depth of at least 2.0 metres.

Carparking/access/manoeuvring

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

Business Zone Desired Character Statement

City Wide Objective: 34

City Wide Principles of Development Control: 98, 102, 113, 115, 118, 120, 122, 123, 124, 130, 134

The Desired Character Statement for the Beulah Road Policy Area states:

“Vehicular movement is dominated by Beulah and Sydenham Roads which should provide the primary point of access for delivery, service and visitor vehicles, in preference to access via adjoining residential areas.”

The above statement is directed at delivery, service and visitor vehicles. Unlike the current warehouse/showroom, the proposed office use will not have any significant associated delivery or service vehicle movements. Unlike a retail showroom, which is also envisaged in the zone, any visitor vehicle movements associated with the proposed office and residential use would also be minimal. On balance, the impact on the amenity of the adjoining residents on Charlotte Place resulting from vehicular movements associated with the proposed development, is likely to be similar to impacts associated with the existing use.

With respect to the adequacy of the proposed amount of car parking spaces, City Wide Principles of Development Control 120 and 122 respectively state:

“Development should provide off-street vehicle parking in accordance with rates contained in Tables NPSP/8 and 9.”

and

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

development includes affordable housing or student accommodation; or

- (a) sites are located within 200 metres walking distance of a convenient and frequent service fixed public transport stop; or
- (b) mixed use development including residential and non-residential development has respective peak demands for parking occurring at different times; or
- (c) the proposed development is on or adjacent to the site of a heritage place, or includes retention of a desired traditional building and its features, which hinders the provision of on-site parking or the most effective use of the spaces within the site; or
- (d) the parking shortfall is met by contribution to a Car Parking Fund (where one is available); or
- (e) the development qualifies for certification under the Green Energy rating program, or similar program; or
- (f) where it can be demonstrated that it would not result in a greater demand for on-street car parking on existing streets in the locality.”

The following table outlines the car parking demand and supply associated with each element of the proposal.

| Element | Tables NPSP/8 and 9 | Required |
|---------------------|--|-----------|
| Office | 4 spaces per 100m ² | 19 |
| Apartment occupants | 1 space per 1 bedroom dwelling 2 spaces per 2 bedroom dwelling | 8 |
| Apartment visitors | 1 space (exclusive of vehicle manoeuvring areas) for every 2 dwellings | 3 |
| Total Demand | | 30 |
| Proposed | | 17 |

As the subject land is located in close proximity to the Urban Corridor Zone and District Centre (Norwood) Zone, it is considered reasonable to apply the car parking rates which apply to development within those zones. Frequent public transport along The Parade and Magill Road is within a reasonably short walking distance of the subject land. In addition, Beulah Road is a cycling route. The following table outlines the car parking demand and supply associated with each element of the proposal, if the Urban Corridor /District Centre (Norwood) Zone rates were applied:

| Element | Table NPSP/9A | Required |
|---------------------|--------------------------------|-----------|
| Office | 3 spaces per 100m ² | 14 |
| Apartment occupants | 1 per dwelling | 5 |
| Apartment visitors | 0.25 per dwelling | 1.25 |
| Total Demand | | 20 |
| Proposed | | 17 |

The proposal qualifies for discounting of car parking in accordance with clause (c) of Principle 122, as:

- the proposal is a mixed use development including residential and non-residential development with respective peak demands for parking occurring at different times.

While Principle 122 does not quantify the amount of discounting which should apply, the shortfall of 3 spaces (against the Urban Corridor /District Centre (Norwood) Zone rates) represents a 17% shortfall, which is considered acceptable.

Another approach to the assessment of car parking adequacy, is to consider City Wide Principle of Development Control 121, which states:

“Development in the nature of additions to existing non-residential premises should provide on-site car parking in accordance with the principles of development control to serve new floor area while maintaining existing car parking numbers for the existing floor area.”

The intent behind Principle 121, is to ensure enable any existing on-site car parking shortfalls associated with an existing non-residential site, carry through when additions are undertaken, provided that those existing shortfalls are not worsened.

Applying the rates in Table NPSP/9, the current warehouse/showroom has a car parking demand of 1 space per 100m² for the warehouse and a rate of 2-4 spaces per 100m² for the showroom. This results in a demand for approximately 6-9 spaces. The rate for all non-residential uses in the Urban Corridor /District Centre (Norwood) Zone (Table NPSP/9A) is 3/100. Applying this rate, the current warehouse/showroom has a demand for 12 spaces.

There are no on-site car parking spaces on the subject land currently. Whilst the area between the rear of the building and the right-of-way has been used for parking of vehicles, it is a loading/unloading area associated with the warehouse. Therefore, depending on what rates are used, the current use rights associated with the subject land result in a car parking shortfall of between 6 and 12 spaces. This is a considerably greater shortfall than the proposal when applying the Urban Corridor/District Centre (Norwood) rates and a similar shortfall when applying the rates in Table NPSP/9.

Accordingly, the proposal is not likely to result in a greater demand for on-street parking than what would result from a use of the building consistent with existing use rights. On balance, the amount of car parking proposed is considered appropriate.

Summary

The proposed development is non-complying, due to the office component having a floor area greater than 250m². Despite this, the policy intent of providing a floor area cap is considered to be achieved, as the proposed building is of a scale which conforms with the character of the locality.

The residential component of the proposal is not envisaged in the Beulah Road Policy Area, however the character of the immediate locality is considered to be compatible with residential use, particularly taking into account adjoining and adjacent residential uses and a prevalence of low-impact office uses nearby.

Basement car parking is not envisaged in the Beulah Road Policy Area, however has been designed in such a way as to not detract significantly from the streetscape and car parking below occupied areas of buildings forms part of the established character of the locality.

Some overshadowing will result over the adjacent residential property at 1 Charlotte Place, however in the context of the zoning of the subject land and the land uses (and associated buildings) which can be anticipated, this is considered an acceptable impact.

The extent of car parking is considered to be appropriate, taking into account the existing shortfall associated with the site and the proximity of the site to alternative transport modes.

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 155/739/19 by Keylend Pty Ltd to demolish a warehouse and showroom and construction of a mixed use development comprising basement car parking, office accommodation and five (5) dwellings (non-complying), on the land located at 30 Beulah Road, Norwood, subject to the concurrence of the State Commission Assessment Panel (SCAP) and 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 (Project Number 484KEY and dated 11 November 2019) prepared by Alexander Wilkinson and received by the Council on 12 November 2019.
- Statement of Effect (dated 13 January 2020) prepared by Alexander Wilkinson.

Conditions

1. All five (5) dwellings are to incorporate suitable acoustic measures by way of insulation, glazing or other similar treatments so as to reduce the impacts of non-residential activity and noise within the immediate area to the reasonable satisfaction of the Council or its delegate, prior to Development Approval being granted.
2. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.

Notes to Applicant

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

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

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.
6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/C058/2019 – ESTATE OF LATE D VENDITTI – 2 TARCOMA AVENUE, PAYNEHAM SOUTH

| | |
|--------------------------------------|---|
| DEVELOPMENT APPLICATION: | 155/C058/2019 |
| APPLICANT: | Estate of Late D Venditti |
| SUBJECT SITE: | 2 Tarcoma Avenue, Payneham South (Certificate of Title Volume: 5173 Folio:863) |
| DESCRIPTION OF DEVELOPMENT: | Community Title Land Division creating two (2) additional allotments |
| ZONE: | Residential Zone Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019) |
| PUBLIC NOTIFICATION CATEGORY: | Category 1 |

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for a Community Title land division creating two (2) additional allotments.

Staff do not have delegated authority to determine the Application, as it comprises a Land Division which is inconsistent with the relevant Policy Area requirements. In particular the overall development site width is less than that anticipated within the Residential Zone. As such, the Application is referred to the Panel for determination.

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

Subject Land Attributes

| | |
|----------------------|--------------------------------|
| Shape: | regular |
| Frontage width: | 17.22 metres |
| Depth: | 74.42 metres |
| Area: | 1281.51m ² |
| Topography: | slightly sloping |
| Existing Structures: | dwelling, outbuildings |
| Existing Vegetation: | mature trees, other vegetation |

The subject land contains a single storey bungalow style dwelling located in the front north-western corner of the allotment, with a verandah and outbuilding located behind.

The balance of the subject land is vacant and comprises mature olive trees and small garden sheds along the rear boundary.

Locality Attributes

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

The majority of dwellings within Tarcoma Avenue are traditional single storey detached dwellings, with semi-detached dwellings at 1A-1B Tarcoma Avenue, and Group dwellings at 7 Tarcoma Avenue. The site is also within close proximity to St Joseph’s Primary School, which is located on the northern side of Tarcoma Avenue.

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

Proposal in Detail

The Applicant seeks consent for a Community Title land division creating two (2) additional Allotments. One of the proposed Allotments has a frontage to Tarcoma Avenue, with the remaining two Allotments facing internally into the site. A common property area to accommodate a vehicular access driveway, landscaping and visitor parking, is proposed alongside the western boundary of the subject land.

Allotment 1 has a frontage of 11.22m to Tarcoma Avenue and is intended to accommodate a dwelling with access to vehicular parking via the community driveway in a rear loading arrangement.

Allotment 2 and 3 have no direct frontage to the street and are intended to accommodate a single storey residential flat building.

The proposed plan of division is contained in **Attachment B**.

The Applicant has lodged a separate Development Application (155/429/19) for the construction of dwellings on the proposed Allotments.

The manner in which the dwelling shown on Allotment 1 in DA 155/429/19 is appropriately defined is not clear-cut.

The dwelling on Allotment 1 could either be defined as a detached dwelling or group dwelling, depending on whether it is considered to be on a site held exclusively by the dwelling; which in turn depends on how the ‘site’ is considered. A site is defined as a building and its curtilage. There are legal authorities which suggest that the driveway ‘handle’ of the community driveway is part of the sites of the dwellings on Allotments 1, 2 and 3, and other legal authorities which suggest otherwise.

Having considered the various legal authorities, it is considered that the most appropriate approach is to consider the dwelling on Allotment 1 as a detached dwelling in this instance. This approach is consistent with *Baily v City of Norwood Payneham & St Peters & Anor SAERDC 38* (19 June 2009).

The rear allotments are designed to accommodate single storey dwellings which share a party wall, in the form of a residential flat building, which attain access via the common driveway.

A copy of the plans associated with DA 155/429/19 is contained in **Attachment C**.

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

TABLE 1: DEVELOPMENT DATA:

| Consideration | Allotment 1 | Allotment 2 | Allotment 3 | Development Plan Merit Assessment Quantitative Guideline |
|-----------------------------|-------------------|---------------------------|---------------------------|--|
| Future Dwelling Type | detached | residential flat building | residential flat building | Detached dwellings are anticipated. Residential flat buildings are anticipated |
| Site Area | 378m ² | 190m ² | 320m ² | 250 and 330m ² |
| Allotment Width | 11.22m | 6.0m | 6.0m | 9m (detached dwelling site) and 18m (residential flat building site) |
| Allotment Depth | 28.37-35.05m | 19.2m | 20.17m | N/A |

Notification

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

State Agency Consultation

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

Discussion

The subject land is located within the Residential 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 Zone Objectives: 1, 2
Residential Zone Desired Character Statement
Residential Zone Principles of Development Control: 1, 7

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

The proposed allotment size and configuration is similar to nearby developments at 7 Tarcoma Avenue and 16 Tarcoma Avenue. However, these existing developments were approved under a previous version of the Development Plan. The current Residential Zone policies were introduced in July 2015.

The Residential Zone Desired Character Statement states, in part:

"In locations where there are large allotments or where the amalgamation of allotments has occurred, there may be opportunity to develop low-rise (one or two-storey) group dwellings, row dwellings and residential flat buildings."

In support of the above statement, Residential Zone Principle of Development Control 7 provides minimum site area and frontage widths for a variety of dwelling types including detached dwellings and residential flat buildings.

As explained in the *'Proposal in Detail'* section of this report, a future dwelling on proposed Allotment 1 is considered to be most appropriately defined as a detached dwelling, with Allotments 2 and 3 being for a residential flat building.

These policies primarily seek development which results in an increase in densities within Residential zones, by providing requirements for a variety of dwelling types and allotments sizes. Residential Zone Principle of Development Control 7 provides minimum site area and frontage widths for detached dwellings of 330m² and 9m respectively. Where a double garage facing the street is proposed, the frontage requirement increases to 12.5m.

Allotment 1 is consistent with Principle of Development Control 7, as it has an area of 378m², a frontage of 11.22m and provides for rear garaging.

Residential Zone Principle of Development Control 7 provides a minimum site area of 250m² for sites containing residential flat buildings, with a minimum 'total development site' frontage width of 18m.

The total development site frontage width is 17.22 metres and therefore 4% less than the 18m policy. The implications of this shortfall in width will be discussed under the relevant headings further in this report.

With respect to site area, Allotments 2 and 3 have site areas of 190m² and 320m² respectively, with an average of 255m² therefore meeting the average site area requirement of 250m² in Principle 7 for dwellings in residential flat buildings. If the land division was approved and for whatever reason the development proposed in the separate development application (DA 155/429/19) was not implemented, a proposal to construct group dwellings on Allotments 2 and 3 would be inconsistent with the Development Plan and unlikely to be approved, as the average site area is less than 325m².

The extent to which the proposed site areas are consistent with other dwellings in the locality is of lesser relevance in the context that new policy has recently been introduced, than would otherwise be the case. However, the culmination of those dwellings listed in the locality creates a character of a density which is compatible with that which is proposed and is therefore of some relevance.

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 Zone Principles of Development Control: 8, 10

City Wide Objectives: 8, 18, 19, 20

City Wide Principles of Development Control: 201

The proposed land division would facilitate the replacement of the existing bungalow at the front of the allotment with a modern two storey dwelling on a narrower footprint, to make way for the shared driveway on the western side of the site. The resultant street presentation of a two storey dwelling is consistent with the design parameters in Residential Zone Principle of Development Control 8.

The plans in DA 155/429/19 illustrate a single storey residential flat building for the rear allotments, consistent with City Wide Principle of Development Control 201, which states that dwellings located in hammerhead style developments should be single storey. A future residential flat building at the rear of the allotment is likely to have little to no impact on the streetscape.

Setbacks and Site Coverage

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

Residential Zone Principles of Development Control: 8

City Wide Principles of Development Control: 202, 208

City Wide Principle of Development Control 202 states:

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

The plans in DA 155/429/19 illustrate 2.5m setbacks from side and rear boundaries for the residential flat building on Allotments 2 and 3, consistent with City Wide Principle 202.

Residential Zone Principle of Development Control 8 provides site coverage criteria of 60% for dwellings fronting public roads (therefore applying to the dwelling on Allotment 1 only). The plans in DA 155/429/19 illustrate the dwelling and garage on Allotment 1 occupies 241.3m² of site area or 63.8% of the respective site, slightly above this requirement.

The Residential Zone does not specify a maximum site coverage requirement for residential flat buildings, and instead, relies on City Wide Principle of Development Control 208. The plans in DA 155/429/19 illustrate compliance with this principle.

Private open space

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

City Wide Principles of Development Control: 222-225 229

City Wide Principle of Development Control 225(a) states that private open space should equate to 20% of site area per dwelling for sites greater than 250m², and 35m² for sites less than 250m². The plans in DA 155/429/19 illustrate that this can be achieved, with the Dwelling on Allotment 1 having an area equal to 21.7% and Dwelling 2 and Dwelling 3 having 35m² each.

Dwelling 3 should provide 64m² of Private Open Space based on the above requirements, however the additional allotment area (over allotment 2) is made up of vehicle access ways and parking areas, with the building footprint the same size as allotment 2.

On balance, the plans in 155/429/19 illustrate that the allotments can provide sufficient private open space areas.

Carparking/access/manoeuvring

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

City Wide Objectives: 34

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

The proposed development relies on vehicular access from a common driveway area. City Wide Principle of Development Control 189 states (in part):

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

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

Given that the common driveway is proposed to service three (3) dwellings, the access driveway should have a minimum width of six (6) metres comprising of a 5.0 metre paved area and a 1.0 metre landscaping strip to comply with the above provision.

The proposed land division accords with this requirement, providing a 6 x 8 metre handle before reducing down to a 5 metre carriageway with 1 metre of landscaping. This driveway further reduces down to 4.8 metres for the second and third dwellings for access to the shared visitor park and the parking spaces within Allotment 3.

The access crossover is reduced in width to allow for retention of the mature street tree at the front of the site, with the 5 metre crossover allowing for a 1750mm clearance, which is outside the trees structural root zone. Given the additional length of the access handle, the reduced crossover width is not considered to impact on simultaneous two way vehicle movement to and from the site.

In terms of the provision of car parking spaces, the plans in DA 155/429/19 illustrates that each future dwelling can be provided with parking in accordance with the rates in Table NPSP/8.

The applicant has provided turning templates demonstrating access and egress from each parking area, which are contained in **Attachment D**.

Finished floor levels/flooding/retaining

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

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

The property is not within a recognised floodplain.

The subject land has a slope from north to south (front to back) which would enable stormwater to be readily drained from all proposed allotments.

The proposed plan of division requires a new crossover, which has been designed to not encroach excessively upon adjacent street trees (see carparking/access/manoeuvring).

Levels information is contained on the site works and drainage plan in **Attachment E**.

Summary

The proposed land division would result in an allotment configuration and allotment size which is similar to other group dwelling and semi-detached development within the immediate locality. That said, the proposed development does not result in frontage widths which are anticipated within the Residential Zone.

Each of the quantitative shortfalls are relatively minor and the separate Development Application for the development of the proposed allotments demonstrates that the proposed land division would result in a form of development which is entirely compatible with the character and amenity of the locality.

The 4% shortfall in total development site frontage is considered acceptable, as it has been demonstrated that appropriate boundary setbacks can be achieved, whilst adequately providing for private open space, car parking and landscaping.

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/C058/2019 by Estate of Late D Venditti for a Community Title Land Division creating two (2) additional allotments on the land located at 2 Tarcoma Avenue Payneham South, subject to the following relevant plans, drawings, specifications and other documents:

Relevant Plans

- Plan of division, Drawing Number 19-199, prepared by Cavallo Forest Licenced Surveyors, received by the Council on 3 February 2019.

Conditions

1. The site shall be cleared prior to Section 51 Clearance being issued by the Council.

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/820/2019 – ASBD PTY LTD – 68 THIRD AVENUE, ST PETERS

| | |
|--------------------------------------|--|
| DEVELOPMENT APPLICATION: | 155/820/19 |
| APPLICANT: | ASBD Pty Ltd |
| SUBJECT SITE: | 68 Third Avenue, St Peters 5069 (Certificate of Title: Volume 5336 Folio 905) |
| DESCRIPTION OF DEVELOPMENT: | Demolition of a single-storey dwelling and the construction of a two-storey detached dwelling (including a basement) |
| ZONE: | Residential Historic (Conservation) Zone –The Avenues Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019) |
| PUBLIC NOTIFICATION CATEGORY: | Category 1 |

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the Demolition of a single-storey dwelling and the construction of a two-storey detached dwelling (including a basement).

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: | 15.24 metres |
| Depth: | 45.72 metres |
| Area: | 696.78m ² |
| Topography: | essentially flat |
| Existing Structures: | two-storey dwelling and swimming pool |
| Existing Vegetation: | Existing low scale landscaping to front yard and some mature vegetation to rear yard in conjunction with hard paved surfaces. |

The subject land is a regular shaped allotment on the north western side of Third Avenue and backing onto Fourth Lane.

A two-storey tudor style dwelling exists on the land with mature vegetation within the rear yard surrounding a swimming pool, while the front landscaping consists of a lawned front yard. A pillared masonry front fence is located along the front boundary, which features a brush infill and iron access gates to the existing crossover.

Vehicular access to the subject land is via an existing crossover from Third Avenue, with no access available via Fourth Lane due to the location of the swimming pool.

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 Third Avenue situated between Winchester Street to the south west, and Lambert Road to the north east, and is characterised by single-storey detached dwellings. There are a number of Contributory Items located within the locality, however none adjoin the subject site, with the closest being located at 62 and 78 Third Avenue.

The dwelling adjoining the subject land to the north-east is a replacement dwelling which does not contribute to the historic character of the streetscape. The dwelling adjoining the subject land to the south west has been heavily modified into an outwardly two storey, in exception to the single storey streetscape presentation of dwellings within the locality. Dwellings on the opposite (south eastern) side of William Street are generally bungalows and villas which are listed as Contributory Items and which contribute to the desired character of the streetscape. The locality is considered to have a high level of residential amenity and heritage value.

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

Proposal in Detail

The Applicant seeks consent to demolish the existing dwelling, and construct a two-storey detached dwelling with an underground garage/basement.

The proposed dwelling has a Villa-like form with a projecting studio which features a curved bay window and is designed in a contemporary manner. The front elevation features a projecting front verandah element, which picks up on the sunshade over the bay window, with the front elevation featuring rendered walling over brickwork.

The upper storey component is contained within the roof space at the front of the dwelling, with the rear upper storey component largely hidden by the hipped roof form at the front of the dwelling, resulting in a mostly single storey presentation to the street.

The front façade of the dwelling is to be rendered and painted Murobond 'Raw Earth 25%', with standing seam cladding roofing in colorbond (Woodland Grey) and gutters at a 36° pitch. The dwelling is to have timber windows, door frames to the front entry, painted half strength Murobond 'Raw Earth 25%'.

Internally, the proposed dwelling comprises a combined kitchen/dining/lounge room, a studio and Theatre, with four bedrooms and a gym on the first floor.

The proposed dwelling also includes an undercroft basement/garage, which is accessed via the existing crossover through a single width garage door.

Landscaping is proposed to comprise 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 | 696.78m ² | 600m ² – The Avenues Policy Area PDC 5 |
| Allotment Width | 15.24m | 18m – The Avenues Policy Area PDC 7 |
| Allotment Depth | 45.72m | N/A |
| External Wall Height* | 4.45-7.89m | N/A |
| Maximum Overall Height (to roof apex)* | 7.89m | Up to Two-storey based on surrounding development– The Avenues Policy Area PDC 4 |
| Floor Areas | 343.5m ² | N/A |
| Site Coverage | 49.3% | N/A |
| Private Open Space | 193m ² (27.7%) | 20% - City Wide PDC 225(a) |
| Street Set-back | 10.6m | 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 (HCZ PDC 10 (a)) |
| Side Set-back | <u>North eastern</u> 1.2m <u>South western</u> On Boundary - 0.988 | Reflect the established pattern – (HCZ PDC 11) |
| Rear Set-back | 14.5 (Dwelling) | N/A |
| Car Parking Provision | 2 undercover spaces (Minimum) | 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 Avenues Policy Area of the Residential Historic (Conservation) Zone, as identified within the Norwood Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

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

Land Use and Density

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

| | |
|--|---------------------------------------|
| The Avenues Policy Area Desired Character Statement | |
| The Avenues Policy Area Objectives: | 1 |
| The Avenues Policy Area PDC's: | 2, 3, 4 & 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 |

The Avenues Policy Area Principle of Development Control 2 states:

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

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

The Avenues Policy Area Principle of Development Control 3 states:

New dwellings should only be constructed where it replaces an existing building or feature, which does not contribute to the historic character of The Avenues Policy Area, with a more sympathetic style of development.

The Avenues Policy Area Desired Character Statement envisages the retention of dwellings which contribute to the streetscape built between the late 1870's and 1900, and some Edwardian style housing constructed in the 1900's and the 1920's. The existing dwelling on the subject land was constructed in the 1950's with a tudor form, which is out of character of surrounding dwellings and is not considered to contribute to the historic character of The Avenues Policy Area. 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:

| | |
|--|---|
| The Avenues Policy Area Desired Character Statement | |
| The Avenues Policy Area Objectives: | 1 |
| The Avenues Policy Area PDC's: | 2, 3, 4 & 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, 31 & 32 |
| City Wide Objectives: | |
| City Wide PDC's: | 18, 19 & 20 28-32, 37, 39, & 209-215 |

The proposed dwelling references the features of historic dwellings in the locality, including the use of a hipped roof form, a contemporary cantilevered front verandah and vertically oriented windows and a painted rendered front façade. Each of these features were 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.”

Residential Historic Conservation Zone Principle of Development Control 32 states:

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

And;

Residential Historic Conservation Zone Principle of Development Control 31 states:

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

(e) not incorporate undercroft parking or other parking or access arrangements that are not in keeping with the historic character of the area.

The Applicant has proposed to construct undercroft parking under the dwelling in contravention of RHCZ PDC 31, with access provided from Third Avenue via an existing crossover, in contravention of RHCZ PDC 32.

The location of an existing swimming pool (to be maintained) removes the ability to provide rear access from Fourth Lane. It is noted that it is common within the locality for dwellings to maintain access from Third Avenue, with both dwellings adjoining the subject land featuring similar access arrangements to that proposed.

The design incorporates a single garage access door to disguise the access ramp from the streetscape, with the steeper portions of the transitional area commencing after the garage door, which reads as a single garage.

As the dwelling is located within the Residential Historic (Conservation) Zone, the Application was referred to the Council's Heritage Advisor, David Brown for advice.

Mr Brown's report mentions that the design diverts from Development Plan requirements, in that the garage door is under the main roof and the under croft parking. Mr Brown's report also mentions that the removal of the garage from the main dwelling would result in dwelling proportions which appeared too narrow and out of character with other more generously designed houses in the surrounding area. In addition, he mentions that the single entry width door is considered to be a better result to the street scape than a double width garage, which would have met the requirements of CWPDC 211.

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.

In response to feedback from Mr Brown, the applicant has amended the proposal to include modifications of the existing pillared masonry and brush infill front fence. This involves the replacement of the brush infill with a wrought iron detailing to match the existing wrought iron access gates, which provides visibility to the landscaped front yard and improves the streetscape presentation of the proposal.

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

In respect to the two storey height of the proposal, Historic Conservation Zone Principle of Development Control 17 (c) (i) 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;*

The proposed dwelling maintains a mostly single storey appearance, with the upper storey contained behind the front portion of the dwelling.

The proposed dwelling is positioned between an outwardly two storey dwelling to the south west and a contemporary dwelling currently under construction to the north east. 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 B5**.

The applicant has provided 3d perspectives of the proposed dwelling, contained in **Attachments B7 and B8**.

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, 6, 9, 10, 11 and 12 |

The adjoining dwellings at 64 and 70 Third Avenue have front setbacks of 11.8 and 10.6 metres, with the proposed dwelling at 68 Third Avenue displaying a setback of 10.6 metres.

Historic Conservation Zone Principle of Development Control 10 states:

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

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

The adjacent outwardly two storey dwelling located at 64 Third Avenue has a front setback of 11.8 metres. North east of the subject site at 68 Third Avenue is a contemporary replacement dwelling which has a front setback of 10.6 metres. The proposed dwelling matches this setback in-line with Historic Conservation Zone Principle of Development Control 10(a).

The front setback of the proposed dwelling is staggered, with the inset entrance protruding slightly of the adjoining garage door, which provides a transition to the dwelling to the south west with its 10.6 metre setback.

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 south western side boundary. The proposed south western boundary wall is 3 metres high, and set back 19.4 metres behind the front façade of the proposed dwelling, for a length of 5.3 metres, before stepping off the boundary for the remaining length of the dwelling. The boundary wall portion abuts the adjacent dwelling and solid fencing of 64 Third Avenue which is also located on the boundary. The setback space towards the rear of the dwelling is occupied by two 2,000 litre rainwater tanks which sit below the height of the existing fence at 2.1 metres. The upper floor setbacks along this boundary range from 1.6-2.238 metres.

Setbacks along the north eastern boundary are proposed to be 1.2 metres for the ground floor and 1.6-2.2 metres for the upper floor.

Adjoining dwellings are orientated away from the subject site, with private open space located in side yards opposing the subject site such that there are limited views to the second story component from adjoining dwellings at 64 and 78 Third Avenue.

The proposed side setbacks are considered to provide sufficient ‘space’ between buildings in the streetscape; particularly taking into account that the subject land is narrower than most allotments in the locality.

In terms of site coverage, Residential Historic (Conservation) Zone Principle of Development Control 6 states that:

Buildings should not cover more than 50 per cent of the total area of the site.

The proposed dwelling has an overall site coverage of 49.3%, which is consistent with the above provision.

Overshadowing/overlooking

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

| | |
|--------------------------|-------------------------------------|
| Residential H(C)Z PDC's: | 17 |
| 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 and rear elevations with a minimum sill height of 1700mm, which meets the requirements of City Wide PDC 235(c). These windows sizes are consistent with RHCZ PDC 17(c)(v) with the exception of the rear elevation, as they exceed 40% of the roof width (82% proposed). Given that this is to the rear elevation, the slim line nature of the windows, and the 14.5 metre rear setback this is not considered to impact unreasonably on adjoining neighbours.

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 RHCZ PDC 17(c)(iii) and City Wide Principle of Development Control 71.

The overshadowing diagrams are contained within **Attachment D1**.

As such, the proposal is considered to be consistent with Residential Historic (Conservation) Zone Principle of Development Control 17 and 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 proposal includes approximately 193m² of private open space within the rear yard, which is accessed directly from the open plan living/dining/kitchen area.

The proposed area of private open space (excluding front yard) equates to 27.7% 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 proposal accords with this provision.

The access ramp into the basement (after the garage door) has been designed to accommodate a B99 vehicle, with the undercroft garage of a sufficient size to accommodate a minimum of 2 vehicles, meeting the requirements of City Wide Principle of Development Control 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, 163, 164, 167-171

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 Fourth Lane. A gravity fed stormwater disposal system will drain ground and first floor portions of the dwelling to the street water table (Third Avenue), with basement areas utilising a sump and pump to dispose of stormwater to the street water table.

The proposed finished floor level of the proposed dwelling is to be 44.1, which is 200mm above the Top of Kerb measurement.

All existing solid masonry walling is to be retained, with no retaining required for the proposed development.

The Site Survey details are contained in **Attachments B1, B2, B3 & F1**.

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

The Applicant has provided landscaping details on the site plan, which identifies a range of small trees and shrubs and mature planting, which will enhance the garden setting of the proposed dwelling as is characteristic of the locality. Details of landscaping are included on the site plan contained in **Attachment B3**.

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 north east to south west, which allows for a reasonable orientation of the dwelling. The private open space and main living areas are located to take advantage of northern sunlight.

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 two (2) 2,000 litre rainwater tanks which is consistent with the above requirement.

Details of the rainwater tanks are included in **Attachment E1**.

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 siting characteristics reflective of its location.

While the access from Third Avenue and undercroft car parking are at variance to Development Plan requirements, the manner in which they have been proposed does not unreasonably impact on the Third Avenue streetscape, with the proposed dwelling incorporating traditional roof form and building materials which include rendered masonry walling and timber door and windows, with contemporary elements including a cantilevered front verandah, bay window and seam clad roofing.

On balance, it is considered that 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 meet Development Plan requirements.

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 155/820/2019 by ASBD Pty Ltd, for Demolition of a single-storey dwelling and the construction of a two-storey detached dwelling (including a basement), on the land located at 68 Third Avenue St Peters, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Plans and elevations (job number PL1-6 B) dated 04/02/2020, prepared by ASBD Design and Construct and received by the Council on 04 February 2020.

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, and not into Fourth Laneway.
2. 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.
3. 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.

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

2.4 DEVELOPMENT APPLICATION 155/822/2019 – MS N POPE – 145-157 BEULAH ROAD, NORWOOD

| | |
|--------------------------------------|---|
| DEVELOPMENT APPLICATION: | 155/822/19 |
| APPLICANT: | Ms N Pope |
| SUBJECT SITE: | 145-157 Beulah Road, Norwood (Certificate of Title Volume: 6028 Folio: 885) |
| DESCRIPTION OF DEVELOPMENT: | Construction of a two storey dwelling and removal of a regulated tree |
| ZONE: | Residential Historic (Conservation) Zone (Norwood 4 Policy Area) - Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019) |
| PUBLIC NOTIFICATION CATEGORY: | Category 1 |

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a two storey dwelling and removal of a regulated tree.

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

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

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

Subject Land Attributes

| | |
|----------------------|--|
| Shape: | regular |
| Frontage width: | 12.0 metres |
| Depth: | 22.97 metres |
| Area: | 275.6m ² |
| Topography: | slight fall (approx. 300mm) from back to front |
| Existing Structures: | nil |
| Existing Vegetation: | a regulated Jacaranda tree |

The subject land comprises a small portion of the land at 145-157 Beulah Road, resulting from a land division (155/D046/19) which was approved by the Panel on 21 October 2019. More particularly, the subject land comprises Allotment 2 in that approved land division; a copy of which is contained in **Attachment A**.

The subject land has a frontage of 12.0 metres to George Street and is located approximately 30 metres north of Beulah Road. It has a depth of 22.97 metres and an area of 276m².

A regulated Jacaranda tree with a trunk circumference of 2.17m (measured 1m above ground level) is located close to the front boundary, approximately 3 metres from the southern side boundary.

The subject land has recently been cleared of all structures and fill has been introduced and roughly levelled to a height of approximately 300mm above footpath level.

It is worth noting that the Jacaranda tree was not a regulated tree prior to the demolition of structures, as the closest building to the tree contained independent living units (dwellings) and was within ten (10) metres of the tree.

Locality Attributes

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

The locality is considered to extend approximately 100 metres north and south of the subject land along George Street. The streetscape in the locality is characterised to a large extent by mature White Cedar trees, particularly along the eastern side.

Adjacent to the subject land on the western side of George Street, is a very large site spanning the entire block from Beulah Road to Clara Street, containing a Local Heritage Place listed villa facing Beulah Road. On the northern side of Clara Street, the western side of George Street is characterised by Victorian era cottages and villas. On the south-western corner of George Street and Beulah Road is another very large site containing an inter-war period tudor.

Adjoining the subject land on the eastern side of George Street are vacant allotments resulting from the same land division which created the subject land. Further north at 24 George Street, is an inter-war period tudor. North of that is a single storey mid-twentieth century cream-brick residential flat building on the corner of Prosser Avenue. Further north the road contains more varied dwelling stock, including some federation era, inter-war era and post-war dwellings. All are single storey.

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

Proposal in Detail

The Applicant seeks consent to construct a two storey dwelling and remove a regulated tree.

The dwelling has three bedrooms (one at ground level and two at first floor level), an open-plan living/dining/kitchen area at ground level and a retreat at first floor level. A garage is proposed on the southern side of the dwelling, to be constructed on the southern boundary.

The dwelling has a generally traditional appearance resembling the form and proportions of a double-fronted cottage at the front, before transitioning to a rectilinear two storey form at the rear. The roof over the front single storey section is hipped at 35 degrees and clad in corrugated profile roofing in a dark grey colour (Colorbond Monument). The external walls are to be constructed of face brick (PGH Manhattan or similar), with the exception of the upper level, which is to be clad in a vertically grooved light-weight material such as Hardies Scyon 'Stria' and painted a dark grey (Colorbond Monument). The garage door and cantilevered front verandah are also proposed to be dark grey.

The proposal also involves removal of the regulated Jacaranda tree to facilitate a driveway adjacent to the southern boundary of the subject land.

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 | 276m ² | 200m ² |
| Allotment Width | 12.0m | N/A |
| Allotment Depth | 23.0m | N/A |
| External Wall Height* | 3.4m (single storey portion) 6.9m (two-storey portion) | N/A |

TABLE 1: DEVELOPMENT DATA *continued...*

| Consideration | Proposed Dwelling | Development Plan Merit Assessment Quantitative Guideline |
|--|---|---|
| Maximum Overall Height (to roof apex)* | 6.9m | two storeys |
| Floor Area (footprint, all buildings excluding swimming pool) | 147m ² | N/A |
| Site Coverage | 53% | N/A |
| Private Open Space | 50m ² 18% of site area | 20% of site area |
| Street Set-back | 4.2m (Bed 1 façade) 4.5m (Bed 1 recess) 5.4m (study/entry) 6.4m (garage) | Complement the predominant pattern established by the surrounding heritage places and contributory items |
| Side Set-back | Nil and 900mm | N/A |
| Rear Set-back | 1m | N/A |
| Car Parking Provision | 2 undercover & 1 visitor | 2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage |

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

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

Notification

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

As such, no public notification was undertaken.

State Agency Consultation

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

Discussion

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

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

Land Use

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

| | |
|---|--------|
| Norwood 4 Policy Area Desired Character Statement | |
| Norwood 4 Policy Area Objectives: | 1 |
| Norwood 4 Policy Area PDC's: | 2, 3 5 |

RH(C)Z Desired Character Statement

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

City Wide Objectives: 1, 2, 7, 8 & 10.
City Wide PDC's: 1, 2, 3, 4, 16, 18 & 19.

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

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

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

The proposal is consistent with part (a) of Principle 8, in that the land is currently vacant. The extent to which the proposal impacts on the established residential amenity and historic character of the policy area is discussed under the relevant headings further in this report.

The proposal is considered appropriate from a land use perspective.

streetscape/bulk/scale/height/character/heritage

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

Norwood 4 Policy Area Desired Character Statement
Norwood 4 Policy Area PDC's: 1, 4

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

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

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

“Development in Norwood 4 Policy Area should not exceed two storeys in height above natural ground level”

The proposed two storey dwelling is therefore consistent with the height policy for the Policy Area.

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

“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;*

The design approach of the proposed dwelling is consistent with part (b) of PDC 17, in that the second storey component is located to the rear of the building. In particular, the second storey commences 4.9 metres behind the single storey façade (measured from the façade of Bed 1). This is considered to be sufficient to result in a dwelling that has a single storey appearance along the primary street frontage, despite the fact that the second storey would be visible within the streetscape.

In some other locations/contexts within the Residential Historic (Conservation) Zone, the setback of the upper level from the single storey facade would not be considered appropriate. In this instance, the setback is considered acceptable, for the following reasons:

- the dimensions of the development sites in the approved land division will result buildings sited close together and close to the street, limiting views of the rear of dwellings; and
- the dense street tree canopy across the street frontage will reduce the visibility of upper levels in the streetscape.

With respect to part (i) of PDC 17(c), the height, scale and form of the proposed dwelling is considered compatible with the existing single storey development in the zone, despite the upper level being only 4.9 metres behind the single storey façade. Established dwellings in the locality are large villas and tudors, with high walls and roof forms. The tudor at 24 George Street to the north of the subject land, has high gables fronting the road, akin to the height of the proposed recessed second storey wall.

The design of the proposed dwelling references historic buildings within the locality, comprising a similar double-fronted design with a contemporary front verandah element and hipped roof form.

Overall, the street presentation of the dwelling:

- has a bulk and scale, which is akin to the nearby buildings within the locality;
- reflects (without directly replicating) traditional design; and
- has a relatively simple overall form, which does not compete with the surrounding historic building stock and incorporates materials and finishes which complement dwellings in the locality.

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

"The house takes the form of a simple double fronted cottage with a garage set to the southern side. The roof form of the single level front section is a simple hip, with a feature steel structure acting as the verandah element.

The rear two level portion of the house is a contemporary rectilinear structure set in from the boundaries. The roof to the proposed upper level slopes to the south leaving the west facing wall with a sloped top matching the roof. Given the dominance of horizontal roof lines in all of the historic properties in the area, this sloped wall needs to be levelled out, either as a parapet wall, or the roof should slope a different direction."

Following receipt of the advice from Mr Brown, the application was amended to level out the wall of the upper level, satisfying the only concern raised by Mr Brown with respect to the design of the dwelling.

A copy of Mr Brown's advice is contained in **Attachment D**.

Setbacks and Site Coverage

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

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

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

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

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

and

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

As the sites adjoining the subject land are vacant, Principle 10 is not relevant.

Therefore, it is appropriate to consider whether the proposed street setback complements the predominant pattern established by the surrounding heritage places and contributory items. In this respect:

- the side wall of the adjacent Local Heritage Place at 143 Beulah Road is set back approximately 4.5m from George Street;
- the façade of the Local Heritage Place at 21 George Street is set back approximately 4m from George Street; and
- the façade of the Local Heritage Place at 20 George Street is set back approximately 6m from George Street.

There are no contributory items within the locality of the subject site.

In this context, the proposed front setback, which ranges from 4.2 to 6.4 metres, is considered to complements the predominant pattern established by the surrounding heritage places and contributory items.

Mr Brown has advised:

“The front set back is loosely what was discussed in the preliminary advice with the applicant. Unlike other sites, there is no predominant front setback in this location as the sites are newly created. The front setback is generally appropriate as it is similar to what has been advised to the other potential property purchasers for the other blocks. The north side setback is 900mm, and the southern side is set on the boundary for approximately half of the length.”

The proposed side setbacks are considered to be reasonably reflective of the pattern established by detached dwellings in the locality.

With respect to site coverage, the proposed dwelling covers 53% of its site. There is no quantitative maximum site coverage for the Norwood 4 Policy Area. It is therefore required that the site coverage of buildings, be compatible with the site coverage of those buildings in the locality which contribute significantly to the historic character, in accordance with Principle 12 of the zone. The proposal is considered to be reasonably consistent with this principle.

Overshadowing/overlooking

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

Residential Historic (Conservation) Zone PDC: 17
City Wide PDC's: 11, 32, 37, 200 & 201.

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

“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:

- (d) 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*
- (e) second storey components located to the rear of a building; and*
- (f) in either of these instances:*
 - (iii) should not overshadow or impact on the privacy of neighbouring properties;*
 - (iv) 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.”*

As the adjoining sites are currently vacant, it is relevant to consider whether the extent of overshadowing which will likely result to adjoining properties (taking into account the likely siting of dwellings on those sites) is acceptable. City Wide PDC 206 states:

“Unless otherwise specified in the relevant Zone and/or Policy Area, the set-back of dwellings from their side and rear boundaries should be progressively increased as the height of the building increases:

- (a) to minimise the visual impact of the building from adjoining properties;*
- (b) to minimise the overshadowing of adjoining properties;*
- (c) to ensure adequate natural light and winter sunlight is available to the main activity areas and private open space of adjacent dwellings.”*

The upper floor level of the proposed dwelling is considered to be set back a suitable distance from side boundaries (2.1m from southern boundary and 3.4m from northern boundary), in accordance with PDC 206.

The proposed garage wall on the southern boundary is 9.3m long and 2.7m high. City Wide PDC 207 states:

“A wall or structure on a side or rear boundary should generally be limited to a height of 3 metres above natural ground level and a length of 8 metres. A greater height or length may be considered where:

- (a) there is an existing abutting boundary wall or structure on the adjoining land; or*
- (b) there will be no unreasonable visual outlook impact or overshadowing impact on the occupants of the adjoining property.”*

The proposed boundary wall is slightly longer than the guideline provided in PDC 207, however given that the adjoining site is vacant and able to be developed taking into account the boundary wall (if approved), it is considered acceptable.

With respect to privacy, the proposed upper level windows are all high level with a sill height of 2.0m above floor level and therefore will not result in any loss of privacy to future occupants of adjacent land.

Private open space

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

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

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

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

- (a) a dwelling with a site area of 250 square metres or greater, 20 per cent of the site area should be private open space, of which one portion should be equal to or greater than 10 per cent of the site area and have a minimum dimension of 4 metres; or*

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

The proposed dwelling has access to 50m² of private open space, equating to 18% of the site area; slightly less than the guideline provided in PDC 225(a). This is considered a minor shortfall and the private open space is well located with usable dimensions.

Consistent with Principle 225, no more than 50% of the private open space is covered.

Car parking/access/manoeuvring

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

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

Table NPSP/8.

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

The proposed two-car garage is to be set back 6.4 metres from the street, allowing for a visitor parking space in front, consistent with Table NPSP/8.

Finished floor levels/flooding/retaining/fencing

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

City Wide PDC's: 60, 61, 140, 151, 165, 166 & 171.

The proposed floor level of the dwelling results in a minor amount of filling towards the front of the site, with no significant retaining implications. The plans show new side boundary fencing as 2.0m high colorbond fencing. Mr Brown has recommended that this be corrugated in profile.

Trees (significant, mature & street) and landscaping

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

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

City Wide Objective 119 promotes:

"Development in balance with preserving regulated trees that demonstrate 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 regulated Jacaranda tree is not considered to satisfy any of the above criteria. With respect to part (a), the dense canopy cover of white cedar street trees adjacent the subject land is such that the Jacaranda does not significantly contribute to the character or visual amenity of the locality.

Regardless, it is recognised that upon construction of a dwelling on the subject land and/or adjoining sites, the Jacaranda will no longer be a Regulated tree, as it will be within 10 metres of a dwelling and is not a Eucalypt species.

Accordingly, removal of the Jacaranda is considered consistent with the Development Plan.

Environmental Sustainability

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

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

The side of the dwelling has a northern aspect, allowing for passive heating in winter of all rooms along that side, including the dining / living area and the terrace.

No specific details of rainwater collection are provided. If the Panel determines to grant consent to the application, it is recommended that a condition be imposed requiring a 2000 litre rain water tank, consistent with City Wide Principle of Development Control 159.

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

Summary

The proposal for a detached dwelling on the subject land is consistent with the land use objectives of the Residential Historic (Conservation) Zone and Norwood 4 Policy Area.

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

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

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/354/18 by Mr D Condina to construct a single storey dwelling, on the land located at 19A George 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 prepared by Girardi Design, Drawing No.s PLA01-PLA05, issue E, dated 15 January 2020.

Conditions

1. A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres) shall be installed for the dwelling herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
2. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix of trees, shrubs and ground covers, prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
3. The proposed colorbond side and rear boundary fences shall be corrugated in profile.

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

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

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

Purpose of Report

The purpose of this report is to provide details to the Panel on a second compromise proposal which has been submitted in relation to a Development Application that was refused by the Panel at its meeting held on 21 October 2019 and which is the subject of an Appeal to the Environment Resources and Development (ERD) Court. The Panel is required to consider the amended plans and advise the ERD Court as to whether or not the amended plans satisfactorily address the concerns identified with the Application, such that a consent would now be warranted.

Background

Development Application 155/C031/19 was lodged in July 2019 for a Community Title Land Division creating eleven (11) Community Lots and the construction of a mixed use development comprising ten (10) three-storey townhouses and a two-storey office, including a car parking area, civil works and landscaping.

The Panel considered the Development Application at its meeting held on Monday 21 October 2019 and determined to refuse the Application for the following reasons:

“That the proposal inadequately addresses the provisions of the Development Plan (mainly in respect of City Wide PDCs 120, 267, 275 & 276, 279 & 282, 284 & 285, Medium Density Policy Area PDC 7) with respect to:

- *Setback to St Johns Lane/massing*
- *Usability of private open space and relationship to living areas*
- *Street interface*
- *Dwelling orientation*
- *Landscaping*
- *Site facilities and storage*
- *Adequacy of parking”*

A copy of the relevant section of the Minutes of the Panel meeting held on 21 October 2019, including the refused plans, is contained in **Attachment A**.

Following the refusal of the Application by the Panel, the Applicant lodged an Appeal with the ERD Court. A preliminary conference was held at the ERD Court on Monday 2 December 2019, at which the Court directed the matter into the pending track at the request of the appellant, to provide an opportunity to seek to resolve the issues of contention and to gain the Panel's support of the proposal.

The first compromise proposal was considered by the Panel at its meeting held on 16 December 2019. The Panel determined that it was not satisfied that the amended proposal was sufficiently in accordance with the Development Plan to merit Development Plan Consent for the same reasons as previously resolved. A copy of the relevant part of the Minutes of the Panel meeting held on 17 July 2017 is contained in **Attachment B**.

The Applicant has made further amendments to the proposal and has now submitted a second compromise proposal for the Panel's consideration.

A copy of the amended plans that are the subject of this report are contained in **Attachment C**.

Discussion

The amended plans will be discussed in the context of the reasons for refusal given by the Panel at its meeting held on 21 October 2019. All other aspects of the proposal are addressed in the previous staff report contained in **Attachment A** and are not significantly affected by the amended plans.

Setback to St Johns Lane/massing

The Applicant has sought to address the concern raised by the Panel by further amending the residential flat building containing Dwellings 1 to 4. All four dwellings have been set back 3.0 metres from St Johns Lane at the second floor level (ie. the third storey). In addition to this, the south-western elevation at first floor level now incorporates a "Basalt" or "Shale Grey" (both Colorbond colours) colour finish in lieu of "Stowe White" (Dulux colour) which are more muted colours.

The 3.0 metre setback is considered to result in an improved and a relatively less visually dominant appearance when viewed from both St Johns Lane and neighbouring residential land at 2 Briar Road. In this regard, the proposal is considered to be consistent with Residential Zone Principle of Development Control 8 as well as the Residential Zone Desired Character Statement (in part) and City Wide Principle of Development Control 30(a), which state respectively:

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

and

"Buildings should be designed to minimise their visual bulk and provide visual interest through design elements such as:

(a) Articulation"

That said, the balconies of the first floor level (ie. second storey) of Dwellings 1-4 remain on the boundary of St Johns Lane, as per the original proposal and contrary to the 2.0m setback guideline in Medium Density Zone Principle of Development Control 7.

Usability of private open space and relationship to living areas

The Panel was concerned that ground level private open space associated with all the proposed dwellings (except Dwelling 5), was not associated with internal living areas and was therefore not convenient or functional. This is a factor of the dwellings having their main living areas upstairs, which the Panel acknowledged, however considered that more generous balcony areas should be provided in association with the main living areas in those circumstances.

In this regard, the balcony areas located at first floor level of all ten (10) of the proposed dwellings now incorporate a minimum depth of 2.0 metres which is now consistent with City Wide Principle of Development Control 222(c) which states:

“Private open space (land available for the exclusive use of residents of each dwelling) may comprise one or more of the following forms:

- (c) a balcony, terrace, or other upper level outdoor areas (other than a roof top outdoor area), with a minimum dimension of 2 metres, provided the area of each is equal to or greater than 8 square metres.”*

Previously the balconies of Dwellings 5 – 10 had a depth of only 1.7 metres whereas Dwellings 1 – 4 achieved the minimum dimension of 2.0 metres.

Street interface

At the street level and within St Johns Lane, the proposed front fencing and design appearance to Dwellings 1 – 4 remains unchanged. Accordingly, there is no change with respect to activation/connectivity with the street frontage at ground level. Whilst the 1.8 metre high solid front fencing lessens the possibility of passive surveillance to occur and activating the street frontage of the subject land, having a high solid front fence has the benefit of supplementing the noise control as called for by City Wide Principle of Development Control 238. That said, it is acknowledged that the compromise proposal does not address the Panel's previous concerns in this respect.

Dwelling orientation

The ten proposed Community Lots and the ten proposed dwellings are configured and orientated the same as the original proposal considered by the Panel at its meeting in October 2019. The proposed dwellings still do not maximise access to northern sunlight due to the orientation of the proposed lots and subsequent configuration of the dwellings and as such, the compromise proposal does not address the Panel's previous concerns in this respect.

Landscaping

The compromise includes a detailed landscaping scheme, which provides additional levels of landscaping. Within the nominated landscaping areas, a variety of trees (for example Crepe Myrtles and Upright Flowering Plums) and grasses in combination with small shrubs are proposed which is considered to be a positive aspect of the amended proposal.

The landscaping strips and buffers are proposed primarily adjacent to the south-western side of the internal residential driveway and adjacent to the two (2) visitor car parking areas and waste bin enclosures. A “deep root landscaping zone” is proposed adjacent the north-western side of Dwelling 1 and varies between 1.3 – 2.3 meters in width. A 600mm wide landscaping strip is proposed adjacent the north-western side of the shared residential driveway.

By comparison, the original proposal considered by the Panel at its meeting on 21 October 2019 had 300mm and 600mm strips of landscaping either side of the shared driveway. The increased width in landscaping within this section of the proposal has been achieved by essentially “moving” the residential flat building containing Dwellings 1 – 4 to the south-east and narrowing the width of the paved waste bin collection area associated with the office by approximately 1.0 metre.

The proposed landscaping provision is considered to satisfy City Wide Principle of Development Control 73 and 76.

Some additional ground level landscaping (ground covers and shrubs) of individual dwelling lots is proposed for Dwellings 5 – 10 with lawned areas proposed for Dwellings 1 – 4. Accordingly, the proposed landscaping for the ten dwellings is considered to accord with City Wide Principle of Development Control 221 in that the proposed landscaping will enhance the living amenity of the future occupiers of these dwellings.

Site facilities and storage

A general waste and recycling bin collection area (comprising 4.2 metres x 3.9 metres) is situated adjacent the north-western rear boundary for the residential occupiers of the ten proposed dwellings. The proposed area would provide for sufficient space for ten 240 litre (ie. recycling) and ten 140 litre (ie. general waste)

bins to be placed within this area. The waste bins for future occupier of the office component are to be placed in a designated collection area (comprising 6.9 metres x 1.7 metres) adjacent the northern side of the open-air car parking area. This area is also to accommodate communal green waste collection for occupiers of the ten dwellings.

In this context, this aspect of the amended proposal is consistent with City Wide Principle of Development Control 233(c), which states:

*“Site facilities for group dwellings and residential flat buildings of greater than six dwellings should include:
(c) household waste and recyclable material storage areas away from dwellings.”*

Adequacy of parking

The configuration and number of car parking spaces both in the open-air car park (including shared access to three of the ten spaces) and associated with the ten dwellings remains unchanged.

The car parking configuration and the proposed number of car parking spaces is considered acceptable and in accordance with the relevant Development Plan policies, as set out in the original report presented to the Panel.

City Wide Principle of Development Control 189 provides guidelines for the configuration of driveway and manoeuvring areas for residential flat buildings, so as to achieve safe and convenient access arrangements. In particular, the shared driveway should have a 6.0 x 6.0 metre paved carriageway at the front of the property and the remainder of the paved carriageway should be no less than 5.0 metres in width with 1.0 metre of landscaping along one or both sides. The initial compromise proposal considered by the Panel at its December 2019 meeting did not satisfy quantitative criteria detailed in Principle 189. As part of the fresh compromise proposal, the Applicant has amended the shared driveway and carriageway for the proposed dwellings so that it is now consistent with the criteria prescribed in Principle 189.

Summary

As was the case with the first compromise proposal, the second compromise proposal partially addresses the reasons for refusal that were given at the Panel meeting held on 21 October 2019.

The second level of the south-westernmost residential flat building incorporates a far more modulated setback from the secondary frontage which in turn assists in reducing the extent of visual massing when viewed from St Johns Lane.

The dimensions of the balcony areas of all ten (10) dwellings have been slightly increased and now satisfy the minimum quantitative criteria for upper level outdoor areas.

The landscaping areas and provision of plantings have both been increased and enhanced, resulting in improved amenity for both future occupiers of the land as well as enhancing the visual appearance of the development when viewed from the public realm.

Two designated site waste storage facilities (one for the residential component and the other for the office component) are incorporated and are well separated from the proposed dwellings.

The proposed changes are generally considered to add further merit to the proposed development.

The number and configuration of the dwellings remains unchanged, as does the location and size of the office and the overall proposed bulk and scale of the development.

Although the Appellant has not completely addressed all of the Panel's reasons for refusal, it remains the view of staff that the proposal sufficiently accords with the Development Plan to warrant consent, for the reasons set out in the previous report and the further analysis provided in this report.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan, the Environment Resources & Development Court be advised that Development Application No 155/C31/19 by KSBA Invest Pty Ltd, to undertake a Community Title Land Division creating eleven (11) Community Lots and the construction of a mixed use development comprising ten (10) three-storey townhouses and a two-storey office, including a car parking area, civil works and landscaping, at 413 Payneham Road, Felixstow, is acceptable subject to the following conditions, or similar conditions as deemed suitable by the Court:

Relevant Plans

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

- Community Plan of Division (Reference Number 19705.2; Drawing Number 19705.2-COM; and Version Number 1) prepared by John C Bested 7 Associates Pty Ltd and received by the Council on 25 July 2019.
- Scheme Description prepared by Raymond 7 Co. Conveyancers and received by the Council on 15 October 2019.
- plans and elevations (Project Number 30044 and Revision 3.0) prepared by TECTVS and received by the Council on 23 January 2020 and 7 February 2020.

SCAP Conditions of Consent

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

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

For SA Water to assess this application, the developer must advise SA Water the preferred servicing option. Information can be found at: <http://www.sawater.com.au/developers-and-builders/building,-developing-and-renovating-your-property/subdividing/community-title-development-factsheets-and-information>. For queries call SAW Land Developments on 74241119

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

Department of Planning, Transport and Infrastructure Conditions

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

Council Conditions

1. The portion of all upper floor windows on the two residential flat buildings, less than 1.7 metres above the internal floor level shall be treated prior to occupation of the dwellings in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)
2. The portion of all upper floor windows on the south-western elevation of the office building, less than 1.7 metres above the internal floor level shall be treated prior to occupation of the office area in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)
3. The portion of the upper floor balcony areas of Dwellings 1 – 4 less than 1.7 metres above the floor level of the balcony shall be treated prior to occupation of the dwellings in a manner that permanently restricts views being obtained by a person from the balcony, with details to be provided to the reasonable satisfaction of the Council or its delegate, prior to the issuing of Development Approval (Suggested treatments include, but are not restricted to, wing walls, solid or translucent panels or perforated panels or metal trellises which have a maximum of 24% openings).
4. The northwest side of the upper level balcony of Dwelling 5, shall be screened to a minimum height of 1.7 metres above the finished floor level of the balcony, in order to prevent views of the private open space area at 13 and 15 Pearce Avenue.
5. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.
6. A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land at pre-development levels. On-site retention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.
7. Each dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitres (2,000 litres), or alternatively, a 20 kilolitre communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m² of its roof catchment area to the communal tank and in either case, water shall be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.
8. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.
9. Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
10. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.

11. All of the car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
12. All car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
13. All trade waste and other rubbish shall be stored in covered containers pending removal and shall be kept screened from public view to the reasonable satisfaction of the Council or its delegate.
14. All refuse and stored materials shall be screened from public view to the reasonable satisfaction of the Council or its delegate.
15. At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.
16. All external lighting of the site, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council or its delegate.

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