Council Assessment Panel
Agenda & Reports

20 April 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.
16 April 2020

To all Members of the Council Assessment Panel:

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

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 Council Chambers, Norwood Town Hall, 175 The Parade, Norwood, on:

Monday 20 April 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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VENUE  Council Chambers, 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 MARCH 2020
2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/848/2019 – WRIGHTVILLE PTY LTD ATF THE RTC TRUST – 184-190 PORTRUSH ROAD, 1 ALBEMARLE AVENUE & 21 AMHERST AVENUE, TRINITY GARDENS

DEVELOPMENT APPLICATION: 155/848/19

APPLICANT: Wrightville Pty Ltd ATF The RTC Trust

SUBJECT SITE: 184-190 Portrush Road; 1 Albemarle Avenue & 21 Amherst Avenue, Trinity Gardens
Certificate of Title Volume and Folio: 5208/163; 5208/164; 5381/247; 5208/162; 5381/504; 5381/506; 5381/502; 5381/499; 5646/753; 5404/473; and 5424/320

DESCRIPTION OF DEVELOPMENT: Construction of a freestanding two-storey building comprising a motor vehicle service workshop and an administration area at ground level and staff amenities/storage at upper level; a covered vehicle storage area (incorporating vehicle stacking systems); and construction of a building for wheel alignment (adjacent the northern side of the existing motor vehicle service workshop) in association with an existing service trade premises

ZONE: Local Commercial Zone - Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)

PUBLIC NOTIFICATION CATEGORY: Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a freestanding two-storey building comprising a motor vehicle service workshop and an administration area at ground level and staff amenities/storage at upper level; a covered vehicle storage area (incorporating vehicle stacking systems); and construction of a building for wheel alignment (adjacent the northern side of the existing motor vehicle service workshop) in association with an existing service trade premises.

Staff do not have delegated authority to determine the Application, as the Application has been processed as a Category 3 development for the purposes of public notification.

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: 85 metres
Depth: 97 metres
Area: 8,245m²
Topography: relatively flat
Existing Structures: several buildings spread across the site
Existing Vegetation: well-established conifer hedge situated along the eastern side boundary

The subject land has had a long standing use as a service trade premises (motor vehicle sales) and is occupied by several buildings that include a showroom, offices, vehicle workshop and servicing areas. The majority of the site is “open-air” and is occupied by motor vehicles. In terms of vehicular access points, there are four on Portrush Road, four on Albemarle Avenue and two on Amherst Avenue, which are all to remain in place. A large conifer hedge (approximately 3.0 metres in height) is situated for a large extent along the Amherst Avenue frontage.

Locality Attributes

Land uses: mix of commercial and residential land uses
Building heights (storeys): predominantly single storey

The locality of the subject land contains a mix of commercial and residential land uses, as outlined in detail below.

North of the Subject Land

All land within the locality to the north of the subject land is located within the Local Commercial Zone. Land uses within this portion of the locality include a service trade premises (ie. Kennards Hire and Forsters Landscape Supplies), a motor repair station, retail, warehousing and residential properties.

The property at 31 Amherst Avenue, located approximately 20 metres north of the subject land, has recently been approved for use in association with the subject land, for the storage of new cars awaiting delivery.

South of the Subject Land

Land located between Albemarle Avenue, Portrush Road and Magill Road includes offices, a church, bakery, medical centre, retail, bulky goods outlet, pharmacy, a petrol filling station and residential properties.

The property at 2 Albemarle Avenue is owned by the adjacent church, however is leased by Jarvis and used as for staff car parking associated with the subject land. It is understood this has been the case for approximately twenty (20) years. Development Approval was granted in 2003 to formalise the use of the land as a car parking area.

East of the Subject Land

The eastern side of Amherst Avenue is located within the Residential Character Zone and comprises predominantly single-storey detached dwellings. There are some detached dwellings on the western side of Amherst Avenue also within the Local Commercial Zone.

West of the Subject Land

On the western side of Portrush Road, there is predominantly residential development in the form of detached dwellings, within the Residential Zone. The exception to this is offices at 185 Portrush Road and a childcare centre at 193 Portrush Road.

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

Proposal in Detail

The Applicant has advised that they wish to provide additional capacity in order to enable further automotive servicing and repairs from the existing motor vehicle service trade premises.

This would involve the construction of a freestanding two-storey building comprising a motor vehicle service workshop and an administration/customer service area at ground level and staff amenities/storage at upper level. The vehicle servicing area is to comprise ten workshop bays.
A canopy is proposed to link the new two-storey building and the existing vehicle servicing building to the east. Beneath the new canopy a vehicle storage area accommodating up to twenty four cars housed in a vehicle storage stacking system is proposed.

A new single-storey building is proposed to be integrated into the northern side of the existing vehicle servicing building. Two workbays are proposed inside and it is intended that wheel alignment services will be undertaking within this new building.

The new two-storey building is to be constructed from a combination of pre-cast concrete panels (incorporating express joints), Colorbond wall and roof cladding and flat sheet fascia panels (ie. to the southern elevation). The colour of the concrete panels, wall and roof cladding and fascia panels is to be “off-white”/“Surfmist”.

The new wheel alignment building is to incorporate a skillion roof and both the roof and walls are to be clad in Colorbond sheeting (colour “Surfmist”).

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

<table>
<thead>
<tr>
<th>Consideration</th>
<th>Proposed Buildings</th>
<th>Development Plan Merit Assessment Quantitative Guideline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>8,245m²</td>
<td>N/A</td>
</tr>
<tr>
<td>Allotment Width</td>
<td>85m</td>
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</tr>
<tr>
<td>Allotment Depth</td>
<td>97m</td>
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</tr>
<tr>
<td>External Wall Height of Two-Storey Building</td>
<td>6.6m</td>
<td>N/A</td>
</tr>
<tr>
<td>External Wall Height of Single-Storey Building</td>
<td>4.9 – 6.0m</td>
<td></td>
</tr>
<tr>
<td>Maximum Overall Height of Two-Storey Building</td>
<td>6.6m</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Overall Height of Single-Storey Building</td>
<td>4.9 – 6.0m</td>
<td></td>
</tr>
<tr>
<td>Maximum Overall Height of Canopy</td>
<td>6.6m</td>
<td></td>
</tr>
<tr>
<td>Floor Area of Two-Storey Building</td>
<td>711m² footprint + 123m² = 834m²</td>
<td>N/A</td>
</tr>
<tr>
<td>Floor Area of Single-Storey Building</td>
<td>133m²</td>
<td></td>
</tr>
<tr>
<td>Floor Area of Canopy</td>
<td>289m²</td>
<td></td>
</tr>
<tr>
<td>Setback from Amherst Avenue Frontage</td>
<td>5.5 – 7.5m (two-storey building)</td>
<td>N/A</td>
</tr>
<tr>
<td>Setback from Portrush Road Frontage</td>
<td>26.3m (single-storey building)</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Notification

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

A total of four (4) representations were received (all opposed) in response to this notification, copies of which are contained in Attachment C. The key issues raised by representors are, in summary:

- Visual impact of two-storey building.
- Insufficient setback form Amherst Avenue frontage.
- Increase in noise activity.
- Increase in vehicular traffic.
The following representors have indicated in their representation that they wish to be heard by the Panel:

- Mr. B White;
- Mr. R Maloney;
- Mr and Mrs Rollond; and
- Mr and Mrs Grida.

Through their planning consultant, Mr Jeff Smith of Planning Chambers Pty Ltd, the Applicant has responded to the representations received. In addition, the application was amended in response to the representations. In particular, the following amendments were made:

- the overall height of the building adjacent to Amherst Avenue has been reduced from 7.5 metres to 6.6 metres; and
- the setback from the Amherst Avenue boundary for this building to the two-storey section has been increased from 3.6 metres to 7.5 metres.

The amended application did not undergo public notification, however representors wishing to be heard by the CAP have been advised of the amendments.

A copy of the response to the representations is contained in Attachment D.

State Agency Consultation

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

Discussion

The subject land is located within the Local Commercial 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 relevant to the question of the suitability of the proposed use of the subject land:

| Local Commercial Zone Objectives: | 1 |
| Local Commercial Zone Principles of Development Control: | 1 |
| City Wide Objectives: | 1, 2, 7, 8, 10, 26 & 27. |
| City Wide Principles of Development Control: | 1, 2, 3, 4, 12, 16, 19, 83 – 87, 90 & 91. |

City Wide Objective 7 states:

“The continuance or reintroduction of non-residential use only where there is a historic basis for such a use, or where non-residential use will significantly contribute to the retention of historic character and not impact on residential amenity.”

The proposal supports the continuation of the existing non-residential use, consistent with Objective 7. It is understood that the proposal will provide the existing service trade premises with greater ability and flexibility to service and/or repair motor vehicles on the site.

That said, there are other provisions of the Development Plan aimed at maintaining a reasonable level of residential amenity which apply, including City Wide Objective 8, which states:
“Maintenance of a pleasant and functional living environment broadly meeting the needs and expectations of local residents.”

A concern raised by representors opposed to the proposal, is that the proposed development could lead to additional noise or activities from the site. In this respect, the proposal would represent an intensification of activities on the subject land.

Objective 1 of the Local Commercial Zone encourages:

“a zone primarily accommodating local service activities which are compatible with the amenity of the locality”

Consideration therefore should be given to whether the proposed intensification of the existing activities on the site would result in a scale of development which is beyond ‘local’ and whether the intensification is compatible with the amenity of the locality.

On the questions of both scale and amenity, it is relevant to consider the types of development which are listed as complying in the zone. The purpose of highlighting the complying land uses is to consider the land uses that can be established on the subject land ‘as of right’. The Environment Resources and Development (ERD) Court places considerable emphasis when assessing merit and non-complying forms of development, on what can be established on a property ‘as of right’. The implication is that ‘as of right’ development is somewhat of a benchmark of what can be anticipated in a zone, both in terms of built form and land use impacts.

Included in this list are hotels, motels, petrol filling stations, service industry, timber yard and warehouse. Pre-conditions of complying development are set out in Table NPSP/2. The only pre-condition of achieving complying status for any of those uses relevant to scale, is that warehouses cannot exceed 50% site coverage. Subject to that exception any of the complying land use types are able to establish in the zone at a scale and intensity which is limited only by the size of the relevant site. In this policy context, the proposed intensification of the existing use is considered to be of a scale which is anticipated in the zone.

On the question of compatibility with the amenity of the locality, a pre-condition of achieving complying status for service industries and warehouses, is that no part of any industrial building, store, warehouse or works exceeding two metres in height being constructed nearer to the boundary of a residential zone than three metres, plus 500mm for each metre by which the height of the part in question exceeds 3.5 metres. For example, if the side boundary of the subject land was the boundary of a residential zone, the setback of a 6.5m high building from the side boundary would need to be 4.5 metres. As the Residential Character Zone boundary runs down the centre of Amherst Avenue, the same 6.5m high building would achieve that pre-condition without any setback from the site boundary.

That said, another pre-condition is that buildings are set back 8m from street boundaries. The proposal is inconsistent with that pre-condition, with setbacks from Amherst Avenue ranging from 5.5 to 7.5 metres. Whilst the 8 metre pre-condition does not directly apply to the proposal, it is a useful guide as to what is envisaged within the zone to address the zone objective of development being ‘compatible with the amenity of the locality’. The implications of the proposed street setbacks are discussed under the relevant heading later in this report.

Whilst considering what can be undertaken ‘as of right’ is useful to understand the policy context, as the proposal is not a complying form of development and must be assessed on its merits, consideration should be given to the likely impacts associated with the operation of the proposed activities on the land in relation to the adjacent residential properties.

City Wide Principles of Development Control 83 and 84 relate to developments that abut residential zones. The adjacent residential properties to the eat 26, 28A, 28B, 30, 32A, 32B and 34 Amherst Avenue are located within the Residential Character Zone.

In this context and in response to the concerns raised by both residential occupiers through the public notification process, the Applicant has sought advice from an acoustic engineer on the proposal.
City Wide Principle of Development Control 86 states:

“Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.”

To achieve the Environment Protection (Noise) Policy 2007, which provides recommended noise level criteria for noise sources associated within developments adjacent residential areas, Sonus have recommended that acoustic treatment be undertaken in the following manner:

“ensure the northern, eastern, and southern facades, and the roof of the new workshop building are constructed in accordance with the documented construction. That is:

- A minimum of 50mm thick precast concrete wall panels where shown on drawings;
- 0.42 BMT external metal cladding (or acoustic equivalent) where Colorbond cladding or flat sheet fascia panels are proposed or for the workshop roof.”

Sonus based their advice on the proposed additional activity undertaken within the proposed new vehicle servicing workshop, as distinct to the existing activity that is currently undertaken at the motor vehicle dealership. More specifically, Sonus have predicated their noise level measurements taken within an existing motor repair workshop that is of a comparable scale as well as a range of previous noise measurements, comprising noise sources including vehicle movements, delivery vehicle activity, internal workshop activity including wheel alignment activity and roof mounted extractions fans and air conditioning units.

A copy of the Sonus reports are contained in Attachments B.

Having regard to the advice from Sonus, the anticipated noise generating activities within the proposed building are not considered to result in an unreasonable impact on directly neighbouring residential properties, subject to the acoustic measures recommended.

From an overall land use perspective, the proposal is considered to essentially maintain the functions of the existing service trades premises which are considered to be compatible with the amenity of the locality.

streetscape/bulk/scale/height/character/setbacks/landscaping

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

City Wide Objectives: 18, 19, 24 & 25.
City Wide PDC’s: 29-33, 35, 37, 38, 40, 73 – 78, 205 & 206.

The Local Commercial Zone Objectives and Principles of Development Control do not provide any guidance on the height of buildings, however as set out earlier, it is a zone in which warehouses and store buildings, amongst other things, are listed as complying forms of development (subject to conditions).

Warehouses typically comprise buildings of relatively large height and floor area. For example, a warehouse building would typically be single-storey with a height of up to 8 metres as there is no maximum height for a complying warehouse building within the Local Commercial Zone.

The conditions which must first be satisfied in order for those uses to be classed as complying do not include a limitation on height, however do include a requirement for an 8 metre setback from a road. Accordingly, it is feasible that a warehouse building could be constructed on the site, 8 metres from both Portrush Road and Amherst Avenue, with an uncontrolled height. The ERD Court made the following comment in Juczenko v City of Mitcham [2006] SAERDC 91 (18 December 2006) on the issue of giving consideration to complying forms of development when considering another Application:

“I consider that "as of right " complying development must be taken as a conservatively acceptable form of development in the applicable zone. Counsel for the Council is not correct therefore in saying that such a position or outcome does not mean that it is a good development.”
At this point, it is important to point out that the building which was proposed adjacent to Amherst Avenue in the original application that was subject to public notification had an overall height of 7.5 metres and the two-storey section was set back 3.6 metres from Amherst Avenue. In response to the concerns raised by the representors, the Application was amended so that the two-storey building overall height is now 6.6 metres and the two-storey section is set back 7.5 metres from Amherst Avenue.

When considering the suitability of the proposed 6.6 metre height of the two-storey building with 7.5 and 5.5 metres setbacks from Amherst Avenue of the two-storey and single-storey components respectively, it is relevant to consider, for example, that a warehouse building set back 8 metres from Amherst Avenue, would be deemed as a conservatively acceptable form of development in the zone and as such, a form of benchmark. In this context, the proposed setbacks are considered to be acceptable.

Turning to the City Wide provisions of the Development Plan relating to character and appearance of buildings, there are several relevant Principles of Development Control which relate to the design and appearance of the proposal. Discussion has been provided in relation to each below:

**City Wide Principle of Development Control 29**

*Except where the zone or policy area objectives, principles of development control and/or desired character of a locality provide otherwise, new buildings:*

(a) may be of a contemporary appearance and exhibit an innovative style;
(b) should complement the urban context of existing buildings on adjoining and nearby land in terms of:
   (i) maintenance of existing vertical and horizontal building alignments
   (ii) architectural style, building shape and the use of common architectural elements and features;
   (iii) consistent colours, materials and finishes; and
(c) should not visually dominate the surrounding locality."

It is considered that the proposed building is consistent with Principle 29 in terms of its relationship with existing commercial buildings (namely, Officeworks at 210 Portrush Road and Spotlight at 214-216 Portrush Road) on nearby land within the neighbouring District Commercial Zone to the south, through the use of similar building materials, roof forms and architectural themes, however is inconsistent in terms of its relationship with dwellings on nearby land within the Residential Character Zone.

**City Wide Principle of Development Control 32**

*Buildings, structures and associated component parts should not be higher than the number of storeys above the mean natural ground level prescribed for the relevant zone 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, and 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."

The proposal is consistent with Principle 32, as discussed at the beginning of this section of the report.

**City Wide Principle of Development Control 33**

*Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walls facing areas exposed to public view."

The two-storey building presents to Amherst Avenue with a relatively modest degree of articulation to the precast concrete wall panels. The approximately 3.0 metre high existing conifer hedge that is to be retained as part of the proposed development will assist greatly in reducing the scale of the main building. The proposed materials are generally considered to be of a type and quality expected for a new commercial development.

**City Wide Principle of Development Control 37**

*The external walls and roofs of buildings should not incorporate highly reflective materials which will result in excessive glare."

The proposal does not include any highly reflective materials likely to cause excessive glare to residents in Amherst Avenue.
City Wide Principle of Development Control 38
“Structures located on the roofs of buildings to house plant and equipment, should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.”

There no details regarding roof mounted plant equipment, however, it not anticipated that it will be readily visible from the ground level of Amherst Avenue.

City Wide Principle of Development Control 40
“Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.”

The retention of the conifer hedge along the Amherst Avenue frontage is considered to maintain a positive streetscape presentation as called for by this policy. No signage is proposed to the eastern/Amherst Avenue elevation.

On balance, it is considered that the proposal is generally consistent with the provisions of the Development Plan relating to the design and appearance of buildings.

Carparking/access/manoeuvring

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

City Wide Objectives: 32 & 34.

Currently the site has 42 formalised car parking spaces situated in the south and south-eastern sections of the site adjacent to the Albemarle Avenue frontage.

For the purposes of calculating car parking demand, there are effectively two separate components of the site which need to be considered: the service trade premises (motor vehicle sales) component and the motor repair station (vehicle servicing and repairs) component.

In terms of calculating both the existing and the proposed car parking demand for each component, consideration has been given to the Planning SA publication Planning Bulletin: Parking Provisions for Selected Land Uses (Suburban Metropolitan Adelaide), as the Council’s Development Plan does not specify car parking rates for a service trade premises or a motor repair station. A more recent study in to car parking generation rates by Aurecon and the LGA, does provide a rates for service trade premises and motor repair stations, however in respect to the former, the rate is generic and only applies to building floor area, while the Planning SA Planning Bulletin has a rate specific to motor show room and/or used car lot/vehicle sales yards. In respect to the motor repair station rate in the Aurecon study, it provides a rate which is impractical to apply, as it relates to the number of cars waiting to be serviced. Therefore, the Planning SA Planning Bulletin rates have been used.

The Planning Bulletin provides a recommended car parking rate for both a motor show room and/or a used car lot/vehicle sales yard of between 1.5 – 2 spaces per 100m². In terms of a motor repair station, the Planning Bulletin recommends a car parking rate of 2 spaces per 100m².

Looking at the current composition of the site, approximately 3,200m² comprises motor show room/vehicle sales yard, including cars that are outdoor on display (ie. adjacent both the Portrush Road and a portion of the Albemarle Avenue frontages) and approximately two-thirds of the main building. The remaining third of the main building, approximately 300m², comprises the existing servicing workbays. In terms of the remainder of the site (excluding the 42 car parking spaces mentioned previously), it comprises in excess of 2,000m² of land that is used for “open air” storage of vehicles and a building that is utilised to wash cars. Neither the storage of cars nor the car wash are considered to generate a car parking demand.
Therefore, the existing car parking demand associated with the site is as follows:

- motor showroom/used car lot/vehicle sales yard: 48 spaces;
- motor repair station (ie. vehicle servicing workbays): 6 spaces.

As such, the existing theoretical car parking demand associated with the motor vehicle dealership is 54 spaces. Given that there are only 42 spaces on site, the dealership operates with a current theoretical shortfall of 12 spaces.

In terms of the anticipated car parking demand resulting from the proposed development, the total floor area proposed is 967m². Applying the motor repair station rate of 2 space per 100m², the proposal generates a new demand of 19 car parking spaces. Combined with the existing car parking demand of 54 spaces associated with the site, the proposal would result in an overall car parking demand of 73 spaces, which in turn would exacerbate the existing theoretical shortfall from 12 to 31 spaces. That said, there are two factors which are considered to justify the theoretical shortfall.

The first is that the Jarvis motor vehicle dealership leases the approved car parking area located at 2 Albemarle Avenue (ie. on the corner of Albemarle Avenue and Amherst Avenue) for staff parking during business hours. This car parking area can accommodate in the order of 35 car parking spaces in an informal arrangement. As this land is not owned by Jarvis, nor is there any form of caveat on the Certificate of Title, the ongoing availability of the land for parking by staff of Jarvis is not guaranteed.

The second factor is that 29 of the 42 customer car parking spaces which are located on the site, were created voluntarily by Jarvis in 2007. In particular, the Jarvis dealership lodged a Development Application in 2007 (DA 155/582/07) that involved the demolition of existing buildings that were situated on properties at 1 Albemarle Avenue and 21 Amherst Avenue, in order to increase customer parking capacity from 13 car parking spaces to 42 spaces. This was not connected with any other development. If the additional car parking had not been created at that time, but instead was proposed in the current application, it would adequately cater for the demands of the proposal. It is might therefore be unreasonable to ‘penalise’ the applicant for creating the car parking in advance of the current development application.

It should also be noted that the on-site vehicle storage capacity (ie. cars waiting to be sold) which is displaced by the siting of the new building, is proposed to be catered for through on-site car stackers (24 cars), as well as use of the property at 31 Amherst Avenue, which was recently approved for that use (28 cars).

**Stormwater Management**

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

City Wide Objectives: 42
City Wide Principles of Development Control: 147, 148, 149 & 151

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

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

**Summary**

The proposal to intensify the existing service trade premises on the subject land is consistent with Objective 1 of the Local Commercial Zone and Objective 7 of the City Wide section of the Development Plan, as it provides for the continuance of an existing non-residential use of a scale and nature which is compatible with the locality.
The impacts associated with the proposed use on the amenity of adjacent residential properties, are considered to be reasonable. The proposed extent of additional built form is not considered to impact on adjacent residential properties located on Amherst Avenue. The two-storey building is large in scale, however, the scale of the building is consistent with that which buildings are able to be constructed to within the Local Commercial Zone as of right.

The existing well-established hedged adjacent the Amherst Avenue frontage is to be retained and will offer a degree of visual relief for directly neighbouring residential occupiers.

Whilst there is an increase in car parking demand, it is considered that adequate car parking capacity is provided on and off site to cater for the likely demand associated with the additional servicing and motor repair activity. Whilst the off-site parking cannot be guaranteed into the future, the development application is considered appropriate from a car parking perspective without taking that additional parking into account, as 29 spaces were voluntarily created on the subject land in 2007 and it is considered reasonable to attribute those spaces to the new demand which would be generated by the proposal.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be granted to Development Application No 155/848/19 by Wrightville Pty Ltd ATF The RTC Trust to undertake the construction of a freestanding two-storey building comprising a motor vehicle service workshop and an administration area at ground level and staff amenities/storage at upper level; a covered vehicle storage area (incorporating vehicle stacking systems); and construction of a building for wheel alignment (adjacent the northern side of the existing motor vehicle service workshop) in association with an existing service trade premises, on the site located at 184-190 Portrush Road; 1 Albemarle Avenue; & 21 Amherst Avenue Trinity Gardens, subject to the following requirements, conditions and notes:

Relevant Plans and Details

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 11-4884 and Drawing Numbers SK00, SK10, SK11 & SK20) prepared by Walter Brooke Architecture and received by the Council on 23 March 2020;
- recommendations contained in the Environmental Noise Assessment Report (Reference Number S6384C3) prepared by Sonus Pty Ltd and received by the Council on 13 February 2020.

Conditions

1. Storm water run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the arterial road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

2. 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.

3. 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.
4. 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.

5. All refuse and stored materials shall be screened from public view to the reasonable satisfaction of the Council or its delegate.

6. At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.

7. 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.

8. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

9. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers where appropriate to facilitate the movement of disabled persons).

10. All loading and unloading of vehicles shall be carried out entirely upon the subject land.

**Notes to Applicant**

1. 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 requirements of the *Fences Act 1975* regarding permission from any neighbours affected by new boundary development or boundary fencing. Further information is available in the ‘Fences and the Law’ booklet available through the Legal Services Commission available at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au). Alternatively a hard copy can be mailed to you on request by contacting the Planning Department on 8366 4530 or 8366 4508.

   The Applicant's attention is also drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.

2. The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

3. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.

   All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

4. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/594/2019 – MINICOZZI (OSMOND TERRACE) PTY LTD – 114A OSMOND TERRACE, NORWOOD

DEVELOPMENT APPLICATION: 155/594/2019

APPLICANT: Minicozzi (Osmond Terrace) Pty Ltd

SUBJECT SITE: 114A Osmond Terrace, Norwood (Certificate of Title Volume: 6159 Folio: 892)

DESCRIPTION OF DEVELOPMENT: Change of use from a dwelling to consulting rooms (non-complying)

ZONE: Residential Character (Norwood) Zone Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)

PUBLIC NOTIFICATION CATEGORY: Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on a non-complying development application for the change of use from a dwelling to consulting rooms.

Staff do not have delegated authority to determine the Application, as it is a Category 3 application. 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.

Background

In November 2005, an extreme flood event caused water levels within First Creek, Norwood to rise and flood a large number of dwellings, including the dwellings at 112 Osmond Terrace and 114A Osmond Terrace. Following the flood, the Council undertook extensive flood mitigation works to significantly improve the capacity of First Creek, thereby improving the flood protection of nearby dwellings.

In 2006 and 2007 respectively, the owners of 114A and 112 Osmond Terrace lodged separate development applications seeking approval to demolish the dwellings on those properties. Arguments which were put in support of the applications related to the flood-prone nature of the dwellings and the limited extent of heritage value they possess. There was little to no suggestion that either dwelling was structurally unsound.

The Development Assessment Panel (DAP) refused the development applications for the demolition of the dwellings at 114A and 112 Osmond Terrace on 19 February 2008 and 18 June 2008 respectively. In both instances, the DAP placed little weight in its assessment, on the extent to which the properties are prone to flooding and/or the relative heritage value of the properties. Rather, the DAP focussed its assessment on the one policy of the Development Plan which directly applies to applications to demolish a Local Heritage Place; City Wide Principle of Development Control 363 (current numbering). In relation to development applications for entire demolition of a Local Heritage Place, Principle 363 effectively only applies a structural condition test.

Both of the decisions of the DAP were subsequently appealed to the Environment Resources and Development Court (the ERD Court). The ERD Court joined the appeals together, given that the same issues were dealt with in both. The joined appeals proceeded to a hearing and the Court upheld the DAP’s decisions.
The owner of 112 Osmond Terrace subsequently appealed the decision of the ERD Court to the Supreme Court. The Supreme Court found that the ERD Court (and by implication the DAP) had erred in the manner in which had approached the assessment. In particular, it was found that insufficient weight had been placed in the assessment of the application, on the extent to which the dwelling was prone to flooding and the relative heritage value of the property.

In February 2010, development plan consent was granted to Development Application number 155/520/09, for two storey additions to the rear of the existing dwelling. The consent has subsequently lapsed.

In October 2014, development approval was granted to Development Application number 155/170/13, for alterations and additions to the existing dwelling, including the construction of a freestanding carport and front fence; and the construction of two (2), three-storey detached dwellings fronting Brown Street, with associated fencing and landscaping. The approval included the construction of a flood protection wall alongside the creek, to protect the existing dwelling from flooding.

The approval has been partially implemented. In particular, the two new dwellings fronting Brown Street have been constructed, as has the flood protection wall. However, the additions and alterations to the Local Heritage Place, which included restoration works to the facade, have not been undertaken.

In March 2019, a development application was lodged by Minicozzi (Osmond Terrace) Pty Ltd, to demolish the Local Heritage Place and construct a replacement dwelling. At its meeting held on 22 August 2020, the CAP determined to refuse the application.

**Subject Land Attributes**

The subject land is a large allotment with a frontage to Osmond Terrace of approximately 27.4 metres and a depth of approximately 36 metres, with an additional 19 metres depth provided for a narrow (approximately 3m wide) section adjacent the southern boundary, providing access to Brown Street at the rear. The total site area is approximately 1028m².

The subject land is located adjacent to First Creek to the north. The subject land is occupied by a large Federation style dwelling constructed Circa 1900's. The dwelling is listed as a Local Heritage Place and is described in a Heritage Survey by Mark Butcher Architects in 1994 as:

> "An attractive single storey Federation masonry house with complex hipped roof with feature gablets and integral front verandah with side return. Notable for its attractive design and relative intactness. Set in a mature garden behind a wonderful Pittosporum hedge. Appears to be in good condition for its age."

and

> "a good, relatively intact example of a well built Federation house. It is associated with an important period of Norwood’s development, i.e. the latter end of the 1880’s-1900 boom. It is indicative of the way of life in Norwood at that time and in particular of the better quality house found on Osmond Terrace. It is an attractive building architecturally, forming part of an important group of imposing larger Victorian/Edwardian houses located in Osmond Terrace."

The dwelling was listed as a Local Heritage Place, having been deemed by the Council, the Local Heritage Advisory Committee (LHAC) and the Minister for Urban Development and Planning, to satisfy the following criteria pursuant to Section 23 (4) of the Development Act 1993:

(a) it displays historical, economic or social themes that are of importance to the local area;
(b) it represents customs or ways of life that are characteristic of the local area; and
(c) it displays aesthetic merit, design characteristics or construction techniques of significance to the local area.
Locality Attributes

The locality is characterised by a wide range of dwelling types and styles, including several original detached dwellings with heritage significance, later detached dwellings of various age and style and medium density infill in the form of residential flat buildings, row dwellings and semi-detached dwellings.

A detached brick dwelling with gabled roof form, which appears to be approximately twenty (20) years old is located immediately north of the subject land at 114 Osmond Terrace. The front fence of this property doubles as a bridge parapet and is listed as a Local Heritage Place. Further north at 112 Osmond Terrace, is a Victorian cottage, also listed as a Local Heritage Place. Two (2) more Victorian cottages, with no heritage listing are located to the south of the subject land at 116 and 118 Osmond Terrace. Other Local Heritage Places in the locality include an Edwardian Villa at 103 Osmond Terrace and a Victorian cottage at 103 Osmond Terrace.

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

Proposal in Detail

The applicant is seeking consent to change the use of the building from a dwelling to consulting rooms. There was some confusion as to what use was originally proposed, as the Statement of Effect refers to offices and consulting rooms. In an email from Mr Phillip Brunning on behalf of the applicant dated 16 January 2020, Mr Brunning advises that the proposal is for consulting rooms, with the rooms shown on the plans as ‘office’ being ancillary to the consulting rooms.

No changes to the building are proposed in the development application. The applicant has advised that internal modifications may be undertaken to meet the requirements of the incoming tenant and the building code. Similarly, the applicant has advised that external maintenance and renovations to the building will be determined upon the specific needs of the incoming tenant.

As the building is a Local Heritage Place, any external renovations, including painting, will need to be the subject of a separate development application.

A copy of the development application is contained in Attachment B.

Notification

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

Four (4) representations were received in response to this notification, copies of which are contained in Attachment C. All of the representations were in opposition to the application.

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

- Ms Judith Brine;
- Ms Jane and Mr Richard Cooper; and
- Mr Alexander Wilkinson.

In summary, the representors raised the following concerns:

- the proposal will add to existing on-street parking demand;
- the proposal will result in increased noise from patients and staff coming and going;
- inadequate on-site parking;
- the proposed car parking area in front of the dwelling instead of a landscaped garden will detract from the character of the area;
- if approved, the proposal would set a precedent for future non-residential uses on Osmond Terrace;
Mr Nic Minicozzi provided a response to the representations. In his response, Mr Minicozzi has drawn an inference from the fact that the previous development application to demolish the dwelling attracted ten (10) representations and this application attracted four (4) representations. Specifically, he has suggested that it can be inferred that those persons who lodged a representation on the demolition application but did not do so on the change of use application, are supportive of the proposed change of use. Furthermore, Mr Minicozzi has suggested that it can be inferred that, since seventeen (17) persons were notified of the change of use application and only four (4) people responded, the other thirteen (13) persons must be supportive of the application.

Clearly that is not the case, as there are a range of possible explanations for the number of formal representations received. It cannot simply be assumed that if a person does not lodge a representation, they are supportive of the proposal.

In his response to the representations, Mr Minicozzi also opined that:

- the building is not suitable for use as a dwelling due to the risk of flooding;
- medical consulting is a low intensity use with minimal off-site impacts; and
- consulting rooms will give the building economic purpose, thereby capacity to retain and restore it.

A copy of the response to the representations is contained in Attachment D.

**State Agency Consultation**

The Development Regulations 1993 do not require consultation with State Government Agencies.

**Discussion**

**Zoning and land use**

The subject land is located within the Residential Character (Norwood) Zone of the City of Norwood Payneham & St Peters (City) Development Plan. The proposed development is non-complying, as it is for consulting rooms and does not involve any of the following:

- the re-use of a building originally constructed for a shop, consulting room or office with a total gross leasable floor area of 250 square metres or less; or
- where the site fronts an arterial road and has a total gross leasable floor area of 250 square metres or less; or
- alterations and/or additions to an existing consulting room which result in a total gross leasable area of less than 250 square metres; or
- where it is ancillary to the function or operation of an aged care/retirement facility.

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

"Non-residential development will be limited in size and nature and will generally only occur in locations along arterial road frontages, or where there is a recent history of lawful non-residential use, or where the building was originally constructed for non-residential use (such as original corner shops). Buildings proposed for non-residential use will be domestic in scale and nature and will mostly involve the re-use of existing dwellings. Development in association with existing non-residential uses will be limited, to ensure that the size and intensity of such development does have any additional off-site impacts that will affect residential amenity."

Principle of Development Control 1 of the Residential Character (Norwood) Zone states:

*The following forms of development are envisaged in the zone:*

- Affordable housing
- Dependent accommodation
- Domestic outbuilding in association with a dwelling
- Domestic structure
- Dwelling
- Dwelling addition
- Small-scale consulting room or office only where:
- in the case of a building constructed as a dwelling, where it has a recent lawful history of consulting room, shop or office use; or
- the building was originally constructed for a non-residential use; or
- the site has a frontage to an arterial road; or
- it is ancillary to the function or operation of an aged care/retirement facility
Small-scale shop, only where:
- the building was originally constructed as a shop; or
- it is ancillary to the function or operation of an aged care/retirement facility
Supported accommodation and housing for seniors."

Principle of Development Control 2 of the Residential Character (Norwood) Zone states:

"Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:

(a) serves the local community;
(b) is consistent with the desired character of the locality; and
(c) does not detrimentally impact on the amenity of nearby residents."

Principle of Development Control 4 of the Residential Character (Norwood) Zone states:

"Development listed as non-complying is generally inappropriate."

The language used in most of the policies quoted above is not absolute and provides some scope for non-residential land uses to be established in circumstances other than those which are expressly provided for. For example, the Desired Character Statement states that non-residential development will “generally” only occur in stated circumstances and Principle 4 states that development listed as non-complying is “generally” inappropriate.

That said, there are aspects of the policy which are not expressed in such flexible terms. For example, the Desired Character Statement states that non-residential use “will” be domestic in scale and nature and the qualitative considerations in Principle 2 are not caveated in any way which would make those considerations applicable in only some circumstances.

Therefore, it is considered that there could be locations within the zone where a non-residential land use could appropriately be established, other than those locations set out in Principle 1 (and repeated in the list of non-complying development). However, there would need to be exceptional circumstances if that was to be the case. For example there could be a property in a locality which is heavily characterised by other non-residential land uses. If a property was in such a location, the qualitative criteria in Principle 2 and the Desired Character Statement with respect to scale, character and amenity, would still need to be achieved.

In the case of the subject land, there are no exceptional circumstances as to why it is an appropriate site for a non-residential land use. There are no surrounding non-residential land uses which would render the objective of maintaining a residential character and amenity redundant. As has been determined in previous development applications, the property is not subject to an unacceptable risk of flooding and the very low level of risk which does exist can be easily mitigated further.

If the location of the site was considered suitable for a non-residential use (which it is not), then the scale of the proposed use would be considered appropriate, as it is of a ‘domestic scale’ and a scale which would serve the local community. Therefore, part (a) of Principle 2 would be satisfied.

However, it is considered that parts (b) and (c) of Principle 2 would not be satisfied. Part (b) requires consulting rooms to be consistent with the desired character of the locality. In this respect, the Desired Character Statement states (underlining for emphasis):

"The regular street grid pattern and the high level of vegetation, including mature street trees and landscaped gardens, are elements that assist in unifying the various eras of built form development in Norwood."
“The zone will continue to support a mix of old and new development and provide opportunities for a range of housing types and allotment sizes. The remaining pockets of housing pre-dating 1940 that make an important contribution to the mixed character of Norwood are identified (by site) on Concept Plan Fig RC(N)/1. Additional development guidelines will apply to new development within these identified localities and further land division will not occur, except where it involves the redevelopment of an existing multi-unit site or the conversion of an existing dwelling into two (or more dwellings) where the building and the front yard maintain the original external appearance to the street.”

Principle of Development Control 9 of the Residential Character (Norwood) Zone states (underlining for emphasis):

“Development should preserve and enhance streetscapes within the zone by:

(a) the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality;

(b) providing setbacks from boundaries to maintain space between dwellings in keeping with the pattern of surrounding development;

(c) limiting the number and width of driveway crossovers; and

(d) incorporating a sufficient amount of soft landscaping between the street and the dwelling, including trees.”

The subject land is in a pocket of housing pre-dating 1940 identified on Concept Plan Fig RC(N)/1. The above excerpt of the Desired Character Statement set out above emphases the need for front yards to maintain the original external appearance to the street.

Therefore, constructing a hard-paved car parking area within the front yard, in lieu of a landscaped front garden, is contrary to the desired character for the zone. Whilst a front hedge is proposed, that would only go some way towards offsetting the loss of a traditional landscaped front garden, with trees and other vegetation which would typically be seen above a hedge.

Part (c) of Principle 2 states that consulting rooms should not detrimentally impact on the amenity of nearby residents. As stated by the applicant in the response to representations, consulting rooms are generally a relatively low-impact non-residential use, with noise impacts generally limited to that associated with vehicles arriving and leaving the premises. That said, unlike a typical office where such movements typically only occur twice a day when staff arrive and leave, patients attending consulting rooms arrive and leave throughout the day.

With nine (9) car parking spaces proposed on site and three consulting rooms, such movements are likely to be frequent and would have some impact on the amenity of occupiers of adjacent dwellings. This impact is obviously subjective, however should be considered in the context that an occupier of a dwelling in the Residential Character (Norwood) Zone can reasonably expect to experience impacts associated with dwellings, not commercial land uses (except on arterial roads, or where there is a recent history of lawful non-residential use, or where the building was originally constructed for non-residential use).

Heritage

The application was referred to the Council’s Heritage Advisor, David Brown, for advice on the impact of the proposal on the heritage value of the Local Heritage Place.

Mr Brown has advised that the proposed car parking area forward of the building would have a negative impact on the heritage value of the property, as it should have a landscaped setting.

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

Car Parking

Table NPSP/9 specifies a minimum car parking rate of 4 spaces per consulting room. Therefore, as three (3) consulting rooms are proposed, the proposal requires twelve (12) on-site parking spaces to satisfy Table NPSP/9. As only nine (9) spaces are proposed, there is a shortfall of three (3) spaces.
City Wide Principle of Development Control allows for a lesser amount of car parking where 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.

The shortfall of three car parking spaces is considered consistent with Principle 122 and acceptable.

Summary

Non-residential land uses (including consulting rooms) should generally only occur in the Residential Character (Norwood) Zone in locations along arterial road frontages, or where there is a recent history of lawful non-residential use, or where the building was originally constructed for non-residential use (such as original corner shops). The subject land does not satisfy any of these location criteria and there are no exceptional circumstances as to why the location of the subject land would warrant deviating from the criteria.

For situations where the location criteria for non-residential use are achieved, the Development Plan provides qualitative criteria which should be achieved, relating to scale, character and amenity. The proposal is considered to achieve the scale criteria (being of a domestic scale serving the local community), however is not considered to achieve the character or amenity criteria. Landscaped front gardens are an important aspect of the desired character for the zone, particularly the character pockets in Figure RC(N)/1. The proposed car parking area does not allow for a landscaped front garden. Noise impacts associated with vehicles regularly arriving at and leaving the property, would detract from the residential amenity experienced by occupants of adjacent dwellings.

The proposal will negatively impact on the heritage value of the Local Heritage Place, as it does not allow for a landscaped front garden, thereby impacting on its setting.

The proposal is considered to provide sufficient on-site car parking, having regard to Principle 122 which allows for a lesser amount than is otherwise required, when retaining a Local Heritage Place.

On balance, the application is not considered to be seriously at variance with the Development Plan, however does not sufficiently accord with the relevant provisions of the Development Plan to merit consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be refused to Development Application No 155/124/19 by Minicozzi (Osmond Terrace) Pty Ltd for a change of use from a dwelling to consulting rooms, for the following reasons:

1. The proposed land use is inconsistent with the desired character statement for the zone, as the subject land is not located along an arterial road frontage, or where there is a recent history of lawful non-residential use, or where the building was originally constructed for non-residential use.

2. The proposal is inconsistent with part (b) of Principle of Development Control 2 of the Residential Character (Norwood) Zone, as it does not allow for a landscaped front garden.

3. The proposal is inconsistent with part (c) of Principle of Development Control 2 of the Residential Character (Norwood) Zone, as it would negatively impact on the amenity of the occupiers of adjacent residential properties due to the noise from vehicles arriving at and leaving the property.

4. The proposal will have a negative impact on the heritage value of the Local Heritage Place, as the car parking area forward of the building does not allow for a traditional landscaped setting.
2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/840/2019 – MR K NG – 36 RICHMOND STREET, HACKNEY

DEVELOPMENT APPLICATION: 155/840/2019
APPLICANT: Mr K Ng
SUBJECT SITE: 36 Richmond Street, Hackney (Certificate of Title Volume: 5187 Folio: 275)
DESCRIPTION OF DEVELOPMENT: Change of use from an office to a retail showroom (non-complying)
ZONE: Residential Character Zone Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
PUBLIC NOTIFICATION CATEGORY: Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on a non-complying development application for the change of use from an office to a retail showroom.

Staff do not have delegated authority to determine the Application, as it is a Category 3 application. 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

The subject land is occupied by a former church, constructed in 1905. The dwelling is listed as a Local Heritage Place and is described in a Heritage Survey in 2002 as:

“a traditional gable fronted small church, with a sandstone, random coursed (front façade), with brick copings, quoins, plinth, string course and window and door openings. Door, window and vent openings are pointed arches with decorative hood mouldings to windows and doors. The building contains a hall and two classrooms.”

In 1993, development approval was granted for a minor extension and change of use from a place of worship to a welfare distribution agency/centre. The current owners of the property, Aspen Group Ltd, have advised that Adelaide Caravan Park have made use of the property until ‘recently’, by using the front hall as an office, the middle section for storage and the rear for accommodation by the park manager. The property is currently vacant.

The building has a total floor area of 209m² and is set back approximately 4.5 metres from the street and 3.0 metres from the western side boundary, where a carport is located. The area between the front of the building and the street is entirely hard paved.
Locality Attributes

The subject land is bounded by the Adelaide Caravan Park to the north, east and west. Adjacent the subject land on the southern side of Richmond Street is a group of row dwellings owned by the South Australian Housing Trust. Either side of that group of row dwellings to the east and west are traditional cottages fronting Richmond Street. Also within the locality is a Council reserve, Twelftree Reserve, approximately 70 metres east of the subject land on the corner of Richmond Street and Torrens Street.

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

Proposal in Detail

The applicant has sought consent for the land to be used as a retail showroom. At the time that the application was lodged, the intended tenant was a specialty indoor plant retailer, also selling pots, baskets, terrariums, handmade jewellery, candles, greeting cards and accessories.

Pursuant to the definition in the Development Regulations 2008, a retail showroom means:

"premises used primarily for the sale, rental, display or offer by retail of goods, other than foodstuffs, clothing, footwear or personal effects goods, unless the sale, rental, display or offer by retail of the foodstuffs, clothing, footwear or personal effects goods is incidental to the sale, rental, display or offer by retail of other goods;"

Examples—
The following are examples of goods that may be available or on display at bulky goods outlets or retail showrooms:

(a) automotive parts and accessories;
(b) furniture;
(c) floor coverings;
(d) window coverings;
(e) appliances or electronic equipment;
(f) home entertainment goods;
(g) lighting and electric light fittings;
(h) curtains and fabric;
(i) bedding and Manchester;
(j) party supplies;
(k) animal and pet supplies;
(l) camping and outdoor recreation supplies;
(m) hardware;
(n) garden plants (primarily in an indoor setting);
(o) office equipment and stationery supplies;
(p) baby equipment and accessories;
(q) sporting, fitness and recreational equipment and accessories;
(r) homewares;
(s) children’s play equipment."

Since lodging the development application, the prospective tenant has advised the Council that they no longer intend to occupy the property. However, the applicant has advised that they still wish to pursue obtaining consent for the property to be used as a retail showroom. If consent is granted, any retail showroom fitting the definition above would be able to occupy the property (noting that the size of the property would not be conducive to many of the examples listed above).

A copy of the development application is contained in Attachment B.

Notification

The proposal has been identified and processed as a Category 3 form of development.
One (1) representation was received in response to this notification by Ms Marysia Marchant. Ms Marchant is neither opposed to the application nor in favour of the application, however is concerned that the proposal will lead to additional on-street parking demand and on-street parking is already problematic in the area. A copy of Ms Marchant’s representation is contained in Attachment C. Ms Marchant has advised that she wishes to be heard by the Panel.

The applicant has responded to the representation, advising that:

- the car parking demand of a retail showroom is no greater than that of the existing use rights as an office;
- the intended tenant will generate a low parking demand due to its specific business model;
- additional car parking is available in the adjacent caravan park; and
- there are 4 car parking spaces available on site for staff to park.

As the intended tenant will no longer occupy the property if consent is granted, the second dot-point above is no longer relevant.

A copy of the response to the representations is contained in Attachment D.

State Agency Consultation

The Development Regulations 1993 do not require consultation with State Government Agencies.

Discussion

Zoning and land use

The subject land is located within the Residential Character Zone of the City of Norwood Payneham & St Peters (City) Development Plan. The proposed development is non-complying, as it is for a form of shop and does not involve any of the following:

(e) the re-use of a building originally constructed and used as a shop or group of shops, where it has a total gross leasable floor area of 100 square metres or less, or 250 square metres or less, where the site fronts an arterial road; or

(f) an alteration and/or addition to an existing shop or group of shops, where it has a total gross leasable floor area of 100 square metres or less, or 250 square metres or less, where the site fronts an arterial road.

The Desired Character Statement for the Residential Character Zone states:

“Non-residential development within this zone will be limited in size and nature and will generally only occur in locations along arterial road frontages or where there is a historical basis for such a use (such as corner shops). Because the existing built form is a key reference point for new development, buildings proposed for non-residential use will generally be domestic in scale and nature and will mostly involve the re-use of existing dwellings. Development in association with existing non-residential uses will be limited, to ensure that the size and intensity of such development does not unreasonably affect nearby residences.”

Principle of Development Control 1 of the Residential Character Zone states:

“The following forms of development, or combinations thereof, are envisaged in the zone:
Affordable housing
Dependent accommodation
Domestic outbuilding in association with a dwelling
Domestic structure
Dwelling
Small scale child care facility located along an arterial road or main road that serves the local community
Small-scale shop, office, consulting room only where:
- there is a lawful historic basis for such a use; or
- it involves the re-use of an existing dwelling with a frontage to an arterial road; or
- on an arterial road, it is located on the ground floor of a building that also contains a residential use; or
- it is ancillary to the function or operation of an aged care/retirement facility

Supported accommodation and housing for seniors.

Principle of Development Control 2 of the Residential Character Zone states:

“Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:

(d) serves the local community;
(e) is consistent with the desired character of the locality; and
(f) does not detrimentally impact on the amenity of nearby residents.”

Principle of Development Control 4 of the Residential Character Zone states:

“Development listed as non-complying is generally inappropriate.”

The language used in most of the policies quoted above is not absolute and provides some scope for non-residential land uses to be established in circumstances other than those which are expressly provided for. For example, the Desired Character Statement states that non-residential development will “generally” only occur in stated circumstances and Principle 4 states that development listed as non-complying is “generally” inappropriate.

That said, there are aspects of the policy which are not expressed in such flexible terms. For example, the qualitative considerations in Principle 2 are not caveated in any way which would make those considerations applicable in only some circumstances.

Therefore, it is considered that there could be locations within the zone where a non-residential land use could appropriately be established, other than those locations set out in Principle 1 (and repeated in the list of non-complying development). However, there would need to be exceptional circumstances if that was to be the case.

The subject land is considered to represent such an exceptional circumstance for the following reasons:

1. there are no residential properties adjoining the subject land, as it is bounded on three sides by the Adelaide Caravan Park and the fourth side by Richmond Street; and
2. the subject land has always been used for non-residential uses, including a church and subsequent office and ancillary uses.

With a floor area of 209m², the proposed retail showroom is considered to be ‘domestic’ in scale consistent with the desired character statement and a scale which satisfies the considerations in Principle 2. Part (c) of Principle 2 states that shops should not detrimentally impact on the amenity of nearby residents.

By comparison to the existing use rights of the property as an office, a retail showroom is likely to generate a similar car parking demand, however unlike an office where staff generally arrive in the morning and leave in the evening, customers to a shop would come and go throughout the day. Those customers would likely park on sections of Richmond Street where parking restrictions allow and potentially the visitor parking area of Adelaide Caravan Park.

Given the low numbers of customers likely to be present at any given time and the existing levels of traffic and parking in the locality, then subject to the hours of operation, the traffic movements and parking generated by the proposal is not likely to detrimentally impact on the amenity of nearby residents. It is considered that reasonable hours of operation would be between 8:30am and 5:30pm Monday to Saturday.

A more detailed assessment of car parking implications of the proposal is set out below.
**Car Parking**

Table NPSP/9 specifies a minimum car parking rate of 2-4 spaces per 100m² for a retail showroom and 4 spaces per 100m² for an office.

With a total floor area of 209m², the car parking demand associated with the property currently pursuant to existing use rights as an office is 8 spaces. Up to 4 car parking spaces are able to be accommodated down the western side of the building under the carport. This represents a current shortfall of approximately 4 spaces.

Depending on which end of the car parking rate range is used for the proposed retain showroom, it will generates a demand of between 4 and 8 spaces. Therefore, it would either decrease or be equivalent to the existing demand.

That said, the property has most recently been used in association with the adjoining Adelaide Caravan Park, such that occupants of the office are likely to have parked elsewhere within the caravan park site. Therefore, in a practical sense, the proposal is likely to lead to some additional demand for on-street parking than was previously the case.

City Wide Principle of Development Control allows for a lesser amount of car parking where 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.

Any minor practical increase in on-street parking demand which may result from the proposal is considered to be acceptable, as it is unlikely to have a significant impact on the character or amenity of the locality and provides a purpose for the heritage listed building, thus helping to ensure its ongoing preservation and retention.

**Summary**

Non-residential land uses (including retail showrooms) should generally only occur in the Residential Character Zone in locations along arterial road frontages, or where there is a recent history of a specific non-residential use or where the building was originally constructed for a specific non-residential use (such as original corner shops). The subject land does not satisfy any of these specific criteria, however it does have a history of non-residential use. It is also somewhat uniquely located, being bounded by Adelaide Caravan Park and Richmond Street.

The proposal is considered to achieve the relevant scale criteria (being of a domestic scale serving the local community), and is not considered likely to have an adverse impact on the character or amenity of the locality or nearby residential properties.

The proposal is considered to provide sufficient on-site car parking, having regard to Principle 122 which allows for a lesser amount than is otherwise required, when retaining a Local Heritage Place and in any event, requires less or equal parking to the existing use rights of the property.

On balance, the application is not considered to be seriously at variance with the Development Plan, and sufficiently accords with the relevant provisions of the Development Plan to merit consent.

**RECOMMENDATION**

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/840/19 by Mr K Ng to Change of use from an office to a retail showroom, subject to the following requirements, conditions and notes:
Relevant Plans

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

- plan titled “proposed tenant’s shop layout”

Conditions

1. The hours of operation shall be limited to between 8:30am and 5:30pm Monday to Saturday.

2. Four (4) on-site car parking spaces shall be available for use by staff beneath the carport along the western side of the building at all times.

Notes to Applicant

1. 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.

2. 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

2.4 DEVELOPMENT APPLICATION 155/0029/2020 – D’ANDREA & ASSOCIATES – 12-14 ELIZABETH STREET, NORWOOD

DEVELOPMENT APPLICATION: 155/0029/2020
APPLICANT: D’Andrea & Associates
SUBJECT SITE: 12-14 Elizabeth Street, Norwood (Certificate of Title Volume: 5088 Folios: 717 and 718)
DESCRIPTION OF DEVELOPMENT: Variation to Development Plan Consent 155/C071/18 comprising an increase in height of the rear dwellings (dwellings 6 and 7) from single storey to two storey
ZONE: Residential Character (Norwood) Zone – Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
PUBLIC NOTIFICATION CATEGORY: Category 2

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on a development application to vary development plan consent 155/C071/18 by increasing the height of the rear dwellings (dwellings 6 and 7) from single storey to two storey.

Staff do not have delegated authority to determine the Application, as it is a Category 2 application and there are representors who are opposed to the application. 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.

Background

Development Application 155/C071/18 was lodged in October 2018 for a community title land division, demolition of two dwellings and construction of a two storey residential flat building comprising fifteen dwellings. The application was considered and refused by the Panel at its meeting held on 18 February 2019 for the following reasons:

1. The application is not consistent with the desired character of the zone.
2. The proposal does not achieve a mostly single storey appearance to the street.
3. The height and length of upper level walls have not been minimised.
4. The proposal includes undercroft garaging whereas the development plan states that undercroft should only be on the western side of Osmond Terrace.
5. The bulk and scale of the proposal will have an unreasonable overshadowing and visual impact variously on the properties immediately to the south and east of the subject land.

Following the refusal of the Application by the Panel, the Applicant lodged an appeal with the ERD Court. The appeal was placed in the ‘pending’ track to allow the appellant to lodge amended plans with the CAP for further consideration.
The Applicant submitted a number of compromise proposals with the CAP for consideration. The last compromise was presented to the CAP at its meeting held on 20 July 2020 and included the following changes to the original proposal:

- a reduction in the total number of dwellings from 15 to 13;
- redesign of the layout of the dwellings, with a resulting reduction to the overall bulk and scale of the development, through:
  - redesigning the rear (eastern) two dwellings so as to make them single storey;
  - in conjunction with the redesign of the rear dwellings, reducing the overall length of the upper level component by 4.0 metres, giving the upper level a setback of 10 metres to the rear (eastern) boundary;
  - increasing the substantive upper floor setback from the northern boundary to 4.35 metres;
  - increasing the substantive ground floor setback from the southern boundary to 4.86 metres;
  - reducing the height of the north, south, east and west elevations by 1.0m -1.3m through the removal of parapets and replacement with a corrugated iron roof with a 3 degree pitch.
- removal of all four north and south facing upper level balconies;
- an overall reduction in the building footprint at undercroft, ground and first floor level, which results in:
  - an increase in the area of private open space at ground level for each dwelling;
  - an increase in the landscaping area provided; and
  - a reduction in the extent of site works required.

The CAP accepted the amended proposal and the ERD Court subsequently issued orders granting development plan consent to the compromise.

A copy of the plans which were granted development plan consent is contained in Attachment A.

On 22 January 2020, a development application (DA 155/29/20) was lodged by D’Andrea & Associates, seeking to vary the development plan consent issued by the ERD Court to DA 155/C071/18. Section 39(6) of the Development Act 1993 allows a person to seek the variation of a development authorisation previously given.

The proposed variation comprises an increase in height of the rear dwellings (dwellings 6 and 7) from single storey to two storey, together with incidental changes. More specifically, the variation comprises:

- dwellings 6 and 7 amended to be two storey;
- changes to dwellings 5 and 8 to accommodate these changes;
- amend car parking allocation in basement carparking; and
- land division changes to align with the land use changes proposed.

A copy of the variation plans is contained in Attachment B.

Notification

The proposed variation has been identified and processed as a Category 2 form of development.

Four (4) representations were received in response to this notification, copies of which are contained in Attachment C. All of the representations were in opposition to the application.

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

- Mr Jack and Mrs Alina Berketa; and
- Mr Michael Bickford and Mrs Lesley Baker
In summary, the representors raised the following concerns:

- overlooking;
- overshadowing;
- visual impact from the height and length of upper level walls; and
- undercroft parking should only be on the western side of Osmond Terrace.

It should be noted that the concerns raised with respect to undercroft parking are not relevant to the variation application, which deals only with the increase in height of the rear dwellings (dwellings 6 and 7) from single storey to two storey, together with incidental changes.

The applicant has responded to the representations. In summary, the applicant has advised:

- concerns raised by representors located on the western side of Elizabeth Street are not relevant to the variation proposal, as the changes relate to the rear of the building;
- new upper floor windows have obscure glazing up to 1700mm above floor level to address overlooking concerns;
- representors located north of the subject land will not be overshadowed; and
- the rear of the building is ‘cut’ into the site, reducing the height and visual impact.

A copy of the response to the representations is contained in Attachment D.

State Agency Consultation

The Development Regulations 1993 do not require consultation with State Government Agencies.

Discussion

The Desired Character Statement states (in part):

“Building heights of up to two (2) storeys may occur, however, where proposed, consideration will be given to the impact of second storey walls from neighbouring properties. In this context, it will be important that the height and length of upper storey walls are minimised and finished and articulated in such a way so that they are visually recessive and do not create any unreasonable overshadowing impacts. In some cases, this may limit the extent of upper level floor area in new dwellings or dwelling extensions. The design of buildings will be innovative and contemporary, however, large unbroken expanses of glass or walling and monochromatic colour schemes will not occur where it will be highly visible in the streetscape or from surrounding properties.”

The Desired Character Statement states that the height and length of upper storey walls are to be minimised, finished and articulated, so as to be visually recessive and not create unreasonable shadowing. The height of the building is considered to be reasonably ‘minimised’, insofar as the ground floor level is up to 700mm below natural ground level, reducing the overall height of the building relative to the ground level of surrounding properties, particularly adjacent to the rear of the site.

The upper level walls have not been ‘minimised’ in length, however they are well articulated and finished so as to be visually recessive. In particular, the proposed building is well articulated along the side elevations, both at ground and first floor levels. The extent of articulation is considered to sufficiently avoid ‘large unbroken expanses of glass or walling’ consistent with the Desired Character Statement. The range of materials and colours proposed is considered to sufficiently avoid monochromatic colour schemes, also consistent with the Desired Character Statement.

By contrast, the rear elevation contains very little articulation, however is set back 6 metres from the rear boundary and has different cladding treatments at the upper level, as well as alfresco structures which break up the vertical mass of the building.

Despite the very large perimeter of the subject land, there are relatively few adjoining properties which have a direct outlook onto it. The following points summarise the outlooks of properties onto the rear section of the building, which is affected by the proposed variation and an assessment of the visual impact:
4 & 4A Essery Street
The semi-detached dwellings at 4 & 4A Essery Street have a direct outlook onto the proposed new upper level of Dwelling 7, which is set back 1.86m from the boundary. By comparison, the original application which was supported by Council staff but refused by the CAP at the meeting held on 18 February 2019, had this setback at 4.56m.

The Development Plan provides quantitative guidance with respect to side and rear boundary setbacks for dwellings on a ‘battleaxe, hammerhead or similar configuration allotment’. The proposed plan of division is not considered to comprise a lot layout in a battleaxe, hammerhead or similar configuration, particularly as there are different lots at different floor levels. Therefore, City Wide Principle 206 is considered most relevant, and states:

“...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.”

As with the Desired Character Statement of the Residential Character (Norwood) Zone, Principle 206 requires a subjective assessment.

As the subject land is located to the south of 4 & 4A Essery Street, it would not result in any overshadowing. Overlooking is proposed to be addressed by way of high level windows and obscure glazing to a height of 1700mm above floor level.

The proposed upper level setback of 1.86 metres, is considered to result in an excessive visual impact on the occupants of the dwellings at 4 & 4A Essery Street, which are set back more than 4 metres from the boundary of the subject land.

9, 11 and 13 Hampton Grove
The semi-detached dwellings at 9, 11 and 13 Hampton Grove do have a direct outlook onto the rear of the proposed new upper level sections, which are set back 6.0m for the most part and 5.4m for sections where Bedroom 2 is proposed for each dwelling. These dwellings currently have an outlook onto olive trees on the subject land. The proposal includes the planting of trees (prunus cerasifera to 6.0m and magnolia grandifolia to 4.0m) adjacent to the rear boundary.

There are no upper level balconies adjacent to 9, 11 and 13 Hampton Grove, as the rear dwellings are two-level, with private open space at ground level.

The proposed setbacks of 5.4-6.0m is considered to result in an acceptable visual impact on the properties at 9, 11 and 13 Hampton Grove, particularly with the proposed tree plantings.

1/16A Elizabeth Street
The dwelling at 1/16A Elizabeth Street, has a blank wall on the boundary. The rear yard is adjacent to the rear yards of the proposed dwellings and therefore unaffected. The front yard of this dwelling is not private and any outlook from this space would be oblique in any event.

Summary
On balance, the proposed variation to increase the height of the rear dwellings is considered to result in an unacceptable visual impact to the occupiers of the dwellings at 4 and 4A Essery Street and does not minimise the length of upper level walls.

The application to vary the development plan consent is not considered to be seriously at variance with the development plan however is not considered to sufficiently accord with the relevant Development Plan provisions to warrant consent.
RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be refused to Development Application No 155/29/20 by D’Andrea & Associates to vary development plan consent 155/C071/18 by increasing the height of the rear dwellings (dwellings 6 and 7) from single storey to two storey, for the following reasons:

1. The proposed variation is inconsistent with the Desired Character Statement for the Residential Character (Norwood) Zone, as the height and length of upper storey walls have not been minimised so as to be visually recessive.

2. The proposed variation is inconsistent with City Wide Principle of Development Control 206, as the resultant setback of the upper level of dwelling 7 from the northern side boundary is not sufficient to minimise the visual impact of the building from adjoining properties at 4 and 4A Essery Street, Norwood.
2. STAFF REPORTS

2.5 DEVELOPMENT APPLICATION 155/D076/2019 & 155/C077/2019 –BFU GLYNDE PTY LTD – 59 BARNES ROAD, GLYNDE

DEVELOPMENT APPLICATION: 155/D076/19
155/C077/19

APPLICANT: BFU Glynde Pty Ltd

SUBJECT SITE: 59 Barnes Road, Glynde
(Certificate of Title - Volume: 5685 Folio: 483)

DESCRIPTION OF DEVELOPMENT: Torrens Title Land Division (creating 10 additional allotments) and the construction of 10 two storey detached dwellings (DA 155/D076/19) and a Community Title Land Division (creating 4 additional allotments) and the construction of a single storey residential flat building containing 5 dwellings (DA 155/C077/19)

ZONE: Residential Zone – Medium Density 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 two Development Applications. The first (DA 155/D076/19) is for a Torrens Title Land Division (creating 10 additional allotments) and the construction of 10 two storey detached dwellings. The second (DA 155/C077/19) is for a Community Title Land Division (creating 4 additional allotments) and the construction of a single storey residential flat building containing 5 dwellings.

Staff do not have delegated authority to determine the Applications, as the proposed allotment sizes do not meet the relevant quantitative Development Plan criteria with respect to site area or site frontage. 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: 50.39 metres
Depth: 54.72 metres
Area: 3079m²
Topography: slight fall from west to east
Existing Structures: vacant land
Existing Vegetation: sporadic mature trees

The subject land is located on the eastern side of Barnes Road. The southern boundary is bounded by Davis Road. The subject land is a vacant site, with some mature trees scattered across the site. The site is fenced with retaining walls of up to 770mm contained along the northern and eastern boundaries of the site.
Until recently, the land was owned by SA Power Networks, who had intentions to establish an electricity substation on the land. In 2017, SA Power Networks secured an alternative site located within the Light Industry Zone to establish a future substation.

**Locality Attributes**

<table>
<thead>
<tr>
<th>Land uses:</th>
<th>residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building heights (storeys):</td>
<td>predominantly single-storey</td>
</tr>
</tbody>
</table>

The eastern side of Barnes Road is characterised by residential land use predominantly in the form of low to medium density detached dwellings with examples of more recent infill development north of the subject land. The western side of Edward Street is characterised by low to medium density detached dwellings, with independent living units within Lutheran Homes retirement village located approximately 70 metres north of the subject land. The northern side of Davis Road also contains independent living units within a retirement village (Glynde Lodge) immediately east of the subject land, while the southern side of Davis Road contains detached dwellings at low density.

The locality is considered to have a medium to high level of amenity, resulting from the mix of residential land uses and densities and its proximity to the Glynde light industrial area approximately 125 metres to the north east of the subject land.

The portion of the locality to the north of Davis Avenue and Edward Street is located in the Medium Density Policy Area of the Residential Zone. The portion of the locality which is south of Davis Avenue and Edward Street is located within the Residential Zone, but not the Medium Density Policy Area.

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

**Proposal in Detail**

The Applicant seeks consent to undertake a Torrens Title Land Division (creating 10 additional allotments) and the construction of 10 two storey detached dwellings (DA 155/D076/19), and a Community Title Land Division (creating 4 additional allotments) and the construction of a single storey residential flat building containing 5 dwellings (DA 155/D077/19).

The applications propose three different dwelling configurations. Type T1 and T2A dwellings front Barnes Road and Davis Road and Type T3A dwellings are located in the north-eastern corner of the site, accessed via a common driveway which enters from Barnes Road.

The Type T1 and T2A dwellings appear as row dwellings, in that they comprise three or more dwellings erected side by side. However, the applicant has advised that as a result of bank lending criteria, each dwelling is to be constructed individually. This is contrary to the definition of a row dwelling, whereby the dwellings are required to be ‘joined together and forming, by themselves, a single building’.

That said, as the Type T1 and T2A dwellings appear as row dwellings and for all relevant purposes would function as row dwellings, the criteria for row dwellings has been used for their assessment throughout this report. It could also be argued that the criteria for residential flat buildings should be applied to these dwellings, on the basis that vehicular access is via a common driveway, meaning that each dwelling does not occupy a site that is held exclusively with that dwelling. There are various legal authorities on this point, however it is considered that the correct approach in this instance is to consider that each dwelling does have its own exclusively held site.

Type T1 and T2A dwellings feature a single vehicle garage, combined kitchen/meals living areas, pantry, laundry and a toilet at ground level, while providing 3 bedrooms, 2 bathrooms and a living area at the first floor level.

Type T3A dwellings are intended to be constructed within one building and due to the fact that they do not front a public road, are properly defined as dwellings within a residential flat building. This building is single storey, with each dwelling having a single vehicle carport, combined kitchen/dining/living areas, 2 bedrooms with a laundry and bathroom.
All dwellings in the proposed development have ground level private open space areas, which are accessed via internal living areas.

The application includes the provision of two visitor parking spaces for the five dwellings within the common driveway area, with vehicle access to the internal dwellings provided via a common driveway accessed from a new two-way crossover on Barnes Road adjacent to the western boundary.

The two-storey ‘row’ dwellings fronting Barnes Road have a rectilinear design and incorporate framed-out feature facade elements with concealed roofs, with varied front setbacks with timber battening to the façade. Two-storey ‘row’ dwellings fronting Davis Road have an alternating flat roof/saw tooth roof design, and framed out feature elements. Both ‘row’ dwelling designs have a combination of charcoal colour rendered walling, Colorbond standing-seam cladding (colour Colorbond ‘Monument’) and painted lightweight cladding (in cream and charcoal) along with feature vertical fixed timber slats to the northern, southern and western elevations. The residential flat building has a similar design approach to the ‘row’ dwellings with the use of brickwork, Colorbond standing seam cladding and spotted gum front doors.

New fencing is proposed along the northern and western boundaries of the allotment, up to a height of 2.4 metres in a mix of spotted gum and lightweight cladding.

The proposed development includes a landscaping scheme that proposes specific small tree species, shrubs, ground covers and wall creepers.

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

### TABLE 1 (part a): DEVELOPMENT DATA:

<table>
<thead>
<tr>
<th>Consideration</th>
<th>T2A Row Dwelling Lots 101-103</th>
<th>T1 Row Dwelling Lots 104-110</th>
<th>RFB Lots 201-205</th>
<th>Development Plan Merit Assessment Quantitative Guideline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>164-185m²</td>
<td>177-234m²</td>
<td></td>
<td>200m² Row Dwellings</td>
</tr>
<tr>
<td>Site Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Width</td>
<td>7.5-8.5m</td>
<td>7.5 – 8.8m</td>
<td></td>
<td>5 metres Row Dwellings</td>
</tr>
<tr>
<td>Site Width</td>
<td></td>
<td>6.9-8.1m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Depth</td>
<td>21.8-21.9m</td>
<td>23m</td>
<td>24.2m</td>
<td>no minimum</td>
</tr>
<tr>
<td>External Wall Height*</td>
<td>7.2m (maximum height)</td>
<td>7.1m (maximum height)</td>
<td>3.3m (maximum height)</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Overall Height*</td>
<td>7.2m</td>
<td>8.9m</td>
<td>4.9m</td>
<td>two-storey</td>
</tr>
<tr>
<td>Floor Area (total)</td>
<td>161m²</td>
<td>151m²</td>
<td>76m²*</td>
<td>RFB Dwelling with 2 bedrooms - 70m² minimum total floor area*</td>
</tr>
<tr>
<td>Floor Area (footprint)</td>
<td>102-105.7m²</td>
<td>93.5-97.2m²</td>
<td>112m²</td>
<td>N/A</td>
</tr>
</tbody>
</table>
**TABLE 1 (part a): DEVELOPMENT DATA continued….**

<table>
<thead>
<tr>
<th>Consideration</th>
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<th>RFB Lots 201-205</th>
<th>Development Plan Merit Assessment Quantitative Guideline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Coverage</td>
<td>64%</td>
<td>52.8%</td>
<td>68.5% (exclusive of community areas)</td>
<td>70% dwelling forms other than detached and semi-detached.</td>
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<tr>
<td>Private Open Space (POS)</td>
<td>26m²</td>
<td>33m²</td>
<td>23m²</td>
<td>35m² per dwelling</td>
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<tr>
<td>Street Setback</td>
<td>4-5m</td>
<td>3.7m</td>
<td>N/A</td>
<td>4m Primary 2 metres secondary frontage (2 storeys)</td>
</tr>
<tr>
<td>Eastern side setback</td>
<td>N/A</td>
<td>1.0m</td>
<td>1.0m</td>
<td>2.5m RFB 900mm</td>
</tr>
<tr>
<td>(ground level)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eastern side setback</td>
<td>N/A</td>
<td>1.0m</td>
<td>N/A</td>
<td>0.9m + 1/3 over 3 metres</td>
</tr>
<tr>
<td>(First level)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern side setback</td>
<td>900mm</td>
<td>N/A</td>
<td>4.9</td>
<td>2.5m RFB 900mm</td>
</tr>
<tr>
<td>(Ground level)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern side setback</td>
<td>900mm</td>
<td>N/A</td>
<td>N/A</td>
<td>0.9m + 1/3 over 3 metres</td>
</tr>
<tr>
<td>(First level)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car Parking Provision</td>
<td>1 covered + 1 uncovered</td>
<td>1 covered + 1 uncovered</td>
<td>1 covered</td>
<td>Row dwellings - 2 spaces per dwelling (1 covered) RFB 2 spaces plus 1 visitor space for every 2 dwellings.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2 visitor in common area</td>
<td></td>
</tr>
</tbody>
</table>

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

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

**Notification**

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

**State Agency Consultation**


**Discussion**

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

The key issues, specific to these Development Applications, are discussed in detail below.
Land Use and Density

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

Medium Density Policy Area (PA) Desired Character Statement
Medium Density PA Objectives: 1
Medium Density PA PDC’s: 5, 6

Residential Zone Desired Character Statement
Residential Zone Objectives: 1, 2
Residential Zone PDC’s: 1, 3

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

The Residential Zone Desired Character Statement encourages denser dwelling forms, stating: “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”.

The subject site reflects this statement, in that it is a large undeveloped allotment contained within the Medium Density Policy Area of the Residential Zone whereby a variety of development options are available. This is further expanded by the Desired Character Statement for the Medium Density Policy Area which states (in part):

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

As such, the proposed land division is considered appropriate from the perspective of accommodating a land use which is anticipated within the Residential Zone.

The proposed fifteen (15) dwellings in the form of ten (10) row dwellings and one (1) residential flat building are consistent with the desire for ‘other forms of dwellings’ which ‘provide additional opportunities for increasing residential densities’.

Medium Density Policy Area Principle of Development Control 5 sets out the minimum site area and frontage requirements for new dwellings in the Policy Area. In relation to row dwellings, Principle 5 states a minimum frontage width of 5 metres, and a minimum site area of 200 square metres per dwelling, while in relation to residential flat buildings, Principle 5 states that there is no minimum site area per dwelling, provided that the development site has a minimum frontage of 18.0 metres.

The subject land has an allotment frontage of 36.58 metres, consistent with the requirement for a residential flat building, while the row dwellings have a frontage exceeding 5 metres, with shortfalls in site area for 8 of the 10 row dwelling sites, as set out below:

<table>
<thead>
<tr>
<th>Allotment</th>
<th>Area</th>
<th>Departure</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>180m²</td>
<td>20m²</td>
</tr>
<tr>
<td>102</td>
<td>164m²</td>
<td>36m²</td>
</tr>
<tr>
<td>103</td>
<td>185m²</td>
<td>15m²</td>
</tr>
<tr>
<td>104</td>
<td>234m²</td>
<td>N/A</td>
</tr>
<tr>
<td>105</td>
<td>177m²</td>
<td>23m²</td>
</tr>
<tr>
<td>106</td>
<td>177m²</td>
<td>23m²</td>
</tr>
<tr>
<td>107</td>
<td>177m²</td>
<td>23m²</td>
</tr>
<tr>
<td>108</td>
<td>177m²</td>
<td>23m²</td>
</tr>
<tr>
<td>109</td>
<td>177m²</td>
<td>23m²</td>
</tr>
<tr>
<td>110</td>
<td>201m²</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The extent of departure from the minimum site area for row dwellings is relatively significant (average 23m$^2$ or 12%). This is a negative aspect of the proposal. That said, other dwelling types are permitted in the Medium Density Policy Area with no minimum site area. A development of far greater overall density is therefore conceivable for the subject land. In this context, the density of the proposed development is not considered problematic, despite most of the ‘row’ dwellings having site areas less than 200m$^2$.

However, it is important to consider whether the proposed ‘row’ dwellings are able to achieve the range of other quantitative and qualitative provisions of the Development Plan, relating to matters such as private open space, setbacks, site coverage, height, car parking etc. This will assist in concluding whether, on balance, the allotments of the size proposed are able to be supported and is discussed under the relevant headings of this report.

Within the Medium Density Zone the desired character statement states:

While a minimum site area has not been allocated for dwellings within a residential flat building, a minimum floor area requirement for dwellings has been included and will, along with other policies relating to private open space, communal space, car parking and the design of the built form, ensure an acceptable level of amenity for occupants, as well residents in the locality.

Medium Density Policy Area Principle of Development Control 6 states that dwellings contained within a residential flat building with two (2) bedrooms should have a minimum floor area per dwelling of 70m$^2$. The proposed floor area for each dwelling is 76m$^2$ thereby exceeding the relevant criteria.

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

**Streetscape/bulk/scale/height/character**

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

| Medium Density PA Desired Character Statement | 2, 4 |
| Medium Density PA Objectives: | 1, 3, 7 |
| Residential Zone Desired Character Statement | 3 |
| Residential Zone Objectives: | 6, 8 |
| City Wide Objectives: | 18, 19, 20 |
| City Wide PDC’s: | 28-32, 37, 39, 197 |

This particular site is discussed within the Medium Density Desired Character Statement, with policy directed around the future use of the site for substation purposes. In particular, it states:

"Also located within this portion of the Policy Area is the site of a future electricity substation, at Barnes Road, Glynde. If this land is developed for substation purposes, the substation infrastructure should be in a form that has a bulk, scale and design that complements the surrounding residential buildings and should provide appropriate set-backs and landscaped buffers at the boundaries with the adjacent residential land. As a precautionary measure, any development adjacent to this site will be sited and designed to take into account any potential impacts associated with an electricity substation."

Guidance on the desired height of residential development can be found within the Residential Zone Desired Character Statement, which states (in part):

"Development will include a range of range of residential development of up to two (2) storeys in height..."

The proposed two-storey building height is consistent with the maximum height stated in the desired character of the Policy Area.
With respect to the style of the proposed dwellings, the Desired Character Statement for the Residential Zone states:

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

and;

“A variety of facade treatments will be permitted in the zone, allowing for individual preferences, however overall proportions of buildings as they present to the street, will be balanced and in accordance with good architectural practice, so as to provide a pleasant streetscape.”

and;

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

The predominantly rectilinear design appearance of the ‘row’ dwellings and residential flat building is distinctly contemporary. The Medium Density Policy Area anticipates a variety of facade treatments with overall balanced building proportions that provide for a good level of visual interest and articulation when viewed in the streetscape.

The finishes and architectural detailing to ‘row’ dwellings fronting both Barnes and Davis Roads are considered to provide visual interest consistent with the Desired Character Statement as well as City Wide Principle of Development Control 30 and the proposed variation in building materials (ie. brickwork, painted walls, and render) complement the existing residential urban character of the immediate area as called for by City Wide Principle of Development Control 29.

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

The applicant has provided streetscape perspectives contained within Attachment B17

**Setbacks and Site Coverage**

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

Medium Density PA PDC’s: 7

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

Medium Density Policy Area Principle of Development Control 7 states that dwellings fronting a public road within the Medium Density Policy Area should be designed with a minimum setback from the primary road frontage of 4.0 metres.

The proposed ‘row’ dwellings fronting Barnes Road are consistent with this policy, with setbacks of 4 and 5 metres. Dwellings fronting Davis Road have proposed front setbacks of 3.7 metres; representing a small shortfall. Given that the road reserve is wider along Davis road for the development site (by approximately1.65 metres), the setback appearance would appear as a 5 metre setback, which is consistent with adjoining group dwellings to the east and as such this departure is considered reasonable.

In terms of side setbacks for row dwellings, Residential Zone Principle of Development Control 8 requires a ground level setback of 900mm and the proposal achieves this criteria.
With respect to upper level side boundary setbacks, Residential Zone Principle of Development Control 8, requires 0.9 metres plus 1/3 of the increase in height above 3 metres. Upper level side boundary setbacks of 0.9 metres and 1 metre are proposed for allotment 101 and allotment 110, whereas setbacks of 2.3 metres (allotment 101) and 2.1 metres (allotment 110) would be required to achieve Principle 8. The upper level wall of the dwelling proposed on allotment 101 is located adjacent to a boundary wall of a garage on the adjoining property to the north at 57A Barnes Road. Therefore, the failure to achieve a setback of 2.3m would not impact on the amenity of the occupants of that adjoining dwelling by way of visual impact or overshadowing. The upper level wall of the dwelling proposed on Allotment 110 is located adjacent to a common access driveway serving the retirement village to the east. Accordingly, the failure to achieve a setback of 2.1m is of little consequence to that adjoining property.

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

Principles 202 and 203 apply to Dwellings on allotments 201-205, all of which achieve the 2.5m criteria to the northern boundary of the allotment. However, a 2.5 metre setback is not provided to the east of allotment 205, with a 1 metre setback from this boundary proposed. Given the location of the adjoining community driveway, and that the floor level of the dwelling is 470mm lower than the adjoining driveway, this shortfall is considered to be of little consequence to the adjoining property.

In terms of site coverage, Principle of Development Control 7 of the Medium Density Policy Area states that the site coverage for all dwelling types (other than detached and semi-detached dwellings) should be designed with a maximum site coverage (inclusive of ancillary structures) of 70%. The proposed development applications are consistent with Principle 7.

Overshadowing/Overlooking

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

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

City Wide Principle of Development Control 11 states:

“Buildings should be designed so as not to unreasonably overlook or overshadow indoor or outdoor living areas of adjacent dwellings.”

The orientation of the subject site results in no overshadowing impacts from the proposed development, as the site is bounded on two boundaries by road reserve (including its southern boundary), while there is a common driveway on the adjoining allotment to east, which provides a buffer of approximately 8.5 metres from the subject site to the nearest residential dwellings.

In terms of privacy, City Wide Principle of Development Control 235 states:

Except where buildings of three or more storeys are contemplated within the Urban Corridor Zone and the District Centre (Norwood) Zone, in all other circumstances upper level windows, balconies, terraces and decks should:

(a) have a sill height of not less than 1.7 metres above the finished floor level; or
(b) be treated with permanently fixed obscured treatment (such as glazing or adhesive film) in the part of the window below 1.7 metres above the finished floor level; or
(c) be permanently screened to a height of not less than 1.7 metres above the finished floor level, through the use of external screening devices, such as planter boxes and angled louvres

No detail has been provided on obscure/screening treatments to the upper level windows or balconies of the proposed development. It is therefore recommended that if the Panel determines to approve the development, conditions of consent be imposed requiring the appropriate treatment of these upper floor windows and balconies which have the potential to overlook into private open space located both within and adjoining the development, to a height of 1.7 metres to prevent overlooking into adjoining residential properties. In this light, suggested conditioning has been applied to the application.
Private open space

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

City Wide PDC’s: 222-224, 225, 226, 227, 229, 230

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

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

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

All of the proposed dwellings have site areas of less than 250 m² and should therefore provide a minimum area of private open space of 35 square metres.

The proposed 2 bedroom dwellings (contained within the residential flat building) have private open space areas of 23 square metres, while the 3 bedroom ‘row’ dwellings each have between 26 and 42 square metres of private open space, with an average provision of 32 square metres.

With the exception of allotment 104, all dwellings have a shortfall in private open space provision against the requirements of Principle 225. City Wide Principle 227 provides circumstances where a lesser amount of private open space may be considered. These circumstances relate to communal open space and development which is directly adjacent to public open space, and do not apply to the proposal.

City Wide Principle 225 provides the 35 m² private open space criteria for all dwellings on sites of 250 m² or less. It does not recognise that a wide range of dwelling sizes and types, all with varying private open space requirements, are possible on sites of 250 m² and less. The Development Plan does, however, recognise that some dwelling types require less private open space. For example, City Wide Principle 226 recognises that apartments require 10-15 m² of private open space depending on number of bedrooms and City Wide Principle 249 recognises that supported accommodation and housing for seniors require a ‘lesser’ amount of private open space.

Accordingly, whilst City Wide Principle 225 is relatively inflexible, it is considered that the Development Plan recognises that the amount of private open space provided should be commensurate with the type and size of residential accommodation proposed. In this respect, the provision of 23 m² of private open space to the small two bedroom dwellings in the back corner of the subject land and an average of 32 m² to the three bedroom ‘row’ dwellings is considered adequate to provide a reasonable level of amenity to the occupants of those dwellings.

City Wide Principle of Development Control 224(f) and (g) states:

“Private open space should be located and designed:
(f) where possible, to have a northerly aspect to provide for comfortable year-round use;
(g) to not be significantly shaded during winter by the associated dwelling or adjacent development;”

In this respect, all private open space areas maintain a northern access, with allotment 201 partially compromised during winter as a result of the adjoining dwellings footprint, and allotments 201 to 203 being shaded during the afternoon as a result of their own built form footprint.

While the provision of private open space is at variance to Development Plan requirements, given the orientation of ground level private open space for each dwelling (whereby meaningful landscaping can be undertaken), the shortfall is not considered unreasonable.
Car parking/access/manoeuvring

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

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

Tables NPSP/8

City Wide Principle of Development Control 120 states that development should include on-site car parking in accordance with the rates prescribed in Table NPSP/8.

In relation to row dwellings, Table NPSP/8 states that two (2) on-site car parking spaces should be provided, of which at least one (1) space should be covered and set back no less than 5.5 metres from the primary street frontage. All ‘row’ dwellings contained in the development achieve this requirement, providing two parking spaces (1 covered). Type T2A dwellings fronting Barnes Road propose new crossovers to Barnes Road, while dwellings fronting Davis Road (Type 1) utilise the internal driveway in a rear loading arrangement. The proposed ‘row’ dwellings are therefore consistent with the above requirement.

In relation to the Type T3A dwellings in the residential flat building, Table NPSP/8 states that two (2) occupant car parking spaces should be provided for each two (2) bedroom dwelling, of which at least one (1) space should be covered. In addition, one (1) visitor space should be provided for every two (2) dwellings. The proposed dwellings provide 1 partially covered occupant vehicle space per dwelling, with 2 visitor parking spaces within the community driveway. Therefore, there is an overall shortfall of five (5) occupant spaces and one (1) visitor space associated with the Type T3A dwellings.

This rate is applicable on a per bedroom basis for a 2 or 3 bedroom dwelling, rather than the floor area of the dwelling. This rate would be applicable to a large dwelling (for example 400sqm) which could accommodate a large family, whereas it is considered that these dwellings are of a size (76m²) most likely to accommodate couples or singles. It is also noted that the locality contains a high proportion of housing for seniors, including those in the Lutheran Homes retirement village and Glynde Lodge retirement village, which may also influence the demographics of occupants of these dwellings. Table NPSP/8 specifies a rate of 1 parking space per 2 independent living units for housing for seniors. Whilst not directly applicable to the proposal, this demonstrates that the Development Plan recognises that different housing types attract different car parking demands. The proposed amount of parking for these small (76m²) two bedroom dwellings is considered appropriate.

The utilisation of a rear loading arrangement for row dwellings fronting Davis Road maximises the opportunity for on-street parking, such that if there was over-spill of parking demand onto the street as a result of a parking shortfall, it would be unlikely to impact on the amenity of residents beyond the subject land.

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

The applications have been amended to provide additional width to the 6x6 metre access handle to be in accordance with the above requirement.

Principle 189 also states that the paved carriageway width should be no less than 5.0 metres in width, with an additional 1.0 metre of landscaping, resulting in a total width of paved carriageway and landscaping of 6.0 metres. The application fails the above requirement, proposing instead to provide a 1 metre pedestrian zone along the northern side of the community driveway. Should the panel determine to approve the development, it has the option to condition this area to be used for landscaping in accordance with the above requirement.
The community driveway provides access to vehicle parking for the residential flat building, while a right of way over the community driveway has been provided for rear loaded allotments fronting Davis Road. A turnaround area has also been provided at the end of the community driveway, allowing visitors to access and egress from the site in a forward direction.

With respect to traffic generation, it is considered that the day-to-day travel behaviour of the occupants and their visitors is unlikely to have any significant impact on the existing road network or the amenity of nearby property occupants. While there is the potential from time to time for occupants to host parties or the like and for there to be a spike in on-street parking demand during such times, it is not substantially different than what might already occur throughout the locality under existing conditions.

The additional traffic that would be generated by the proposal can be reasonably anticipated, following the change of zoning in 2015 to Medium Density Policy Area, whereby development of the density proposed is anticipated.

Finished floor levels/flooding/retaining

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

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

The subject land is vacant and has a slight fall from west to east ranging between of 440-600mm, and a slight fall from the north to south ranging between 250-600mm. Retaining walls of up to 800mm have been constructed on adjoining sites along the northern and eastern boundaries to cater for this fall in levels. The subject land is impacted by overland flows from Davis Street during a 1 in 20 and 1 in 100 year flood event, as a result of stormwater exceeding the capacity of Davis Street stormwater infrastructure.

Finished floor levels for row dwellings fronting Barnes Road are nominated as 64.24, which is 460-510mm above the top of kerb level.

Finished floor levels for row dwellings fronting Davis Road (allotments 104-110) have been staggered to cater for the slope of the site, and range between 64.74 and 65.3 with proposed floor levels ranging between 210-365mm above top of kerb for each dwelling. Council’s external stormwater consultants have recommended a floor level of ~340mm above their adjoining top of kerb be adopted for allotments 104-110 in order to overcome flooding concerns, with the proposed floor levels not meeting the above requirement. It is therefore recommended that these dwellings be conditioned to maintain a height of 340mm above top of kerb, in order to mitigate the flooding requirement. The applicant has confirmed that they are comfortable with this condition, which has been applied to the application to this effect.

Floor levels for dwellings within the residential flat building on allotments 201 to 205 maintain the same floor level of 64.7. Due to the height difference between the subject land and adjoining land, the rear yard levels for allotments 201 and 202 are nominated to be 64.43, while allotments 203-205 are nominated to be 64.58. This will require retaining and fencing along the rear boundary for allotments 201 and 202 in the order of 2.26 metres, while allotments 203-205 will feature inset retaining walls to cater for the cutting of the site, so that 1.8 metre fencing can be maintained. These levels are depicted on boundary detail D01 and D02 of Attachment B16.

The Applications include a mixture of face brick and timber battened fencing along Barnes and Davis Road to a height of 1.6 to 1.8 metres, which provides a level of privacy and security while maintaining passive surveillance of the street and assists the landscaped presentation to the streetscape.

The Applicant has indicated that rear fencing will be erected on the northern boundary of the site, however has not nominated a material choice, with common fencing within the locality being 1.8 metre high ‘Good-neighbour’ Colorbond fencing in this respect.

Fencing along the western side of the site is a mixture of solid fencing and timber (spotted gum) battenning. Through the adaption of site levels and internal retaining walls, the resulting combined height of retaining and fencing at the boundaries of the site (up to 2.26 metres) and the resulting level of fill are consistent with City Wide Principles of Development Control 58 and 164 respectively.
Fencing along the secondary frontage for Allotment 104 has been amended to be setback from the Barnes Street frontage, to reduce the impact of the 2.7 metre combined retaining wall and fence. The 1 metre strip between the wall and the road reserve is intended to be landscaped to soften the appearance of this wall and to be incorporated as part of the communal area. As the plans of division have yet to be updated, a condition to this effect has been included in the recommendation.

As the applications involve the construction of more than three dwellings, the applicant has provided a stormwater management plan which has been vetted by Council's external consultants, in accordance with Principle of Development Control 160. This plan has been superseded as the floor levels of dwellings fronting David Road, and rear yards within the residential flat building (type 3A dwellings) have been revised. Should the panel elect to grant Planning Consent to the Applications, it is recommended a condition be imposed requiring the provision of a stormwater management plan and a site works plan confirming floor levels to be provided to the satisfaction of the Council, prior to the issuing of Building Rules Consent.

A site survey plan and the superseded stormwater management plan are contained within Attachment B3 and D respectively.

**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:

<table>
<thead>
<tr>
<th>City Wide Objectives:</th>
<th>24</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Wide PDC’s:</td>
<td>76, 220, 221 &amp; 288</td>
</tr>
</tbody>
</table>

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

The proposed development includes a landscaping scheme that includes a range of trees, shrubs and ground covers including Silver Bush, Snake Vine, Sacred Bamboo, Lilly Pilly, Box Elder and Chinese Tallow. The proposed landscaping will assist in softening the development when viewed from adjacent land.

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

In consultation with Council's Urban Services department, the applicant has agreed to the removal of all seven (7) street trees abutting the subject site, and fund the replacement of eleven (11) street trees. At this stage the Council has agreed that *Pistachia chinensis* 'Chinese pistachio' will be planted within the Barnes Road reserve, while a species to be used on the Davis Road reserve has yet to be confirmed.

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

Whilst this is a shortfall, the proposed landscaping at the end of the driveway, coupled with a designated walkway and landscaped setting of front yards of the residential flat building is considered sufficient to offset this loss.

The landscaping plan is contained in Attachment C1-C3

**Environmental Sustainability**

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

<table>
<thead>
<tr>
<th>City Wide Objectives:</th>
<th>23, 42</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Wide PDC’s:</td>
<td>67-72, 147, 148, 151, 159, 160</td>
</tr>
</tbody>
</table>
None of these proposed dwellings incorporate covered alfresco/verandah areas to their ground level yard areas. That said, it is highly likely that future owners of the dwellings would construct pergolas and/or verandahs in these locations, based on their personal preference and needs, which would provide sun and wet-weather protection to the ground level north facing window/door areas.

City Wide Principle of Development Control 159 prescribes that new dwellings should be provided with a 2,000 litre rain water tank in order to maximise the use of stormwater collected from roof areas. Within the superseded stormwater management plan, the applicant has nominated details of a rainwater tanks for each dwelling which include 1,000 litres of retention as part of the proposal, contrary to the above requirement. It is noted however, that the applications include 13,000 litres of detention, and 15,000 of retention, in order to satisfy the requirements of Principle of Development Control 160, and that a further increase of detention of 1000L would impact on the functionality of private open space. If the panel was concerned about this aspect, then the applications could be conditioned to include a minimum 2,000 retention for each dwelling, in accordance with Principle 159.

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

The superseded stormwater management plan is included in Attachment D.

Summary

The Medium Density Policy Area is intended to accommodate a greater range of dwelling types, at a higher density than the general Residential Zone.

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

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

The proposed development fails to meet the minimum quantitative provisions of the Development Plan with respect to car parking for dwellings contained within the residential flat building, and the private open space provision for all except one (1) dwelling, and fails to provide the landscaping adjacent the vehicle carriageway.

In terms of the qualitative provisions of the Development Plan, the applications provide good solar orientation of the internal living areas and the private open space areas for dwellings, with a high level of landscaping which assists to offset private open space shortfalls and provide a high residential amenity, despite the compact allotment size. While the extent of hard paved surfaces is considered to be a negative aspect of the proposal, with this form of development it is to be reasonably anticipated, with the impact of stormwater runoff suitably addressed via a stormwater management plan which has been validated by external review.

On balance, it is considered that the proposal is not seriously at variance with the Development Plan and the development sufficiently accords with the Development Plan to merit consent.

RECOMMENDATION 1

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/D076/19 by BFU Glynde Pty Ltd to undertake a Torrens Title Land Division (creating 10 additional allotments) and the construction of 10 two storey detached dwellings, at 59 Barnes Road, Glynde, subject to the following conditions:
Relevant Plans

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

- Torrens Title Plan of Division (Sheet 1 & 2, Reference Number 19337 Revision C Dated 24/03/2020) prepared by Zaina Stacey Development Consultants.
- Plans and elevations (Project Number 31011) prepared by TECTVS (Dwg No. P02 Rev 1.4, P04, P05, P06, P0X, P07 Rev 1.4, P08 Rev 1.3, P09 Rev 1.1, P10 Rev 1.1)
- Landscape Plans (Project 59 Barnes Road, Glynde, DWG numbers LS.093.19.001, LS.093.19.002 and LS.093.19.003)

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 H0093889)

   On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

   SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

2. Payment of $76,160.00 into the Planning and Development Fund (10 allotment/s @ $7,616.00 /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 Department of Planning, Transport and Infrastructure 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.

Council Conditions

1. The portion of all upper floor windows on the eastern elevation of the residence on allotment 101, 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 northern elevation of the dwellings on allotments 104-107, 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 all upper floor windows on the western elevation of the dwelling on allotment 104 elevation of the dwellings on allotments 104-107, 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.)
4. The portion of the upper floor balcony areas on the western elevation of the dwelling on allotment 104 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 parcels or metal trellises which have a maximum of 24% openings).

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 provided for the development. Calculations are required to demonstrate detention storage meets the minimum requirements of Council. The detention requirements for the site are to detain the post development 1 in 100 year ARI storm event, with discharge being at the pre development 1 in 5 year ARI rate. The Stormwater Management Plan is to conform to the Council’s Urban Services requirements, prior to the granting of Development Approval.

7. 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.

8. Prior to construction works associated with the approved development commencing, payment must be made to the Council in the amount of $5500, for the cost of replacing trees by Council.

9. The FFL of dwellings on allotments 104-110 shall be 340mm above their adjoining Barnes Road top of kerb measurement in a staggered arrangement, to be confirmed as part of the siteworks & stormwater management plan to the reasonable satisfaction of Council.

10. The plan of division shall be amended so as to reflect the updated boundaries adjacent Barnes Road, contained on the ground floor plan (by Tectvs Project No 31011 Dwg P02 Rev 1.4), and the landscaped plan updated to provide landscaped community areas to the reasonable satisfaction of the Council or its delegate, prior to the issuing of Development Approval.

Council Notes to Applicant

1. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.

2. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.

3. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.

The Applicant’s attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
4. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 “Construction Noise”. These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.

5. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.

7. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

RECOMMENDATION 2

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/C077/19 by BFU Glynde Pty Ltd to undertake a Community Title Land Division (creating 4 additional allotments) and the construction of a single storey residential flat building containing 5 dwellings, at 59 Barnes Road, Glynde, subject to the following conditions:

Relevant Plans

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

- Community Title Plan of Division (Reference Number 19338 Revision A Dated 24/03/2020) prepared by Zaina Stacey Development Consultants.
- Plans and elevations (Project Number 31011) prepared by TECTVS (Dwg No. P02 Rev 1.4, P04, P05, P06, P0X, P07 Rev 1.4, P08 Rev 1.3, P09 Rev 1.1, P10 Rev 1.1)
- Landscape Plans (Project 59 Barnes Road, Glynde, DWG numbers LS.093.19.001, LS.093.19.002 and LS.093.19.003)

SCAP Conditions of Consent

1. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0093888)

   On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

   SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

2. Payment of $30,464.00 into the Planning and Development Fund (4 allotment/s @ $7,616.00 /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 Department of Planning, Transport and Infrastructure 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.

Council 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 street kerb & water table or a Council underground pipe drainage system.

2. 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.

3. All visitor parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.

4. A Stormwater Management Plan shall be provided for the development. Calculations are required to demonstrate detention storage meets the minimum requirements of Council. The detention requirements for the site are to detain the post development 1 in 100 year ARI storm event, with discharge being at the pre development 1 in 5 year ARI rate. The Stormwater Management Plan is to conform to the Council's Urban Services requirements, prior to the granting of Development Approval.

5. The plan of division shall be amended so as to reflect the updated boundaries adjacent Barnes Road, contained on the ground floor plan (by Tectvs Project No 31011 Dwg P02 Rev 1.4), and the landscaped plan updated to provide landscaped community areas to the reasonable satisfaction of the Council or its delegate, prior to the issuing of Development Approval.

Council Notes to Applicant

1. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.

2. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.

3. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.

The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.

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

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.

7. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.
2. STAFF REPORTS

2.6 DEVELOPMENT APPLICATION 155/D009/2020 – MR A MOHAMMADI – 1 ROSELLA STREET, PAYNEHAM

DEVELOPMENT APPLICATION: 155/D009/20
APPLICANT: Mr A Mohammadi
SUBJECT SITE: 1 Rosella Street, Payneham
(Certificate of Title Volume: 5698 Folio: 100)
DESCRIPTION OF DEVELOPMENT: Torrens Title land division (1 into 2)
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 a Development Application for a land division creating two allotments from one allotment.

Staff do not have delegated authority to determine the Application, as it comprises a land division which does not meet the relevant quantitative Development Plan criteria with respect to frontage width. In particular, the proposed allotments have frontages of 7.62m, whereas the relevant quantitative Development Plan criteria for semi-detached dwellings is 8 metres.

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

Subject Land Attributes

Shape: regular
Frontage width: 15.24 metres
Depth: 40.23 metres
Area: 613 m²
Topography: essentially flat
Existing Structures: single storey detached dwelling and outbuilding,
Existing Vegetation: lawned areas with surrounding shrubs and non-regulated trees

The subject land is a relatively flat site, occupied by a single storey dwelling which was originally constructed circa 1940’s or 1950’s. A regulated Eucalyptus sideroxylon ‘Red Mugga Iron Bark’ is located centrally on the verge of the allotment, with a circumference of 2.63 metres, measured at 1 metre above ground level.

Locality Attributes

The locality is bound by Portrush Road to the west, and George Street to the east, and is characterised a mixture of dwelling types in landscaped settings, with consistent setbacks. The subject land is located in close proximity to Portrush Road between two adjacent residential flat buildings. There is evidence of replacement dwellings and subdivision within the locality, which for the most part, has preserved allotment widths of dwellings fronting Rosella Street. Infill development comprises mostly detached dwellings on the southern side of Rosella Street, and residential flat buildings and group dwellings. Allotment sizes along Rosella Street range between 9 metres (1/5-7 Rosella Street) to 13.6 metres (4 Rosella Street). The proximity of the site to Portrush road creates a low to medium level of amenity, which improves further along Rosella Street as to a medium to high level of amenity at the intersection of George Street.
A plan of the subject land and its surrounds is attached (Attachment A).

Proposal in Detail

The Applicant seeks consent to divide the land into two semi-detached torrens title allotments.

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

<table>
<thead>
<tr>
<th>Consideration</th>
<th>Allotment 530</th>
<th>Allotments 531</th>
<th>Development Plan Merit Assessment Quantitative Guideline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>306.5m²</td>
<td>306.5m²</td>
<td>300m²</td>
</tr>
<tr>
<td>Allotment Width</td>
<td>7.62m</td>
<td>7.62m</td>
<td>8m</td>
</tr>
<tr>
<td>Allotment Depth</td>
<td>40.23m</td>
<td>40.23m</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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

Notification

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

State Agency Consultation

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

Discussion

The subject land is located within 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 Desired Character Statement
- Residential Zone Objectives: 1, 2 & 3.
- Residential Zone PDCs: 1
- City Wide Objectives: 1, 15, 16 & 55-57
- City Wide PDCs: 20, 21, 181, 185 & 186

City Wide Objective 15 sets out that land divisions should create allotments appropriate for the intended use of the land. The proposed land division is intended to cater for two, two-storey semi-detached dwellings. Plans showing the design of the intended buildings, upon which the land division has been derived, are contained in Attachment C.

In order to determine whether the proposed allotments are suitable for the construction of dwellings which achieve the relevant Development Plan policies, it is appropriate to consider:

1. whether the dwelling types which the land division is likely to facilitate are envisaged in the Residential Zone; and
2. if the site areas and frontage widths proposed are in accordance with the relevant policies for the dwelling types which the land division is likely to facilitate.
As the proposed land division includes party wall rights between each allotment, it is intended to facilitate semi-detached dwellings. Principle of Development Control 1 of the Residential Zone states that all dwelling types are envisaged in the zone.

As such, the proposed land division is considered appropriate from the perspective of accommodating a land use which is anticipated within the Residential Zone.

With regard to the size and dimensions of the proposed allotments, Principle 7 of the Residential Zone requires semi-detached dwelling sites to have a minimum area of 300m² and a minimum frontage width of 8m. Although both allotments readily achieve the minimum site area, they fail to meet the frontage width requirement of 8m, with the proposed allotments falling short of the minimum site frontage requirements by 380mm, representing a shortfall of approximately 4.75%.

In considering whether the failure of the proposal to meet the minimum frontage width requirement for semi-detached dwellings causes the proposal to be insufficiently in accordance with the Development Plan to merit consent, it is necessary to further consider how the indicative proposal performs against the range of other quantitative and qualitative provisions of the Development Plan. This will assist in concluding whether, on balance, the allotments of the size proposed are able to be supported.

**Streetscape/bulk/scale/height/character**

The following Development Plan provisions provide guidance with respect to considerations relating to appearance, streetscape, bulk, scale and character insofar as they are relevant to the proposed land division:

<table>
<thead>
<tr>
<th>Residential Zone Desired Character Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Zone Objectives: 3</td>
</tr>
<tr>
<td>Residential Zone PDC: 6</td>
</tr>
<tr>
<td>City Wide Objectives: 18, 19 &amp; 20</td>
</tr>
<tr>
<td>City Wide PDCs: 28-35, 37, 39, 211</td>
</tr>
</tbody>
</table>

The proposed land division, if approved, would allow for the construction of two (2) semi-detached dwellings on the subject land.

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

> “Although it is expected that residential densities will increase over time, resulting in more dense forms of development and smaller site and allotment sizes, it is intended that the overall character of the zone will maintain a ‘suburban’ feel with a high level of amenity”. This will be achieved by generally maintaining a rhythm of buildings comprising one and two storeys, set back from the street so that front gardens can be established and also by requiring ‘space’ to be established between buildings.”

The streetscape of Rosella Street has for the most part evolved in line with the Desired Character and frontage widths envisaged within Residential Principle of Development Control 7. Allotment frontages range between 9 metres (1/5-7 Rosella Street) to 13.6 metres (4 Rosella Street), with minimal opportunity for further divisions within the locality. The frontage widths proposed as part of this application are therefore out of character with the existing allotment pattern, and the envisaged allotment widths as contained within the Development Plan.

Indicative dwellings designs display front setbacks consistent with sighting characteristics of adjoining dwellings fronting Rosella Street. The frontages of these dwellings have been articulated to provide visual interest to the street.

Residential Zone Principle of Development Control 10 states:

> Semi-detached dwellings should be designed to present as a single dwelling when viewed from the primary street frontage.
The indicative plans contain a singular roof form, and mirrored appearance and consistent materials such that they are considered to align with the above principle.

The size and dimensions of the proposed allotments are likely to result in a demand for two storey dwellings to be constructed, as per the indicative plans. In this respect, two-storey semi-detached dwellings are anticipated throughout the Residential Zone.

The indicative dwelling plans demonstrate that City Wide Principle of Development Control 211 is able to be achieved, which requires the width of garages facing the street to be minimised relative to the width of the dwelling and be no more than 50% of the total allotment width.

**Setbacks and Site Coverage**

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

<table>
<thead>
<tr>
<th>Residential Zone PDC:</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Wide PDCs:</td>
<td>207, 208</td>
</tr>
</tbody>
</table>

Residential Zone Principle of Development Control 8 states that dwellings should have a minimum set-back from the primary road frontage of 6 metres. The indicative plans show that dwellings are able to be constructed on the subject land in a manner which is consistent with this set-back policy.

Both dwellings shown in the indicative plans have a ground floor setback of 900mm, with upper level side setbacks in accordance with Principle 8.

With regard to rear set-backs, both indicative dwellings achieve the minimum 4m set-back at ground level, while presenting a half a metre shortfall of the required 6 metres for upper level in accordance with Principle of Development Control 8.

Principle of Development Control 8 of the Residential Zone allows up to 60% site coverage for dwellings. The indicative plans demonstrate that both semi-detached dwellings, would be able to be constructed on the subject land without exceeding the maximum allowable site coverage requirements.

**Overshadowing/Overlooking**

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

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

The subject land is orientated north-south with the orientation of the land suggests that most overshadowing of any built form would fall over the subject front yards and the street and would be unlikely to have any unreasonable impact on the adjacent neighbours.

Issues relating to overlooking would be able to be addressed through the assessment of the built form Application.

**Private open space**

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

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

City Wide Principle of Development Control 225 requires that dwellings with sites greater than 250m² should provide a minimum of 20% private open space. Indicative site plans detail that both sites are capable of exceeding this requirement.
The orientation of the subject land would ensure that the private open space areas have good access to northern sunlight. The indicative plans show that the private open space areas would be accessible from the main living areas of the dwellings.

Overall, it is considered that the size of the proposed allotments is not likely to prevent the ability to design dwellings with sufficiently sized and sited private open space areas.

**Car parking/access/manoeuvring**

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

- **City Wide Objectives:** 38
- **City Wide PDCs:** 98, 101, 104, 118, 120, 122, 181, 198, 200 & 219
- **Tables NPSP/8**

City Wide Principle of Development Control 120 states that development should include on-site car parking in accordance with the rates prescribed in Table NPSP/8. In relation to semi-detached dwellings the following rate applies:

‘2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage…’

The indicative plans show that both of the semi-detached dwellings would satisfy this requirement, with the garages being set back at least 5.5m from the street frontages and with each dwelling having a single garage.

Driveway access to the allotment 530 requires a new crossover to be constructed, whereas allotment 531 can utilise the existing allotment, as demonstrated by indicative plans. The application demonstrates that access can be provided in accordance with Council requirements, albeit the potential impact to a regulated street tree needs to be considered, as discussed in detail further on in this report.

The indicative plans demonstrate that despite the shortfall in frontage width, the proposed land division still allows for an on-street parking space to be retained following the construction of new crossovers for each allotment.

**Finished floor levels/flooding/retaining**

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

- **City Wide PDCs:** 148, 154, 155, 160, 170 & 171

The subject land is not within an identified flood plain and as such there is no requirement for finished floor levels to be high relative to natural ground level.

Given the likelihood that the site will be developed at a higher level of site coverage than what currently exists, stormwater management and any requirements for on-site detention, would be assessed as part of the built form/land use Application.

The land falls to the rear by approximately, with the indicative dwellings indicating that up to 500mm of retaining would be required along the northern boundary to facilitate the construction of the dwelling. As no bench levels or finished floor levels have been provided, this aspect cannot be verified by staff at this time, however would be reviewed as part of any built form Application.

**Regulated Trees/Landscaping**

The following Development Plan provisions provide guidance with respect to considerations relating to significant trees, mature trees, street trees and landscaping:
There are no regulated trees located on the subject land, however there is regulated tree on the Council road reserve which is to be impacted by the proposed development.

City Wide Principle of Development Control 185 states:

Residential land division should:
(d) preserve regulated trees; and
(e) preserve street trees and where possible, other mature vegetation which contributes to the visual and environmental amenity of a location.

The application will require a new crossover to provide access to allotment 530, which is within the Tree Protection Zone of the regulated tree. As such, the application has been referred to Councils City Arborist for review.

The City Arborist has advised that due to the level of existing encroachment within the tree protection zone and the need for excavation to construct the driveway crossover, as well as additional hard paving within the root growing environment to construct the driveway and crossover, that the subdivision of the allotment will, based on available information, likely result on an adverse impact on the current good health and structure of the subject tree. More detailed investigations, such as though non-destructive exploratory excavation, could potentially result in a different predicted impact on the street tree.

City Wide Principle of Development Control 410 states:

A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:
(a) the tree is diseased and its life expectancy is short;
(b) the tree represents a material risk to public or private safety;
(c) the tree is causing damage to a building;
(d) development that is reasonable and expected would not otherwise be possible;
(e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.

Arborist advice confirms that the tree is in good health and structure, such that it is considered that parts (a),(b),(c) and (e) of the above Principle are not applicable in this instance.

Part (d) of Principle 410, requires that consideration be given to whether the proposed land division is “reasonable and expected”. In this respect, as the allotment frontage width resulting from the proposed land division is less than that specified in the Development Plan, it is not an expected development and in that context, is not reasonable.

A copy of the advice of the City Arborist and annotated site plan are contained in Attachment D

Although no landscaping detail has been provided, the indicative plans contain sufficient areas within the front and rear yards for the provision of meaningful landscaping, which be reviewed as part of a built form application

Environmental Sustainability

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

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

Having regard to both the orientation of the subject land and the indicative dwelling floor plans, it is considered that good access to northern light in the winter months for both the internal living areas and the private open space areas is achievable in accordance with City Wide Principle of Development Control 68.
Although rainwater tanks are not provided on the indicative plans, standard conditions applied through a built form Application would require the provision of a 2000 litre rainwater tank.

Summary

The subject land is located within the Residential Zone whereby land division intended for semi-detached dwellings is envisaged, subject to a 300m² site area and 8 metre minimum frontage widths.

The proposed land division does not achieve the minimum frontage width. While the applicant has demonstrated that semi-detached dwellings can be constructed on each of the proposed allotments while meeting Development Plan criteria, the shortfall in site frontage is considered to be fatal to the application.

There is considered to be insufficient justification to deviate from the expressly stated policy with respect to frontage width. Allotment widths in the locality are not so inconsistent with the frontage width criteria so as to make the criteria redundant or inapplicable. There are no special circumstances which would prevent the division of the subject land from representing a precedent for further similar land divisions. In this respect, the subject land has a frontage width of 15.24 metres, or 50 feet, which is typical of many allotments throughout the Residential Zone.

Based on available information, the proposed land division is also likely to lead to tree damaging activity to a Regulated Tree, through the construction of a driveway and crossover to serve one of the new allotments. As the land division is not an expected form of development (due to the frontage width) any such tree damaging activity is problematic.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be refused to Development Application No 155/D009/20 by Mr A Mohammadi, for a Torrens Title land division (1 into 2), on the land located at 9 Rosella Street Payneham, for the following reasons:

Reasons for Refusal

1. The proposed allotments have a frontage less than 8 metres in width, contrary to Principle of Development Control 7 of the Residential Zone.

2. The resulting allotments would not generally reflect surrounding land division patterns, contrary to the Desired Character Statement for the Residential Character Zone.

3. The proposed land division will create an allotment whereby its development will unreasonably impact on a regulated street tree.
2. STAFF REPORTS

2.7 DEVELOPMENT APPLICATION 155/D069/2019 – MR HC GOYAL – 74 LAMBERT ROAD, ROYSTON PARK

DEVELOPMENT APPLICATION: 155/D069/19
APPLICANT: Mr HC Goyal
SUBJECT SITE: 74 Lambert Road, Royston Park
(Certificate of Title Volume: 5471 Folio: 171)
DESCRIPTION OF DEVELOPMENT: Torrens Title Land division (creating one additional allotment)
ZONE: Residential Character Zone – St Peters/Joslin/Royston Park 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 a Development Application for a land division creating one additional allotment.

Staff do not have delegated authority to determine the Application, as it comprises a land division which does not meet the relevant quantitative Development Plan criteria with respect to site area. In particular, the proposed allotments have areas of 433m$^2$ and 432m$^2$, whereas the relevant quantitative Development Plan criteria is 450m$^2$.

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

Subject Land Attributes

Shape: regular (with corner cutoff)
Frontage width: 16.15 metres
Depth: 45.21 metres
Area: 865 m$^2$
Topography: essentially flat
Existing Structures: single-storey detached dwelling and several outbuildings
Existing Vegetation: lawned areas with surrounding shrubs and non-regulated trees

The subject land is a corner site with a primary frontage to Lambert Road and a secondary frontage to Seventh Avenue. It is a relatively flat site, occupied by a single-storey dwelling which was originally constructed circa 1940’s - 1950’s (ie. Austerity era) with masonry walls and a tiled roof.

Locality Attributes

A range of dwelling types exist in the locality, with the most common form being original detached dwellings from both the interwar period and the mid-twentieth century. Subsequent infill housing exists along both Lambert Road and Seventh Avenue. On Lambert Road , four dwellings on approximately 9 metre and 10 - 11 metre frontages were constructed in the 1990’s, at 57 and 57A (to the southwest) and 70 and 70A (to the southeast) Lambert Road respectively. At 131A and 131B Seventh Avenue, two detached dwellings on approximately 11 metre frontages were constructed in the early 2000’s.

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

The Applicant seeks consent to divide the land into two Torrens Title allotments.

The relevant details of the proposal in terms of allotment dimensions and areas are set out in Table 1 below.

TABLE 1: DEVELOPMENT DATA:

<table>
<thead>
<tr>
<th>Consideration</th>
<th>Allotment 1</th>
<th>Allotments 2</th>
<th>Development Plan Merit Assessment Quantitative Guideline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>430m²</td>
<td>435m²</td>
<td>450m²</td>
</tr>
<tr>
<td>Allotment Width</td>
<td>22.39m</td>
<td>16.15m</td>
<td>12m</td>
</tr>
<tr>
<td>Allotment Depth</td>
<td>19.20m</td>
<td>19.90 – 22.82m</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Details of the proposed plan of division is contained in Attachment B.

Notification

Pursuant to Schedule 9 Part 1(2)(f) of the Development Regulations 2008, the proposed land division has been identified and processed as a Category 1 form of development.

State Agency Consultation

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

Discussion

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

Principle of Development Control 3 of the St Peters/Joslin/Royston Park Policy Area states:

“A dwelling should be consistent with the predominant land division pattern within the locality and in any case, should have a minimum site area and a frontage to a public road of not less than shown in the following table:"

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Site Area (square meters)</th>
<th>Minimum Site Frontage (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Dwelling:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- St Peters, College Park, Joslin</td>
<td>500 minimum</td>
<td>15</td>
</tr>
<tr>
<td>- Royston Park</td>
<td>450 minimum</td>
<td>12*</td>
</tr>
<tr>
<td>Semi-detached Dwelling:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- St Peters, College Park (only where vehicle access and garaging for both dwellings can be established from an adjacent rear laneway)</td>
<td>500 minimum</td>
<td>10*</td>
</tr>
<tr>
<td>- Joslin</td>
<td>500 minimum</td>
<td>12*</td>
</tr>
<tr>
<td>- Royston Park</td>
<td>450 minimum</td>
<td>10*</td>
</tr>
</tbody>
</table>

*12.5 where a double garage/carport fronting the primary street is proposed
Being a corner allotment, each of the allotments in the proposed land division readily achieve the minimum
frontage criteria. However, the proposed allotments fall short of the minimum site area by 17m² and 18m².

Objective 1 of the Residential Character Zone seeks:

“A residential zone ensuring the preservation of the existing development patterns and built form.”

The Desired Character Statement for the Residential Character Zone states:

“Future development will maintain and enhance the quality of the existing streetscapes, with particular
reference to the scale, form and siting characteristics of the pre-1940s dwellings and the original land
division patterns.”

In this respect, it is noted that the desire for original land division patterns to be preserved, is expressed
independent of the desire for characteristics of pre-1940’s dwellings to be referenced. In other words, the
Desired Character Statement is expressed such that it seeks to preserve original land division patterns,
irrespective of the era of dwellings which are located on the relevant parcel of land under consideration. This
is also “backed-up” at the Policy Area level with Principle of Development Control 3 which as a starting point
states that “a dwelling should be consistent with the predominant land division pattern within the locality…”

The Residential Character Zone Desired Character Statement proceeds to state:

“In some locations (identified at the Policy Area level), opportunities for residential intensification will be
limited to the redevelopment of existing multi-unit sites, dwelling additions or in certain circumstances, the
conversion of an existing dwelling into two (or more) dwellings or the development of a dependent living unit.

In other locations, where land division or the creation of additional dwelling sites is proposed, the resulting
allotments or dwelling sites will generally reflect the surrounding land division patterns. Sites that have
existing multi-unit development may be redeveloped to densities higher than those prescribed in the relevant
Policy Area, provided that the development does not exceed prescribed maximum heights or unreasonably
affect nearby residential amenity. In such cases, the dwelling density will not exceed the density of the
existing development on the subject land.”

Despite some infill development having occurred within the locality, and apart from the two properties at 57
and 57A Lambert Road (directly to the southwest) there are no existing allotments within the locality
containing detached dwellings as small as what is proposed. Importantly, no land division has occurred in
the locality subsequent to the introduction of the current residential policy in July 2015. Figure 1 below,
shows the approximate area of all allotments within what is considered to be the locality of the subject land.
Figure 1 - Approximate areas of allotments within the locality

The existing streetscape character both along Lambert Road and Seventh Avenue is derived from predominantly single storey dwellings and generous street setbacks on the north-eastern side of Lambert Road which contributes to an overall relatively spacious and landscaped character. Furthermore, the vast majority of properties have their private open space areas located to the rear of the dwelling with rear setbacks that exceed the 4.0 metres at ground level and 6.0 metres at upper level prescribed in Policy Area Principle of Development Control 4.

The Applicant has provided indicative dwelling floor plans that seek to demonstrate that the proposed allotments can be developed with single-storey dwellings that are consistent with relevant Development Plan policies (ie. setback criteria and private open space provision). Whilst the indicative dwellings on the proposed allotments are relatively consistent with these policies, there is some concern that the proposed allotments are not conducive to accommodating future dwellings which complement the existing streetscape character. Given that future dwellings will need to have a "mostly single-storey appearance along the primary street frontage" as per Principle of Development Control 4, whilst maintaining appropriate boundary setbacks, it is considered that it will be very difficult to achieve suitable dwelling floorplans on the allotments.

Accordingly, the proposed land division is inconsistent with the intended character of the Residential Character Zone due to the site areas being smaller than the relevant criteria and as such, is considered inappropriate.

Summary

The subject land is located in an area of the St Peters/Joslin/Royston Park Policy Area where the division of land is envisaged, subject to a site area of 450m² and minimum frontage widths, as well as achieving qualitative considerations.
The proposed land division does not achieve the minimum site area and is not considered to achieve the relevant qualitative considerations. The land division would likely not lead to future dwellings which maintain the spacious siting characteristics of the locality, nor maintain or enhance the quality of the existing streetscape.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be refused to Development Application No 155/D069/19 by Mr HC Goyal, for a land division creating one additional allotment, on the land located at 74 Lambert Road, Royston Park, for the following reasons:

Reasons for Refusal

1. The proposed allotments are less than 450m$^2$ in area, contrary to Principle of Development Control 3 of the St Peters/Joslin/Royston Park Policy Area;

2. The resulting allotments will not generally reflect surrounding land division patterns, contrary to both the Desired Character Statement for the Residential Character Zone and Principle of Development Control 3 of the St Peters/Joslin/Royston Park Policy Area.

3. The proposed land division is not conducive to development which complements the prevailing surrounding allotment pattern, contrary to City Wide Principle of Development Control 24(a).
2. STAFF REPORTS

2.8 DEVELOPMENT APPLICATION 155/56/2020 – LEIGHTON HALL RESIDENTIAL PTY LTD – 10 COLLEGE STREET, COLLEGE PARK

DEVELOPMENT APPLICATION: 155/56/20
APPLICANT: Leighton Hall Residential Pty Ltd
SUBJECT SITE: 10 College Street, College Park (Certificate of Title Volume: 5725 Folio: 74)
DESCRIPTION OF DEVELOPMENT: Construction of a single-storey detached dwelling (including a garage and carport fronting Lincoln Lane) and a masonry front fence
ZONE: Residential Historic (Conservation) Zone (College Park 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 involving the construction of a single-storey detached dwelling (including a garage and carport fronting Lincoln Lane) and a masonry front fence.

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: 22.86 metres
Depth: 45.72 metres
Area: 1,058m²
Topography: fall of 1.65m from the front to the rear lane
Existing Structures: single-storey dwelling and garage
Existing Vegetation: several large non-regulated trees and other vegetation

The subject land is occupied by a detached dwelling set within a mature landscaped garden. The dwelling is not identified in the Development Plan as having any heritage status.

Vehicular access (and garaging) is from the rear of the site via Lincoln Lane. The subject land has an average slope of approximately 1.69 metres from the front (College Street) to the rear (Lincoln Lane).
Locality Attributes

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

The locality is considered to have a high level of amenity, created through mature street tree plantings, wide verges and character dwellings with landscaped front gardens. Lincoln Lane is dominated by garaging and fencing, except for a group of single storey units adjacent the subject land which front the laneway.

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

Proposal in Detail

The Applicant seeks consent to construct a single-storey detached dwelling that includes both an integrated garage and carport fronting Lincoln Lane. The proposal includes the construction of a 1.4 metre high masonry front fence with pillar heights up to a maximum height of 1.9 metres.

The floor level of the dwelling is proposed to be stepped to reflect the slope of the land. The dwelling comprises a large open-plan living/kitchen/dining area that is directly linked to two covered alfresco areas, three bedrooms (Bedroom 1 includes an ensuite and a walk-in-robe), a study, a secondary living area, bathroom, separate WC and laundry. The rear portion of the dwelling comprises a three car garage and an integrated carport and workshop area.

The dwelling is proposed to be sited to orientate the internal and external living areas towards the northern facing rear yard area.

The proposed dwelling displays a traditional design response and includes simple 30 degree hipped corrugated profile roof areas (colour Colorbond “Monument”), sandstone cladding to the front elevation that is “framed out” with a rendered plinth, quoin work and a ledger course (colour “Antique White USA”) and vertically proportioned timber framed windows (colour “Antique White USA”).

The masonry front fence is proposed to comprise core filled block work that is to be rendered (“Antique White USA”). The fence is to incorporate a centralised wrought iron powder-coated pedestrian entry gate.

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:**

<table>
<thead>
<tr>
<th>Consideration</th>
<th>Proposed Dwelling</th>
<th>Development Plan Merit Assessment Quantitative Guideline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>1,058m²</td>
<td>900m²</td>
</tr>
<tr>
<td>Allotment Width</td>
<td>22.86m</td>
<td>N/A</td>
</tr>
<tr>
<td>Allotment Depth</td>
<td>45.72m</td>
<td>N/A</td>
</tr>
<tr>
<td>External Wall Height*</td>
<td>2.9 – 3.7m</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Overall Height (to roof apex)*</td>
<td>6.6m</td>
<td>N/A</td>
</tr>
<tr>
<td>Floor Area</td>
<td>496m²</td>
<td>N/A</td>
</tr>
<tr>
<td>Site Coverage</td>
<td>47%</td>
<td>40%</td>
</tr>
<tr>
<td>Private Open Space</td>
<td>329m²</td>
<td>20% of site area</td>
</tr>
<tr>
<td></td>
<td>31% of site area</td>
<td></td>
</tr>
<tr>
<td>Street Set-back</td>
<td>8.0m - verandah</td>
<td>greater of the two adjoining dwellings</td>
</tr>
<tr>
<td></td>
<td>10.0m - main face</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 1: DEVELOPMENT DATA  

<table>
<thead>
<tr>
<th>Consideration</th>
<th>Proposed Dwelling</th>
<th>Development Plan Merit Assessment Quantitative Guideline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Set-back</td>
<td>1.4 - 3.9m (south-western side)</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Garage on south-western side boundary</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2.0m at the closest point (north-eastern side)</td>
<td></td>
</tr>
<tr>
<td>Rear Set-back</td>
<td>900mm – 1.5m to garage</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>1.5m to carport</td>
<td></td>
</tr>
<tr>
<td>Car Parking Provision</td>
<td>4 undercover</td>
<td>2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage</td>
</tr>
</tbody>
</table>

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

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

**Notification**

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

As such, no public notification was undertaken.

**State Agency Consultation**

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

**Discussion**

The subject land is located within College Park 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:

- **College Park Policy Area Desired Character Statement**
- **College Park Policy Area Objectives:** 1
- **College Park Policy Area PDCs:** 2 & 3

- **RH(C)Z Desired Character Statement**
- **RH(C)Z Objectives:** 1
- **RH(C)Z PDCs:** 1, 2, 7 & 8.

- **City Wide Objectives:** 1, 2, 7, 8 & 10.
- **City Wide PDCs:** 1, 2, 3 & 4.
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 (b) of Principle 8, in that the existing dwelling on the subject land is not listed in Tables NPSP/6 or 7, as a Local Heritage Place or Contributory Item and is therefore not considered to make any significant contribution to the heritage value or historic character of the zone.

Principle of Development Control 2 of the College Park Policy Area states that development should comprise the construction, alteration, conversion or additions to a detached dwelling.

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

streetscape/bulk/scale/height/character/heritage

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

| College Park Policy Area Desired Character Statement |
| College Park Policy Area PDCs: 1 & 4 |
| Residential H(C)Z Desired Character Statement |
| Residential H(C)Z Objectives: 1 & 5 |
| Residential H(C)Z PDCs: 1, 2, 13-19, 22, 23, 25 & 26 |
| City Wide Objectives: 18, 19 & 20 |
| City Wide PDCs: 29, 30, 32, 33, 37, 39 & 41 |

Principle of Development Control 4 of the College Park Policy Area states:

“No building in the College Park Policy Area should be more than two-storeys above natural ground level and only where this is compatible with surrounding development.”

The proposed building height is consistent with Principle 4, given that the new dwelling is to be single-storey. The external wall height of the proposed dwelling (ie. the front part of the building visible within a streetscape context) and roof pitch is consistent and complements the traditional built form of the nearby Contributory Items located at 6, 8 and 12 College Street, College Park.

To assist with assessing the compatibility of the new building within Residential Historic (Conservation) Zone policies, the Application was referred to the Council’s Heritage Advisor, David Brown. A summary of Mr Brown’s comments is set out below:

- the proposed new dwelling is relatively simple and conservative in appearance which is considered to be an appropriate design response in the context of the built form character of the immediate area.
- the proposed materials and finishes for the new dwelling are considered to be appropriate as is the proposed front fence with its overall simplicity and proportions.

A copy of the Heritage Advisor’s response is contained in Attachment C.

Principle of Development Control 8 of the College Park Policy Area states:
“Fencing along the front street boundary (including any secondary street frontage up to the alignment of the main face of the dwelling) should maintain the scale of existing historic development and should:

(a) not detract from the character or restrict the visibility of the building;
(b) not exceed 1.2 metres in height for materials such as masonry or a maximum of 1.5 metres in height for materials such as wrought iron, timber and wire or woven mesh, with masonry pillars able to be constructed up to a height of 2 metres; and
(c) utilise original design and materials such as:
   (i) timber picket, timber dowelling, masonry and cast iron palisade, or corrugated iron or mini orb within timber framing for cottages, villas and other dwellings built during the Victorian period; or
   (ii) timber picket, timber paling or woven crimped wire, or corrugated iron or mini orb within timber framing for Edwardian dwellings.”

The proposed front fence comprises a simple design of two sections of 1.4 metre high rendered masonry set between four rendered masonry pillars. This would result in the height exceeding 1.2 metres, which is not consistent with part (b) of the above policy. Notwithstanding this, the Heritage Advisor is supportive of the front fence at the height proposed.

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:

- College Park Policy Area Desired Character Statement
- College Park Policy Area PDCs: 6
- RH(C)Z PDCs: 10, 11 & 12.
- City Wide PDCs: 35, 204 – 207 & 218

The Desired Character Statement for the College Park Policy Area states in relation to setbacks:

“New dwellings will be set-back from the boundary of the road, which forms their primary street frontage, at a distance equal to or greater than, the alignment of the main face of the adjacent heritage place or contributory item (where a site is between two heritage places or contributory items the greater of the two set-backs will be applied). Side and rear setbacks will generally be substantial, providing large separation distances between dwellings.”

Whilst the site of the proposed dwelling is between two Contributory Items, it is noted that the adjacent Contributory Item at 12 College Road actually fronts Harrow Road and has a garage sited close to College Road, which is its secondary frontage. The adjacent Contributory Item at 8 College Road has a front setback of approximately 8.0 metres to the projecting part of the main wall and 8.8 metres to the verandah. The front set-back of the proposed dwelling is 10 metres to the main wall and 8.0 metres to the verandah. The main wall of the proposed dwelling is to be set further back than the adjacent Contributory Item at 8 College Road and in this regard, the proposed front setback is consistent with the Desired Character Statement.

The Desired Character Statement also requires that side setbacks should be substantial, providing large separation distances between dwellings. The side setback of the proposed dwelling on the north eastern side varies between 2.0 metres at the closest point through to 8.8 metres. In this regard, the siting relationship between the proposed and existing dwelling at 12 College Road would provide a generous separation distance between the dwellings as required by the Desired Character Statement, particularly given that this neighbouring dwelling fronts Harrow Road.

On the south-western side, the proposed dwelling has a side setback of between 1.4 – 3.9 metres. This is considered to be somewhat consistent as the policy intends, particularly given that the proposed dwelling incorporates a setback of 3.9 metres for the first 3.5 metres (when measured from the corner of the main face before reducing to 1.4 metres) which is greater than the existing setback relationship (ie. 1.0 metre) between of the existing dwelling on the subject land and the south-western side boundary.
The garage is proposed to be constructed on the south-western boundary of the subject land. The boundary wall would be 2.8 metres high and 6.3 metres long, which is consistent with City Wide Principle of Development Control 207. Its location at the rear of the allotment, adjacent to a covered shed structure on the neighbouring land at 8 College Road is unlikely to cause any unreasonable overshadowing or result in a compromised visual outlook from the neighbouring land and is consistent with the siting of many other garages in the locality.

With respect to site coverage, the proposed dwelling covers 47% of its site, which is not consistent with the College Park Policy Area Principle of Development Control 6, which states that buildings should not cover more than 40% of the total area of the site. Whilst this is a negative aspect of the proposal, it is noted that site coverage within the area generally appears to be higher than 40%, particularly on sites where dwelling additions have occurred. In this regard the proposed extent of site coverage is considered to be acceptable considering that it includes a generous covered outdoor area and a four (4) car garage/carport, which would provide ample room for the storage of garden tools and outdoor equipment if required.

**Overshadowing/overlooking**

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

City Wide PDCs: 11, 31, 195 & 196

The proposed dwelling is not considered to present unreasonably overshadowing or overlooking issues for the occupiers of adjacent properties, due to the single-storey nature of the dwelling combined with the topography of the land and the setbacks from side boundaries of the subject land. In particular, given the stepped design of the floor levels that are generally commensurate with the slope of the land, it is not anticipated that ground floor windows would cause any privacy issues.

**Private open space**

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

City Wide PDCs: 222, 224 & 225

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

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

(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;”

The proposed dwelling is to have 329m$^2$ of private open space, equating to 31% of the site area, consistent with Principle 225(a).

The private open space is directly accessible from the open-plan living areas, consistent with City Wide Principle of Development Control 224 and in particular, part (a) which states:

“Private open space should be located and designed:

(a) to be accessed directly from the internal living areas of the dwelling;”

**Car parking/access/manoeuvring**

The following Development Plan provisions provide guidance with respect to car parking access and manoeuvring considerations:
Principle of Development Control 32 of the Residential Historic (Conservation) Zone states:

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

The proposal is consistent with Principle 32, as all vehicle access is proposed to be from Lincoln Lane.

The proposal for a four (4) space garage/carport provides sufficient on-site parking in accordance with Table NPSP/8.

Both the garage and the carport are to be set back between 900mm – 1.5 metres from Lincoln Lane, which is 4.4 metres wide.

City Wide Principle of Development Control 218 states:

"Unless otherwise stated in the relevant Zone or Policy Area, garages and carports fronting a laneway should be set back from the laneway the distance required to provide a width of 6 metres from the opposite side of the laneway to the opening of the garage/carport, to allow for appropriate vehicular manoeuvring in and out of the garage/carport. A lesser set back may be considered in circumstances where an alternative design (such as a wider opening to the garage/carport) demonstrates safe and efficient access."

The garage is to have two panel lift doors (one single-width and one double-width) facing Lincoln Lane. The double door is setback 900mm from Lincoln Lane and has a width of 5.8 metres which is 400mm more than the typical standard width for a double door. The single door is setback 1.5 metres from the lane and has a 2.4 metre wide opening which is typically a standard width for a single door. The carport is not intended to have a door as it is to be open structure to the lane. The carport opening is setback 1.5 metres from Lincoln Lane and the opening is 3.3 metres in width. Applying Principle 218, the double door and the carport opening are consistent with this policy in that wider openings are proposed which in turn enable safe and efficient access. Whilst the single width garage door falls short of the 6.0 metre setback requirement by 100mm, it is not considered fatal given that the remaining three covered spaces satisfy the requirements specified in Principle 218.

Finished floor levels/flooding/retaining/fencing/stormwater management

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

City Wide Objectives: 42
City Wide PDCs: 53, 54, 58, 147 - 149, 151 & 171.

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

City Wide Principle of Development Control 53 states:

"Development and associated driveways should be sited and designed to integrate with the natural topography of the land and minimise the need for earthworks."

The proposal is consistent with Principle 53, as the ground floor level has been stepped down in accordance with the slope of the land towards the rear.

The Applicant has advised in an email on 7 April 2020, that side fencing is not proposed as part of this Application. That said, retaining walls are to be required along sections of both the south-western and north-eastern side boundaries and are intended to range in height up to 800mm and 900mm respectively. As the
proposed dwelling includes stepped floor levels, it is not anticipated that any significant cut and/or fill would be required, therefore the replacement of the existing retaining walls should not alter the existing situation to any great extent. In terms of replacement side fencing, the Applicant would be required to submit a separate Development Application prior to this occurring.

The plans indicate that a stormwater drainage system is intended to drain stormwater to Lincoln Lane. The Council’s Urban Services Department has advised that there is currently no underground drain in Lincoln Lane and therefore all stormwater must be directed to College Road. Given the slope of the land, this would require a pump system to be designed for the disposal of stormwater from the site. As such, if the Panel supports the Application, it is recommended that a condition of approval is included to confirm that stormwater disposal must be to College Road only.

**Trees (significant, mature & street) and landscaping**

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

- Residential H(C)Z PDCs: 36 & 37.
- City Wide Objectives: 24
- City Wide PDCs: 73, 220, 221

There are no regulated trees on the subject land.

The proposed front fencing is not anticipated to adversely impact upon adjacent street trees located on the College Road verge area as the two rendered masonry sections either side of the proposed pedestrian gate are sufficiently removed from the adjacent street trees.

The proposed dwelling has a front setback which would allow for the establishment of a generously landscaped front garden, consistent with the Desired Character of the Policy Area.

**Environmental Sustainability**

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

- City Wide Objectives: 23 & 42.
- City Wide PDCs: 67-69, 71, 72 & 159

The proposed dwelling has been designed with the main living area and covered outdoor entertaining facing northeast, providing good solar access particularly in the morning to midday period. Verandah areas are proposed to the open-plan living areas and front facade of the dwelling, which should provide a good degree of summer shading of the associated windows.

The plans indicate that three 5,000 litre rainwater tanks are proposed which exceeds the 2,000 litre requirement specified in City Wide Principle of Development Control 159. This is considered to be a positive aspect of the proposed development.

Overall, it is considered that the design of the dwelling has a good 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 the College Park 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 155/56/2020 by Leighton Hall Residential Pty Ltd, to the construct a single-storey detached dwelling (including a garage and carport fronting Lincoln Lane) and a masonry front fence, on the land located at 10 College Road, College Park, subject to the following requirements, conditions and notes:

**Relevant Plans**

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

- plans and elevations prepared by Federation Homes and received by the Council on 25 February 2020.
- Painting Schedule received by the Council on 25 February 2020.

**Conditions**

1. All stormwater from buildings and paved areas shall be disposed of to College Road (not Lincoln Lane) 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.

2. A rainwater tank with a storage capacity not less than 2 kilolitres (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.

3. All areas nominated as landscaping or garden areas on the approved plans shall be planted prior to the occupation of the premises 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.
3. OTHER BUSINESS
(Of an urgent nature only)

4. CONFIDENTIAL REPORTS
Nil

5. CLOSURE