

Council Assessment Panel Minutes

19 February 2018

Our Vision

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

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

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

	Page No.
1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 18 JANUARY 2018	
2.1 DEVELOPMENT APPLICATION 155/46/2017 – MAYLANDS HOTEL PTY LTD – 63-67 PHILLIS STREET, MAYLANDS.....	2
CONSIDERATION OF ITEM 2.1 HAS BEEN MOVED TO THURSDAY 1ST MARCH 2018	
2.2 DEVELOPMENT APPLICATION 155/397/16 – SAM AND LUCY VISCONTI – 24 FLINDERS STREET, KENT TOWN.....	21
2.3 DEVELOPMENT APPLICATION 155/927/17 – OUTSET DESIGN – 5 CATHERINE STREET, COLLEGE PARK (<i>THIS ITEM WAS DEALT WITH OUT OF SEQUENCE</i>).....	10
2.4 DEVELOPMENT APPLICATION 155/D011/17 – BAIL & ROBAZZA PTY LTD – 120-122 WILLIAM STREET, NORWOOD.....	34
2.5 DEVELOPMENT APPLICATION 155/744/2017 – WEEKS BUILDING GROUP – 30B GARDINER AVENUE, ST MORRIS	39
3. OTHER BUSINESS	47
4. CONFIDENTIAL REPORTS.....	47
5. CLOSURE	47

VENUE Mayors Parlour, Norwood Town Hall

HOUR 7pm

PRESENT

Panel Members Terry Mosel (Presiding Member)
Phil Smith
Fleur Bowden
John Minney
Jenny Newman

Staff Mark Thomson (Manager Development Assessment)
Kathryn Clausen (Senior Urban Planner)
Nenad Milasinovic (Senior Urban Planner)
Ellen de Souza (Development Officer, Planning)
Adam Bowey (Urban Planner)

APOLOGIES Nil

ABSENT Nil

**1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 18 JANUARY 2018**

*Motion was put that the minutes of the Meeting of the Development Assessment Panel, held on
18 January 2018 be taken as read and confirmed,*

Seconded and carried

2. STAFF REPORTS

**2.1 DEVELOPMENT APPLICATION 155/46/2017 – MAYLANDS HOTEL PTY LTD –
63-67 PHILLIS STREET, MAYLANDS**

DEVELOPMENT APPLICATION:	155/46/2017
APPLICANT:	Maylands Hotel Pty Ltd
SUBJECT SITE:	63-67 Phillis Street, Maylands (Certificate of Title Volume: 5785 Folio: 979)
DESCRIPTION OF DEVELOPMENT:	Alterations and additions to an alfresco courtyard to create a beer garden and alterations to a car parking area.
ZONE:	Local Commercial Zone Norwood, Payneham and St Peters (City) Development Plan (28 April 2016)
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 alterations and additions to an alfresco courtyard to create a beer garden and alterations to a car parking area.

Staff do not have delegated authority to determine the Application, as it was subject to Category 3 notification.

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.

It is important to recognise that this Development Application does not (and cannot) deal directly with any changes to the Hotel Licence, which the Applicant would need to apply to Consumer and Business Services (CBS) for, if this Development Application is granted consent. Whilst it is informative to understand how the Applicant intends for the proposed expanded beer garden to be licensed, that would ultimately need to be assessed by CBS. Pursuant to the Liquor Licensing Act, in undertaking their assessment, CBS must consider whether the operation of the licence would be likely to result in undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises.

Subject Land and Locality Attributes

The subject land is the site of the Maylands Hotel, which is located on the corner of Clifton Street and Phillis Street, Maylands. The Hotel comprises an historic two-storey building, with modern additions and car parking to the sides and rear of the original building. The locality is mostly residential, except for the subject Hotel and adjacent Cruickshank Reserve.

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

Background

On 23 November 2007, the Council granted Development Approval to DA 155/270/07 for the creation of additional car parking at 63 Phillis Street in association with the Maylands Hotel. Prior to this time, 63 Phillis Street was occupied by a detached dwelling. A copy of the approved site plan is contained in **Attachment B**.

On 21 April 2008, the Council granted Development Approval to DA 155/905/07, for alterations and additions to the Maylands Hotel, including the creation of a covered 'alfresco courtyard' on the southern side of the Hotel adjacent Phillis Street. The alfresco courtyard replaced car parking spaces 1-4 shown on Attachment B. A low wall separates the alfresco courtyard from the adjacent car parking aisle to the south. There is no barrier separating the alfresco courtyard from Phillis Street. A copy of the approved plan and elevations of the alfresco courtyard is contained in **Attachment C**.

According to Council's records, at some time between 19 September 2007 and 13 February 2008, the Liquor and Gambling Commissioner approved a redefinition of the Hotel Licence, to include a new 'Area 8', corresponding with the area in which the alfresco courtyard was granted Development Approval. Area 8 has a licensed capacity of 40 persons and is not subject to an entertainment consent or extended trading authorisation. A condition was imposed by CBS, stating that "there shall be no speakers or pre-recorded music in Area 8). Accordingly, the area is able to be used by patrons for the consumption of alcohol during regular hotel hours only and neither 'entertainment' (as defined in the Liquor Licensing Act 1997), nor any other form of music is permitted within the area. The Licence Plan shows Area 8 labelled as a 'smokers alfresco courtyard'. A copy of the current Hotel Licence, including the Licence Plan, is contained in **Attachment D**.

Proposal in Detail

The Applicant proposes to undertake additions and alterations to the alfresco courtyard area, to convert it to a beer garden and associated smoking courtyard. At 122m², the proposed beer garden is approximately double the size of the existing alfresco courtyard. The proposed smoking courtyard is an additional 13m² in area.

The beer garden and smoking courtyard are proposed to be fully enclosed on all sides, up to a height of 4.2 metres. A combination of rendered walling, glass infill, corten steel and timber blades is proposed. A retractable awning is proposed to roof the area. Pedestrian access to the beer garden is proposed on the eastern side.

The beer garden is proposed to be operated during the following hours:

Sunday:	11:00am to 10:00pm
Monday to Wednesday	10:00am to 11:00pm
Thursday to Saturday	10:00am to Midnight

Noise limited speakers are proposed in the beer garden, connected to the in-house sound system, as well as a television screen. The Applicant also intends for the area to accommodate live music performances until 9:00pm Sunday to Thursday and 10:00pm Friday and Saturday.

If Development Approval is obtained, the Applicant will need to apply to CBS to have the licensed area of the Hotel redefined to include the beer garden.

Following reforms to the Liquor Licensing Act introduced on 18 December 2017, Licensed venues no longer need consent from Consumer and Business Services to host a range of entertainment, including music. It is understood that the intent of these reforms is to make it easier for businesses to host bands, supporting the live music scene.

However, conditions and approvals imposed on licensed premises by other Acts, such as approvals under the *Development Act 1993*, will not be affected by the changes and will continue to apply.

Accordingly, if the CAP considers that approval of the Development Application should be conditional upon certain parameters regarding entertainment, the CAP should impose those parameters as conditions.

In order to accommodate the proposed beer garden, the existing car park entrance from Phillis Street is proposed to be relocated to the south, resulting in a reduction in car parking capacity of 4 spaces. A split driveway is proposed, to avoid a mature street tree.

A copy of the Development Application is contained in **Attachment E**.

Notification

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

Eighteen (18) representations were received (all opposed) in response to this notification, copies of which are contained in **Attachment F**. The key issues raised by representors are, in summary:

- noise impacts from additional patrons in the beer garden;
- noise associated with live music within the beer garden;
- noise from the car parking area associated with increased patronage;
- failure of previously constructed walls at the boundary of the car park to address noise;
- noise from the existing hotel;
- noise associated with vehicles leaving the car park, particularly due to moving the access point;
- insufficient car parking;
- impact on loading bay;
- impact on the street tree;
- intensification of the existing use;
- non-compliance with existing conditions;
- incompatible architecture;
- anti-social behaviour / community safety; and
- impact on property values.

The following representors desire to be heard personally by the Development Assessment Panel (DAP):

- *Mr Jonathan Armstrong*
- *Ms Sally Armstrong*
- *Mrs K Jamieson*
- *Mr and Mrs B and G Galipo*
- *Mr Barry Solomon*
- *Ms Isabelle Bullen*
- *Mr Mark Bullen*
- *Mr David Lowden*
- *Ms Tania Hall*
- *Ms Susan Taylor*

Following receipt of a copy of the representations, the applicant invited the representors to attend public meetings at the Hotel. Meetings were held on 23 May and 7 June. It is understood that the meetings were an opportunity for the applicant to further explain the proposal and for representors to ask questions. The second meeting was attended by the applicant's Acoustic Engineer, who was also available to answer any questions of the representors.

The Applicant subsequently provided the Council with a written response to the representations received. A copy of the response, prepared by Mr Greg Vincent of MasterPlan, is attached (**Attachment G**).

A summary of the response is provided below:

- having regard to the advice of Sonus, the proposed trading hours and the limitations on live entertainment, the introduction of speakers and live music within the beer garden will not have an adverse impact on the amenity of the local area in terms of noise impact;

- as the overall capacity of the hotel is not proposed to change, nor are the trading hours proposed to increase, no increase in noise from activity in the car park is expected;
- although not relevant to the current proposal, the applicant has offered to increase the height of fencing at the boundary of the car park to address concerns that the existing fence is inadequate to address existing noise impacts. This offer has been declined by neighbours;
- although not relevant to the current proposal, the applicant is proposing to introduce noise attenuation measures to the designated outdoor smoking area on the eastern side of the Hotel;
- as the overall capacity of the hotel is not proposed to change, nor are the trading hours proposed to increase, no increase in noise from patrons on the street leaving the premises is expected;
- there is a surplus amount of car parking, due to the voluntary conversion of the property at 63 Phillis Street from a dwelling site to car parking in 2008.
- the impact on the loading bay is acceptable, as the loading will continue to occur on site and the applicant is prepared to limit delivery times to 8:00-11:30am and 3:00-5:30pm week days;
- the design of the access driveway has been undertaken in consultation with Council to ensure the street tree is not impacted;
- the applicant is prepared to accept a reduction in the total capacity of the hotel from 400 persons to 360 persons;
- the Hotel has been complying with existing conditions of the Hotel Licence;
- the proposed built form respects and complements the heritage listed Hotel;
- the nature of the proposal does not directly relate to or impact on any existing concerns that have been raised in relation to the operation of the existing Hotel, regarding anti-social behaviour and community safety; and
- property values is not a valid planning consideration.

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 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 Local Commercial Zone is a zone primarily accommodating local service activities which are compatible with the amenity of the locality, according to Objective 1 of the zone. Unfortunately the Local Commercial Zone provides very little policy guidance for new development. In order to understand the type of development which is envisaged within the zone, it is useful to consider the lists of complying and non-complying development.

Examples of complying (as of right) forms of development which are able to be undertaken within the zone include electricity sub-station, petrol filling station, service industry, timber yard and warehouse. Examples of non-complying development include all dwelling types, general industry, education establishment, hospital and shops with a gross leasable area exceeding 250m².

Accordingly, it is evident that the Local Commercial Zone is intended to accommodate a disparate range of commercial activities which might typically be found in and around housing, but not including large scale or particularly impactful commercial activities.

As stated by some of the representors, it would not be appropriate to consider the impact of the proposed beer garden simply in terms of the resultant increase in size and capacity of the existing alfresco courtyard. While the area is proposed to roughly double and the capacity to increase by less than double, it is likely that the actual increase in intensity of use of the area resulting from the proposal would be far greater than those increases. Currently the area is largely uncovered and provides very little by way of amenity to attract patrons to use it. In contrast, the proposal is to create a high amenity beer garden environment with entertainment in the form of background music, television and occasional live music. Accordingly, while the

existing area would rarely (if ever) come close to reaching its 40 person capacity, it is much more likely that the proposed beer garden will achieve the proposed 70 person capacity (including smoking courtyard).

At the same time, the existing alfresco courtyard is entirely open, with no form of acoustic protection to prevent noise from patrons using the area from travelling to adjacent residential properties. The proposed beer garden is enclosed up to 4.2m above ground level, providing an acoustic barrier.

City Wide Principle of Development Control 89 states:

Development proposing music should include noise attenuation measures that achieve the following desired noise levels:

Noise level assessment location	Desired noise level
<i>Adjacent existing noise sensitive development property boundary</i>	<i>Less than 8 dB above the level of background noise (L90, 15min) in any octave band of the sound spectrum; and Less than 5 dB(A) above the level of background noise (LA90, 15min) for the overall (sum of all octave bands) A-weighted level.</i>
<i>Adjacent land property boundary</i>	<i>Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum; or Less than 8 dB above the level of background noise (L90, 15min) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level.</i>

The applicant has provided a report from Sonus, assessing the noise impacts of the proposal against the Environment Protection (Noise) Policy (also reflected in the Development Plan) and providing recommended treatments to ensure that noise impacts are acceptable. The treatments which have been recommended by Sonus have been incorporated into the proposal and relate to the materials to be used and the method of construction to ensure an air-tight seal. Self-closing doors are recommended into the beer garden and the smoking area.

In order to ensure that music within the beer garden does not result in noise levels at the nearest noise sensitive location exceeding 8 dB above the level of background noise (in any octave band of the sound spectrum), Sonus have calculated the maximum allowable music levels, as measured within the beer garden. Those levels are set out at the bottom of page 9 of the report by Sonus and differ between Saturdays and Sundays between midday and 10:00pm and all other days. The levels differ due to the measured background noise levels being higher on Saturdays and Sundays between midday and 10:00pm.

Sonus have recommended that a sound limiting advice be installed with two present functions; one for typical use and one for weekend use between midday and 10:00pm. Sonus have further recommended that all inputs including performances use the noise limited speaker system.

A copy of the report by Sonus is contained in **Attachment H**.

The report by Sonus was reviewed on behalf of the Council by Bestec. Bestec have advised that the proposed acoustic treatment and sound limiter is acceptable, subject to:

- clarification of the music noise criterion in terms of frequency range and magnitude. The current criterion does not include the 31.5Hz octave band. Either this should be provided, or a condition should be imposed preventing heavy metal, rock or similar genre;
- specification of appropriate device capable of controlling the sound level using to separate pre-sets automatically; and
- proposed number and locations of the speakers, as well as the maximum sound level at 1m from each speaker, in order to achieve the allowable sound level at the measurement location; and

- an acoustic survey being undertaken after adjustment of the sound levels from each speaker and set-up of the sound-limiter.

A copy of the report by Bestec is contained in **Attachment I**.

In response to the comments from Bestec, Sonus have advised:

- the music levels established in the assessment are very restrictive and will inherently limit the genre which can be accommodated. In addition, the speakers would not generate sound at the 31.5Hz octave band. However, as requested a level has been allocated for that octave band;
- a specific noise-limiting device has not yet been selected. The applicant wishes for a condition of consent to be imposed, requiring submission of this detail to Council at a later stage.
- the final speaker system design has not yet been undertaken. The applicant wishes for a condition of consent to be imposed, requiring submission of this detail to Council at a later stage;
- a post commissioning test of the installation by an acoustic engineer is supported, to ensure the music levels are met and maintained. The tests would measure both within the beer garden and the nearest residential boundary and utilise a repetitive music track with wide and representative bass, melody and lyric content.

A copy of the response by Sonus is contained in **Attachment J**.

Based on the advice of the two acoustic experts, music within the proposed beer garden will not generate noise impacts in excess of those contemplated in City Wide Principle of Development Control 89.

Other sources of noise impact which some representors have suggested would result from the proposal include:

- noise from additional people occupying the beer garden;
- noise from vehicles leaving the car park; and
- noise from patrons leaving the venue.

In relation to the noise of additional people occupying the beer garden, Sonus have advised that a prediction of patron noise has been based on measurements at a number of similar licensed venues. Acoustic design recommendations have been made by Sonus based on those patron noise predictions, to achieve the noise level of no more than 8 dB above the level of background noise at the nearest noise sensitive location.

In relation to noise from vehicles leaving the car park and patrons leaving the site, these impacts are not considered relevant to the assessment, since the overall patron capacity of the Hotel is not proposed to change. Whilst the proposal may result in a short or long term increase in patronage at the Hotel within the maximum overall patron limit, so too could any number of other changes to operations at the Hotel which would not require Development Approval.

It is, however, relevant to consider the potential impact of the proposed relocation of the vehicular access point further to the south. The proposed egress point is approximately 1.5 metres from the southern boundary of the site, which is the boundary of an adjacent dwelling at 61 Phillis Street. The driveway which provides vehicular access to the dwelling at 61 Phillis Street is a common driveway serving four dwellings and is located approximately 12 metres south of the boundary with the Hotel. Therefore, vehicles leaving the Hotel carpark are not likely to result in any conflict with vehicle movements associated with the adjacent dwellings.

With respect to noise impacts from the vehicles using the relocated driveway, the existing Hotel carpark is directly adjacent to the dwelling at 61 Phillis Street, as is an aisle within the carpark. Changing the vehicle egress point is therefore not likely to have any appreciable impact on noise experienced at 61 Phillis Street, nor elsewhere along Phillis Street.

As no change to the overall licensed capacity of the Hotel is proposed, the Application does not result in a higher car parking demand. The Applicant has suggested that the proposal results in a reduction in car parking of 2 spaces. Comparing the car park layout which was approved via DA's 155/270/07 and 155/905/07 and the proposed car parking layout, the reduction is 4 spaces. Regardless, it is considered reasonable for a small reduction in spaces to occur, considering that the property at 63 Phillis Street was

converted to car parking ten years ago and the resultant car parking was surplus to any obligations under the *Development Act 1993*.

With respect to the impact of the proposed beer garden on the heritage listed Hotel, the Application was referred to the Council's Heritage Advisor, David Brown. Mr Brown has advised that the beer garden is in general an acceptable proposal. In particular, Mr Brown considers there is a reasonable recess between the old building and the new addition and that the height, bulk and scale of the addition is acceptable, as it is subservient to the main hotel building. Mr Brown considers that the mix of materials is appropriate given the contemporary design approach which has been taken.

Having regard to the advice of Mr Brown and considering the impact of the proposal on the streetscape more generally, the proposal is considered to make a positive contribution to the character of the area.

Summary

The proposal is for a beer garden on the southern side of the Hotel, adjacent to Phillis Street, replacing a smaller alfresco courtyard. The beer garden is intended to accommodate up to 70 patrons (including an associated smokers court), with live and recorded music played through noise-limited speakers. Acoustic advice has been received, advising that noise from the beer garden will accord with the noise criteria contained in the Development Plan.

A range of noise and patron behaviour issues have been raised by representors which, although legitimate in their own right, do not relate to the development proposal, but rather the existing operations of the hotel.

The proposed addition is considered to relate positively to the heritage listed Hotel and make a positive contribution to the streetscape.

Proposed changes to the carpark configuration and entrance/egress points are not considered to result in any appreciable impacts on amenity within the locality. A small reduction in car parking numbers is considered acceptable as the proposal does not increase car parking demand of the Hotel and the number of car parking spaces provided at the Hotel was significantly increased ten years ago.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/46/2017 by Maylands Hotel Pty Ltd, for alterations and additions to an alfresco courtyard to create a beer garden and alterations to a car parking area on the land located at 63-67 Phillis Street, Maylands, subject to the following notes and 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:

1. the letter from Carlo Panozzo to Graeme Gibson dated 31 January 2017;
2. the plans by Folland Panozzo Architects:
 - a. SK01, Issue E;
 - b. SK02, Issue D;
 - c. SK03, Issue D; and
 - d. SK04, Issue B;
3. the recommendations contained in the acoustic report by Sonus, dated February 2017; and
4. the letter from Greg Vincent to Mark Thomson, dated 30 October 2017.

Conditions

1. The trading hours of the beer garden shall be limited to:

Sunday	11:00am to 10:00pm
Monday to Wednesday	10:00am to 11:00pm
Thursday to Sunday	10:00am to midnight

2. Live entertainment within the beer garden shall be limited to:

Sunday to Thursday	until 9:00pm
Friday and Saturday	until 10:00pm

3. The music level from the final speaker arrangement shall be measured by a suitably qualified acoustic engineer to confirm a noise limiting device maintains the following maximum sound pressure levels (LA10,15min) at the measurement location shown in the acoustic report by Sonus, dated February 2017:

Time of day	Noise Level (dB(A)) by Octave Band Centre Frequency (Hz)								Total Noise level dB(A)
	31.5	63	125	250	500	1000	2000	4000	
Allowable (LA10) levels at all times other than Saturday and Sunday between midday and 10pm	40	32	44	51	54	53	51	42	59
Allowable (LA10) levels Saturday and Sunday	49	42	50	57	60	61	60	51	66

4. Final details of the noise limiting device and the number and location of speakers shall be provided to the reasonable satisfaction of the Council, prior to commencement of operation of the beer garden.
5. A sound system commissioning acoustic survey shall be undertaken at the nearest residences after adjustment of the sound levels from each speaker and the sound limiter has been set up. The following information shall be provided:
 - Time of the test
 - Sound levels measured at the reference point inside the beer garden (Area 8) against the sound levels measured at the nearest residential boundary for each measurement.
 - the measurement points at the nearest residential boundary.
 - type of music played during the commissioning survey.
6. The acoustic treatments recommended by Sonus, numbered 1-5 on pages 6 and 7 of the report by Sonus, dated February 2017, shall be completed to the reasonable satisfaction of the Council, prior to operation of the beer garden.

Consideration of item 2.1 has been moved to Thursday 1st March 2018.

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/928/17 – OUTSET DESIGN – 5 CATHERINE STREET, COLLEGE PARK

DEVELOPMENT APPLICATION:	155/928/17
APPLICANT:	Outset Design
SUBJECT SITE:	5 Catherine Street, College Park (Certificate of Title: Volume 5952 Folio 152)
DESCRIPTION OF DEVELOPMENT:	Construction of a single-storey detached dwelling and a masonry and palisade front fence
ZONE:	Residential Historic (Conservation) Zone –St Peters Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 30 May 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a single-storey detached dwelling and a masonry and palisade front fence.

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

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

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

Subject Land Attributes

Shape:	irregular
Frontage width:	10.31 metres
Depth:	45.89 metres
Area:	529m ²
Topography:	essentially flat
Existing Structures:	single-storey detached dwelling, a freestanding garage and several outbuildings
Existing Vegetation:	nil

The subject land is an irregular shaped allotment on the south-eastern side of Catherine Street. The rear (south-eastern) boundary abuts Merton Lane. A single-storey detached dwelling occupies the land along with several outbuildings located within the rear yard area. Vehicular access to the subject land is via Merton Lane at the rear.

Locality Attributes

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

The locality is considered to comprise the section of Catherine Street situated between Torrens Street and Harrow Road and is characterised by single-storey detached dwellings. Apart from the dwelling on the subject land, the twelve remaining dwellings fronting Catherine Street are Contributory Items, comprising single fronted cottages, double fronted cottages and villas.

A plan 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 and a masonry and palisade front fence.

The proposed dwelling is of a traditional design with a symmetrical hipped roof over the front portion of the building and a skillion roof form over the rear portion. The front elevation of the dwelling incorporates a traditional concave front verandah that spans the width of the facade.

The proposed dwelling utilises traditional building materials such as sandstone (a veneer cladding), rendered masonry corners, timber doors and traditionally proportioned timber window frames to the facade, and 32 degree pitched corrugated sheet metal roofing. The proposed material and colour scheme includes “bush hammered” finish to the sandstone cladding, rendered “white” corner and base banding to the facade and “Monument” colour colorbond custom orb roof sheeting.

Internally, the proposed dwelling comprises a combined kitchen/dining/living room, a master bedroom (with an ensuite and walk-in-robe), two additional bedrooms, a study, a bathroom and a laundry.

The proposal also includes the construction of a 1.5 metre high rendered masonry (colour “white” to match the rendered banding of the dwelling) and palisade fence with a pedestrian access gate.

The existing freestanding garage (located adjacent Merton Lane) is to be retained in order to provide covered vehicle parking in association with the new dwelling.

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

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	529m ²	300m ² – St Peters Policy Area PDC 5
Allotment Width	10.31m – 13.72m	13.0m – St Peters Policy Area PDC 7
Allotment Depth	45.89m	N/A
External Wall Height*	3.5m	N/A
Maximum Overall Height (to roof apex)*	5.1m	Single-storey – St Peters Policy Area PDC 4

Floor Areas	278m ²	N/A
Site Coverage	53%	50% - St Peters Policy Area PDC 6
Private Open Space	224m ² (42%)	20% - City Wide PDC 225(a)
Street Set-back	1.5m – verandah 3.0m – facade	Reflect the pattern in the locality and no nearer to the street than any adjacent LHP or CI – St Peters Policy Area PDC 8
Side Set-back	<u>North-eastern</u> Boundary development and 900mm – 4.0m <u>South-western</u> 700mm - 1.0m	Reflect the established pattern – St Peters Policy Area PDC 8
Rear Set-back	14.2m (to alfresco)	N/A
Car Parking Provision	2 undercover	2 on-site parking spaces per dwelling (Table NPSP/8)

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

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

Notification

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

The single-storey detached dwelling is Category 1, pursuant to Schedule 9, Part 1, 2 (a) of the *Development Regulations 2008*. The masonry and palisade front fence is also Category 1 development, pursuant to Schedule 9, Part 1, 2 (d) of the *Development Regulations 2008*.

Accordingly, no public notification was undertaken.

State Agency Consultation

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

Discussion

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

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

Land Use and Density

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

St Peters Policy Area Desired Character Statement
St Peters Policy Area Objectives: 1
St Peters Policy Area PDC's: 2, 3, 5 & 7

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

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

St Peters Policy Area Principle of Development Control 2 states:

“Development should comprise the erection, construction, conversion, alteration of, or addition to, buildings of the following kinds:

*Detached Dwelling
Semi-detached Dwelling”*

The construction of a detached dwelling, with an ancillary front fence is consistent with Principle of Development Control 2 of the St Peters Policy Area.

St Peters Policy Area Principle of Development Control 3 and the Desired Character Statement (in part) state respectively:

“A new dwelling should only be constructed where it replaces an existing building or feature, which does not contribute to the historic character of the St Peters Policy Area, with a more sympathetic style of development.”

And

“Due to the well established and preserved housing stock and pattern of development, limited opportunity exists for redevelopment in the St Peters Policy Area. New dwellings will be limited to the replacement of non-contributory items.”

The existing dwelling on the subject land was constructed in the mid-20th Century and therefore does not contribute to the historic character of the St Peters Policy Area. The Desired Character Statement for the St Peters Policy Area states that sites which contain buildings that contribute to the desired character of the policy area are shown on Figs Her/10 and 11. The subject land is not shown in Figs Her/10 or 11 as containing such a building.

As the subject land is currently occupied by a non-contributory item, the proposed dwelling is consistent with Principle of Development Control 3 and the Desired Character Statement of the Policy Area.

Streetscape/bulk/scale/height/character

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

St Peters Policy Area Desired Character Statement
St Peters Policy Area Objectives: 1
St Peters Policy Area PDC's: 1, 3 & 4

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

City Wide Objectives:	18, 19 & 20
City Wide PDC's:	28-32, 37, 39, 41, 191 & 209-216

The locality is considered to have a high level of residential amenity and heritage value. The proposed dwelling has been designed in the context of the historic nature of dwellings in the locality, including the use of pitched corrugated roof form, timber framed concaved front verandah and vertically proportioned window openings in the front facade. The front facade incorporates sandstone cladding above the base rendered banding and rendered corners. Sandstone and rendered masonry are traditional building materials, which have been typically used in the construction of historic dwellings in the locality.

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

“New development will complement and reinforce the traditional colours and materials such as stone, brick and rendered masonry. It will be set in a sympathetic landscaped setting and will emulate the general scale and form of traditional building elements such as fences, verandahs and hipped and gabled roofs, instead of attempting to reproduce the finer architectural detail of the historic building stock.”

As the dwelling is located within the Residential Historic (Conservation) Zone, the Application was referred to the Council's Heritage Advisor, David Brown. Mr Brown has concluded that whilst the dwelling should ideally display a design appearance that is less reproduction driven, the proposed dwelling will result in a positive and complementary contribution to the existing streetscape.

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

The proposed dwelling has wall heights, and overall scale and roof form that are compatible with existing single-fronted and double-fronted cottages in the zone when viewed from the street as is evidenced in the streetscape elevation of the proposed dwelling, which provides a reasonable illustration of the bulk and scale of the proposed dwelling and the relationship with the two directly adjacent dwellings. The streetscape elevation is contained in **Attachment B5**.

Mr Brown is satisfied that the proposal does not include excessive reproduction of finer architectural detail. For example, no lacework, finials or other applied decoration is 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:

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

The facade of the dwelling is proposed to be set back 3.0 metres from the Catherine Street property boundary, with a front verandah extending to 1.5 metres from the street boundary.

The St Peters Policy Area Principle of Development Control 8 states:

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

The adjacent double-fronted cottage at 5A Catherine Street is a Contributory Item and has a front setback to the primary facade of 3.0 metres. To the southwest at 3 Catherine Street, the single-fronted cottage is set back in the order of 22.0 metres from Catherine Street. The proposed dwelling has a lesser front setback

than the adjacent Contributory Item at 3 Catherine Street and as such, the proposal does not accord with the St Peters Policy Area Principle of Development Control 8. In order to do so, the dwelling would need to be set back 22.0 metres or 19.0 metres further than that proposed.

That said, the front setback of 3 Catherine Street (along with 1 Catherine Street) is an anomaly in terms of other front setbacks patterns of detached dwellings, along the south-eastern side of the Catherine Street locality. The detached dwellings located at 5A, 7, 9, 11 and 13 Catherine Street all have relatively consistent front setbacks ranging from approximately 3.0 – 4.5 metres. In this context, the proposed front setback of the new dwelling is considered acceptable in this instance.

Residential Historic (Conservation) Zone Principle of Development Control 20 states:

“Building to side boundaries (other than for party walls in semi-detached or row dwellings) or to the rear boundary is generally inappropriate, but may be considered where it is demonstrated that it assists in the retention of a heritage place and where there will be no detrimental effect on the residential amenity of adjoining properties.”

With regard to side setbacks, the proposed dwelling incorporates boundary development along the north-eastern side boundary. The proposed boundary wall is 8.6 meters in length and is to abut the existing south-western side wall of 5A Catherine Street which is located on the side boundary. The proposed boundary wall is to project 4.3 metres forward of the existing boundary wall of 5A Catherine Street. The proposed boundary wall component begins 4.0 metres behind the facade, which when combined with a boundary wall height of 3.0 metres (compared to 3.5 metre height of the remaining external walls of the dwelling), is not likely to be visually prominent when viewed from the street. In this context, whilst the proposal is at odds with Principle 20, the proposed extent of boundary development is considered acceptable.

The remainder of the ground floor side setback from the north-eastern and south-western side boundaries ranges between 900mm and 3.6 metres and 700mm and 1.0 metres respectively. In the context of existing development within the locality, some of which incorporates single-storey walls close to side boundaries, the proposed side setbacks are considered acceptable.

In terms of site coverage, St Peters Policy Area Principle of Development Control 6 states that *“buildings should not cover more than 50 percent of the total area of the site.”* The proposed dwelling has an overall site coverage of 53%, which is inconsistent with this Principle. The dwelling includes a covered outdoor living area and the retention of the existing freestanding garage, such that there is unlikely to be a future need for further development on the site. Furthermore, there are examples of detached dwellings within the locality that have site coverage greater than 50%, notably properties located at 17 and 19 Torrens Street and 4 and 8 Catherine Street.

Overshadowing/overlooking

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

City Wide PDC's: 11, 31, 71, 72, 195, 196, 235 & 236

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

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

Private open space

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

City Wide PDC's: 222-225, 227 & 229

The proposed dwelling includes approximately 224m² of private open space. The main private open space area (located within the rear yard area) includes a rear verandah/covered alfresco area. The private open space areas have good links with the open plan kitchen/dining/living area of the dwelling.

The proposed area of private open space equates to 42% of the site area, therefore satisfying the minimum provision of 20%, prescribed by City Wide PDC 225(a).

Car-parking/access/manoeuvring

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

Table NPSP/8

Table NPSP/8 prescribes that the proposed dwelling should be provided with two on-site car parking spaces, of which at least one should be covered.

The Applicant has proposed to retain the existing freestanding garage at the rear of the land which was approved by the Council in 2007 (Development Application Number 155/313/07). The existing garage is accessed via Merton Lane and can potentially accommodate two (2) vehicles.

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 not within a recognised flood plain.

The subject land is relatively flat, particularly adjacent to where the proposed dwelling is to be sited. In terms of stormwater from both the roof and ground surface areas, a gravity fed stormwater disposal system to Catherine Street can be achieved. The proposed finished floor level of the new dwelling is intended to be 150mm above relative natural ground level and 250mm above the adjacent top-of-kerb on Catherine Street.

Given that the proposed finished floor level of the dwelling is similar to that of the dwellings on adjacent and nearby allotments, the proposed development is likely to result in a need for only minor (such as a small plinth under fencing) retaining along boundaries.

The Applicant is proposing to construct a masonry and palisade front fence. The Council's Heritage Advisor has considered the proposed masonry and palisade fence and has advised that it is generally acceptable apart from the stark white paint colour. Should the Panel determine to approve the proposed development, it is recommended that a condition of consent be imposed requiring that the proposed colour be a subtle "off white" (or similar).

The Applicant has not proposed any side or rear fencing as part of the development proposal. Development Approval for fencing within a Historic (Conservation) Zone is a required and as such, a separate Application will need to be lodged for any such future fencing.

That said, assuming the Applicant elects to propose typical 1.8 metre high side and/or rear fencing at a later stage, the combined height of retaining (ie. in this instance, no more likely than solitary single concrete plinth) and new fencing is likely to be no greater than 2.0 metres in height. The combined retaining wall and fencing heights that would result, are not considered not to be unreasonable, and would be consistent with City Wide Principle of Development Control 58, which states:

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

Trees (regulated, mature & street) and landscaping

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

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

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

In terms of landscaping, the Applicant has provided a landscaping plan and schedule, which identifies a range of small trees and shrubs, which will enhance the garden setting of the proposed dwelling, which is a characteristic of the locality. A copy of the landscaping plan and schedule is contained in **Attachment B6**.

The proposed landscaping is considered to complement the development and the locality and is considered to be consistent with City Wide Objective 24 which anticipates development enhanced with appropriate landscaping.

Environmental Sustainability

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

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

The subject land runs northwest to southeast, which ordinarily would allow for a reasonable orientation of the dwelling. That said, the private open space provision which is on the eastern side is compromised with respect to direct access to northern light from midday onwards. Notwithstanding this aspect, the main living areas at ground level incorporate a direct link to the main private open space area.

City Wide Principle of Development Control 159 prescribes that new dwellings should be provided with a 2,000 litre rain water tank in order to maximise the use of stormwater collected from roof areas. The Applicant has nominated a 1,000 litre rain water tank is to be provided as part of the proposal. Given that the proposed development includes relatively large areas of impervious surfaces (ie. compared to the existing structures and conditions of the land), it is recommended that if the Panel determines to approve the proposed development, that a condition be imposed requiring that at a rainwater tank with a minimum capacity of 2,000 litres be installed in accordance with City Wide Principle of Development Control 159.

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

Summary

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

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

The provision of private open space and the resulting site coverage (albeit exceeding the prescribed quantum by 3%) are considered to be acceptable.

The proposal is not considered to be seriously at variance with the Development Plan and is considered to be sufficiently in accordance with the provisions of the Development Plan to warrant Development Plan Consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/928/17 by Outset Design, to construct a single-storey detached dwelling and a masonry and palisade front fence, on the land located at 5 Catherine Street, 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 (Project Number NPOPE/2017) prepared by Outset Design and received by the Council on 7 February 2018.

Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.
2. A 2,000 Litre rainwater tank shall be plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
3. The colour of the rendered masonry and palisade front fence shall herein approved, shall be an "off white" colour, and not "white", 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.

Moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/928/17 by Outset Design, to construct a single-storey detached dwelling and a masonry and palisade front fence, on the land located at 5 Catherine Street, 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 (Project Number NPOPE/2017) prepared by Outset Design and received by the Council on 7 February 2018.*

Conditions

1. *All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.*
2. *A 2,000 Litre rainwater tank shall be plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.*
3. *The colour of the rendered masonry and palisade front fence shall herein approved, shall be an "off white" colour, and not "white", 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.*

Seconded and carried

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/397/16 – SAM AND LUCY VISCONTI – 24 FLINDERS STREET, KENT TOWN

DEVELOPMENT APPLICATION:	155/397/16
APPLICANT:	Sam and Lucy Visconti
SUBJECT SITE:	24 Flinders Street, Kent Town (Certificate of Title: Volume 5091 Folio 884)
DESCRIPTION OF DEVELOPMENT:	Demolition of a detached dwelling (pre-1940's) and the construction of a two-storey detached dwelling with associated fencing
ZONE:	Residential Historic (Conservation) Zone – Kent Town 1 Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 28 April 2016)
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 an Application involving the demolition of a detached dwelling (pre-1940's) and the construction of a two-storey detached dwelling with associated fencing.

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

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	12.80 metres
Depth:	48.46 metres
Area:	620.29m ²
Topography:	essentially flat for the majority (ie. from the rear boundary to the front of the existing bungalow) with a substantial fall towards the front property boundary
Existing Structures:	single-storey detached dwelling and a freestanding ancillary garage adjacent Little Wakefield Street
Existing Vegetation:	some small trees and grassed areas

The subject land is a regular shaped allotment on the south-eastern side of Flinders Street. The existing dwelling on the subject land is an inter-war bungalow. The land is essentially flat between the rear property boundary and up until the facade of the bungalow. From the facade to the Flinders Street property boundary, the land falls substantially (on average in the order of 2 metres).

Locality Attributes

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

Along Flinders Street, the locality is characterised by a mix of dwelling styles from both the late nineteenth and early twentieth centuries, mostly within established garden settings. Front fences of various sizes and materials are a common feature and the street is lined with mature exotic trees. Directly adjacent to the north-east of the subject land at 26 Flinders Street is a relatively new two-storey detached dwelling (approved by the Panel at its meeting in June 2014). Beyond this neighbouring property, is a large two-storey commercial building (at 30 Flinders Street), constructed circa the 1960s or 1970s, which is somewhat of an anomaly in the streetscape, both in terms of the use of the building and its form. Directly adjacent to the south-west of the subject land at 22A Flinders Street is an inter-war dwelling in the form of a bungalow. A State Heritage Place is located directly north-west of the subject land at 19 Flinders Street.

The locality is considered to have a moderate level of historic character, due to the mix of historic buildings and newer development. Similarly, it is considered that the locality only has a moderate level of residential amenity, due to traffic volumes along Flinders Street and associated noise impacts.

Little Wakefield Street does not display any significant heritage character and the built form fronting the street comprises an inconsistent mix of fencing, garages, car park areas and some residential development addressing the street, notably, a pair of recently constructed two-storey dwellings, located at 26A and 26B Little Wakefield Street. The residential amenity along Little Wakefield Street is considered to be moderate only, influenced mainly by the lack of footpaths and street trees.

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

Proposal in Detail

The Applicant seeks consent to demolish a detached dwelling and to construct a replacement part two-storey detached dwelling with associated fencing.

The existing dwelling that is proposed to be demolished is an inter-war dwelling in the form of a bungalow.

The internal living spaces of the proposed dwelling comprise a guest bedroom/retreat, bathroom and cellar at lower ground level. At ground level, an open plan living/kitchen/dining area, three (3) bedrooms (the master bedroom includes ensuite facilities), a separate bathroom area and a laundry. The proposed dwelling also includes a rear verandah/alfresco area and an open internal courtyard adjacent the north-eastern side of the dwelling.

The design of the replacement dwelling is outwardly contemporary in appearance and comprises "Renovation Gertrudis brown" face brick that is punctuated by six vertically proportioned windows to the front elevation, and contemporary detailing such as a standing-seam roof cladding (colour "Bond Stealth matt finish").

The proposal also includes the construction of a 2.0 metre high masonry face brick ("Renovation Gertrudis brown brick" to match the dwelling) with a pedestrian access gate.

The existing freestanding garage located to the rear of the subject land is proposed to remain and is to continue to provide covered on-site car parking.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	620.29m ²	200m ² – Kent Town 1 Policy Area PDC 5
Allotment Width	12.80m	N/A
Allotment Depth	45.89m	N/A
External Wall Height*	4.0 – 7.6m	N/A
Maximum Overall Height (to roof apex)*	5.8 - 8.8m	Two-storey – Kent Town Policy Area PDC 4
Floor Areas	377m ² (comprising proposed dwelling footprint and retained shed/outbuilding)	N/A
Site Coverage	61%	N/A
Private Open Space	108m ² (comprising rear yard and court yard)	17% - City Wide PDC 222(a)
Street Set-back	5.4m – projecting canopy (over entry and Bedroom 2) 6.0 – 7.2m facade	N/A
Side Set-back	<u>North- eastern</u> 1.0m <u>South-western</u> 1.0 – 1.5m	N/A
Rear Set-back	14.4m	N/A
Car Parking Provision	4 undercover	2 on-site parking spaces per dwelling (Table NPSP/8)

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

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

Notification

Pursuant to Residential Historic (Conservation) Zone Principle of Development Control 41, the proposal has been identified and processed as a Category 2 form of development, as it involves the demolition of a building which was constructed prior to 1940.

In response to the notification process, one (1) representation (in favour) was received. A copy of the representation is contained in **Attachment C**.

State Agency Consultation

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

Discussion

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

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

Land Use and Density

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

Kent Town 1 Policy Area Desired Character Statement	
Kent Town 1 Policy Area PDC's:	3 & 5
Residential H(C) Zone Desired Character Statement	
Residential H(C) Zone Objectives:	4
Residential H(C) Zone PDC's:	7, 8 & 15
City Wide Objectives:	1, 2, 7, 8, 10 & 55-57
City Wide PDC's:	1, 2, 3 & 4

Principle of Development Control 3 of the Kent Town 1 Policy Area and Principle of Development Control 8 of the Residential Historic (Conservation) Zone, state respectively:

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

and

"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 Application was referred to the Council's Heritage Advisor, David Brown, for advice on the contribution made by the existing dwelling to the heritage value, historic character and desired character of the zone. In this respect, Mr Brown has advised:

"As for the house potentially being an example of an Interwar infill building representing the post WW1 development in the area; it is not a particularly good example of a generic Californian Bungalow. There are much better examples of Interwar dwellings in Kent Town than those found on Flinders Street. As the infill in Flinders Street was specific to this small portion of the street, it is more an anomaly than a part of the character. The rest of Flinders Street is decidedly Victorian in character, with only later infill post WW2 and more recently."

Having regard to the advice provided by the Council's Heritage Advisor, Mr David Brown, the existing dwelling on the subject land is not considered to contribute to the desired character of the Kent Town 1 Policy Area within the Residential Historic (Conservation) Zone.

The Applicant has provided a report from a structural engineer, Mr Jon Rudd of JDR#1 Pty Ltd on the structural adequacy and general condition of the existing dwelling. The report prepared by Mr Rudd states that the extent of remediation, including providing a stable foundation through underpinning the footings of the dwelling, would exceed the value of the building and would be at a considerable cost to the owner. To this end, Mr Rudd is of the opinion that the demolition of the existing dwelling is the most cost effective and structurally sensible approach.

A copy of Mr Rudd's report is contained in **Attachment D**.

The Council engaged Mr Leo Noicos of LN Engineering to review the advice of Mr Rudd. Mr Noicos' report describes similar structural deficiencies as those discussed by Mr Rudd. More specifically, Mr Noicos identified that the existing dwelling has suffered damage (particularly the western and eastern sides) due to footing settlement. The cause of the footing settlement is the result of the effects of consolidation of the fill material that was not compacted properly. Ultimately Mr Noicos concludes that the structural damage sustained to the existing dwelling would be (in the first instance) classified as "structurally unsound". A copy of the report by Mr Noicos is contained in **Attachment E**.

Having regard to the heritage advice provided by Mr Brown and the reports provided by two structural engineers, it is considered that the proposal to demolish the existing dwelling is acceptable as the building is not considered to make a minimal contribution to the desired character of the Zone or Policy Area and the condition of the existing building has been determined to be structurally unsound and substantial remediation work is required to an extent that is more than likely, economically unreasonable. Whilst the structural condition of the building is not an expressly stated consideration in the Development Plan for the demolition of a pre-1940's dwelling, it is an expressly stated consideration for the demolition of Contributory Items and other levels of heritage protection. In this context, it is considered appropriate for the structural condition of the building to be given some consideration in this assessment. ,

In terms of a land use perspective, the residential use is to continue from the subject land at the same density as is the situation currently. Furthermore, the construction of a replacement detached dwelling on the subject land will retain the existing subdivision pattern.

Streetscape/bulk/scale/height/character

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

Kent Town 1 Policy Area Desired Character Statement

Kent Town 1 Policy Area Objective: 1
Kent Town 1 Policy Area PDC's: 1, 3 & 4

Residential Historic (Conservation) Zone Desired Character Statement

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

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

The proposed replacement dwelling has an outwardly contemporary design. It has a 'dual component' facade, comprising a half-gable fronted wall and a rectilinear facade element, linked by a centrally located recessed entry area.

The proposed dwelling incorporates a lower ground level situated towards the front of the building. In combination with the proposed 2.0 metre high masonry front wall and the finished lower ground floor level (ie. which is to be 450mm lower than the adjacent Flinders Street footpath level), the lower ground floor will not be readily visible from Flinders Street. On this basis, the proposed two-storey dwelling is likely to appear as an elevated single-storey dwelling situated behind a solid masonry front fence when viewed by the casual observer in Flinders Street.

The proposed dwelling is considered to be compatible with the adjacent bungalow at 22A Flinders Street and the outwardly two-storey dwelling at 26 Flinders Street, in that it incorporates proportional vertical and horizontal building form, consistent with the two adjacent buildings..

The proposed dwelling is considered to be generally consistent with Residential Historic (Conservation) Zone Principle of Development Control 16 and the Desired Character Statement (in part) in that it:

- has a bulk and scale, which is akin to the two directly adjacent;
- incorporates a design that, while obviously contemporary, includes elements such as a pitched roof (over the half-gable component), use of traditional masonry construction materials (face brick work), well-proportioned glazing, a horizontal entry and window canopies in lieu of a traditional verandah, contemporary standing-seam profile roof cladding, all of which reflect (without replicating) traditional design elements of the original built form of the existing dwelling; and
- has a relatively simple overall built form outcome, which does not compete with the surrounding historic building stock and incorporates materials and finishes which complement dwellings in the locality.

With respect to roof form associated with new dwellings, The Residential Historic (Conservation) Zone Desired Character Statement states (in part):

“New dwellings will be of a complementary nature which do not compete or stand out against the historic elements for streetscape prominence. They will take into careful consideration the scale of the surrounding dwellings. The roof pitch and basic roof form of surrounding houses will be repeated.”

Whilst the proposed new dwelling is not consistent with this policy, it is considered that there is sufficient justification to deviate from the clearly expressed policy on roof form. More specifically, the proposed dwelling (along with the neighbouring existing dwellings on the south-eastern side of Flinders Street), is relatively elevated when standing at street level (ie. the dwelling varies in overall height between 6.99 – 8.25 metres above footpath level), such that a hipped roof would likely not be readily visible in any case. The dwelling will also be screened to a reasonable extent by the two (2) large mature street trees, both of which have well-developed crowns, situated directly adjacent the Flinders Street property boundary.

The Council’s Heritage Advisor, David Brown, has reviewed the proposal and has advised that the proposal is acceptable from a heritage and streetscape perspective. In summary, Mr Brown key points are summarised as follows:

- The design approach is quite rational and elegant, with some acknowledgement of its context in the material selection, setbacks and modest height;
- The simple rectilinear form also suits the locality, as the early buildings within this area were generally single and double fronted cottages with traditional floor plans;
- The contemporary skillion roof is the design’s attempt at a visible roof form, and also assists in breaking up the two volumes to give some depth to the facade;
- The proposed design is an acceptable contemporary design for this streetscape. It does have some regard to the context, but is still clearly a new dwelling. Furthermore, the design approach does not seek to replicate the style of other houses in the street, but does use complementary materials, and is quite modest given the other more recent developments (eg. 26 and 32 Flinders Street).

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

Having regard to the relevant heritage provisions of the Development Plan and the advice of David Brown, it is considered that the design of the proposed dwelling is compatible with the established built form character of the locality. In particular, the overall mass and proportions of the dwelling, combined with the well-articulated facade, assists in the new dwelling being compatible whilst at the same time clearly distinguishable from the original dwellings of heritage significance in the locality.

On balance, the appearance and heritage aspects of the proposal are considered acceptable.

Setbacks and Site Coverage

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

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

Principle 10 of the Residential Historic (Conservation) Zone states:

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

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

With regard to the proposed front setback, the adjacent two-storey dwelling (26 Flinders Street) has a 5.0 metre setback to the main facade. The adjacent bungalow to the southwest (22A Flinders Street) has a front setback in the order of 13.0 metres whilst at the street level, an existing freestanding carport abuts the Flinders Street property boundary of 22A Flinders street. Applying part (b) of Principle 10, the average setback of the two adjacent buildings is 9.0 metres.

The proposed dwelling is set back from Flinders Street ranging from 6.0 to 7.2 metres to the main facade. Being less than the average of the two adjoining dwellings (9.0 metres), this is a negative aspect of the proposal. However, the proposed staggering of the front setback of the new dwelling and the space between the building provided through the proposed side boundary setbacks, is considered to result in a reasonable setback relationship with the bungalow at 22A Flinders Street, particularly in light of the widely varying setbacks of other buildings along the south-eastern side of Flinders Street. The varied front set back pattern is illustrated in **Attachment B3**. In this context, the proposed front setbacks of the new dwelling are considered appropriate notwithstanding that the criteria specified in Principle 10, is not met.

The side setback from the south-western boundary ranges from 1.0 – 1.5 metres and the side setback from the north-eastern boundary is 1.0 metre for the length of the north-eastern elevation aside from being broken up by a 3.0 metre wide x 5.7 metre deep internal courtyard on this elevation.

It is considered that the proposed side setbacks and the resulting potential visual impact on the directly adjacent residential occupiers is acceptable in the context of the existing built form situated on directly neighbouring land. More specifically, the outwardly two-storey dwellings at 26 Flinders and 26A Little Wakefield Street are separated by a driveway area (commencing from Little Wakefield Street) that abuts the north-eastern side boundary of the subject land. To the southwest, the neighbouring dwellings at 22A (bungalow) and 22 Flinders Street (a two-storey dwelling behind the bungalow) are built close to the side boundary and as such do not enjoy a direct outlook onto the subject land from any of their covered private open space areas.

Residential Historic (Conservation) Zone Principle of Development Control 12 states that the site coverage of proposed buildings should be compatible with the site coverage of those existing buildings in the locality, which contribute significantly to the historic character.

The site coverage of proposed dwelling is 61%, which is generally consistent and/or less than the site coverage of existing residential development within the locality (eg. 22, 22A 32A, 34, 1/36, 2/36, 3/36, 4/36 Flinders Street and 26A, 26B 32A, 32B, 35 and 37 Little Wakefield Street).

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

Overshadowing/overlooking

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

City Wide PDC's: 11, 31, 71, 72, 195 & 196

The proposed built form of the replacement dwelling is considered not to present any unreasonable overshadowing or overlooking issues to the rear yard areas for the occupiers of the three adjacent properties at 22, 22A and 26 Flinders Street, due to the predominantly single-storey form and configuration of the dwelling and relatively flat natural ground level of the property (ie. upon which the new dwelling is to be situated).

Therefore, proposal is considered to be consistent with the above City Wide Principles of Development Control 11 and 31, with regard to maintaining access to natural light and ensuring visual privacy is achieved for the adjoining occupiers.

Private open space

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

City Wide PDC's: 222-225 & 229

The proposed dwelling has been provided with 108m² of private open space, located in the form of a combined covered alfresco area and a rear yard area along with a side courtyard adjacent the north-eastern side boundary. This equates to 17% of the overall site area, whereas City Wide Principle of Development Control 225(a) states that an area equivalent to 20% should be provided.

Although situated behind a proposed 2.0 metre high masonry front fence, the front yard area has not been factored into the private open space calculations as the privacy and functionality of this area is likely to be compromised by the relatively steep stepping of the area up to the dwelling. The failure of the proposal to achieve an area of private open space equivalent to 20% of the site area is a negative aspect of the proposal.

Car-parking/access/manoeuvring

Residential H(C)Z PDC's: 32
City Wide Objectives: 34
City Wide PDC's: 98, 104, 120, 181 & 219

Table NPSP/8

Table NPSP/8 prescribes that the proposed dwelling should be provided with two (2) on-site car parking spaces, of which at least one should be covered.

The Applicant has proposed to retain the existing garage which is situated at the rear of the land and abuts the rear property boundary. The existing garage is accessed via Little Wakefield Street and can accommodate up to four (4) vehicles. The width of the Little Wakefield Street carriageway is 6.1 metres, which provides for safe and convenient access and egress and is consistent with City Wide Principle of Development Control 218 which requires garages fronting a laneway having a set back of 6.0 metres from the opposite side of the laneway to the opening of the garage.

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

The subject land is not in a recognised flood plain or area that is subject to flooding.

The proposed finished floor level of the new dwelling is commensurate with that of the existing bungalow on the land (ie. proposed RL47.7 whereas the existing bungalow is set at RL47.6).

The finished floor level of Dwelling 1 is to be approximately 2.55 metres above the Flinders Street footpath level. Considering that the subject land and the adjacent properties at 22A and 26 Flinders Street are built-up to a similar height, the proposed finished floor level of the new dwelling is considered acceptable in a streetscape context.

The Applicant has nominated to direct all roof and surface water to the Flinders Street watertable.

Fencing is proposed as part of this Application comprising, at street level, a 2.0 metre high solid masonry brick wall along the Flinders Street frontage. Given the variety of fencing types and heights within the Flinders Street locality, the proposed masonry fence is considered appropriate. The Council's Heritage Advisor has advised that the proposed front fence is considered acceptable from a heritage perspective, particularly given the high traffic volumes.

The remainder of the fencing as part of the proposed development is to be "Good Neighbour" fencing along both side boundaries and only adjacent to the front yard area of the dwelling. The proposed fencing is to commence at 2.0 metres in height at street level and progressively increasing in height and finishing to a height of 1.8 metres relative the adjacent ground level of the new dwelling. The Applicant has not specified the profile of the proposed side fencing. Should the Panel determine to approve the proposed development, it is recommended that a condition of consent is imposed requiring that the fencing incorporate a custom orb corrugated profile, as this is considered to be an appropriate design response for sheet metal fencing in a Historic (Conservation) Zone.

Trees (regulated, mature & street) and landscaping

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

Residential H(C)Z PDC's:	36 & 37
City Wide Objectives:	24 & 98
City Wide PDC's:	220 & 221

There are no significant trees situated on the subject land.

The Applicant has provided a comprehensive landscaping plan and planting schedule. The front yard is extensively landscaped with a variety of plants, the rear yard incorporates a reasonable sized lawn and landscaped area that can be utilised for the enjoyment of the occupants.

The proposed landscaping will enhance the proposed built form and will provide for a positive contribution to the streetscape and a high level of residential amenity for future occupants, in accordance with City Wide Principles of Development Control 220 and 221.

Two (2) street trees are located adjacent the Flinders Street frontage of the subject land. The proposed masonry front fence, which is intended to replace the existing masonry and brush fence, is not anticipated to have any adverse impacts to the two (2) street trees root systems.

Environmental Sustainability

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

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

The subject land runs north-west to south east with the primary private open space area (ie. the rear yard) located on the south-eastern side of the proposed dwelling. The rear yard area, along with the internal courtyard, is compromised with respect to direct access to northern light from midday onwards. Notwithstanding this aspect, the dwelling has been designed to capture sunlight into all internal rooms and provides good cross-ventilation.

City Wide Principle of Development Control 159 prescribes that new dwellings should be provided with a 2,000 litre rain water tank in order to maximise the use of stormwater collected from roof areas. The Applicant has indicated that a 1,000 litre rain water tank is to be provided as part of the proposal. Given that the proposed development results in an increase of approximately 12% in terms of site coverage (ie. comparing the proposed development to that of the existing built form on the land), it is recommended that if the Panel determines to approve the proposed development, that a condition be imposed requiring that a rainwater tank with a minimum capacity of 2,000 litres be installed in accordance with City Wide Principle of Development Control 159.

Summary

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

The outwardly contemporary design of the dwelling has been considered in the context of the historic character of the locality and is supported by the Council's Heritage Advisor.

The proposal is generally consistent with the provisions of the Residential Historic (Conservation) Zone, in that it reflects a similar bulk and scale to existing dwellings in the locality, incorporates common architectural elements, and uses materials and finishes which complement the built form in the locality. The proposed dwelling is considered to be a high quality design, which will contribute positively to the streetscape.

Inconsistencies with the Development Plan include:

- the dwelling is sited closer to Flinders Street than the average distance of the two adjoining dwellings; and
- an area of private open space equivalent to 20% of the site area is not provided (17% is provided).

On balance, 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 155/397/16 by Sam and Lucy Visconti, to demolish a pre-1940's detached dwelling and to construct a replacement two-storey detached dwelling with associated fencing, on the land located at 24 Flinders Street, Kent Town, 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 (Project Number 16005) prepared by Enzo Caroscio Architecture and Design and received by the Council on 4 December 2017.

Conditions

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

2. A 2,000 Litre rainwater tank shall be plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
3. The proposed "Good Neighbour" fencing along the north-eastern and south-western side boundaries herein approved, shall incorporate a custom orb corrugated profile.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate
5. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

Moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/397/16 by Sam and Lucy Visconti, to demolish a pre-1940's detached dwelling and to construct a replacement two-storey detached dwelling with associated fencing, on the land located at 24 Flinders Street, Kent Town, 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 (Project Number 16005) prepared by Enzo Caroscio Architecture and Design and received by the Council on 4 December 2017.*

Conditions

1. *All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.*
2. *A 2,000 Litre rainwater tank shall be plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.*
3. *The proposed "Good Neighbour" fencing along the north-eastern and south-western side boundaries herein approved, shall incorporate a custom orb corrugated profile.*
4. *All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate*
5. *All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.*
6. *The applicant to provide a revised landscaping plan showing articulation and or visual interest to the front fence to the reasonable satisfaction of 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.*

Seconded and carried

2. STAFF REPORTS

2.4 DEVELOPMENT APPLICATION 155/D011/17 – BAIL & ROBAZZA PTY LTD – 120-122 WILLIAM STREET, NORWOOD

DEVELOPMENT APPLICATION:	155/D011/17
APPLICANT:	Bail & Robazza Pty Ltd
SUBJECT SITE:	120 – 122 William Street, Norwood
DESCRIPTION OF DEVELOPMENT:	Torrens Title Land Division creating one (1) additional allotment
ZONE:	Residential Character (Norwood) Zone - Norwood, Payneham and St Peters (City) Development Plan (dated 30 May 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on a Torrens Title land division, to create one additional (1) allotment from two (2) existing allotments.

Staff do not have delegated authority to determine the Application, as the subject land is identified within the Residential Character (Norwood) Zone on Concept Plan Fig RC(N)/1, as an area where land division creating new dwelling sites or additional allotments should not occur.

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 (Comprising both 120 and 122 William Street, Norwood)

Shape:	rectangular
Primary Frontage width:	27.43 metres
Secondary Frontage width and Depth:	33.53 metres
Area:	919.73m ²
Topography:	levels not provided
Existing Structures:	two detached dwellings, an outbuilding and an inground swimming pool
Existing Vegetation:	non-regulated trees and shrubs

Both 120 and 122 William Street are located on the southern side of William Street on the corner of Birrell Street. Both properties contain a single-storey detached dwelling (in the form of double-fronted cottages). In addition to this, an outbuilding is located in the rear yard area of 120 William Street and an inground swimming pool is located in the rear yard area of 122 William Street. The site is not heavily vegetated and there are no regulated trees on the subject land.

Locality Attributes

Land uses:	predominantly residential
Streetscape amenity	moderate to high

The locality is predominantly residential and although there is a variety of building styles, the southern side of William Street (situated between Brown Street and George Street) is characterised by pre-1940s dwellings. Some of these character dwellings (i.e. 110, 112, 116 and 126 William Street) have had rear additions undertaken in recent years. Most recently, a new single-storey detached dwelling has been approved at 118 William Street.

Residential and streetscape amenity is considered to be moderate to high given the number of character dwellings and well-established street trees on both sides of William Street.

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

Proposal in Detail

The proposal seeks to subdivide the rear yards of 120 and 122 William Street in order to create an additional Torrens Title allotment fronting Birrell Street. The proposed new allotment has a frontage to Birrell Street of 9.0 metres and is intended to accommodate a future detached dwelling. The proposal would also require the re-establishment of vehicle access and on-site vehicle parking for the dwelling at 120 William Street and the demolition of a rear verandah of the dwelling at 122 William Street.

Consideration	Proposed Allotment Facing Birrell Street	120 William Street, Norwood	122 William Street, Norwood	Development Plan Merit Assessment Quantitative Guideline
Site Area	247m ²	337m ²	336m ²	250m ²
Allotment Width	9.0m	13.72m	13.71m	9m (minimum for a detached dwelling)
Allotment Depth	27.43m	24.53m	24.53	N/A

A copy of the proposed land division plan is contained in **Attachment B**.

Notification

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

State Agency Consultation

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

Discussion

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

Within the Residential Character (Norwood) Zone, Principle of Development Control 20 specifies areas where further land division should not occur. More specifically Principle 20 states:

“Land division creating additional allotments or dwelling sites should not occur on sites identified on Concept Plan Fig RC(N)/1, except where it involves:

- (a) *the redevelopment of sites containing existing multi-unit development; or*
- (b) *the conversion of an existing dwelling into two or more dwellings (with no substantial change to the building form).*

The relevant section of *Concept Plan Fig RC(N)/1* is shown below:"



As both 120 and 122 William Street are not existing multi-unit sites and the proposal is not for the conversion of the existing dwellings into two or more dwellings, the proposal is considered to fail this critical first land division test.

Where land division is supported, Principle of Development Control 10 of the Zone sets out minimum site area and frontage width requirements for detached dwellings. Notwithstanding that the proposed allotments satisfy the minimum site area and frontage width requirements (except for the proposed new allotment fronting Birrell Street, which has a minor site area shortfall (3m²), consideration has been given to the Desired Character Statement of the Residential Character (Norwood) Zone, which states (in part):

“Although demolition control is not legislated in this Zone (except for identified State or Local Heritage Places), it is intended that the limitation on land division in the identified character pockets will encourage the retention and renovation of the original housing stock.”

And

“The redevelopment of sites identified on Concept Plan Fig RC(N)/1, will provide continuity with regard to the form, height and siting (in terms of front, side and rear set-backs) of the surrounding pre-1940s dwellings. Building heights will generally be limited to maintain a single-storey streetscape appearance, however, in some locations where a single-storey built form character is particularly intact, may be further limited to single-storey.”

Whilst the proposed land division does not require the demolition of the existing dwellings and therefore does not offend Desired Character Statement in this respect, it would result in a significant reduction of the rear yard areas of 120 and 122 William Street, such that 120 William Street would be left with no private open space and 122 William Street would require partial demolition of the rear section of the dwelling and a significant loss of private open space. In this regard it would alter the siting characteristics such they would be inconsistent with the siting characteristics of the surrounding pre-1940s dwellings.

More specifically, the site areas of the eleven properties (including 120 and 122 William Street) situated on the southern side of William Street between Edward Street and George Street are approximately as follows:

- 110 William Street: 482m²
- 112 William Street: 476m²
- 114 William Street: 502m²
- 116 William Street: 498m²
- 118 William Street: 424m²
- 120 William Street: 460m²
- 122 William Street: 460m²
- 124 William Street: 272m²
- 126 William Street: 937m²
- 128 William Street: 862m²
- 130 William Street: 668m²

All of these properties have relatively spacious siting characteristics with most having their private open space areas located to the rear of the dwelling, with rear set-backs of between 6m (124 William Street) and 31m (128 William Street).

Furthermore, Residential Character (Zone) Principle of Development Control 12 specifies that a dwelling fronting a public road should have a minimum setback from a rear boundary to the ground level and upper level of 4.0 metres and 6.0 metres respectively. The proposed reduction in the rear yard area of both 120 and 122 William Street would reduce the rear set-backs of the dwellings to between 1.0 – 2.3 metres which is inconsistent with both Principle 12 and the prevailing rear setback pattern of the above identified properties fronting William Street.

Whilst the demolition of these dwellings is not proposed, nor would it be mandated if the land division were to be approved, it is considered that future development options for the existing dwellings would be limited by the significant reduction in rear yard area and as such is likely to favour future demolition and re-build over alterations and additions. This is not consistent with the intent of the land division policy which is intended to discourage demolition of the pre-1940s building stock.

With regard to the impact of the proposed new allotment fronting Birrell Street, along the eastern side of Birrell Street, the subdivision pattern from 2 Birrell Street through to 20 Birrell Street comprises detached and semi-detached dwellings on sites ranging from 206m² - 569m², with frontage widths of approximately 8.1 – 15.6 metres.

Along the western side of Birrell Street, the subdivision pattern from 7 Birrell Street through to 19 Birrell Street comprises detached, semi-detached dwellings and row dwellings on sites ranging from 267m² - 571m², with frontage widths of approximately 7.5 – 15.8 metres.

On face value, it is considered that the creation of a new allotment with a frontage to Birrell Street would not be inconsistent with the land division pattern along Birrell Street, which displays a range of frontage widths and site areas. However, it is considered that the introduction of a new dwelling site between the corner character dwelling and the adjacent character dwelling is likely to have the effect of 'crowding' the adjacent pre-1940s dwellings and have a negative impact on this part of Birrell Street.

Summary

The proposal is to subdivide the rear yards of two (2) detached dwellings sites fronting William Street, in order to create an additional detached dwelling site fronting the secondary street (Birrell Street).

Whilst the resulting site areas and frontage widths satisfy the minimum site area and frontage width requirements for detached dwellings in the areas of the Zone where subdivision is supported, the subject sites are identified as sites within the Zone where land division is not supported.

Consideration has been given to how the proposed land division would impact on the siting of the existing dwellings at 120 and 122 William Street, given the substantial reduction to the rear yards. In this regard it is considered that it would alter their siting such that it would be inconsistent with the siting characteristics of the surrounding pre-1940s dwellings and therefore not consistent with the Desired Character Statement of the Zone.

Further consideration has been given to the impact of introducing a new dwelling site on the character of this section of Birrell Street, most of which is also within an identified 'character pocket'. Whilst frontage widths and site areas are varied, it is considered that the effect would be to crowd the two adjacent sites which contain pre-1940s dwellings.

On balance, whilst it is considered that the proposed land division is not seriously at variance with the Development Plan, it is considered that it is not sufficiently in accordance 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/D011/17 by Bail & Robazza Pty Ltd, for a Torrens Title land division, to create one (1) additional allotment to the rear of 120 and 122 William Street, for the following reasons.

1. The subject sites are identified on Residential Character (Norwood) Zone - Concept Plan Fig RC(N)/1, as sites where land division creating new dwelling sites or additional allotments should not occur.
2. The proposed allotment configuration would result in the siting of the existing dwellings at 120 and 122 William Street being inconsistent with siting characteristics of the surrounding pre-1940s dwellings, which is inconsistent with the Desired Character of the Residential Character (Norwood) Zone.
3. The introduction of a new dwelling site fronting Birrell Street would negatively impact on the siting characteristics of the adjacent pre-1940s dwellings located at 120 William Street and 2 Birrell Street.

Moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **refused** to Development Application No 155/D011/17 by Bail & Robazza Pty Ltd, for a Torrens Title land division, to create one (1) additional allotment to the rear of 120 and 122 William Street, for the following reasons.*

1. *The subject sites are identified on Residential Character (Norwood) Zone - Concept Plan Fig RC(N)/1, as sites where land division creating new dwelling sites or additional allotments should not occur.*
2. *The proposed allotment configuration would result in the siting of the existing dwellings at 120 and 122 William Street being inconsistent with siting characteristics of the surrounding pre-1940s dwellings, which is inconsistent with the Desired Character of the Residential Character (Norwood) Zone.*
3. *The introduction of a new dwelling site fronting Birrell Street would negatively impact on the siting characteristics of the adjacent pre-1940s dwellings located at 120 William Street and 2 Birrell Street.*

Seconded and carried

2. STAFF REPORTS

2.5 DEVELOPMENT APPLICATION 155/744/2017 – WEEKS BUILDING GROUP – 30B GARDINER AVENUE, ST MORRIS

DEVELOPMENT APPLICATION:	155/744/2017
APPLICANT:	Weeks Building Group
SUBJECT SITE:	30B Gardiner Avenue, St Morris (Certificate of Title Volume: 6189 Folio: 873)
DESCRIPTION OF DEVELOPMENT:	Single Storey Detached Dwelling
ZONE:	Residential Character Zone Norwood, Payneham and St Peters (City) Development Plan (dated 30 May 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a single storey detached dwelling.

Staff do not have delegated authority to determine the Application, as the applicant is a direct relative of a Council Employee.

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:	11 metres
Depth:	50.3 metres
Area:	553m ²
Topography:	essentially flat
Existing Structures:	site has been cleared
Existing Vegetation:	N/A

The subject land has been cleared following a land division approval issued in November of 2016. Vehicular access to the site is provided by a crossover located adjacent the southern side boundary.

Locality Attributes

Land uses:	entirely residential
Building heights (storeys):	predominantly single storey
Streetscape amenity	moderate due to the mixture of housing stock

Gardiner Avenue contains a range of allotment sizes and allotment types. Sites containing detached dwellings typically have site areas of around 455m² to 935m². The site coverage within the street varies considerably.

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

Proposal in Detail

The Applicant seeks consent to construct a single-storey detached dwelling containing four (4) bedrooms, bathroom and ensuite, open plan living and two (2) alfresco areas. The development includes a single garage which is situated on the boundary.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Dwelling 1	Development Plan Merit Assessment Quantitative Guideline
Site Area	553m ²	N/A
Allotment Width	11m	N/A
Allotment Depth	50.3m	N/A
External Wall Height*	2.75m	N/A
Maximum Overall Height (to roof apex)*	5m	N/A
Floor Area (total)	329.58m ²	N/A
Floor Area (footprint)	329.58m ²	N/A
Site Coverage	59%	50%
Private Open Space	110m ² 20% of site area 70% of total POS uncovered	20%
Street Set-back	8m	N/A
Side Set-back	1.05m – 1.08m	Minimum 1m (on one side)'
Rear Set-back	7.39m	4m
Car Parking Provision	2 (1 covered)	2 (1 covered)

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

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

Notification

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

State Agency Consultation

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

Discussion

The subject land is located within the Residential Character Zone and specifically within the Trinity Gardens/St Morris Policy Area of the Norwood, Payneham 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:

Trinity Gardens/St Morris Policy Area Desired Character Statement
Trinity Gardens/St Morris Policy Area Principles of Development Control: 2

Residential Character Zone Desired Character Statement
Residential Character Zone Principles of Development Control: 1 & 6

The Desired Character Statement for the Trinity Gardens/St Morris Policy Area states (in part):

“Infill development may compromise detached and semi-detached dwellings, provided that such development compliments the existing streetscape character and is consistent with the predominant land division pattern and locality.”

The proposed land use (residential) and dwelling type (detached dwelling) are anticipated within the policy area. In addition, the proposal is consistent with Trinity Gardens/St Morris PDC 2.

Streetscape/bulk/scale/height/character

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

Trinity Gardens/St Morris Policy Area Objectives: 1
Trinity Gardens/St Morris Policy Area Principles of Development Control: 1

Residential Character Zone Character Statement
Residential Character Zone Objectives: 2 & 3
Residential Character Zone Principles of Development Control: 5, 6, 8 & 10

City Wide Principles of Development Control: 29, 30, 191, 193, 209 & 243

The proposed design compliments the existing character of the street by incorporating design elements and materials such as brick pillars and a dutch-gable roof, consistent with other buildings in the street. In this respect, the proposal comfortably satisfies City Wide PDCs 29(b) and 30 of the Development Plan. In addition, the proposed development appropriately addresses the street by allowing for a clearly visible main entrance (City Wide PDC 191) and a habitable room with a window at the front to achieve casual surveillance as per City Wide PDC 243(a).

The proposed bulk and scale is compatible with existing buildings on the street, in particular the houses at 30A and 30 Gardiner Avenue. The maximum wall height (2.383m) and roof pitch (25 degrees) are also considered compatible with the established character of the locality.

Setbacks and Site Coverage

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

Trinity Gardens/St Morris Policy Area Principles of Development Control: 3

City Wide Principles of Development Control: 204, 205, 207 & 208

The dwelling has side and rear setbacks which are consistent with PDC 3 of the relevant policy area. The proposed garage extends for 6.3m along the southern boundary of the site. The garage is positioned behind the main face of the dwelling in accordance with City Wide PDC 211.

The overall site coverage exceeds 50%, which is the maximum stated in PDC 3 of the Trinity Gardens/St Morris Policy Area, for dwellings inclusive of ancillary structures, with 59% proposed.

Whilst Clause 2B of Schedule 4 of the Development Regulations (ie. Rescode criteria for new dwellings) does not apply in the area of the subject land, Clause 2A (Rescode criteria for additions and alterations to dwellings) does apply.

Under the Rescode criteria for additions and alterations, the total site coverage for a dwelling may be up to 60%. Therefore, the Council (or a certifier) would be obliged to issue development approval for additions to a dwelling on or nearby the subject land. In this context, it is considered that it is reasonable for a new dwelling to exceed the 50% merit assessment criteria in PDC3, provided that it is unlikely that further additions (such as an alfresco area) are unlikely to be sought in the future.

In the case of the proposal, there is a generous alfresco area included with the proposal, such that it is unlikely that there would be any reasonable expectation from future occupants to seek approval for further additions to the dwelling at a later time. Furthermore, the proposed site area is considered to provide sufficient space for the functions outlined in City Wide PDC 208.

Overshadowing/overlooking

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

City Wide Desired Character Statement

City Wide Principles of Development Control: 35, 195, 207, 209, 210, 211 & 214

The dwelling has maximum wall heights of 2.383m to the footings which will be up to 2.75m at the lowest adjacent ground level which is considered reasonable. Furthermore, the main building is sufficiently setback at the sides (>1m) so as to minimise the potential for overshadowing.

The proposed garage accordingly meets the requirements of PDCs 209, 210 and 2011 as it is situated behind the main face of the dwelling and maintains a single width opening.

The single storey dwelling will not result in any overlooking. The applicant seeks to maintain the existing retaining walls and fencing at 1.8m high which is acceptable due to the inconsequential difference in floor levels.

Private open space

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

City Wide Principles of Development Control: 186, 196, 222, 223, 224, 225 & 229

The proposed development incorporates a sufficient amount of private open space with over 70% of the total POS able to receive direct access to sunlight. Furthermore, the private open space is directly accessible 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:

City Wide PDCs:
Tables NPSP/8

101, 104, 118, 120, 181, 186, 198 & 219
on-site car parking rate for detached dwellings

Access is proposed via the existing driveway. The existing crossover is to be extended and will satisfy City Wide provisions 118 and 198 of the development plan with regard to the design and location. Moreover, new dwelling will accommodate one (1) undercover parking space and one (1) additional space is provided in the driveway.

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 site is not located within a recognised flood zone.

The FFL of the proposed dwelling is 99.80 which will require some fill to take place. The site slopes slightly towards the street and the proposed FFL is considered to be an appropriate 'mid-point' between the TK and NGL at the rear of the site.

The proposed dwarf retaining wall will be less than 1m in height (500mm to the northern boundary at the front of the site).

Trees (significant, mature & street) and landscaping

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

City Wide Objectives: 24
City Wide PDCs: 181, 186, 220 & 221

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

Environmental Sustainability

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

Residential Character Zone Desired Character Statement

City Wide Objectives: 23
City Wide Desired Character Statement
City Wide Principles of Development Control: 67, 68, 159 & 186

The floor plan indicates that main living areas and private open space are north facing in accordance with CW PDC 68 (b), in turn satisfying CW PDC 67.

All excess discharge to be directed to the street water table and a 1000L water tank will be installed in accordance with City Wide PDC 159.

Summary

The proposed dwelling is considered to be appropriately sited and designed to complement the locality. It meets the side and rear setback requirements and provides an adequate amount of private open space and sufficient room for car parking and associated landscaping.

The main area for consideration is the proposed site coverage. In spite of the quantitative shortfall based on the Council's Development Plan, the proposed development is practical and is consistent with the Residential Code Criteria which applies to additions to dwellings in the area. Furthermore, the other provisions of the Development Plan are not compromised by the higher level of site coverage such as the private open space and rear and side setbacks.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/744/2017 by Weeks Building Group to construct a new single storey detached dwelling on the land located at 30B Gardiner Avenue, St Morris 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, elevations and specifications prepared by Weeks Building Group, dated 12 May 2017 and received by the Council on 1 August 2017.
- Civil plan prepared by Weeks Building Group, dated July 2017.

Conditions

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

Notes to Applicant

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

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

4. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.

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

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

6. 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. It is recommended that a building identification survey plan be obtained by a licensed surveyor prior to the development being undertaken, so as to avoid any encroachment onto adjoining land, Building Code compliance issues, and to ensure the development is sited in accordance with this consent/approval.
7. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.

Moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/744/2017 by Weeks Building Group to construct a new single storey detached dwelling on the land located at 30B Gardiner Avenue, St Morris 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, elevations and specifications prepared by Weeks Building Group, dated 12 May 2017 and received by the Council on 1 August 2017.*
- *Civil plan prepared by Weeks Building Group, dated July 2017.*

Conditions

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

Notes to Applicant

1. *The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.*
2. *The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending*

removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.

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

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

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

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

- 6. 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. It is recommended that a building identification survey plan be obtained by a licensed surveyor prior to the development being undertaken, so as to avoid any encroachment onto adjoining land, Building Code compliance issues, and to ensure the development is sited in accordance with this consent/approval.*
- 7. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.*

Seconded and carried

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 7:39pm

Terry Mosel
Presiding Member

Mark Thomson
Manager Development Assessment