

Council Assessment Panel Minutes

19 March 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.*

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City of
Norwood
Payneham
& St Peters

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VENUE Mayors Parlour, Norwood Town Hall

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)
Ellen de Souza (Development Officer, Planning)

APOLOGIES Nil

ABSENT Nil

1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 19 FEBRUARY 2018 AND THE SPECIAL COUNCIL ASSESSMENT PANEL MEETING HELD ON 1 MARCH 2018

Motion was put that the minutes of the Meeting of the Council Assessment Panel, held on 19 February 2018 and the Special Meeting of the Council Assessment Panel, held on 1 March 2018 be taken as read and confirmed.

Seconded and carried

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/416/2017 – PRINCE ALFRED COLLEGE – 11A FLINDERS STREET, KENT TOWN

DEVELOPMENT APPLICATION:	155/416/2017
APPLICANT:	Prince Alfred College
SUBJECT SITE:	11A Flinders Street Kent Town (Certificate of Title Volume:5796 Folio:215)
DESCRIPTION OF DEVELOPMENT:	Demolition of a brick outbuilding and construction of shed for storage and activities in association with a school, at the rear of an existing dwelling – non-complying
ZONE:	Residential Historic Conservation Zone – Kent Town 1 Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 30 May 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the demolition of a brick outbuilding and construction of a shed for storage and activities in association with a school, at the rear of an existing dwelling

Staff do not have delegated authority to determine the Application, as it comprises a Category 3 form of development. As such, the Application is referred to the Panel for determination.

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

Background

Development Application 155/416/2017 was initially processed as a merit form of development and a report was prepared for the CAP meeting held on 20 November 2017. Prior to the meeting however, Council staff had cause to question whether the Development Application was in fact for a non-complying form of development; specifically a 'store'. Advice was received from the Council's Lawyers, confirming that the Development Application was for a 'store' and therefore was non-complying. The Applicant subsequently provided the mandatory statement in support of the Application and Statement of Effect and the Development Application was re-notified as a non-complying development.

Subject Land Attributes

Shape:	regular
Frontage width:	20.12 metres
Depth:	48.16 metres
Area:	968.98m ²
Topography:	essentially flat
Existing Structures:	dwelling, outbuildings
Existing Vegetation:	some landscaping

The subject land currently contains a modified cottage and outbuildings. The building has previously been used as a dwelling, however the building has been vacant for a number of years.

Locality Attributes

Land uses: mixed use
 Building heights (storeys): mix of single storey and two-storey buildings
 Streetscape amenity: moderate

Flinders Street includes a number of character homes however the streetscape amenity is somewhat compromised by high traffic volumes and a variety of post-war buildings. The locality includes a range of dwelling types, Prince Alfred College, short term/tourist accommodation at the Royal Coach Motor Inn and Flinders Lodge, and commercial uses.

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

Proposal in Detail

The Applicant seeks consent to demolish a brick outbuilding and construct a shed in association with a school. The shed is proposed to be used by Prince Alfred College as part of the 'edukart' programme - a specialised education programme involving the designing and assembly of electric go-karts. The Applicant has advised that the College intends the shed to be used for storage for the majority of the year (48 weeks), and for four (4) weeks of the year during school hours (Monday to Friday) the shed will be used by students under staff supervision to design and assemble the go-karts.

The shed has a total floor area of 160m² comprising a length of 20 metres located on the south-western boundary and a width of 8 metres. The boundary wall is 2.65 metres high and the north-eastern wall has a height of 3.35 metres. The colour nominated by the Applicant is 'Woodland Grey' however the Applicant has subsequently advised that the boundary wall colour can be to the neighbour's selection. Should an alternative colour be agreed on between the Applicant and the neighbour, this change can be dealt with as a minor variation.

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	Subject land	Development Plan Merit Assessment Quantitative Guideline
Site Area	968.98m ²	N/A
Allotment Width	20.12m	N/A
Allotment Depth	48.16m	N/A
External Wall Height*	2.4m – 3m	N/A
Maximum Overall Height (to roof apex)*	3.3m	N/A
Floor Area (shed)	160m ²	N/A
Total Area shed and dwelling	333.13m ²	
Site Coverage	34.3%	N/A
Private Open Space	272m ² 28% of site area 100% uncovered	20% site area (CW PDC 225)
Street Set-back	No change	N/A
Side Set-back	Nil and 12 metres	N/A
Rear Set-back	Nil	N/A
Car Parking Provision	No change	N/A

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

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

Notification

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

No valid representations were received in response to the notification.

State Agency Consultation

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

Discussion

The subject land is located within the Residential Historic (Conservation) Zone of the Norwood, Payneham and St Peters (City) Development Plan and is specifically within the Kent Town 1 Policy Area. The proposed development is a non-complying form of development, being a form of 'store'.

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

Land Use and Density

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

Residential Historic Conservation Zone Objectives: 2, 4, 7

Residential Historic Conservation Zone Principles of Development Control: 7

City Wide Objectives: 1, 2, 7, 26, 27

City Wide Principles of Development Control: 1, 3, 4, 80, 82, 84, 86

The Residential Historic (Conservation) Zone anticipates primarily residential land uses. Objective 7 of the Zone specifically anticipates:

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

The site currently has existing use rights as a dwelling (albeit currently vacant) and the use of the main building on the site is not proposed to change. The proposal will, however, result in the introduction of an additional land use on the site, given that the proposed shed is to be used in association with the adjacent school, rather than being ancillary to the dwelling.

Although the introduction of a non-residential land use is contrary to Zone Objective 7, the context of the site and the scale of activity anticipated are considered to be relevant to the assessment of the proposal. With respect to the context of the site, the subject land is adjacent to the Educational Zone and is located on a secondary arterial road. As such, the general level of activity within the immediate locality is likely to be greater than the level of activity within the heart of an entirely residential locality separated from arterial roads.

With respect to the level of activity anticipated, the Applicant has indicated that the shed would be used for storage only for the majority of the year, and at other times the activities within the shed will be limited to low level activities with no machinery noise anticipated. The level of activity associated with the shed is therefore likely to be less than what may be associated with a non-residential use such as an office, consulting room or shop.

The level of noise likely to result from the proposed development is not considered to have an unreasonable impact on adjacent property occupants, particularly as the Applicant has indicated that the shed would be used during school hours only when levels of noise within the locality are likely to be higher compared to evenings and weekends. Additionally, the Applicant has indicated that r3 thermal insulation will be used to assist in reducing noise. Importantly, the go-karts are electric, not petrol powered, therefore likely to cause significantly less noise. As such, the proposed development is considered to be consistent with City Wide Principles of Development Control 82 and 84 with respect to non-residential development within a residential zone not having an unreasonable impact on adjacent residents.

As the proposed activity within the shed is not expected to result in excessive or unreasonable noise, it is not considered necessary to attach a Condition of Consent requiring that activities in the shed be limited to four (4) weeks of the year, to allow some flexibility for occasional use of the shed at other times. That said, if the shed was used for purposes other than storage to an extent which is fundamentally at odds with the way in which the application has been described, that would constitute an enforceable breach.

Given the proposed development is not considered to result in unreasonable noise or similar impacts on adjacent property occupants, the introduction of the proposed non-residential land use onto the subject land is considered appropriate.

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 Principles of Development Control: 3, 4

Residential Historic Conservation Zone Objectives: 3, 5,

Residential Historic Conservation Zone Principles of Development Control: 2, 3, 4, 5, 14, 31, 20

City Wide Objectives: 8, 18

City Wide Principles of Development Control: 28, 30, 32, 35, 207

The subject land currently contains a modified cottage which is proposed to be retained. As the proposed shed is to be located at the rear of the site and has a maximum height of 3.35 metres, the development is not expected to have an appreciable impact on the streetscape or heritage value of the original building, consistent with Residential Historic (Conservation) Zone Objectives 3 and 5.

The shed is proposed on the south-western boundary for a length of 20 metres. The following Development Plan policies are considered particularly relevant to boundary development:

City Wide Principle of Development Control 35:

“Unless otherwise specified in the relevant Zone and/or Policy Area, where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise:

- (a) the visual impact of the building as viewed from adjoining properties;*
- (b) overshadowing of adjoining properties and allow adequate sunlight to neighbouring buildings, private open space and solar collectors (such as solar hot water systems and photovoltaic cells); and*
- (c) the risk of damage to mature/regulated vegetation on adjoining properties taking into consideration potential damage to the root system.”*

City Wide Principle of Development Control 207

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

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

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

“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.”

Although boundary development is not always anticipated within the Residential Historic (Conservation) Zone, it is not uncommon for structures such as sheds and garages to be located on side or rear boundaries. The immediate locality also includes various examples of walls on or close to side boundaries both for main buildings and outbuildings/carports.

The proposed shed is partially adjacent to an existing two-storey boundary wall located at 11 Flinders Street; the portion of the shed that would be visible from the adjacent property at 11 Flinders Street is 9 metres long and has a wall height of 2.65 metres. The extent of boundary development visible from the adjacent property is therefore 1 metre longer but 350mm lower than the extent of boundary development ordinarily anticipated by City Wide Principle of Development Control 207. Adjacent vegetation on the neighbouring property will also help to provide some visual ‘softening’ of the proposed structure.

On balance, the visual impact of the proposed boundary structure is not considered to be unreasonable, particularly given that boundary development is not uncommon within the locality.

Site Coverage and Private Open Space

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

City Wide Principles of Development Control: 208, 225

The Residential Historic (Conservation) Zone and Kent Town 1 Policy Area provisions do not provide quantitative guidelines for site coverage. The total site coverage of the site at the completion of the development would be 34.3% which is much less than many surrounding residential sites.

The existing dwelling would retain 272m² of private open space area which equates to 28% of site area, exceeding the 20% of the site area anticipated by City Wide Principle of Development Control 225.

Overshadowing/overlooking

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

City Wide Principles of Development Control: 11, 35, 195, 196, 234

The proposed shed is not expected to result in any overlooking into adjacent properties. The proposal is also not expected to result in any unreasonable overshadowing of the neighbouring property to the south west, due to the limited height of the proposed structure and the orientation of the allotment.

Carparking/access/manoeuvring

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

City Wide Objectives: 34

City Wide Principles of Development Control: 112, 113, 115, 120

The subject land has opportunities for vehicle access from both Flinders Street and Little Flinders Street. As the shed is proposed to be used in association with the adjacent school, it is expected that access will primarily be via Little Flinders Street. The proposed use is expected to attract very little additional car parking demand given the shed is proposed to be used for storage and student related activities. Vehicle access associated with the proposed use is expected to be infrequent and likely to be limited to dropping off and picking up of materials and equipment associated with the education programmes.

Finished floor levels/flooding/retaining

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

City Wide Objectives:	9 & 51
City Wide PDC's:	7, 10, 148, 167

The subject land is not within a recognised floodplain and has a slight slope in the order of 700mm over the 48 metre length of the site. The proposed development will not result in any appreciable cut or fill of the land.

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 Principles of Development Control:	73, 74, 75, 76, 77

No regulated trees will be affected by the proposed development.

The site contains some vegetation, however the location of the proposed shed is not currently landscaped. No additional landscaping is proposed as part of this proposal, however available area will remain on-site for future landscaping opportunities.

Environmental Sustainability

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

City Wide Objectives:	23 & 42
City Wide PDC's:	71, 72, 147-151, 224

A shed of approximately half of the size of the proposed shed has recently been demolished in the proposed shed location, so the proposed development will result in some increase in impervious area on the subject land. The Applicant has not proposed any on-site retention, primarily because the existing dwelling is not currently occupied and the shed will not include any wet areas which could benefit from re-use of stormwater. The lack of stormwater reuse is considered a negative aspect of the proposal.

Summary

The proposed storage shed to be used in association with a school is not an anticipated form of development within the Residential Historic (Conservation) Zone. However, as the site is located adjacent to the Educational Zone and the activities associated with the proposal are not expected to result in an unreasonable impact on adjacent property occupants, the proposed additional land use on the site is considered appropriate. The proposed structure will have some impact on the adjacent property occupants however only a 9 metre portion of the shed will be visible from the adjacent property and scale of the visible portion of the shed is similar to other structures within the locality.

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 155/416/2017 by Prince Alfred College to construct a shed at the rear of an existing dwelling on the land located at 11A 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:

- Site plan provided by Prince Alfred College, received by the Council 13 September 2017
- Elevations provided by Prince Alfred College, received by the Council 8 November 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.

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
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. Certain activities on construction sites are noisy. Although some noise may be unavoidable, it can often be controlled using improved work practices. The responsible person, who is the owner, occupier or contractor, must take all reasonable and practicable measures to minimise noise resulting from the activity and to reduce its impact.

Construction noise that causes an adverse impact on amenity is only permitted between 7am and 7pm, Monday to Saturday. If you have any further queries, please contact the Council on 8366 4555.

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 are likely to be at the Applicant's cost.

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

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*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 155/416/2017 by Prince Alfred College to construct a shed at the rear of an existing dwelling on the land located at 11A 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:

- *Site plan provided by Prince Alfred College, received by the Council 13 September 2017*
- *Elevations provided by Prince Alfred College, received by the Council 8 November 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.*
2. *The proposed building shall be used strictly in accordance with the description as contained in section 4.0 of the letter from Access Planning dated 18 December 2017 subject to its access and usage (other than for storage) is restricted to between the hours of 8am and 8pm Monday to Friday.*

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*
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. *Certain activities on construction sites are noisy. Although some noise may be unavoidable, it can often be controlled using improved work practices. The responsible person, who is the owner, occupier or contractor, must take all reasonable and practicable measures to minimise noise resulting from the activity and to reduce its impact.*

Construction noise that causes an adverse impact on amenity is only permitted between 7am and 7pm, Monday to Saturday. If you have any further queries, please contact the Council on 8366 4555.

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 are likely to be at the Applicant's cost.

5. *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

2. STAFF REPORTS

**2.2 DEVELOPMENT APPLICATION 155/752/2017 – ST IGNATIUS EARLY LEARNING YEARS
– 58 QUEEN STREET, NORWOOD**

DEVELOPMENT APPLICATION:	155/752/2017
APPLICANT:	St Ignatius Early Learning Years
SUBJECT SITE:	58 Queen Street, Norwood (Certificate of Title Volume: 5791 Folio: 351)
DESCRIPTION OF DEVELOPMENT:	Alterations and additions to the St Ignatius Early Learning Centre
ZONE:	Residential Character Zone Norwood, Payneham and St Peters (City) Development Plan (30 May 2017)
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 the St Ignatius Early Learning Centre to expand an existing learning space and construct a new freestanding learning space.

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.

Subject Land and Locality Attributes

The subject land is part of the larger St Ignatius school site located on Queen Street, Norwood. The existing early learning centre building is set well back from Queen Street, behind the car parking area and an open section of Second Creek which flows through the site. The existing building has undergone more recent extensions and modifications.

Other than the school, the locality is mostly residential, however its proximity to The Parade is likely to have some impact on amenity with regard to traffic and noise.

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

Proposal in Detail

The proposal is to extend an existing building comprising a learning space (adding 31m² of floor area) and to construct a new freestanding building (78m²) comprising a flexible learning space, toilets and a laundry. An existing outdoor play space is to remain but be modified to accommodate the new buildings.

The proposed extension to the existing learning space is a single-storey rendered and painted structure with a flat (2° pitch) Colorbond roof, which is set back from the northern and eastern boundaries of the subject land.

The proposed freestanding flexible learning space is proposed to be a single-storey structure sited forward of the main building and along the northern boundary the subject land. The boundary wall is proposed to be 19.96m in length and up to 3.8m in height and is to be constructed of face brick in a red tone which complements the red brick of the existing buildings on the subject and adjacent land. The remainder of the building has rendered and painted external walls and a flat (3° pitch) Colorbond roof.

The Applicant has confirmed that the proposal is not intended to increase enrolments within the early learning centre but is *'to provide additional flexibility for the existing student numbers.'*

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

Notification

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

No valid representations were received in response to this notification.

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 as identified within the Norwood Payneham and St Peters (City) Development Plan. As the proposed development involves the alteration and/or addition to an existing early learning centre, it 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 Residential Character (Norwood) Zone is a zone primarily accommodating residential development. The Desired Character Statement provides the following guidance on the circumstances which might support non-residential land uses.

Non-residential development will be limited in size and nature and will generally only occur in locations along arterial road frontages, or where there is a recent history of lawful non-residential use, or where the building was originally constructed for non-residential use (such as original corner shops). Buildings proposed for non-residential use will be domestic in scale and nature and will mostly involve the re-use of existing dwellings. Development in association with existing non-residential uses will be limited, to ensure that the size and intensity of such development does not have any additional off-site impacts that will affect residential amenity.

PDC 2 further states:

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

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

The land uses specified in PDC 2 do not include an early learning centre, however, the desired character statement more broadly refers to non-residential uses being anticipated where there is a recent history of lawful non-residential use. In this case, the early learning centre has lawful existing use rights and therefore the proposal to alter and expand the built form associated with this existing use is considered to be consistent with the desired character statement.

Having considered that the proposal does not offend the land use aspects of the desired character statement, PDC 2 requires that where non-residential land use is proposed it should serve the local community (part (a)) and not detrimentally impact on the amenity of nearby residents (part (c)).

With regard to part (a), it is considered that an early learning centre serves both the local and the broader community and therefore satisfies this provision.

With regard to part (c), consideration has been given to the height and length of the proposed boundary wall, which exceeds the size of what would usually be considered reasonable in a residential setting. The following City Wide PDCs provide some guidance on this aspect of the proposal.

City Wide PDC 28:

The appearance of land and buildings should not impair the amenity of the locality in which they are situated.

City Wide PDC 29:

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

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

City Wide PDC 35:

Unless otherwise specified in the relevant Zone and/or Policy Area, where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise:

- (a) the visual impact of the building as viewed from adjoining properties;*
- (b) overshadowing of adjoining properties and allow adequate sunlight to neighbouring buildings, private open space and solar collectors (such as solar hot water systems and photovoltaic cells); and*
- (c) the risk of damage to mature/regulated vegetation on adjoining properties taking into consideration potential damage to the root system.*

The proposed boundary wall is set back 21.43m from the Queen Street frontage and is located adjacent to the driveway of neighbouring townhouses. From a streetscape perspective, the building (except for the boundary wall) would be mostly hidden from the street because of its generous set-back and location behind an open and vegetated section of Second Creek, which flows through the site. The boundary wall is proposed to be constructed of face brick in a 'red' tone, which is considered to complement the red brick of the main building of the early learning centre and the adjacent townhouses in accordance with PDC 29 (b)(iii).

The main impact of the boundary wall will be on the neighbours to the north of the subject land. In a residential setting, the height and length of a boundary wall is usually limited to that of a domestic garage (being generally no more than 8m in length and no more than 3m in height), unless there are compelling circumstances. In this case, the proposed building is not a domestic building and the spatial limitations of the site, including the location of Second Creek and the main early learning centre building, have dictated to some extent, the location of the building on the boundary.

The proposed boundary wall is up to 3.8m in height, due to the requirement for the finished floor level to be raised to be 300mm above the 1 in 100 flood level, as the land is located within the Second Creek floodplain. The actual floor to ceiling height is proposed to be only 2.4m at its lowest point, which is the minimum permitted by the Building Code.

With regard to the visual impact of the boundary wall, it is considered that the separation provided by the driveway, fencing and the car parking area on the neighbouring land, is such that the impact is not considered to be unreasonable. Additionally, the proposal to construct the boundary wall section in face brick of a similar tone to the surrounding buildings is likely to further assist in this regard. The possibility of planting a creeping fig (or similar) to grow on the north side of the wall, facing the neighbours, has been raised by staff with the Applicant. The Early Learning Centre has indicated that they would be willing to plant and maintain vegetation on the neighbouring side should the Body Corporate think it was necessary once the

wall was constructed. As no representations were received it is not known what the Body Corporate's view would be at this time. Rather than impose a condition, which has not been sought or agreed to by the neighbours, it is considered sufficient that the Applicant has shown a willingness to address this matter, if the Body Corporate considers that some screening vegetation should be planted post construction.

With regard to the wall, the Panel should note that the proposal is for the building to directly abut the existing brick wall at 58A Queen Street. A boundary survey has been undertaken which shows that the existing wall is built abutting the correct boundary.

The location of the proposed new building on the northern side of the subject land would not have any overshadowing impact on the land to the north. There is no vegetation of note (only a small planter bed with a couple of low shrubs) on the neighbouring land adjacent to the proposed boundary wall.

On balance, and having regard to the fact that no valid representations were received in response to the notification, it is considered that the proposal does not offend City Wide PDCs 28, 29 and 35.

Flooding

The subject land is located with the 1 in 100 year floodplain (Second Creek floodplain) and as such, the proposal was referred to Tonkins for advice. The initial response from Tonkins, dated 25 January 2018, is contained in **Attachment C**, sought a further flood assessment which took into account changed natural ground levels and a footbridge which was indicated on the submitted plans.

The Applicant provided a response to these queries via an email dated 30 January 2018, which was also forwarded directly to Tonkins. A copy of the email is contained in **Attachment D**. This information confirmed that the footbridge was no longer there as it was demolished in December 2016. It also confirmed ground levels and the most recent flood information for the land, as well as confirmation of the proposed finished floor levels.

Ken Schalk of Tonkins, verbally advised staff on 8 March 2018, that - based on the additional information provided - he considers that the proposed finished floor levels are acceptable.

Vehicle access and manoeuvring

No changes are proposed to the existing access and car parking arrangements on the subject land. As the proposal is not intended to increase student enrolments, there is no on-site vehicle car parking consequences to be assessed.

Vegetation

There are no regulated or significant trees on the portion of the site affected by the proposal.

The proposal would require the removal of 3 – 4 small trees located along the northern boundary of the subject land. The removal of these trees and the proposed construction of a wall along this boundary would alter the visual outlook from the neighbouring townhouses. As discussed previously in this report, while this is considered to be a negative aspect of the proposal, the impact is not considered to be unreasonable given the circumstances of the site. Staff have discussed the possibility of growing a creeping fig (or similar) on the northern side of the wall to assist with softening the appearance of the wall over time. As previously stated, the Applicant is happy to plant and maintain vegetation on the neighbours side, however, it was agreed that this was not critical to the proposal and that discussion with the Body Corporate could occur once the wall was constructed and if the Body Corporate considers that planting is desired.

Summary

The proposed alterations and additions to the St Ignatius Early Learning Centre will provide additional indoor spaces for learning. The Applicant has advised that it is not intended to increase student enrolment numbers but rather provide improved and more flexible learning spaces.

The main impact of the proposal is likely to be from the boundary wall which is proposed to be 19.96m in length and up to 3.8m in height. Given that the wall is proposed to be located directly adjacent to the driveway and car parking area of the townhouses at 58A Queen Street, it is considered that the impact is unlikely to be unreasonable in terms of visual outlook or overshadowing. Furthermore, the wall is to be well set back from Queen Street, behind a vegetated open section of Second Creek, so is unlikely to be visually dominant from a streetscape perspective.

The proposal was subject to Category 3 Notification and no valid representations were received.

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 155/752/2017 by St Ignatius Early Years, for alterations and additions to an existing Early Learning Centre on the land located at 58 Queen Street, Norwood, 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 plans by Swanbury Penglase Architects:
 - a. SK 52 dated 15/2/18
 - b. SK 31 dated 1/10/17
 - c. SK 50 dated 15/2/18 and
 - d. SK 45 (photomontage) dated 12/2/18
 - e. SK 32 (site plan) dated 14/11/17
2. Flood information and finished floor levels provided in an email from Witold Generowicz dated 30 January 2018

Conditions

Nil

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

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*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 155/752/2017 by St Ignatius Early Years, for alterations and additions to an existing Early Learning Centre on the land located at 58 Queen Street, Norwood, 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 plans by Swanbury Penglase Architects:*
 - a. *SK 52 dated 15/2/18*
 - b. *SK 31 dated 1/10/17*
 - c. *SK 50 dated 15/2/18 and*
 - d. *SK 45 (photomontage) dated 12/2/18*
 - e. *SK 32 (site plan) dated 14/11/17*
2. *Flood information and finished floor levels provided in an email from Witold Generowicz dated 30 January 2018*

Conditions

Nil

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

Seconded and carried

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/929/2017 – MS L S BYER – 60 FIRST AVENUE, ST PETERS

DEVELOPMENT APPLICATION: 155/929/2017

APPLICANT: Ms L S Byer

SUBJECT SITE: 60 First Avenue ST PETERS 5069
Lot 77 FP 135628 Adelaide CT 5795/597

DESCRIPTION OF DEVELOPMENT: Demolition of a Contributory Item and the construction of replacement a single-storey detached dwelling with associated landscaping, front timber picket fence and double garage with rear lane access

ZONE: Residential Historic (Conservation) Zone - The Avenues Policy Area - Norwood Payneham & St Peters (City) Development Plan (dated 19 December 2017)

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 for the demolition of a single-storey detached dwelling (Contributory Item) and the construction of a replacement single-storey detached dwelling, with associated landscaping, front timber picket fence and double garage with rear lane access. Staff do not have delegated authority to determine the Application, as the Application involves the construction of a new dwelling in a Historic (Conservation) Zone.

Background

Mr D Rossi lodged a Development Application in February 2017 (Development Application 155/39/2017), for the demolition of a Contributory Item and construction of a detached dwelling on the subject land. Mr Rossi submitted a report from Zafiris & Associates Consulting Civil and Structural Engineers with DA 155/39/201. The Council sought independent advice from an Engineer, LN Engineering, on the structural condition of the Contributory Item.

The proposed replacement dwelling was not supported by the Council's Heritage advisor. Notwithstanding, Development Application 155/39/17 remains undetermined, as the amended plans of the replacement dwelling have still not been provided.

The current Development Application (DA 155/929/17) has been lodged by Ms L S Byer. Ms Byer submitted plans of a proposed replacement dwelling, however did not submit a report from an Engineer, detailing the structural condition of the Contributory Item.

Included in this report is reference to both the report by Zafiris & Associates, submitted with DA 155/39/2017, as well as the report by LN Engineering.

Subject Land Attributes

Shape: Irregular
Frontage width: 15.24 metres

Depth:	45.8 - 46 metres
Area:	639m ²
Topography:	Essentially flat
Existing Structures:	Single-storey detached dwelling, a small shed and a freestanding garage all of which are to be demolished
Existing Vegetation:	A small number of mature trees and vegetation, none of which is regulated or significant

Locality Attributes

Land uses:	Predominately residential,
Building heights (storeys):	Predominantly single storey with some two-storey development directly across the road where the land is stepped down and the odd rear two-storey rear addition on existing dwellings

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

Proposal in Detail

The applicant seeks consent to demolish a sandstone fronted villa which is identified as a Contributory Item within the Council's Development Plan and to construct a replacement single-storey detached dwelling.

The internal living spaces of the proposed dwelling comprise an open plan living/kitchen/dining area, three (3) bedrooms (the master bedroom includes ensuite facilities), a games room, separate bathroom area and laundry. The proposed dwelling also includes a large alfresco area at the rear of the building and an open courtyard adjacent the north-eastern side of the dwelling.

The design of the replacement dwelling is complementary and modern in appearance when viewed within the streetscape and comprises a range of materials including painted render, sandstone painted timber, painted steel, powder coated metal frames and colorbond roof and gutters. The nominated colours are off white for the render, black for the window frames, pale grey for the timber battens, dark grey gutters and Basalt for the roof. The proposal also includes a timber picket front fence with a sliding gate.

The existing vehicular access located to the rear of the subject land is proposed to remain with a new garage proposed to provide covered on-site car parking.

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed Dwelling	Development Plan Merit Assessment Guideline
Site Area	639m ²	N/A (the allotment has already been created)
Allotment Width	15.24m frontage 12.73m rear	N/A (the allotment has already been created)
Allotment Depth	45.8 - 46m	N/A (the allotment has already been created)
External Wall Height*	3.3m	N/A
Maximum Overall Height (to roof apex)*	6m	N/A
Floor Area (total)	323m ² (proposed dwelling)	
Floor Area (footprint)	323m ²	
Site Coverage**	55%	50% maximum (The Avenues Policy Area Principle of Development Control 6)

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Proposed Dwelling	Development Plan Merit Assessment Guideline
Private Open Space	125.09m ² 19.57% of site area 51% of which is uncovered	20% minimum (City Wide Principle of Development Control 225(a))
Street Set-back	8.75 - 10.95m	<i>The front and side setbacks of new dwellings should reflect the pattern established by the adjoining dwellings 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 setbacks should be applied.</i> (The Avenues Policy Area Principle of Development Control 8)
Side Set-back	1.1 – 1.7m (south-western side with the garage situated on the boundary) 1.4 - 2.1m (north-eastern side)	
Rear Set-back	1.4m (to garage) 4.4 - 4.7m (to alfresco)	N/A
Car Parking Provision	2 undercover	2 (1) covered 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.*

*** Site coverage figures include the existing garage which is to remain*

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

Notification

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

One (1) representation (in favour) was received in response to this notification, copies of which form **Attachment C**.

State Agency Consultation

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

Discussion

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

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

Land Use and Density

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

The Avenues Policy Area Desired Character Statement

The Avenues Policy Area Objectives: 1

The Avenues Policy Area PDCs: 1,4

Residential Historic (Conservation) Zone Desired Character Statement

RH(C)Z Objectives: 4, 5, 6
RH(C)Z PDC's: 1, 7, 9, 15, 27

City Wide Objectives: 20
City Wide PDC's: 3

Residential Historic (Conservation) Zone Principle of Development Control 27 outlines the circumstances in which the demolition of a building listed as contributory item may be supported.

This Principle is separated into three parts (ie. *a*, *b* and *c*), whereby parts *a* and *b* provide criteria for determining whether or not demolition should occur, while part *c* provides criteria for circumstances where parts *a* or *b* have been satisfied. Specifically, part *c* requires that, if part *a* or *b* are satisfied and thus demolition is appropriate, then a suitable replacement building (or part of a building) be constructed in its place. It is important to note that this provision has been deliberately worded to ensure that part *c* is not a stand-alone criteria in assessing whether the demolition of a Contributory Item should be approved, but rather is intended to complement either part *a* or *b*.

In this instance, the proposal seeks total demolition of the Contributory Item. Part *a* deals with situations where only a portion of a Contributory Item is proposed to be demolished and seeks to ensure that only those parts that do not contribute to its character, such as a non-original roof or a verandah enclosure, are demolished whilst retaining the remainder of the building. Hence, this is not relevant to the proposal.

Part *b* deals with the total demolition of a Contributory Item and states that demolition should only occur where the Item is "*structurally unsound and substantial rehabilitation work is required to an extent that is unreasonable*".

The report from T.A Zafiris of Zafiris and Associates Pty Ltd, which was submitted with DA 155/39/17 (**Attachment D**) advises that the structural integrity of the existing building has worsened since a previous report dated May 2010 (**Attachment E**) which was provided in association with a previous Development Application.

The report by Leo Niocos of LN Engineering Pty Ltd (**Attachment F**) supports the recommendations of Zafiris and Associates.

The report supports the demolition, primarily for reasons of safety. In the opinion of Mr Zafiris '*the wall cracks are becoming so large that collapse is inevitable*'. Mr Zafiris's previous report stated that '*It would be impossible to repair this house adequately to make it structurally safe to hum occupation*.' The most recent report is consistent with the letter in that it identifies a number of issues where cracking to the internal and external walls of the building has occurred and evidence of partially collapsed ceilings, cracks in the concrete floors and falling cornices. Due to safety concerns, the roof framing was not viewed or assessed. Mr Niocos states that the extent of cracking is in order of 5-30mm, which is not consistent with the performance of a building of this age. He goes on to explain that in accordance with Australian Standard AS2870 'Residential slabs and footings, it may be classified as Damage category 4 ('severe'). Mr Niocos concludes that "*the extent of distress is predominantly due to the structurally inadequate footing system, the surrounding site conditions where soil moisture changes have causes 'shrink-swell' movements and a lack of maintenance*". He suggests that in order to restore the building, extensive repair work and further investigations will be required.

It is evident that a combination of factors has resulted in the building's deterioration. Having regard to both structural engineering reports and the letter, safety concerns seem to be a common factor. Hence, the circumstances accord with Residential Historic (Conservation) Zone Principle of Development Control 27(b) "*the condition of the item is structurally unsound and substantial rehabilitation work is required to an extent that is unreasonable*".

In light of the above consideration having been satisfied, Residential Historic (Conservation) Zone Principle of Development Control 27(c), requires that the suitability of a replacement dwelling be also considered. This is discussed in the section below.

Heritage/streetscape/bulk/scale/height/character

The following Development Plan provisions provide particular guidance with respect to heritage, bulk, scale and height:

The Avenues Policy Area Desired Character Statement

The Avenues Policy Area Objectives: 1
The Avenues Policy Area PDCs: 1, 4

Residential Historic (Conservation) Zone Desired Character Statement

RH(C)Z Objectives: 4, 5, 6
RH(C)Z PDC's: 1, 7, 9, 15

City Wide Objectives: 19, 20
City Wide PDC's: 28, 30

The Council's Heritage Advisor, David Brown, has reviewed the proposal and has reported on the appropriateness of the proposed new dwelling. Mr Brown has advised that the proposal is acceptable from a heritage and streetscape perspective. The main points made by Mr Brown are summarised as follows:

- The house design is a complementary single-storey modern house, in a similar vein to many other new infill properties.
- The hipped roof has 600mm wide eaves, but suits the contemporary design of the house.
- The mix of materials and colours is generally appropriate in the context.
- The proposed front picket timber fence is considered to suit the streetscape well and the new house design in that is a modern fence but uses traditional materials and portions

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

Having regard to the relevant heritage provisions of the Development Plan, it is considered that the modern design of the proposed dwelling results in a compatible appearance when viewed within the streetscape. As noted by David Brown, some of the proposed design appears to reflect elements of the existing villa which is considered appropriate. The proposed materials and colours, although varied, have been incorporated into the design in a way that is simple and does not detract from the existing character in the street. The overall bulk and scale of the dwelling is complimentary and fits comfortably within the streetscape. It will be clearly distinguishable from the original dwellings of heritage significance in the locality without appearing dominant within the street. Therefore 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 setbacks and site coverage considerations:

The Avenues Policy Area Desired Character Statement

The Avenues Policy Area Objectives: 1
The Avenues Policy Area PDCs: 1, 6, 8

Residential Historic (Conservation) Zone Desired Character Statement

RH(C)Z Objectives: 4, 5, 6
RH(C)Z PDC's: 1, 7, 9, 15

City Wide PDC's: 204, 205, 208, 50,

The proposal has a modest street setback which is appropriately positioned in keeping with City Wide PDC 205. The side setbacks are more than sufficient and reduce the visual bulk of the external walls which are proposed at 3.3m in height. With reference to City Wide PDC 207, a greater height (more than 3m) maybe considered where there will be no unreasonable visual outlook impact or overshadowing impact on the occupants of the adjoining property.

Boundary development has been proposed for the garage and a small portion of the dwelling located at the rear of the property for a length of 8m. This is consistent with what is permitted under City Wide PDC 207. Furthermore, the proposed boundary development is not considered to result in an unreasonable visual bulk or overshadowing to the adjoining occupiers.

With regard to site coverage, The Avenues Principle of Development Control 6 states that *'buildings should not cover more than 50 percent of the total area of the site.'* The proposed development exceeds this guideline, with a site coverage in the order of 55%. In this instance, it is not considered that the higher site coverage is of significant concern for the following reasons:

- The proposed site coverage will not be dissimilar to that of the adjoining sites (58 and 62 First Avenue) as they both have existing site coverage of approximately 55%.
- The Applicant has proposed a large outdoor entertaining area which is included in the site coverage calculation and it is not anticipated that any additional verandah or additions will be required in the future.

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

Private open space

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

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

The proposed dwelling includes approximately 125m² of private open space located on the north-eastern side of the proposed dwelling. The private open space area includes an open uncovered area, a courtyard and an alfresco area, which is situated under the main roof of the dwelling. The private open space area is well oriented for access to northern sunlight and has good links with the living areas of the dwelling.

The proposed area of private open space equates to 20% of the dwelling's proposed site area, consistent with City Wide PDC 225(a). At least 51% of the total private open space remains open to direct sunlight, consistent with City Wide PDC 229.

Car parking/access/manoeuvring

The following Development Plan provisions provide guidance on car parking, access and manoeuvring for residential development that is envisaged within the Development Plan:

The Avenues Policy Area Desired Character Statement

Residential H(C)Z PDC's: 32

City Wide Objectives: 34

City Wide PDC's: 98, 101, 104, 118, 120, 181, 198, 218, 219

Table NPSP/8

The Applicant has proposed to retain the existing car parking arrangement and access via Second Lane. The proposed garage will accommodate two (2) vehicles which satisfies Table NPSP/8. It is set back 1.4 meters at the closest point and 2.1m at the furthest point due to the irregular boundary alignment. The Public Road Register records the width of the relevant portion of Second Lane to be 4.1 meters. With reference to City Wide PDC 218, garages fronting laneways should be set back from the laneway the distance required to provide a width of 6 meters from the opposite side of the laneway to the opening of the garage. The proposal will result in 5.5 – 6.2 meters which should allow for adequate room to manoeuvre the cars in and out of the garage.

Finished floor levels/retaining walls/fencing

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

The Avenues Policy Area Desired Character Statement

The Avenues Policy Area Objectives: 1
The Avenues Policy Area PDCs: 1,9

Residential Historic (Conservation) Zone Desired Character Statement

RH(C)Z Objectives: 4, 5, 6
RH(C)Z PDC's: 1, 7, 9, 15

City Wide Objectives: 25
City Wide PDC's: 50, 79

The proposed finished floor level is to be 300mm above the natural ground level of the site such that minimal retaining walls will be required. Retaining has been proposed as required for portions of the side boundaries and an also toward the rear of the site (less than 1 meter).

A front fence has been proposed as part of the application at 1.2 meters in height. It has been designed in accordance with The Avenues Policy Area PDC 9 and the Council's Heritage Advisor is comfortable with the general design.

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 single-storey in form and the land is predominantly flat. As such no overlooking/overshadowing or loss of privacy will result from the proposed development.

Trees (significant, mature & street) and landscaping

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

Residential H(C)Z PDC's: 36 & 37
City Wide Objectives: 24, 98, 117, 118 & 119
City Wide PDC's: 73, 74, 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 schedule, which identifies a couple of small trees and several low shrubs and plant that will enhance the garden setting of the proposed dwelling, which is a characteristic of the locality. The proposed landscaping is considered satisfactory and consistent with City Wide Objective 24, which anticipates development enhanced with appropriate landscaping.

Environment

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

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

City Wide Principle of Development Control 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 site plan contained in Attachment B indicates that a 2,000-litre rain water tank is to be provided as part of the proposal.

In general terms, the environmental performance of the dwelling is considered to be reasonable. Furthermore, City Wide Objectives 63 to 72 of the Development Plan refer to environment and conservation and considers the conservation, preservation, and enhancement of scenically attractive areas including land adjoining water courses or scenic routes. The proposed development is not adjacent a recognised watercourse or scenic route and as such the proposal will not impact on the amenity of any reserve for public use nor impact on any watercourse via the potential for contamination of air, water or land pollution. The proposed development is able to adequately drain its stormwater to the street water table via a gravity fed system as indicated on the plans without any adverse impact or velocity that will cause harm or damage to the subject land or adjoining properties.

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 modern 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.

On balance, it is considered that the proposal is consistent with the provisions of the Residential Historic (Conservation) Zone and The Avenues Policy Area, in that it reflects a similar bulk and scale as dwellings in the locality, incorporates common architectural elements, and uses materials and finishes which complement the built form in the locality. Given that the front and side setbacks are consistent with Development Plan as well as the locality, it is considered that the design will be sympathetic to the streetscape and will not unreasonably impact on adjacent residential properties.

The provision of private open space and the resulting site coverage are considered to be acceptable. The provision of on-site car parking and vehicular access from Second Lane is considered to be safe and convenient.

Overall, 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 & St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Provisional Development Plan Consent be **granted** to Development Application No. 155/929/ 2017 by Ms L S Byer to demolish a Contributory Item and the construct a single-storey detached dwelling with associated landscaping, front timber picket fence and double garage with rear lane access on the land located at 60 First Avenue ST PETERS 5069 subject to the following conditions:

Relevant Plans

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

- Plans, elevations and specifications provided by Ms Byer, prepared by Burgess Design and received by Council on 8 December 2017.
- Email sent by Ms Byer dated 6 March 2018 confirming the proposed roof profile and colour.

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 granting of this consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.
2. The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission available at www.lsc.sa.gov.au. Alternatively a hard copy can be mailed to you on request by contact the Planning Department on 8366 4530 or 8366 4508.
3. The Applicant's attention is also drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
4. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
5. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate. 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.
6. 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/exist 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.
7. 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 the Council's Urban Services Department on 8366 4513.
8. All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

moved

*That having regard to the relevant provisions of the Norwood Payneham & St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Provisional Development Plan Consent be **granted** to Development Application No. 155/929/ 2017 by Ms L S Byer to demolish a Contributory Item and the construct a single-storey detached dwelling with associated landscaping, front timber picket fence and double garage with rear lane access on the land located at 60 First Avenue ST PETERS 5069 subject to the following conditions:*

Relevant Plans

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

- *Plans, elevations and specifications provided by Ms Byer, prepared by Burgess Design and received by Council on 8 December 2017.*
- *Email sent by Ms Byer dated 6 March 2018 confirming the proposed roof profile and colour.*

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 granting of this consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.*
2. *The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission available at www.lsc.sa.gov.au. Alternatively a hard copy can be mailed to you on request by contact the Planning Department on 8366 4530 or 8366 4508.*
3. *The Applicant's attention is also drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.*
4. *This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.*
5. *The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate. 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.*

6. *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/exist 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.*
7. *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 the Council's Urban Services Department on 8366 4513.*
8. *All works on Council owned land required as part of this development are likely to be at the Applicant's cost.*

Seconded and carried

2. STAFF REPORTS

2.4 DEVELOPMENT APPLICATION 155/866/2017 – MR L FOSTER – 10 CLIFTON STREET, MAYLANDS

DEVELOPMENT APPLICATION:	155/866/17
APPLICANT:	Mr L Foster
SUBJECT SITE:	10 Clifton Street, Maylands (Certificate of Title Volume: 5180 Folio: 627)
DESCRIPTION OF DEVELOPMENT:	Construction of a single storey dwelling and alterations and additions an existing dwelling, together with boundary fencing
ZONE:	Residential Historic (Conservation) Zone (Maylands 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 dwelling and alterations and additions to an existing dwelling, together with boundary fencing.

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

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	19.81 metres
Depth:	39.62 metres
Area:	785m ²
Topography:	slight fall from east to west
Existing Structures:	single storey cottage and detached garage
Existing Vegetation:	small trees and shrubs

The subject land is located on the eastern corner of Clifton Street and Mayfair Street. A single storey symmetrical brick cottage occupies the land, fronting Clifton Street. The façade of the cottage has been modified, with the original verandah having been replaced with a porch with concrete columns and painted brick.

A detached single-car garage is located adjacent to the northern boundary, accessed via Mayfair Street. A low brick fence is located along the Clifton Street frontage, while a 1.8m high corrugated iron fence is located along the Mayfair Street frontage.

A Development Application has recently been granted Development Approval, to divide the land into two Torrens Title allotments. The approved allotments are shown on the attached plans as Allotment 1 and Allotment 2. Allotment 2 contains the existing cottage and has an area of 392m². Allotment 1 contains the freestanding garage and also has an area of 392m².

Locality Attributes

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

The subject land is located within the Maylands Policy Area. The northern side of Clifton Street and both sides of Mayfair Street are characterised by mainly single storey double-fronted detached villas and cottages of modest proportions, built in the late 1800's, with substantial established gardens. Some later (Federation and inter-war era) dwellings are also located in Mayfair Street.

The southern side of Clifton Street is less consistent in character, comprising the side of dwellings which front Augusta Street and Frederick Street, as well as infill dwellings. High fencing is prevalent on this side of the street.

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

Proposal in Detail

The Applicant seeks consent to construct a single-storey detached dwelling on Allotment 1, alterations and additions to the existing cottage, together with boundary fencing.

The proposed dwelling is single storey and faces Mayfair Street. It has a floor area of 216m² including an attached double carport and comprises three bedrooms, an open-plan living/dining/kitchen area, bathroom and laundry.

The new dwelling is a simple hipped roof double fronted cottage design, similar in proportions to the existing cottage fronting Clifton Street. The attached carport has a hipped roof.

A 1.2m high timber picket front fence is proposed in front of the proposed dwelling. No gates are proposed at the driveway location. A 1.8m high colorbond corrugated fence is proposed along the boundary between the existing and proposed dwelling.

A 'lean-to' addition at the rear of the existing cottage is proposed to be replaced with a new addition, comprising an open-plan kitchen/living/dine area and separate bathroom/laundry. An ensuite and walk-in robe is proposed on the eastern side of the cottage, as well as a double carport.

The porch at the front of the cottage is proposed to be replaced with a verandah, consistent with that which would have originally existed. The existing brick fence along the Clifton Street frontage is proposed to be retained, while the corrugated fence along Mayfair Street is to be tapered down to 1200mm high between the dwelling facade and Clifton Street.

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	Existing Dwelling	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	392m ²	392m ²	300m ²
Allotment Width	19.81m	19.81m	15.0m
Allotment Depth	19.81m	19.81m	N/A
External Wall Height*	3.7m	3.6m	N/A

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Existing Dwelling	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Maximum Overall Height (to roof apex)*	5.4m	5.6m	N/A
Floor Area (total including verandahs and carports)	182m ²	216m ²	N/A
Site Coverage	46%	55%	50%
Private Open Space	79m ² 20% of site area	61m ² 16% of site area	20% of site area
Street Set-back	no change	3.2m (facade) 1.9m (verandah)	N/A
Side Set-back	Carport on boundary	1.3m and carport on boundary	N/A
Rear Set-back	1.5m	1.0m	N/A
Car Parking Provision	2 undercover & 1 visitor	2 undercover & 1 visitor	2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage, other than corner allotments, where it is to be set back no less than 1.0m from the secondary street frontage.

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

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

Notification

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

As such, no public notification was undertaken.

State Agency Consultation

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

Discussion

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

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

Land Use

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

Maylands Policy Area Desired Character Statement	
Maylands Policy Area Objectives:	1.
Maylands Policy Area PDC's:	2, 3 5 & 7.
RH(C)Z Desired Character Statement	
RH(C)Z Objectives:	1.
RH(C)Z PDC's:	1, 2, 7 & 8.
City Wide Objectives:	
City Wide PDC's:	1, 2, 7, 8 & 10. 1, 2, 3, 4, 16, 18 & 19.

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

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

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

The proposal is consistent with part (a) of Principle 8, in that the proposed dwelling is to be located on a recently approved vacant allotment. Whether the proposed dwelling will have an adverse impact on the established residential amenity and historic character of the policy area is discussed below.

streetscape/bulk/scale/height/character/heritage

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

Maylands Policy Area Desired Character Statement	
Maylands Policy Area PDC's:	1, 4 & 9.
Residential H(C)Z Desired Character Statement	
Residential H(C)Z Objectives:	1 & 5.
Residential H(C)Z PDC's:	1, 2, 13-19, 22, 23, 25 & 26.
City Wide Objectives:	
City Wide PDC's:	18, 19 & 20. 29-35, 39, 41, 43, 48 & 196.

Principle of Development Control 4 of the Maylands Policy Area states:

"Development in the Maylands Policy Area should not be more than one-storey above natural ground level."

The proposal is consistent with this height policy and is also consistent in terms of wall height and overall height, with surrounding existing historic dwellings in Clifton Street and Mayfair Street.

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

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

Development within the Residential Historic (Conservation) Zone should be carried out, where applicable, in accordance with the Design Guidelines for Heritage Places and Development in Historic (Conservation) Zones contained in Table NPSP/4.

“Component or Aspect of Development 3.3, Windows and Doors” within Table NPSP/4 provides the most clear advice on what joinery materials are appropriate for new dwellings within a Residential Historic (Conservation) Zone. It states:

“Windows and Doors Openings in walls adjacent to a road frontage should generally have proportions similar to historic dwellings in the locality. Window frames fronting roads, other than lanes shown on Map NPSP/1 (Overlay 4), should be of timber construction. Simple rendered surrounds of windows are preferable to elaborate projecting quoins.”

The proposed dwelling incorporates powder coated aluminium framed windows, which is inconsistent with this policy. The Council’s Heritage Advisor is supportive of the use of aluminium for new dwellings, provided that the windows are commercial quality, such that the proportions of the frame and overall appearance, is similar to that of painted timber windows. As such, if the CAP determines to grant consent to the application, it is recommended that a condition be imposed, requiring the windows facing Mayfair Street to be commercial windows.

Overall, the proposed dwelling:

- has a bulk and scale, which is akin to the nearby buildings facing Clifton and Mayfair Streets;
- incorporates a design which reflect (without directly replicating) traditional design; 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.

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

“the overall design for the new house seems well thought through and appropriate for this context.....The material selection, colours and finishes are appropriate in this context and will not dominate in the streetscape setting.”

In relation to the proposed additions and alterations to the existing dwelling, the Heritage Advisor has advised:

“The carport is a simple pyramid roof structure set away from the house with a roof pitch that matches the house. The ensuite side addition is a minimal rectilinear form set below the eave. The rear addition is a well-articulated contemporary skillion form with a good visual separation from the old house. The material selection is colour schemes are acceptable....The design of each of these elements are well considered and now after some minor revision will suit the existing house and the streetscape.”

A copy of this advice is contained in **Attachment C**.

Principle of Development Control 9 of the Maylands Policy Area states:

“Fencing along the front street boundary (including any secondary street frontage up to the alignment of the main face of the dwelling) should maintain the scale of existing historic development and should:

- (a) not detract from the character or restrict the visibility of the building;*
- (b) utilise original design and materials such as timber picket, timber dowelling, masonry and cast iron palisade, or corrugated iron or mini orb within timber framing; and*
- (c) not exceed 1.2 metres in height for materials such as masonry or a maximum of 1.5 metres in height for all other materials.”*

The proposal is consistent with Principle 9.

The proposed 1.8m high corrugated dividing fence is a complying form of development in its own right, pursuant to Principle of Development Control 39 of the Residential Historic (Conservation) Zone.

Setbacks and Site Coverage

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

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

Principle of Development Control 8 of the Maylands Policy Area 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 site of the proposed dwelling (Allotment 1) is not located adjacent to a heritage place or contributory item. Therefore, with reference to Principle 8, the front and side setbacks should reflect the pattern established by adjoining dwellings. In this respect, the adjoining dwelling to the south is the existing dwelling on Allotment 2, which is set back from Mayfair Street by 2.7m and the adjoining dwelling to the north is set back 5.5m to the projecting gable verandah.

The setback of the proposed dwelling from Mayfair Street of 3.2m to the main wall and 1.9m to the verandah, is considered to reasonably reflect the pattern established by adjoining dwellings. Although less than the setback of 1 Mayfair Street, the proposed carport located to the north of the proposed dwelling, provides for a transition to the setback of the dwelling at 1 Mayfair Street.

The setback of the proposed addition to the existing dwelling is also considered reasonable. It is slightly closer to Mayfair Street than the existing dwelling, however is a relatively minor (4.8m wide) element and not considered to have a detrimental impact on the streetscape.

The new dwelling is proposed to be set back 1m from the rear (eastern) boundary. The proposed rear setback is not considered to impact adversely on the amenity of occupants of the adjacent property at 12 Clifton Street, due to a garage on that property being located adjacent to the site of the proposed dwelling.

With respect to site coverage, the proposed dwelling covers 55% of its site, while the existing dwelling covers 46% of its site. Overall, 50.5% of the subject land is proposed to be covered.

Maylands Policy Area Principle of Development Control 6 states that buildings should not cover more than 50 per cent of the total area of the site.

Given that the overall site coverage of the subject land is very close to 50%, the extent of site coverage for the proposed dwelling 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, 32, 37, 200 & 201.
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The proposed built form will not create unreasonable overshadowing issues for the occupiers of adjacent properties, due to the orientation of the subject land, the single-storey nature of the dwelling and the proposed dwelling's siting and configuration.

No overlooking will result from the proposed development due to its single-storey nature and relatively low scale. As such, the proposal is considered to be consistent with City Wide Principles of Development Control 11 which states:

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

Private open space

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

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

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

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

- (a) *a dwelling with a site area of 250 square metres or greater, 20 per cent of the site area should be private open space, of which one portion should be equal to or greater than 10 per cent of the site area and have a minimum dimension of 4 metres; or*
- (b) *a dwelling with a site area of less than 250 square metres, a minimum of 35 square metres should be private open space, of which one portion should have an area of 16 square metres and a minimum dimension of 4 metres; and*

The proposed dwelling has access to 61m² of private open space, equating to 16% of the site area. As the site of the dwelling is greater than 250m² (being 392m²), it would require 20% to be available as private open space in order to accord with Principle 225. The amount of private open space available to the proposed dwelling is therefore a negative aspect of the proposal.

The existing dwelling is proposed to have 79m² of private open space (equalling 20% of the site area) would be available in a combination of space behind the carport and space adjacent to Mayfair Street.

Car parking/access/manoeuvring

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

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

Table NPSP/8.

The proposed dwelling incorporates a double-vehicle carport, set back 5.5 metres from Mayfair Street, consistent with Table NPSP/8. Access to the carport is proposed via an existing vehicle crossing point. The existing crossing point is able to be widened to 4.5m wide whilst preserving a 1.5m separation from the nearest street tree. The resultant driveway taper is considered to result in a reasonably convenient vehicle manoeuvre.

The driveway to the proposed carport for the existing dwelling would also require a taper, to avoid an adjacent stobie pole. The resultant vehicle manoeuvre is considered to be reasonably convenient in this instance also.

Finished floor levels/flooding/retaining/fencing

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

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

The subject land is not located within a 1 in 100 year Average Recurrence Interval (ARI) flood plain.

The finished floor level of the proposed dwelling is proposed to match that of the existing dwelling and results in sufficient height above top-of-kerb in Mayfair Street (approximately 500mm) to provide efficient drainage of stormwater. The floor level is slightly lower than the top of an existing retaining wall along the boundary with 12 Clifton Street.

Trees (significant, mature & street) and landscaping

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

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

There are several small to medium sized tree on the subject land, none of which are identified as Regulated trees. No street trees are affected by the proposal.

No specific landscaping plan has been provided for the proposed dwelling, however adequate space is provided around the dwelling, including between the dwelling and the street to provide for a suitable landscaped setting for the dwelling. If the Panel determines to grant consent to the application, it is recommended that a condition be imposed, requiring that a landscaping plan be provided to the reasonable satisfaction of the Council.

Environmental Sustainability

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

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

The proposed dwelling has been designed to maximise access to northern light as much as possible. In particular, the dwelling has been designed with the living area facing north. As such, the development proposal accords sufficiently with City Wide Principles of Development Control 70, 71 and 53.

As no rainwater tank has been shown on the plans, it is recommended that a condition be imposed requiring a 2000 litre rainwater tank, consistent with City Wide Principle of Development Control 159.

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

Summary

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

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

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

In relation to the proposed new dwelling, the private open space is less and the site coverage is greater, than what the Development Plan states should be the case. These are shortfalls of the proposal. These shortfalls are not considered to result in adverse impacts for the adjoining properties, nor the streetscape.

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 155/866/17 by Mr L Foster to construct a single storey dwelling and alterations and additions to an existing dwelling, together with boundary fencing, on the land located at 10 Clifton Street, Maylands, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans prepared by Flightpath, Drawing No.s:
 - 3436.DA01, Revision B
 - 3436.DA02, Revision B
 - 3436.DA03, Revision B
 - 3436.DA05, Revision B
 - 3436.DA06.1, Revision C
 - 3436.DA06.2, Revision D
 - 3436.DA06.3, Revision C
 - 3436.DA06.4, Revision C

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.
2. A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres) shall be installed for the dwelling herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
3. A landscaping plan showing a suitable mix and density of trees, shrubs and groundcovers shall be provided to the reasonable satisfaction of the Council or its delegate, prior to Development Approval being granted.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
5. Front windows of the proposed new dwelling shall be commercial powder-coated aluminium framed windows or timber framed.

Notes to Applicant

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

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*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 155/866/17 by Mr L Foster to construct a single storey dwelling and alterations and additions to an existing dwelling, together with boundary fencing, on the land located at 10 Clifton Street, Maylands, subject to the following requirements, conditions and notes:*

Relevant Plans

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

- *plans prepared by Flightpath, Drawing No.s:*
 - 3436.DA01, Revision B
 - 3436.DA02, Revision B
 - 3436.DA03, Revision B
 - 3436.DA05, Revision B
 - 3436.DA06.1, Revision C
 - 3436.DA06.2, Revision D
 - 3436.DA06.3, Revision C
 - 3436.DA06.4, Revision C

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.*
2. *A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres) shall be installed for the dwelling herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.*
3. *A landscaping plan showing a suitable mix and density of trees, shrubs and groundcovers shall be provided to the reasonable satisfaction of the Council or its delegate, prior to Development Approval being granted.*
4. *All areas nominated as landscaping or garden areas on the approved plans shall be planted prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.*
5. *Front windows of the proposed new dwelling shall be commercial powder-coated aluminium framed windows or timber framed.*

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

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 7:48pm

Terry Mosel
Presiding Member

Mark Thomson
Manager Development Assessment