

# Council Assessment Panel Minutes

**21 May 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

**HOUR** 7pm

**PRESENT**

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

**Staff** Mark Thomson (Manager Development Assessment)  
Kathryn Clausen (Senior Urban Planner)  
Nenad Milasinovic (Senior Urban Planner)  
Adam Bowey (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 16 APRIL 2018**

*Motion was put that the minutes of the Meeting of the Council Assessment Panel, held on held on 16 April 2018 be taken as read and confirmed.*

*Seconded and carried*

## 2. STAFF REPORTS

### 2.1 DEVELOPMENT APPLICATION 155/555/2017 – MR R D’ONOFRIO – 81-87 BEULAH ROAD, NORWOOD

<b>DEVELOPMENT APPLICATION:</b>	155/555/17
<b>APPLICANT:</b>	Mr R D’Onofrio
<b>SUBJECT SITE:</b>	81-87 Beulah Road, Norwood (Certificates of Title Volume: 5666 Folio: 350)
<b>DESCRIPTION OF DEVELOPMENT:</b>	Alterations and additions to the western side of an existing church hall
<b>ZONE:</b>	Residential Historic (Conservation) Zone, Norwood 3 Policy Area, Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017)
<b>PUBLIC NOTIFICATION CATEGORY:</b>	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 to undertake alterations and additions to the western side of an existing church hall building.

Staff do not have delegated authority to determine the Application, as it is Category 3 for public notification purposes. As such, the Application is referred to the Panel for determination.

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

#### **Subject Land Attributes**

Shape:	irregular
Frontage width:	55.48 metres
Depth:	62.84 metres
Area:	3,218m <sup>2</sup> approximately
Topography:	essentially flat
Existing Structures:	church building within an associated partly two storey church hall to the rear (north) of the church along with a bitumen and line-marked car parking area
Existing Vegetation:	a range of smaller shrubs and small trees located around the perimeter boundaries of the subject land

The white rendered masonry church building, the Greek Orthodox Church of Prophet Elia’s, was constructed in 1960 and is a Local Heritage Place.

In 1985, the former City of Kensington and Norwood granted consent to Development Application 150/1286/85A comprising ‘*extensions to existing church and erection of a new youth, educational and cultural centre incorporating activity area, stage and meeting hall and rooms and associated car parking*’. This approval was never enacted by the parish.

The existing community centre and halls was approved via Development Application 155/4997/97.

The existing rear hall is a rendered masonry building that comprises a hall and stage area, kitchen area, a small 'museum'/Greek memorabilia display area, storage area, the priest's office and bathrooms/amenities at ground level. At upper level, an area of approximately 110m<sup>2</sup>, is currently used for teaching and learning by students undertaking Greek learning and/or Sunday School activity at the parish.

The car parking area within the property comprises a total of 60 car parking spaces. Along the eastern side of the church building is a gated driveway area that is 4.5 metres wide and 28 metres long, which is occasionally used by committee and/or members of the church in the event additional on-site car parking is required.

### Locality Attributes

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

The subject land is located on the northern side of Beulah Road, mid-way between Osmond Terrace and Sydenham Road. The subject land is bounded on the eastern side by a residential property and on the western side the St Bartholomew's Anglican Church Rectory and associated hall. To the north-east and north (rear) of the subject land are residential properties containing detached, semi-detached dwellings and a group dwelling fronting Sheldon Street. A vacant commercial building is located directly to the north at 42 Sheldon Street.

Aside from the Anglican and Greek Orthodox church properties, Beulah Road has a residential character and contains a mix of dwelling types, predominantly single storey and detached.

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

### Proposal in Detail

The applicant is seeking consent to alter the western side of the existing hall building in order to extend and create additional floor area within a portion of the existing car parking area. The new open plan hall area is to comprise a total of approximately 214m<sup>2</sup> and is to include new bathroom areas along within a small kitchen and store. The proposed siting location of the new hall area results in the loss of nine (9) existing car parking spaces, which in turn reduces the overall car parking provision on the subject land to fifty one (51) spaces.

The proposed new hall area is to be constructed from precast concrete panels that are painted and finished so as to match the existing hall building. The window areas to the front (southern) elevation are to match the existing window profiles of the hall. Along the western side elevation, high-level windows with sill heights of 2.1 metres above the proposed finished floor level are proposed. A separate roof form comprising colorbond corrugated roof sheeting (colour "Woodland Grey") is proposed over the new hall area.

The new hall is to accommodate students that are currently undertaking Greek lessons and other learning activities within the existing upper level area. The Council's Planning staff have been advised by the Applicant that the existing upper level has become impractical and cumbersome for Greek lessons and learning activities. For instance, if there are children and/or adults with physical impediments, it is difficult for them to access the two flights of stairs to get to the existing upper level area. The proposed ground level hall would be easier to access and provide a more modern and adaptable space than what currently exists at upper level. In the event the Panel determine to approve the proposed new hall, the Applicant intends to convert the upper level area into a combination of storage and "museum"/display area. The Applicant has advised that the average class sizes of students attending school terms varies between is 15 – 50 students, with only one class being conducted from the hall at any given time. Students are generally dropped off and collected by their parents.

**TABLE 1: DEVELOPMENT DATA:**

Consideration	Proposed	Development Plan Merit Assessment Quantitative Guideline
<b>Site Area</b>	3,218m <sup>2</sup> approximately	N/A
<b>Beulah Road frontage</b>	55.48 m	N/A
<b>Floor Area (excluding the covered verandah area linking the church and existing hall)</b>	687m <sup>2</sup> - ground level existing 110m <sup>2</sup> – upper level existing  214m <sup>2</sup> – ground level proposed	N/A
<b>Wall Heights</b>	4.9 – 5.1m	N/A
<b>Overall Height</b>	6.5m	N/A
<b>Setbacks</b>	8.8m – western side 2.5m – northern side NIL – eastern side	N/A
<b>Car Parking Provision</b>	51 car parking spaces	Community hall and educational establishment: No Development Plan rate

A copy of the proposed plans and details are contained in **Attachment B**.

### Notification

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

Three representations were received (two in favour, one in opposition) in response to this notification, copies of which are contained in **Attachment C**. The key issues raised by representor in opposition are, in summary:

- The hall use is an inappropriate land use within the zone
- Noise from activity within the hall
- The traffic generated is currently not accommodated on site

The representor, Mr Albert Parrella, desires to be heard personally by the Panel in support of his representation.

The President of the Executive Committee of The Greek Orthodox Community & Parish of Prophet Elias, Mr Andrew Kefalianos has responded to the representations received and a copy of his response is contained in **Attachment D**.

### State Agency Consultation

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

### Discussion

The subject land is located within the Residential Historic (Conservation) Zone (Norwood 3 Policy Area) of the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

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

Land Use

The following Development Plan provisions provide guidance on the land uses which are envisaged for the land and managing land use conflict:

Residential H(C) Zone Objective:	7, 8
Residential H(C) Zone PDC's:	7
City Wide Objectives:	1, 7, 10, 26, 27
City Wide PDC's:	1, 3, 4, 12, 82, 83, 84, 86 & 89

Objective 7 of the Residential Historic (Conservation) Zone states:

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

The proposal supports the continuation of the non-residential use, consistent with Objective 7. It is understood that the proposal will provide the Church with greater flexibility with scheduling of activities on the site, to better respond to current demands.

That said, there are other provisions of the Development Plan aimed at maintaining a reasonable level of residential amenity which apply, including Objective 8 of the Residential Historic (Conservation) Zone, which states:

*"Maintenance of a pleasant and functional living environment broadly meeting the needs and expectations of local residents."*

A concern raised by the representor opposed to the proposal, is that the proposed use of the new hall area will cause excessive noise as a result of activities within the hall. The representor's property is located on the southern side of Beulah Road, approximately 65 metres from the proposed addition.

The Applicant has advised that activities within the hall are intended to primarily comprise teaching and learning activities, along with recreational and physical activities (such as non-structured indoor ball sports) when teaching and learning is not being conducted.

Activities within the hall are likely to generate a moderate level of noise, such as from loud voices while children play, basketballs being bounced etc. Such noise is likely to be well suppressed by the building, however windows proposed along the western elevation could potentially result in noise impacting on the property at 40 Sheldon Street in particular, if they are open. Accordingly, if the Panel determines to grant consent to the Application, it is recommended that a condition be imposed, requiring all windows and doors to be closed, while the hall is occupied. Subject to that condition, the impact of these intended activities on surrounding residential properties is considered reasonable.

Whilst understood that it is not consistent with current intentions, unless there was a condition to the contrary, it would also be possible for amplified music or musical instruments to be played, either in association with the teaching and learning activities proposed, or in association with a third-party if the hall was hired out by the Church. As there are dwellings located in close proximity to the site of the proposed hall extension, if the Panel determines to grant consent to the Application it is recommended that a condition be imposed, restricting the type of activities permitted within the hall extension.

Subject to the recommended conditions, it is considered that the proposal would result in the maintenance of a pleasant and functional living environment broadly meeting the needs and expectations of local residents, consistent with Objective 8 of the Residential Historic (Conservation) Zone. Accordingly, the proposed land use is considered to be acceptable.

Carparking/access/manoeuvring

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

Residential H(C) Zone PDC:	32
City Wide Objectives:	32 & 34.
City Wide PDC's:	98, 104, 115, 120, 121, 122 & 124

The Applicant has advised that the various activities and functions that occur on the subject land do not currently occur concurrently, nor would they occur concurrently following the construction of the proposed hall extension. For example, when church services operate, there are to be no activities undertaken within either the existing hall nor the proposed new hall area.

In terms of the existing hall area, the Parish Priest, Rev Father Stavros Psaromatis, has advised that the hall is only used by third-parties in two instances. Firstly, where a funeral service takes place in the church and the wake is conducted in the existing hall afterwards. The number of funerals that are conducted at the parish is approximately 2 per month. Secondly, when there is a christening service performed at the church with the christening celebratory function conducted in the hall afterwards. The number of christenings at the parish varies between 1 and 2 per month on average.

Father Stavros has advised that the parish experiences greater activity and patronage during important religious dates such as Easter and Christmas, the Feast Day of Saint Elias (on 20 July with a function held on the following weekend at the hall), the Greek school dance (held around the time of Father's Day each year), a New Year's Eve function and the occasional charity event/function conducted by the parish.

Father Stavros has also advised that the parish keeps the two car parking area gates open during week days in order to enable parents and/or guardians to park their vehicles whilst they take and/or collect their children to and from the nearby Norwood Primary School. In addition to this, the parish also allows people (eg. workers in the local area) to park their cars within the parking area during work days.

The proposed development does not change the parking demand for the site, as the proposal involves redistributing the existing uses.

The President of the Executive Committee of the Parish, Mr Andrew Kefalianos, has advised the greatest existing peak car parking demand at the parish is on Sunday's, between 8:00 – 11:30am, with in the order of 65 cars parked on the property at any one time (refer to **Attachment B5 – B6**). The figure provided by Mr Kefalianos does not include any parishioners that may park along Beulah Road. During the working week, Mr Kefalianos has indicated that between 8:00 – 10:00am anywhere between 20 – 60 cars are parked in the parish's parking area.

Currently, the existing car parking area contains 60 formal car parking spaces. In addition to this, the gated driveway area adjacent the eastern side of the church building can physically accommodate up to 5 cars in a stacked configuration, and is generally used by committee and/or members of the church in the event additional on-site car parking is required. The introduction of the new hall within a portion of the existing car parking area along with reconfiguring some of the existing spaces reduces the number of available car parking spaces to 51.

Although the on-street parking demand during peak operating times is not known, the proposed development would result in an additional 9 cars being directed from the existing car parking area onto Beulah Road. The 9 loss of car parking spaces is not considered to be unreasonable in light of the existing situation and relative infrequency of peak operating times.

Streetscape/bulk/scale/character

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



Residential Historic (Conservation) Zone Desired Character Statement

Residential H(C)Z Objectives: 1

Residential H(C)Z PDC's: 1, 3 & 4

City Wide Objectives: 18, 19 & 20

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

As the subject land is located within the Residential Historic (Conservation) Zone and the Orthodox Church is identified as a Local Heritage Place, the Application was referred to the Council's Heritage Advisor, David Brown. Mr Brown has advised that the proposed hall addition will result in an acceptable built form relationship to the Local Heritage Place and will have minimal impact upon the existing streetscape.

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

The proposed new hall addition is to be set back in the order of 39.5 metres from the front Beulah Road property boundary. The proposed hall is to be integrated into the existing hall and is to replicate the proportions and masonry massing of the existing hall. The new hall is to have its own individual roof form. In combination with these elements, the proposed hall addition is considered to have a minimal impact upon the established historic character of this part of Beulah Road when viewed within a streetscape context.

### Summary

The proposal to undertake alterations to the existing western hall elevation in order to create a new hall area for Greek School tuition and use as recreational space is consistent with the desire expressed in the Development Plan, for the Residential Historic (Conservation) Zone to accommodate non-residential uses on sites where there is a continuance of a non-residential land use.

The impacts associated with the proposed use on the amenity of adjacent residential properties, are considered to be within reasonable expectations. It is considered that adequate car parking is provided on site to cater for the likely demand for learning activities and recreational activities.

The proposed extent of additional built form is not considered to impact on directly neighbouring residential properties located on Sheldon Street. Furthermore, the proposed built form is neither considered to comprise the existing historic visual character of the locality nor adversely impact upon the heritage value of the Local Heritage Place.

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

### RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/555/17 by Mr R D'Onofrio to undertake alterations and additions to the western side of the existing church hall, on the land located at 81 - 87 Beulah Road, Norwood, subject to the following requirements, conditions and notes:

#### Relevant Plans

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

- plans and elevations prepared by Roc D'Onofrio Building Designer and received by the Council on 21 December 2017.
- Letter from Mr Andrew Kefalianos, President of the Executive Committee of The Greek Orthodox Community & Parish of Prophet Elias, Norwood & Eastern Suburbs INC. and received by the Council on 2 February 2018.

### Conditions

1. The additional hall area herein approved, shall not be hired out for third-party functions and/or events.
2. Concrete wheel stops shall be installed to the angled car parking spaces located adjacent to the western side boundary.
3. All car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
4. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
5. Signs shall be installed to the existing masonry and palisade front fencing displaying 'entry only' and 'exit only', to indicate the flow of traffic. Details of the signs shall be provided to the reasonable satisfaction of the Council prior to their installation.

### 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.
3. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
4. 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.
5. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

Mr Albert Parrella addressed the Panel from 7:02pm until 7:13pm

Mr Andrew Kefalianos addressed the Panel from 7:13pm until 7:20pm

Moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/555/17 by Mr R D'Onofrio to undertake alterations and additions to the western side of the existing church hall, on the land located at 81 - 87 Beulah Road, Norwood, subject to the following requirements, conditions and notes:*

Relevant Plans

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

- *Plans and elevations prepared by Roc D'Onofrio Building Designer and received by the Council on 21 December 2017.*
- *Letter from Mr Andrew Kefalianos, President of the Executive Committee of The Greek Orthodox Community & Parish of Prophet Elias, Norwood & Eastern Suburbs INC. and received by the Council on 2 February 2018.*

Conditions

1. *The additional hall area herein approved, shall not be hired out for functions and/or events.*
2. *Concrete wheel stops shall be installed to the angled car parking spaces located adjacent to the western side boundary.*
3. *All car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.*
4. *Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.*
5. *Signs shall be installed to the existing masonry and palisade front fencing displaying 'entry only' and 'exit only', to indicate the flow of traffic. Details of the signs shall be provided to the reasonable satisfaction of the Council prior to their installation.*
6. *All windows and doors of the additional hall area shall be closed during the usage of the additional hall area.*

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

4. *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.*
  
5. *The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development are likely to be at the Applicant's cost.*

*Seconded and carried*

## 2. STAFF REPORTS

### 2.2 DEVELOPMENT APPLICATION 155/187/2018 – TWENTY FOUR OUTDOOR AUSTRALIA PTY LTD – 19 NORTH TERRACE, HACKNEY

<b>DEVELOPMENT APPLICATION:</b>	<b>155/187/18</b>
<b>APPLICANT:</b>	<b>Twenty Four Outdoor Australia Pty Ltd</b>
<b>SUBJECT SITE:</b>	<b>19 North Terrace, Hackney (Certificate of Title Volume: 6062 Folio: 273)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Installation of an LED screen to the north-eastern façade of an existing building.</b>
<b>ZONE:</b>	<b>Urban Corridor Zone (Boulevard Policy Area) Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 1</b>

#### **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 comprising the installation of an LED screen to the north-eastern façade of an existing building.

Council staff have delegated authority to determine the Application, however due to the very high visibility of the proposal, the absence of clear policy guidance in the Development Plan for third party advertisements and the potential for a broad range of opinions, the Application has been referred to the Panel for determination.

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

#### **Subject Land Attributes**

The subject land contains the ten-storey (excluding rooftop plant) North Terrace House and is located on the corner of North Terrace and Nuffield Lane. The North Terrace House finalised constructed in 1961 and is an example of modernism architecture. The site also contains car parking to the rear of the building, with access derived from Nuffield Lane. The building contains a number of office and residential tenancies.

#### **Locality Attributes**

Land uses:	predominantly commercial fronting North Terrace, with some residential uses on the north-western side of North Terrace.
Building heights (storeys):	A mixture of single-storey, two-storey and multi-storey.

The site is located within close proximity to the North Terrace/Botanic Road and Hackney Road/Dequetteville Terrace intersection. In terms of built form, the site is occupied by a large 10 storey building (excluding plant equipment), with two-storey buildings located at sites to the west fronting Hackney Road/Dequetteville Terrace.

The section of North Terrace abutting the subject land is classified as a Peak Hour Route, Major Cycling Route, High Frequency Public Transport Corridor and High Activity Pedestrian Area within *A Functional Hierarchy for South Australia's Land Transport Network*, with a posted speed limit of 60 km/h and carries approximately 32,700 vehicles per day (DPTI Referral Letter).

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

### **Proposal in Detail**

The Applicant seeks consent to install an LED screen on the north-eastern façade of the 10 storey building. The proposed north-east facing LED sign is to be 8 metres wide and 12 metres high, with a surface area of 96 square meters. The sign is to be located 19.8 metres above natural ground level and set back 250 millimetres from the front façade of the building (North Terrace Frontage) and project 1.12 metres forward of the building's north-eastern façade. The LED portion of the sign is bordered by a 350 millimetre wide frame, trimmed in powder coated sheet metal and aluminium composite materials.

It is proposed for the LED sign to display static alternating coloured advertising content with a 'dwell time' of no less than 45 seconds, with a change time of no more than 0.1 seconds. The lighting levels associated with the variable LED sign are to adjust automatically based on climatic conditions and time of day, with the brightest illumination during the daytime period and the lowest illumination at night time.

In the event of a malfunction of the auto brightness controller, the LED screen will dim to 2% brightness. In the event of a display malfunction, the error detection system will turn the display off to a blank, black screen.

Plans and details of the proposed LED sign and supporting documentation are contained in **Attachment B**.

### **Notification**

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

All advertisements are Category 1 within the Urban Corridor Zone, other than where they are located on land adjacent to a residential zone and are 3 or more storeys in height or exceed the Building Envelope Interface Height Provision.

The proposed sign is not located on land adjacent to a residential zone. All adjacent land is either located in the Urban Corridor Zone or Local Commercial Zone.

### **State Agency Consultation**

The Application was referred to the Commissioner of Highways pursuant to Schedule 8 of the *Development Regulations 2008*, as the proposed development is an advertising display on an arterial road and located within 100 metres of a signalised intersection. Schedule 8 provides that the Council must have 'regard' to comments made by the Commissioner of Highways with respect of the proposed development.

The Commissioner of Highway's response is discussed under the heading *Traffic Safety* later in the report. In short, the Commissioner of Highways is not opposed to the proposal, subject to conditions.

### **Discussion**

The subject land is located within the Urban Corridor Zone (Boulevard Policy Area) of the Norwood, Payneham and St Peters (City) 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 development that is envisaged within the Development Plan:

Urban Corridor Zone Desired Character Statement

Urban Corridor Zone Objectives: 1, 2 & 3  
Urban Corridor Zone DPC: 1, 2, 3 & 4

Boulevard Policy Area Desired Character Statement

Boulevard Policy Area Zone Objective: 1  
Boulevard Policy Area Zone DPC: 1, 2, 3

City Wide Objectives: 1, 2, 3, 5, 7, 12, 26 & 27  
City Wide PDC's: 1, 2, 3, 4, 5, 6, 12, 80, 82, 85 & 87

As the proposal is for an LED display sign, the proposal does not seek to change the primary use of the land. The land is currently used for a mix of offices and dwellings and this application does not seek to change that.

The Development Plan does not specifically address third party advertising. That said, City Wide Principle of Development Control 397 provides a degree of flexibility with the purpose of advertising, stating that advertisements should be '*...for the identification of a site, enterprise or product.*'

By contrast, each of the residential zones include a Principle of Development Control which states that advertisements should only be for identification of non-residential premises or home based business.

Therefore, it can be inferred that the Development Plan does envisage third party advertising outside of residential zones, provided that it meets the various criteria relating to the potential impact on the character and amenity of a streetscape and/or area.

Streetscape/bulk/scale/height/character

The following Development Plan provisions provide guidance with respect to considerations relating to the potential streetscape appearance, character and visual impacts of the proposal:

Boulevard Policy Area	1 & 2
City Wide Objective:	18, 19, 20, 117, 118,
City Wide PDC's:	28, 380, 381, 382, 383, 384, 387, 394, 395, 396, 397

City Wide Principle of Development Control 380 states:

*"The location, siting, size, shape and materials of construction, of advertisements should be:*

- (a) consistent with the desired character of areas or zones as described by their objectives;*
- (b) consistent with the predominant character of the urban landscape; or*
- (c) in harmony with any building or site of historic significance or heritage value in the locality."*

Having regard to City Wide Principle of Development Control 380 it is considered that the proposed LED sign:

- a. is consistent with the desired character of the Boulevard Policy Area;
- b. is consistent with the predominant character of the urban landscape; and
- c. is in harmony with adjacent buildings of heritage value.

Reasons for these conclusions are set out below.

Having regard to part (a) of Principle 380, the desired character of the Boulevard Policy area is for land uses at ground and first floor levels comprising offices, consulting rooms, retail showrooms, educational establishments and smaller scale bulky goods showrooms. Inherently retail showrooms and bulky goods showrooms include large prominent advertising.

The predominant character of the existing urban landscape is influenced by large prominent advertising on the façade of the building at 30 North Terrace, as shown in the photographs below.



Photograph 1. View of northern façade of the building at 30 North Terrace



Photograph 2. View of eastern side of the building at 30 North Terrace

The simple form of the proposed sign structure reflects the minimalist architecture of the building it is attached to. The size and scale of the structure is directly proportional to that of the building, and is consistent with part (b) of Principle 380.

Having regard to part (c) of Principle 380, there are adjacent heritage listed properties located at 1 North Terrace (Romily House, State Heritage Place) and 23 North Terrace. The State Heritage Place at 1 North Terrace is located to the west of the subject land and would not be seen in context with the proposed sign. The Local Heritage Place at 23 North Terrace is set back approximately 35 metres from North Terrace and is therefore not readily visible in the streetscape. In this context, the proposed advertisement is considered to be in harmony with adjacent buildings of heritage value.

The proposal is considered to be consistent with both City Wide Objective 18 and City Wide Principle of Development Control 28, which state that the appearance of buildings and objects should not impact the amenity of localities. This is further reinforced by City Wide Principle of Development Control 384, which states that the scale of advertisements should be compatible with the buildings on which they are situated, and with nearby buildings and spaces.

As stated within the desired character of the Urban Corridor Zone;

*'Development at the interface with neighbouring zones, will have regard to the potential visual, overlooking and overshadowing impacts on the occupants of adjacent and nearby residential properties.'*



The closest residential zone to the subject site is the Residential Historic Conservation Zone (Hackney South Policy Area) located to the north-east of the subject site. While the uppermost portions of North Terrace House are visible from streets within the zone (Westbury Street, Keble Lane, Osborne street), as the proposed LED sign is located 13.1 metres from the top of the building, and due to regulated trees on the site at 23 North Terrace Hackney, the sign would be largely obscured from properties located within the residential zone.

The DPTI condition 2 requires that the proposed LED sign be limited to stepped luminance levels according to ambient conditions to reduce the potential luminance impact on both road users and surrounding residential properties during the day and night in accordance with City Wide Principles of Development Control 12 (a) and 80 (e).

When travelling in a south-western direction on North Terrace, the proposed sign would be screened at distances greater than 350 meters by a number of large evergreen trees located within St Peters College and overhanging North Terrace, as illustrated in the photograph below.



Photograph 3. View towards subject land from the east, with trees at St Peters College impeding views.

Accordingly, the appearance aspects of the proposal are considered acceptable.

### Traffic Safety

The following Development Plan provisions provide guidance with respect to advertising traffic and pedestrian safety considerations:

City Wide Objectives:	32 & 119
City Wide PDC's:	385, 389, 390, 391, 392, 393, 399, 400, 401

City Wide Principles of Development Control 389, 390, 391, 392 and 393 state respectively:

*“Advertisements should not create a hazard to persons travelling by any means.*

*Advertisements should not obscure a driver's view of other road vehicles, of rail vehicles at or approaching level crossings, of pedestrians and of features of the road such as junctions, bends, changes in width, traffic control devices and the like that are potentially hazardous.*

*Advertisements should not be so highly illuminated as to cause discomfort to an approaching driver, or create difficulty in his perception of the road, or of persons or objects on it.*

*Advertisements should not be liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals.*

*Advertisements should not detract drivers from the primary driving task at a location where the demands on driver concentration are high.”*

The proposal was referred to the Commissioner of Highways pursuant to Schedule 8 of the *Development Regulation 2008*, as the proposed development is within 100 metres of a signalised intersection and will be internally illuminated and incorporate red, yellow, green or blue lighting.

DPTI have also provided advice in relation to the possibility of the proposed advertising sign causing a distraction to motorists. DPTI have advised that they have undertaken an assessment against the Department's own guidelines contained within the publication *Advertising Signs: Assessment Guidelines for Road Safety – A guide for the Department of Planning, Transport and Infrastructure*. In summary, DPTI does not object in-principle to the installation of a LED sign at this location subject to conditions being applied to any approval granted in order to maximise road safety.

DPTI's report notes that:

- The sign is within a device restriction area, as defined in the Guide.
- The sign would be viewable to traffic travelling south-west along North Terrace.
- The sign achieves adequate clearances from direct sightlines to the adjacent signals.
- No other LED signs are likely to be viewable at the same time.
- A dwell time of 45 seconds is proposed, which is consistent with the Guide.
- The applicant has advised that the luminance of the sign will be controlled based on the level of light in the surrounding environment. DPTI has determined that a maximum night time luminance level of 100cd/m<sup>2</sup> should be permitted.

A complete copy of DPTI's report is contained in **Attachment C**.

On this basis, the proposed LED sign is considered consistent with City Wide Principles 389, 390, 391, 392 and 393.

### **Summary**

The installation of a LED screen to the north-eastern façade of the existing building is considered acceptable. On the whole, the existing built form of the building on which the sign is proposed to be attached would remain unchanged when viewed from within the locality. The addition of the sign would introduce a prominent visual element to the locality, however it is considered that the Urban Corridor Zone is intended to accommodate uses which include prominent advertising and the existing character of the locality is influenced by extensive advertising signs.

The DPTI referral raised no concerns regarding traffic and pedestrian safety, alias to the inclusion of its suggested conditions.

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 155/187/18 by Twenty Four Outdoor Australia Pty Ltd to install an LED screen to the north-eastern façade of an existing building located at 19 North Terrace, Hackney, 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, details and specifications forming Development Application 155/187/18 received by the Council on 20 March 2018.

DPTI Conditions

1. The sign shall be permitted to display one self-contained message every 45 seconds. The time taken for consecutive displays to change shall be no more than 0.1 second. The sign shall not flash, scroll or move. Furthermore, the sign shall not be permitted to display or imitate a traffic control device.
2. Illuminated signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Subsequently, the LED components of the sign/s shall be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m <sup>2</sup> ) Max
Sunny Day	40 000	6 300
Cloudy Day	4 000	1 100
Twilight	400	300
Dusk	40	200
Night	<4	100

Additionally, the luminance contrast between consecutive displays shall be limited to a maximum of 2:1 (Note: For the purposes of this condition luminance contrast is defined as the ratio of the average luminance of the consecutive displays).

3. The operational system for the sign shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.

Notes to Applicant

1. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.  
  
The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
2. The Applicant is advised that any works undertaken on Council owned land 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.
3. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
4. 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.
5. The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 meters in width from the North Terrace frontage of this site for the future upgrading of the North Terrace/Hackney Road/Dequetteville Terrace/Botanic Road intersection, together with a 4.5 x 4.5 metres corner cut-off at the North Terrace/Nuffield Lane corner. The consent of the Commissioner of Highways under the *Metropolitan Adelaide Road Widening Plan Act 1972* is required to all new building works located on or within 6.0 metres of the possible requirements.

Given that the sign will be fixed to the façade of an existing 10 storey building within the above road widening requirements, the Commissioner of Highways consent is hereby granted.

*Moved*

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **refused** to Development Application No 155/187/18 by Twenty Four Outdoor Australia Pty Ltd to install an LED screen to the north-eastern façade of an existing building located at 19 North Terrace, Hackney, for the following reasons:*

- 1. The sign is not consistent with the desired character for the Urban Corridor Zone as it is contrary to the desire for development to exhibit architectural merit.*
- 2. The sign is inconsistent with City Wide objectives 117 and 118 as it would disfigure and not enhance the appearance of the urban environment.*
- 3. The sign will impair the amenity of the area by way of its scale and by adding visual clutter, disorder and untidiness contrary to Principle of Development Control 380, 381 and 382.*

*Seconded and carried*

## 2. STAFF REPORTS

### 2.3 DEVELOPMENT APPLICATION 155/130/2018 – FINESSE BUILT – 130 SIXTH AVENUE, JOSLIN

<b>DEVELOPMENT APPLICATION:</b>	155/130/18
<b>APPLICANT:</b>	FINESSE BUILT
<b>SUBJECT SITE:</b>	130 Sixth Avenue, Joslin (Certificate of Title: Volume 5720 Folio 55)
<b>DESCRIPTION OF DEVELOPMENT:</b>	Construction of a single-storey detached dwelling, inground swimming pool, boundary fencing and retaining, and a masonry and metal infill front fence.
<b>ZONE:</b>	Residential Historic (Conservation) Zone – Joslin/Royston Park Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 17 December 2017)
<b>PUBLIC NOTIFICATION CATEGORY:</b>	Category 1

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a single-storey detached dwelling, inground swimming pool, boundary fencing and retaining, and a masonry and metal infill front fence.

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

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

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

#### **Subject Land Attributes**

Shape:	regular
Frontage width:	21.34 metres
Depth:	43.58 metres
Area:	929.95m <sup>2</sup>
Topography:	slightly sloping from the rear (northwest) to the front (southeast)
Existing Structures:	single-storey dwelling and freestanding garage
Existing Vegetation:	Grass and associated low scale landscaping

The subject land is a regular shaped allotment on the north-western side of Sixth Avenue. The subject land currently contains a single-storey dwelling and freestanding garage. The land slopes slightly from the north-western property boundary to the Sixth Avenue frontage, rising approximately 410mm across a length of 43.58 metres.

## Locality Attributes

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

The locality is considered to be confined to the dwellings fronting both sides of Sixth Avenue, between Lambert Road and Werrina Avenue, and is predominantly characterised by single-storey detached dwellings. The majority of the dwellings (7 out of 12) on the south-eastern side of Sixth Avenue within the locality are Contributory Items, with bungalows the most common architectural styles. The north-western side of Sixth Avenue has had significant re-development with only 3 of the 9 detached dwellings listed as Contributory Items. The only notable exceptions to detached dwellings is a single-storey residential flat building located directly adjacent to the subject site (128 Sixth Avenue) and two semi-detached dwellings located at 145 Sixth Avenue.

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

## Proposal in Detail

The Applicant seeks consent to construct a single-storey detached dwelling, inground swimming pool, boundary fencing and retaining, and a masonry and metal infill front fence.

The proposed dwelling has a symmetrical hipped roof behind projecting front cut gable elements with a double garage set back from the primary frontage which is partially obscured by a freestanding carport structure.

Whilst contemporary in design, the proposed dwelling has a mixture of traditional and contemporary building materials such as face brick, rendered masonry, stone, timber doors and traditionally proportioned window frames, with deep corrugated sheet metal roofing. The proposed colour scheme includes rendered brick pillars, parapet and façade in “surf mist” (light grey), with feature “roda’ ( grey ) stone walls providing visual separation to the vertically orientated windows. The horizontal roof featured above the horizontal verandah element is facia with a contemporary feature infill of maxline cladding in “colorbond monument”.

Rear portions of the dwelling have “Aubergine” (dark grey) face brickwork to the remainder of the ground level elevations. Roof cladding is proposed along with “monument” galvanised corrugated profile roof sheeting.

The proposed contemporary flat roof front verandah is to be rendered with a ‘surfmist’ colour finish and presents as a horizontal element of similar in height and scale of Contributory Items located on the south-eastern side of Sixth Avenue.

Internally, the proposed dwelling comprises a master bedroom (with an ensuite and walk-in-robe) facing Sixth Avenue, a powder room and study, a WC and drop zone (accessed from the double garage), combined kitchen/dining/living room, with three (3) bedrooms, a second bathroom and living room located towards the rear of the house. The two (2) vehicle garage is integrated into the dwelling (although not completely under the main roof) with vehicle access/egress access from the Sixth Avenue frontage. The kitchen/dining area opens out onto an alfresco area, with the inground swimming pool located between the alfresco area and the rear three bedrooms and living area.

A contemporary masonry and metal infill front fence is proposed, with the application also including boundary fencing in corrugated ‘Woodland Grey’ to a maximum height of 2.4 meters (when combined with retaining walls).

A landscaping plan has been submitted with the Application. The proposed landscaping plan details areas where landscaping is to be located, and indicates a range plant types however a species details are not provided.

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

**TABLE 1: DEVELOPMENT DATA:**

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	929.95m <sup>2</sup>	600m <sup>2</sup> – Joslin/Royston Park Policy Area PDC 5
Allotment Width	21.34m	18.0m – Joslin/Royston Park Policy Area PDC 7
Allotment Depth	43.58m	N/A
External Wall Height*	3.020 – 3.45m	N/A
Maximum Overall Height (to roof apex)*	6m (single-storey component)	Single-storey – Joslin/Royston Park Policy Area PDC 4
Floor Areas	447.12m <sup>2</sup> - total floor area	N/A
Site Coverage	48.08%	50% - St Peters Policy Area PDC 6
Private Open Space	286.6m <sup>2</sup> (30.8%)	20% - City Wide PDC 225(a)
Street Set-back	5.3m – verandah 5.5m – facade	Reflect the pattern in the locality and equal to or greater than any adjacent LHP or CI – Joslin/Royston Park Policy Area PDC 8
Side Set-back	<u>North- eastern</u> 1.3–3.7m 2.4 – garage <u>South-western</u> 1.5-5.2m	Reflect the established pattern – Joslin/Royston Park Policy Area PDC 8
Rear Set-back	0.9m – ground level	N/A
Car Parking Provision	2 undercover	2 on-site parking spaces per dwelling (Table NPSP/8)

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

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

### Notification

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

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

Accordingly, no public notification was undertaken.

### State Agency Consultation

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

## Discussion

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

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

### Land Use and Density

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

#### Joslin/Royston Park Policy Area Desired Character Statement

Joslin/Royston Park Policy Area Objectives: 1  
Joslin/Royston Park Policy Area PDC's: 2, 3, 5 & 7

#### Residential Historic (Conservation) Zone Desired Character Statement

RH(C)Z Objectives: 2, 4, 6  
RH(C)Z PDC's: 7, 8, 30

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

Joslin/Royston Park Policy Area Principle of Development Control 2 states:

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

The construction of a detached dwelling, with an associated swimming pool is consistent with Principle of Development Control 2 of the Joslin/Royston Park Policy Area.

Joslin/Royston Park Policy Area Principle of Development Control 3 and the Desired Character Statement (in part) state respectively:

*"A new dwelling should only be constructed where it replaces an existing building or feature, which does not contribute to the historic character of the Joslin/Royston Park Policy Area, with a more sympathetic style of development."*

and

*"Due to the high degree of intactness displayed in the Joslin/Royston Park Policy area, limited opportunity exists for redevelopment. New dwellings will be restricted to the replacement of non-contributory items or the re-use of underutilised allotments."*

As development approval has been granted to demolish the existing dwelling, the construction of a new dwelling is consistent with Principle of Development Control 3 and the Desired Character Statement of the Policy Area.

### Streetscape/bulk/scale/height/character

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

#### Joslin/Royston Park Policy Area Desired Character Statement

Joslin/Royston Park Policy Area Objectives: 1  
Joslin/Royston Park Policy Area PDC's: 1, 3 & 4



Residential Historic (Conservation) Zone Desired Character Statement

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

City Wide Objectives: 18, 19 & 20  
City Wide PDC's: 28-32, 33, 37, 39, 41, 191 & 209-216

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

- the house presents as a relatively modest form in the street;
- the roof form on this revised design is now of similar height and pitch to the existing traditional houses in the area.
- the colours are quite muted and appropriate for this context.
- the garage is setback is kept off the boundary quite a reasonable distance, which is a positive aspect.
- the front fence is a relatively modest contemporary rendered pillar and metal blade infill fence in a minimalist style that will work well with the house.
- while garages are not typical anywhere in Historic Conservation Zones, the designer has set it well back, made it a dark colour and added the structure in front, trying his best to downplay its size.

Mr Brown concluded his report by advising:

*“On balance, the proposed design satisfies the majority of heritage related provisions in the Development Plan, and replaces a non-character dwelling in the street with something more contemporary, and better suited to modern lifestyles.”*

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

The proposed dwelling presents to Sixth Avenue as a wide single fronted house with attached garage, of contemporary design. The proposed dwelling design references details of Contributory Items from the locality in a simple modern design which complements, without competing with or replicating, surrounding character homes; in particular the neighbouring Contributory Items located at 118, 124, 129, 131, 133, 135, 137, 141, 143 Sixth Avenue and 43 Lambert Road.

Joslin/Royston Park Policy Area Objective 1 states:

*“Development which enhances the historic character of the Joslin/Royston Park Policy Area”*

The predominant height of dwellings in the locality is single-storey, consistent with Joslin/Royston Park Policy Area Principle of Development Control 4.

The proposed dwelling has wall heights, an overall scale and a simple hipped roofed form set back over the bulk of the main living areas, with two projecting forms coming forward to the front of the house reminiscent of the bungalow verandah and roof forms in the area that is compatible with existing traditional dwellings in the zone when viewed from the street.

Residential Historic Conservation Zone Principle of Development Control 31 (b) and City Wide Principle of Development Control 211(a) respectively state:

*“Development of carports and garages should...be designed and sited to ensure garage doors do not visually dominate the primary or secondary street frontage of the dwelling”*

and

*“Unless the desired character of an area provides otherwise, garages and carports fronting a primary street should:*

- (a) *be of a width that is minimised relative to the width of the dwelling frontage and in any case, should be designed with a maximum width (including the total width of any support structure) of 6.5 metres or 50 per cent (or 40 per cent in a Residential Historic (Conservation) Zone) of the allotment or building site frontage width, whichever is the lesser distance;*

The land is currently serviced by an existing crossover that provides vehicular access/egress to and from Sixth Avenue. A two vehicle garage with vehicular access/egress to and from Sixth Avenue is proposed. The garage is 6.5 metres wide externally including support structure, representing 30% of the allotment frontage width, consistent with City Wide Principle 211(a).

While a double garage is not typical within the zone, the large setback from Sixth Avenue, the colour choice and the construction of a pergola/carport forward of the structure creates shadow elements which assists the garage to become visually recessive to reduce its dominance on the streetscape.

The Applicant has prepared a streetscape perspective of the proposed dwelling, which provides a reasonable illustration of the bulk and scale of the proposed dwelling and its relationship with the adjacent residential flat building and semi-detached single fronted dwellings located at 126/128 Sixth Avenue and 130a/132 Sixth Avenue respectively. The streetscape perspective is contained in **Attachment B15**.

It is considered that the single-storey form of the proposal is acceptable and accords with City Wide Principles of Development Control 29 and 30. On balance, the proposal is considered to be acceptable from a streetscape heritage and character perspective.

#### Setbacks and Site Coverage/Overshadowing

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

Joslin/Royston Park Policy Area PDC's:	6 & 8
Residential H(C)Z PDC's:	10, 11 & 12
City Wide PDC's:	11, 31, 50, 71, 72, 195, 196, 204-206, 208, 235 & 236

The facade of the dwelling is proposed to be set back 5.5 metres from the Sixth Avenue property boundary, with a verandah element located forward of the main face at 5.3 metres from the street boundary.

Joslin/Royston Park Policy Area Principle of Development Control 8 states:

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

The adjacent allotments do not contain any buildings of heritage significance, however the adjoining dwelling and residential flat building have front setbacks to the primary façade of 6 meters (130A Sixth Avenue) and 4.7 metres (128 Sixth Avenue). The closest example of a Contributory Item is located at 124 Sixth Avenue and has a front setback of approximately 4.6 metres.

The proposed dwelling has a greater front setback than the average of the two adjoining dwellings and in this context, the proposed front setback is consistent with Joslin/Royston Park Policy Area Principle of Development Control 8.

On the south-western side, the proposed dwelling is to have side setbacks also ranging from 1.5 – 5.2 metre. On the north-eastern side, the proposed dwelling is to have side setbacks ranging from 1.3 – 3.7 metres. The garage is set off 2.4 meters from the boundary and is setback 5.5 metres from the main face of the dwelling.

In terms of the neighbouring residential flat buildings located at 128 Sixth Avenue, the proposed set back of 1.5 metres is likely to have some impact on the visual outlook of the occupants of these dwellings. This is particularly relevant, since the private open space of these dwellings is located adjacent to the subject land. The applicant has amended the plans in an attempt to soften the impact of this brick wall. In particular, the

sections of wall above the three low level windows are recessed 20mm from the main wall alignment, to add some visual relief to the otherwise uniform wall surface. In addition, screening bamboo is proposed in front of the wall.

Whilst the impact of the wall adjacent the south-western boundary is a negative aspect of the proposal, following the changes introduced to the plans, this portion of the proposed dwelling is not expected to have an unreasonable impact on amenity, either by way of visual outlook or overshadowing.

The proposed dwelling has a setback of 1.5 metres to 3.7 metres from the north-eastern side boundary of the allotment, with the neighbouring dwelling at 130A Sixth Avenue having a 1.6 metre setback from this boundary. Due to the length of the existing dwelling at 130A Sixth Avenue, no proposed built form is to be visible from the private open space of 130A and as such the proposals impacts both on natural light and private open space to the occupiers at 130A are minimal.

In terms of the north-western (rear) boundary, a 900mm setback is proposed to the rear portion of the dwelling, which is 6.6m wide and ranges in height from approximately 3.6m to 4.1m above natural ground level. The neighbouring dwelling located at 127 Seventh Avenue is set back 19.7 metres from this rear boundary with the land within this space occupied by private open space/landscaping. An outbuilding located in the southern corner of the property limits views of the proposed dwelling from this rear yard area. In this context, the visual outlook for the occupiers of the dwelling is not considered to be unreasonably compromised despite the proposed dwelling's rear setback of 0.9 metres. In forming this view, consideration has been given to a typical outbuilding which might otherwise be constructed in a similar location, with a comparable width and height.

The proposed dwelling setbacks contain no boundary development and are therefore consistent with Historic Conservation Zone Principle of Development Control 11 which states;

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

In the context of existing development within the locality, some of which incorporates walls close to (ie. in some instances less than 1.0 metre) or on (ie. garages/carports) side boundaries, it is considered that the proposed setbacks and the potential visual impact of the proposed dwelling on the occupiers of adjacent land are acceptable.

The proposed dwelling has 447.12m<sup>2</sup> of covered area including an alfresco area and garage. With a proposed site coverage of 47.9%, the proposal satisfies the requirement of Joslin/Royston Park Policy Area Principle of Development Control 6.

With regard to overshadowing, the applicant has provided shadow diagrams to determine the extent of overshadowing that would result from the construction of the single-storey dwelling, specifically the impact that the proposal has on the adjoining allotments private open space at 128 Sixth Avenue.

During the winter solstice, the proposed dwelling would cast a shadow over the adjacent dwelling's private open space to varying degrees throughout the morning. However, by midday, the extent of overshadowing caused by the proposed dwelling is limited.

Throughout the afternoon, direct sunlight would be maintained to the adjacent residential flat building at 128 Sixth Avenue to at least half of its private open space, in accordance with City Wide Principle of Development Control 196. As such, the degree of overshadowing caused by the proposed dwelling would not have an unreasonable impact on adjacent dwellings or their occupants.

Shadow diagrams have been prepared by the applicant are contained in **Attachment B20-B22**.

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 286.6m<sup>2</sup> of private open space. The private open space area includes an open uncovered area 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 30.8% of the dwelling's proposed site area, therefore satisfying the minimum provision of 20%, prescribed by City Wide PDC 225(a).

Car-parking/access/manoeuvring

Residential H(C)Z PDC's: 32

City Wide Objectives: 34

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

Table NPSP/8

Table NPSP/8 prescribes that the proposed dwelling should be provided with two (2) on-site car parking spaces, of which at least one (1) should be covered.

The proposed dwelling includes two (2) undercover car parks within the garage, with access from the Sixth Avenue frontage of the property. Because the garaging is setback 11 metres from the front boundary, an additional 2 to 3 uncovered off street parks are available on site should they be required.

The existing crossover is to be shifted slightly to accommodate access and egress to the site with a width of 4.6 metres.

Finished floor levels/flooding/retaining

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

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

The subject land is not within a recognised flood plain.

The subject land is relatively flat with a maximum fall of 410mm from the front to the rear of the allotment, over the 43.59 metre depth of the site. As such, stormwater is able to be discharged to the Sixth Avenue water table by gravity.

The proposed finished floor level of the new dwelling is to range between 206 and 680 millimetres above the relative natural ground level and 250 to 360 millimetres above the adjacent top-of-kerb. The proposed finished floor level is considered appropriate, as the level of 'build-up' is only sufficient to allow the dwelling to drain to street water table and considered to be consistent with traditional character homes within the locality and will provide a good transition in height between the adjacent buildings (which include a residential flat building and a single-storey dwelling, which have a finished floor levels between 18 and 330 millimetres lower than that of the proposed dwelling).

In this context, retaining walls are required along both external side boundaries of the land. Along the north-eastern side boundary, a retaining wall height of 180mm is proposed. Along the south-western side boundary, the retaining is proposed to vary in height between 300 and 400 millimetres. A 600mm high retaining wall is proposed along the rear boundary.

The application includes 1800mm high fencing in a corrugated profile in colorbond 'monument' to create a combined height of retaining and fencing ranging between 1.98 to 2.4 meters. The resulting combined retaining wall and fencing heights are not considered not to be unreasonable, and would be consistent with City Wide Principle of Development Control 58, which states:

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

The proposed finished floor levels allow the natural drainage of the site to the street water table and avoid the requirement of 'sump pumps' by the utilisation of jump up sumps in accordance with City Wide Principle of Development Control 164.

#### Trees (regulated, mature & street) and landscaping

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

Residential H(C)Z PDC's:	36 & 37
City Wide Objectives:	24, 98, 117, 118 & 119
City Wide PDC's:	220, 221, 344, 409- 414

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

In terms of landscaping, the Applicant has provided a landscaping plan which indicates that a variety of plants are to be located within designated areas. A landscaping schedule has not provided as applicant has indicated that the final landscaping details are to be selected once construction of the proposal has commenced.

The landscaping plan contains bamboo plantings to a height of 3 metres along the rear portion of the dwelling abutting 128 Sixth Avenue to provide visual interest and screening of the dwelling which runs almost the full extent of the block. It is recommended that, if the Panel determines to approve the proposed development that these plantings be conditioned to require their ongoing maintenance as part of the approval and that landscaped areas on the landscaping plan be conditioned to be planted with a suitable mix of and density of trees, shrubs and groundcovers.

A copy of the landscaping plan and schedule is contained in **Attachment B17**.

The Queensland Box street tree on the Council verge has a structural root zone calculated at 2.64 metres which is outside the front masonry fence location and would not be impacted by the proposal.

The proposed landscaping is considered to be consistent with City Wide Objective 24, which anticipates development enhanced with appropriate landscaping.

#### Environmental Sustainability

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

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

The private open space area is located on the northern side of the proposed dwelling (ie. to the rear of the dwelling and to the north-east of the two-storey portion of the dwelling). The proposed dwelling is orientated to maximise solar access to northern light, with the private open space receiving direct solar access for most of the day, throughout the mid-morning through to the mid-afternoon. Alfresco and living areas (Kitchen, Meals and Family rooms) are orientated to take advantage of the northern aspect, with expansive frosted glass widows allowing natural light to enter these spaces.

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 civil plan contained in **Attachment B19** indicates that a 1,000-litre rain water tank is to be provided as part of the proposal.

Given that the proposed development includes large areas of impervious surfaces, it is recommended that, if the Panel determines to approve the proposed development, a condition be imposed requiring that a rainwater tank with a minimum capacity of 2,000 litres be installed in accordance with City Wide Principle of Development Control 159.

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

### **Summary**

The proposed detached dwelling is an anticipated type of development within the Residential Historic (Conservation) Zone.

The proposed dwelling is single storey and has a facade that is sympathetic to the basic scale and proportions of existing single-storey character dwellings within the locality. The dwelling demonstrates a compatible visual relationship with buildings that contribute to the historic character of the Joslin/Royston Park Policy Area by way of integrating a contemporary architectural design which is considered to complement the historic building stock, without replicating the original dwellings within the locality.

In addition, the proposed dwelling has consistent setbacks with other detached dwellings, uses a contemporary projecting roof elements while retaining a traditional roof form, incorporates well-proportioned front windows, has a front verandah element and has complementary masonry materials and finishes to the facade.

While the development includes a double garage facing the primary street, the generous setback and block width, combined with a freestanding front carport and recessive colour scheme minimise the dominance of the structure and the impact to the streetscape.

On balance, the proposed dwelling could fit comfortably into the existing streetscape, without compromising the rhythm of front setbacks in the locality and not unreasonably impacting on adjacent residential properties, while improving the standard of development along the north-western side of Sixth Avenue.

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 Sixth avenue is considered to be safe and convenient.

The proposal is orientated to maximise its northern solar access to internal and outdoor living areas of the proposed dwelling, given the orientation of the subject land and the dwelling's subsequent configuration.

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

### **RECOMMENDATION**

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/130/18 by Finesse Built, to Construct of a single-storey detached dwelling, inground swimming pool, boundary fencing and retaining, and a masonry and metal infill front fence on the land located at 130 Sixth Avenue, Joslin subject to the following requirements, conditions and notes:

### Relevant Plans

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

- plans and elevations (Job Number FB108) prepared by Finesse Built and received by the Council on 26 April 2018; and
- civil and drainage plan (Drawing Number 17309-C01) prepared by Gama Consulting and received by Council on 26 April 2018.

### Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.
2. A 2,000 Litre rainwater tank shall be plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
3. That the associated filter pump be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers within the following planting season after the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
5. The 'screening bamboo' nominated on the landscaping plan shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
6. The driveway gate located at the front of site shall be installed to match existing footpath gradients. Any changes to crossover levels and gradients are to be undertaken to match existing footpath levels.

### 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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*Moved*

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/130/18 by Finesse Built, to Construct of a single-storey detached dwelling, inground swimming pool, boundary fencing and retaining, and a masonry and metal infill front fence on the land located at 130 Sixth Avenue, Joslin subject to the following requirements, conditions and notes:*

*Relevant Plans*

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

- *plans and elevations (Job Number FB108) prepared by Finesse Built and received by the Council on 26 April 2018; and*
- *civil and drainage plan (Drawing Number 17309-C01) prepared by Gama Consulting and received by Council on 26 April 2018.*

*Conditions*

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



3. *Further detail of the design, siting and an acoustic attenuation of the pool pump and filter shall be provided to the reasonable satisfaction of the Council or its delegate.*
4. *All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers within the following planting season after the occupation of the premises to the reasonable satisfaction of the Council or its delegate.*
5. *The 'screening bamboo' nominated on the landscaping plan shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.*
6. *The driveway gate located at the front of site shall be installed to match existing footpath gradients. Any changes to crossover levels and gradients are to be undertaken to match existing footpath levels.*

Notes to Applicant

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

*Seconded and carried*

## 2. STAFF REPORTS

### 2.4 DEVELOPMENT APPLICATION 155/176/2018 – MS H NEILD – 18 MORCOMB STREET, STEPNEY

DEVELOPMENT APPLICATION:	155/176/18
APPLICANT:	Ms H Neild
SUBJECT SITE:	18 Morcomb Street, Stepney (Certificates of Title Volume: 5454 Folio: 142)
DESCRIPTION OF DEVELOPMENT:	Construction of a single-storey detached dwelling
ZONE:	Residential Historic (Conservation) Zone, Maylands Policy Area, Norwood, Payneham and St Peters (City) Development Plan (dated 19 February 2018)
PUBLIC NOTIFICATION CATEGORY:	Category 1

#### Background and Purpose of Report

At its Meeting on 15 February 2016, the Panel determined to grant consent to Development Application 155/592/15 which involved the construction of a single-storey detached dwelling fronting Henry Street, fencing and demolition of a verandah attached to the rear of an existing dwelling located on the corner of Morcomb Street and Henry Street. A copy of the relevant section of the minutes including the approved plans, is contained in **Attachment A**.

On 7 April 2016, Development Approval was granted by Council staff under delegated authority, for a land division (DA 155/D087/14), to create a new allotment fronting Henry Street. This approval remains valid.

On 15 February 2017, the Development Plan Consent for DA 155/592/15, for the construction of the dwelling fronting Henry Street lapsed.

On 15 March 2018, Development Application 155/176/18 was lodged, for the construction of a single-storey detached dwelling fronting Henry Street, which is the subject of this report. The dwelling is very similar to that which was approved via Development Application 155/592/15, however the facade treatment is different.

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

Staff do not have delegated authority to determine the Application, as it is for 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.

#### Discussion

As the Panel previously granted consent to a new dwelling on the subject land with essentially the same siting and scale as the proposed dwelling, this report focuses on the changes which have been made to the facade treatment and resultant streetscape impact of those changes.

The previously approved dwelling had a low pitched asymmetrical roof form that projected over the main front facade component and then returned back towards the secondary facade area of the dwelling, followed by a small angular projection towards the dividing internal boundary. The associated carport on the western side of the dwelling mirrored the roof pitch of the dwelling and pitched back into the side of the building and was situated beneath the roof line of the dwelling.

The revised dwelling presents a more simplified and balanced form to Henry Street, with a symmetrical gabled front facade and the main building materials to the facade being recycled heritage red bricks and standing-seam metal cladding (colour "Night Sky"), along with custom orb colorbond roofing (colour "Shale Grey"). The associated carport has a roof pitch that matches the proposed dwelling's roof pitch, with the pitching point being set at the western side boundary. The carport roof is to project parallel to that of the dwelling's roof and is to have a maximum height of 3.8 metres compared to 3.1 metres as part of Application 155/592/15.

The Application was referred to the Council's Heritage Advisor, David Brown. Mr Brown has concluded that the revised dwelling will result in a positive and complementary contribution to the existing streetscape given the revised design appearance results in an improved design response that responds well contextually to the surrounding built form character.

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

It is considered that the revised front facade appearance is acceptable and accords with City Wide Principles of Development Control 29 and 30, which seek new buildings with a visual bulk and architectural scale that is complementary to the established character of the locality. On balance, the proposal is considered to be acceptable from a streetscape heritage and character perspective.

### Summary

The proposed single-storey dwelling displays a simplified contemporary front facade that is sympathetic to the basic scale and proportions of existing single-storey character dwellings within the locality that contribute to the historic character of the Maylands Policy Area. Furthermore, the contemporary architectural design approach is considered to complement the historic building stock, without replicating the original dwellings within the locality and will fit comfortably into the existing Henry Street streetscape which is characterised by garaging and side fencing.

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

### RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/176/18 by Ms H Neild to construct a single-storey detached dwelling, on the land located at 18 Morcomb 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 and elevations received by the Council on 6 May 2018.

### Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building.
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. 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.
4. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
5. The final details of the front fence for the provided to the reasonable satisfaction of the Council, prior to Development Approval being granted.

### Notes to Applicant

1. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
2. 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.
3. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development is likely to be at the Applicant's cost.
4. 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).
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.

Moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/176/18 by Ms H Neild to construct a single-storey detached dwelling, on the land located at 18 Morcomb 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 and elevations received by the Council on 6 May 2018.*

#### Conditions

1. *All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building.*
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 ground covers shall be provided to the reasonable satisfaction of the Council or its delegate prior to Development Approval being granted.*
4. *All areas nominated as landscape 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. *The final details of the front fence for the provided to the reasonable satisfaction of the Council, prior to Development Approval being granted.*

#### Notes to Applicant

1. *The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.*
2. *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.*
3. *The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development is likely to be at the Applicant's cost.*

4. *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).*
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

### 2.5 DEVELOPMENT APPLICATION 155/D003/2018 – MR J CARTER – 2 ALNWICK TERRACE, HEATHPOOL

<b>DEVELOPMENT APPLICATION:</b>	<b>155/D003/18</b>
<b>APPLICANT:</b>	<b>Mr J Carter</b>
<b>SUBJECT SITE:</b>	<b>2 Alnwick Terrace, Heathpool (Certificate of Title Volume: 5701 Folio: 608)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Land division creating two allotments from one allotment</b>
<b>ZONE:</b>	<b>Residential Character Zone Heathpool / Marryatville Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 1</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on a Development Application for a land division creating two allotments from one allotment.

Staff do not have delegated authority to determine the Application, as it comprises a land division which does not meet the relevant quantitative Development Plan criteria with respect to site area. In particular, the proposed allotments have areas of 362m<sup>2</sup> and 363m<sup>2</sup>, whereas the relevant quantitative Development Plan criteria is 400m<sup>2</sup> metres.

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

#### **Subject Land Attributes**

Shape:	regular (with corner cutoff)
Frontage width:	18.29 metres
Depth:	39.89 metres
Area:	725 m <sup>2</sup>
Topography:	essentially flat
Existing Structures:	two storey detached dwelling
Existing Vegetation:	lawned areas with surrounding shrubs and non-regulated trees

The subject land is a corner site with a primary frontage to Alnwick Terrace and a secondary frontage to Hanson Avenue. It is a relatively flat site, occupied by a two storey dwelling which was originally constructed circa 1940's or 1950's, as a single storey sandstone building with bay windows and tiled roof. A second storey was later added.

The subject land is located directly adjacent to First Creek, which runs through the property to the east at 4A Alnwick Terrace. The subject land is located outside of the 20 year and 50 year Average Return Interval (ARI) flood plains, but within the 100 year ARI flood plain.

#### **Locality Attributes**

The subject land is located adjacent to Marryatville High School sports grounds. This, combined with the generous setbacks of dwellings on either side of the intersection of Hanson Avenue and Alnwick Terrace, creates a very open, spacious setting at the intersection. First Creek and associated vegetation adds to the high amenity of the locality.

A range of dwelling types exist in the locality, with the most common form being original detached dwellings from the early to mid-twentieth century. Subsequent infill housing exists along both Alnwick Terrace and Hanson Avenue. On Alnwick Terrace, four dwellings on approximately 11m frontages were constructed in the 1990's, at 4A, 4B, 4C and 4D Alnwick Terrace, to the east of the subject land. On Hanson Avenue, a new detached dwelling has recently been completed, replacing a former 1970's detached dwelling, at 1A Hanson Avenue, adjacent the subject land to the west.

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

### Proposal in Detail

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

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

**TABLE 1: DEVELOPMENT DATA:**

Consideration	Allotment 97	Allotments 98	Development Plan Merit Assessment Quantitative Guideline
Site Area	362m <sup>2</sup>	363m <sup>2</sup>	400m <sup>2</sup>
Allotment Width	18.29m	19.83m	10m
Allotment Depth	20.04m	18.29m	N/A

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

### Notification

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

### State Agency Consultation

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

### Discussion

The subject land is located within the Residential Character 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.

Principle of Development Control 2 of the Heathpool/Marryatville Policy Area sets a minimum frontage width of 10m and minimum site area of 400m<sup>2</sup> for detached dwellings.

Being a corner allotment, each of the allotments in the proposed land division readily achieve the minimum frontage criteria. However, the proposed allotments fall short of the minimum site area by 37m<sup>2</sup> and 38m<sup>2</sup>, representing a shortfall of approximately 10%.

Objective 1 of the Residential Character Zone seeks:

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

The Desired Character Statement for the Residential Character Zone states:

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



In this respect, it is noted that the desire for original land division patterns to be preserved, is expressed independent of the desire for characteristics of pre-1940's dwellings to be referenced. In other words, the Desired Character Statement is expressed such that it seeks to preserve original land division patterns, irrespective of the era of dwellings which are located on the relevant parcel of land under consideration.

The Residential Character Zone Desired Character Statement proceeds to state:

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

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

The Desired Character Statement for the Heathpool/Marryatville Policy Area states:

*"In the following locations:*

- *in Heathpool, on sites fronting Heathpool Road, Northumberland St, Elizabeth and along the portions of Rothbury Avenue and Stannington Avenue located west of Hanson Avenue; and*
- *in Marryatville, west of Clapton Road, on sites with an area of less than 1000 square metres;*

*opportunities for residential intensification will be limited to the redevelopment of existing multi-unit sites, dwelling additions or in certain circumstances, the conversion of an existing dwelling into two (or more) dwellings, or the development of a dependent living unit."*

*"Outside of these locations in Heathpool, infill development may comprise detached and semi-detached dwellings and on larger sites, group dwellings, provided that such development complements the existing streetscape character and is designed to maintain relatively spacious siting characteristics."*

The subject land is not located within an area of Heathpool referenced in the statement above. Therefore, with reference to the desired character for the zone and policy area, the subject land may be divided, provided that:

- the resulting allotments will generally reflect surrounding land division patterns;
- the existing streetscape character is complemented; and
- relatively spacious siting characteristics are maintained.

Each of these considerations are addressed below.

#### Surrounding Land Division Patterns

Despite some infill development having occurred within the locality, there are no existing allotments within the locality as small as what is proposed. The smallest allotment in the locality is located at 2C Alnwick Terrace, approximately 80 metres west of the subject land, which is 437m<sup>2</sup> in area. Figure 1 below, shows the approximate area of all allotments within what is considered to be the locality of the subject land.



Figure 1. Approximate areas of allotments within the locality

On behalf of the applicant, Mr Alberto D'Andrea has prepared a statement in support of the proposed land division. Within the statement, Mr D'Andrea has suggested that the proposed land division would be reflective of the adjacent land at 1 and 1A Hanson Avenue insofar as the proposed allotment frontages to Hanson Avenue would be essentially the same as those adjacent allotments. Whilst the proposed allotments are not as deep as those at 1 and 1A Hanson Avenue, Mr D'Andrea suggests that they will appear deeper than they are, because the adjacent allotment to the rear at 4A Alnwick Terrace, which contains First Creek, is vacant and will therefore appear as though it is part of the subject land. A copy of the statement is contained in **Attachment C**.

Whilst that may be the case to some extent, the actual size and depth of the proposed allotments, would dictate the siting of future dwellings on the allotments and the ability to achieve a built form and setbacks characteristic of the locality. Whilst the dwellings on the adjacent allotments at 1 and 1A Hanson Avenue are single storey with generous space around them, that would not be readily achievable for the proposed allotments.

#### Complementary Streetscape Character

A separate Development Application has been lodged by the Applicant, for the construction of dwellings on each of the proposed allotments. A copy of the plans submitted with that application is contained in **Attachment D**. The dwellings are two storey, with the upper level mostly contained within the roof space. The dwelling on Allotment 97 fronts Alnwick Terrace with a 5m setback and has a secondary frontage to Hanson Avenue with a 3m setback (2m to garage). The dwelling on Allotment 98 fronts Hanson Avenue and has a setback of 5m.

The existing streetscape character is derived from predominantly single storey dwellings (noting the existing dwelling on the subject land has a two storey addition, as does the dwelling at 3 Hanson Avenue), with relatively low pitch roofs and generous street setbacks, contributing to an overall spacious, well landscaped character.

The proposed land division is not conducive to future dwellings being capable of complementing this existing streetscape character. The dwellings depicted in the plans which have been submitted, would not be complementary, as they occupy a large proportion of the allotments with a bulky form and are sited close to both street boundaries.

Despite the upper levels of the dwellings being mostly located within the roof space, the dwellings are not considered to have a “*mostly single-storey appearance along the primary street frontage*” as per Principle of Development Control 4 of the Heathpool/ Marryatville Policy Area. This is due to outwardly two storey projecting elements at the front of each dwelling and the very steep and high roof forms. The dwellings would not “*maintain or enhance the quality of the existing streetscape, with particular reference to the scale, form and siting characteristics of the pre-1940s dwellings*” as per the desired character for the Residential Character Zone.

#### Maintenance of Spacious Siting Characteristics

As outlined in the description of the locality, the intersection of Alnwick Terrace and Hanson Avenue is largely characterised by open space, due to the school oval adjacent and the generous corner setbacks of the dwelling on the subject land and the dwelling at 1 Hanson Avenue. In particular, the dwelling on the subject land is set back 10 metres from the corner cut-off of its allotment at the closest point and the dwelling at 1 Hanson Avenue is located 9 metres from the corner cut-off of its allotment at the closest point.

The proposed dwelling is set back just 4 metres from the corner cut-off of its allotment at the closest point. This would significantly impact on the spacious siting characteristics at this intersection.

City Wide Principle of Development Control 186 states:

*“Residential allotments and sites should have the appropriate orientation, area, configuration and dimensions to accommodate:*

- (a) the siting and construction of a dwelling and associated ancillary outbuildings;*
- (b) the provision of landscaping and useable private open space;*
- (c) convenient and safe vehicle access and off street parking;*
- (d) passive energy design; and*
- (e) the placement of a rainwater tank.”*

The plans of the dwellings demonstrate that considerations a-e in Principle of Development Control 186 are able to be achieved, with the possible exception of consideration d, as the dwelling on Allotment 98 does not achieve northern sun access to the living area.

City Wide Principle of Development Control 187 states:

In relation to other land division considerations, City Wide Principles of Development Control 20 and 21 state that land should not be divided:

- if the intended use of the land is likely to require excessive cut and/or fill;
- if any portion of any allotment is within the principal flow path of the 1 in 20 year Average Recurrence Interval floodplain;
- unless stormwater is capable of being drained safely and efficiently from each proposed allotment and disposed of from the land or retained on the land, in an environmentally sensitive manner;

As the land is essentially flat, the intended use is not likely to require excessive cut and/or fill and Stormwater is able to be disposed of to the street water table. The land is not located within the 1 in 20 year ARI floodplain. That said, as the land is affected by the 100 year ARI floodplain, the floor level of the dwellings would need to be elevated higher than would otherwise be the case.

#### **Summary**

The subject land is located in an area of Heathpool where land division is envisaged, subject to a site area of 400m<sup>2</sup> and minimum frontage widths, as well as achieving qualitative considerations.

The proposed land division does not achieve the minimum site area and is not considered to achieve the relevant qualitative considerations. The land division would likely not lead to future dwellings which maintain the spacious siting characteristics of the locality, nor maintain or enhance the quality of the existing streetscape.

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

### RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **refused** to Development Application No 155/D003/18 by Mr J Carter, for a land division creating two allotments from one existing allotment, on the land located at 2 Alnwick Terrace, Heathpool, for the following reasons:

#### Reasons for Refusal

1. The proposed allotments are less than 400m<sup>2</sup> in area, contrary to Principle of Development Control 2 of the Heathpool/Marryatville Policy Area;
2. The resulting allotments will not generally reflect surrounding land division patterns, contrary to the Desired Character Statement for the Residential Character Zone.
3. The proposed land division is not conducive to development which complements the existing streetscape character or maintains spacious siting characteristics, contrary to the Desired Character Statement for the Heathpool/ Marryatville Policy Area.

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*Moved*

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **refused** to Development Application No 155/D003/18 by Mr J Carter, for a land division creating two allotments from one existing allotment, on the land located at 2 Alnwick Terrace, Heathpool, for the following reasons:*

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2. *The resulting allotments will not generally reflect surrounding land division patterns, contrary to the Desired Character Statement for the Residential Character Zone.*
3. *The proposed land division is not conducive to development which complements the existing streetscape character or maintains spacious siting characteristics, contrary to the Desired Character Statement for the Heathpool/ Marryatville Policy Area.*

*Seconded and carried*

**3. OTHER BUSINESS**

Terry Mosel will be an apology for the Council Assessment Panel Meeting scheduled for 18 June 2018.

*Moved*

Phil Smith to be Acting Presiding Member at the 18 June Council Assessment Panel Meeting

*Seconded and carried*

**4. CONFIDENTIAL REPORTS**

Nil

**5. CLOSURE**

The Presiding Member declared the meeting closed at 8:30pm

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**Terry Mosel**  
**Presiding Member**

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**Mark Thomson**  
**Manager Development Assessment**