

Council Assessment Panel Agenda & Reports

18 June 2018

Our Vision

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

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

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

13 June 2018

To all Members of the Council Assessment Panel:

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

NOTICE OF MEETING

I wish to advise that pursuant to Section 56A of the *Development Act 1993*, the next Ordinary Meeting of the Norwood Payneham & St Peters Council Assessment Panel, will be held in the Mayor's Parlour, Norwood Town Hall, 175 The Parade, Norwood, on:

Monday 18 June 2018, commencing at 7.00pm.

Please advise Jo Kovacev on 8366 4530 or email jkovacev@npsp.sa.gov.au if you are unable to attend this meeting or will be late.

Yours faithfully

Mario Barone
CHIEF EXECUTIVE OFFICER

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City of
**Norwood
Payneham
& St Peters**

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VENUE Mayors Parlour, Norwood Town Hall

HOUR

PRESENT

Panel Members

Staff

APOLOGIES Mr Terry Mosel

ABSENT

- 1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
 PANEL HELD ON 21 MAY 2018**

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/251/2018 – ST JOSEPH’S SCHOOL PAYNEHAM – 82 PORTRUSH ROAD, PAYNEHAM SOUTH

DEVELOPMENT APPLICATION:	155/251/18
APPLICANT:	St Joseph’s School Payneham
SUBJECT SITE:	82 Portrush Road Payneham South (Certificate of Title - Volume: 5119, Folio: 274)
DESCRIPTION OF DEVELOPMENT:	Change of use of the land to a primary school and the installation of a transportable building to be used as two (2) classrooms
ZONE:	Residential Zone – Norwood Payneham and St Peters (City) Development Plan (dated 19 December 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for a change of use from a dwelling site to a school area associated with St Joseph’s School, with the installation of a transportable building to be used as two (2) classrooms.

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

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	18.295 metres
Depth:	34.4 metres
Area:	629m ²
Topography:	essentially flat
Existing Structures:	nil
Existing Vegetation:	mature trees and shrubs

The subject land was previously occupied by a detached dwelling and associated outbuildings. The site was recently cleared of all structures and vegetation. The subject land is located in the Residential Zone.

Locality Attributes

Land uses:	mix of residential, educational and community uses
Building heights (storeys):	predominantly single storey
Streetscape amenity	Low due to mixed building stock and frontage to Portrush Road

The subject land is bounded by St Joseph's School to the north, the site of a semi-detached dwelling to the east, the site of a detached dwelling to the south and Portrush Road to the west.

The wider locality comprises residential development of various low and medium density forms to the east, south and west of the subject land.

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

Proposal in Detail

The Applicant seeks consent to change the use of the land from a dwelling site to a primary school, which involves the installation of a transportable building to be used as two (2) classrooms, with fencing and the establishment of landscaping.

The subject land abuts St Joseph's School and would effectively form a contiguous expansion of the existing school into the subject land.

A transportable building is proposed to be installed on the site to provide two additional classrooms. The classrooms are to be of a weatherboard construction and painted "Classic Cream" in colour. This includes portions between the ground and the finished floor level.

An existing grassed area to the east of the proposed classrooms is to be retained, serving as a recreation and play area in association with the School.

A 3.0 metre wide landscaping strip is proposed along portions of the southern and eastern boundaries of the subject land, adjacent to dwellings at 84 Portrush Road and 1A Tarcoma Avenue, as well as the retention of some existing vegetation located on the Portrush Road site frontage.

New 2.1 metre high tubular fencing is proposed along the street frontage (Portrush Road) to match existing cyclone fences. Fencing is also proposed along the southern boundary (abutting 84 Portrush Road) with a 1.8 metre "woodland grey" Colorbond fence on top of a 200mm plinth is proposed.

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

Notification

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

The change in the use of the land to a primary school is Category 3, pursuant to Part 4, Subdivision 2 38 (2)(c) of the *Development Act 1993*.

Two (2) representations were received (both in support) in response to this notification, copies of which are contained in **Attachment C**.

State Agency Consultation

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

Discussion

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

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

Land Use

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

Residential Zone Desired Character Statement	
Residential Zone Objectives:	3
Residential Zone PDC's:	1 & 4
City Wide Objectives:	1, 7, 10, 26, 27 & 85-88
City Wide PDC's:	1, 3, 4, 12, 19, 80, 82-85 & 320-322

The subject land is located within the Residential Zone. Development within the Residential Zone should primarily be for residential purposes, which is reinforced by the range of dwelling types listed as envisaged within Principle of Development Control 1 for the zone.

However, whilst the Residential Zone should be primarily for residential land uses, some non-residential development is also envisaged. Principle of Development Control 4 of the Residential Zone states:

“Non-residential development should be of a nature and scale that:
(a) serves the local community;
(b) is consistent with the desired character of the locality; and
(c) does not detrimentally impact on the amenity of nearby residents.”

Does the development serve the local community?

City Wide Objective 85 envisages appropriate community facilities conveniently accessible to the population they serve. The explanatory text for Objective 85 states (in part):

“A sound education system and an adequate health service provide the basis for the social well-being of a community. Therefore, schools, hospitals, cemeteries and other institutions, must be located conveniently for the people they serve.

Primary schools should be within reasonable walking distance of children's homes, and so located that children do not have to cross main traffic routes on their way to and from school. State primary schools are usually located about one kilometre apart, each school serving a population of approximately 6500 persons.

The practical difficulties in meeting the standards for the siting of primary schools make the acquisition, or reservation, of sites well ahead of requirements particularly important.”

Whilst St Joseph's School is a private school, it forms an important part of an educational system that contributes to the social well-being of the local community. The explanatory text above highlights the practical difficulties associated with acquiring or the reservation of land for the purposes of primary schools.

In this instance, the School has been able to acquire land that is contiguous to the school for the purpose of providing additional play areas and the installation of additional classrooms.

City Wide Principle of Development Control 320 states that community facilities should be conveniently located in relation to the population they are to serve. By implication, primary schools are likely to be located either within or directly adjacent to residential zones. Where schools already exist, it is reasonable to expect that some expansion may occur over time.

In this context, the proposed development is considered to serve the local community, in accordance with part (a) of Residential Zone PDC 4.

Is the development consistent with the desired character of the locality?

The Desired Character Statement for the Residential Zone primarily envisages residential development. However, non-residential development is anticipated within the Zone, particularly along arterial roads.

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

“Along arterial roads, some opportunity for the establishment of non-residential uses will be provided through the conversion of existing dwellings, small-scale purpose built buildings and on the ground floor of mixed-use buildings in close proximity to centres. Careful management of the building envelope and vehicle access/egress arrangements for this type of development will be required to ensure that it does not have an unreasonable impact on the amenity of residents located to the rear of arterial road sites and on local and arterial road networks.”

St Joseph’s School has a frontage to Portrush Road, which is an arterial road as identified within Map NPSP/1 (Overlay 1) Part A. The subject land would form a contiguous expansion of the school along this frontage.

Whilst the Desired Character Statement for the Residential Zone does not specifically refer to schools or other community uses, it does provide some guide for non-residential development adjacent to arterial roads. Importantly, it reiterates that non-residential development should not have an unreasonable impact on the amenity of residents in the local area.

Does the development detrimentally impact on the amenity of nearby residents?

The potential for the proposal to detrimentally impact on the amenity of nearby residents relates to two potential impacts relating to noise and visual amenity. Noise associated with a school is likely to reach its peak periods during lunch breaks, with some noise attributed to student pickup and drop off times and movement between classrooms.

While the areas at the rear of the proposed classrooms are to be used for play areas during lunch periods, the relatively small floor area >200m² limits the amount of students which can occupy this area. The incorporation of landscaping buffers aids to keep children away from property boundaries.

Outside of lunch breaks, the subject land would be used for children in organised classes with supervision from their teachers, such that noise levels would be somewhat reduced.

Student pickup/drop-off primarily occurs on the northern side of the school site, from Marian Road and is not proposed to change as part of this application.

Given the context described above, noise associated with the School is not expected to be exacerbated to an unreasonable extent as a result of the proposed development.

In terms of the streetscape, the replacement of a detached dwelling with a transportable building, landscaping and fencing is not considered to result in an unreasonably compromised streetscape character.

In terms of visual impact to adjoining allotments, The proposed classrooms are located with similar front setbacks to the existing dwelling on site, with the transportable classroom displaying setbacks typical of residential dwellings found through the residential zone.

As such, the proposed development is considered to be acceptable from a land use perspective, as the proposed development is considered to be reasonably consistent with Residential Zone PDC 4, insofar as the development serves the local community; is reasonably consistent with the desired character of the locality; and will not have an unreasonable impact on the amenity of nearby residents.

Streetscape/bulk/scale/height/character/overlooking

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

Residential Zone Desired Character Statement	
Residential Zone Objectives:	3
Residential Zone PDC's:	6, 8

City Wide Objectives: 8, 18, 22 & 25,
City Wide PDC's: 28, 30, 37, 40, 59, 63, 83 & 224

The proposed transportable building has a setback of approximately 6.2 metres from the Portrush Road frontage, which is similar to the previous dwelling located on site and is similar to buildings found on adjoining allotments, with the setback consistent with existing setbacks found within the locality.

Side setbacks are proposed to be 1.7 metres from the southern boundary, with this area filled with landscaping. The rear setback is proposed to be 18 metres from the rear boundary. It is noted that these setbacks exceed dwelling setbacks of Zone Wide Principle of Development Control 8.

Finished Floor Levels are proposed to be 600mm above natural ground level, which creates east and west wall heights of 3.5 metres and north and south gable end wall heights of 4.3 metres.

The proposed floor height of 600mm creates some potential for overlooking into the private open space of adjoining allotments, however with the proposed 18 metre setback and the retention of mature vegetation assists to screen Private Open Space of the abutting allotment at 1A Tarcoma Avenue. New fencing is proposed (1.8 metre fence on top of a 200mm plinth) on the southern boundary abutting 84 Portrush road, with existing vegetation and structures on that property acting to prevent unreasonable levels of overlooking.

The proposed black netting fence along the Portrush Road frontage is of a sufficient height (2.1 metres) to maintain security, while still reflecting the residential nature of the locality in terms of its scale.

The replacement of a detached dwelling with classrooms and open space, landscaping and fencing is not considered to result in an unreasonably compromised streetscape character in the context of the existing locality, with the proposed built form bulk and scale reflective of its location within a residential zone.

Car-parking/access/manoeuvring

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

City Wide Objectives: 34
City Wide PDC's: 95, 96, 98, 104, 113 & 120

Table NPSP/9

The Applicant has advised the Council that the subject land has been acquired exclusively for the purpose of providing additional classroom space and flexibility for how existing classrooms can be used. The School has advised that they do not currently have any plans to expand student numbers.

As such, the proposed development will not result in any additional demand for on-site (or on-street) car parking. No additional vehicular access points are proposed and the existing traffic management strategy will remain in place.

Trees (regulated, mature & street) and landscaping

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

City Wide Objectives: 24
City Wide PDC's: 73-78

No street trees are impacted by the proposal, with much of the larger vegetation on site to be retained during demolition of the dwelling. This existing vegetation is located along the eastern, southern and western property boundaries and forms part of the proposed landscaping strips. The adjacent land at 84 Portrush Road has several non-regulated trees and shrubs located adjacent to the common boundary with the subject land. The canopy of these trees encroaches over the subject land.

The Applicant has proposed 3.0 metre wide landscaping strips adjacent to residential dwellings on the eastern and southern boundaries of the subject site. The landscaping strips are proposed to include a mix of native and exotic plants, however detail on the density and height of the plants is unknown, except that remaining vegetation is not to be removed as part of the demolition of the dwelling. Accordingly, it is recommended that a condition be imposed, requiring all areas nominated as landscaping or garden areas on the approved plans to be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises, to the reasonable satisfaction of the Council or its delegate. Given that the primary planning purpose of the landscape areas is to provide separation buffers, it is not considered necessary in this instance to require that a detailed landscape plan be prepared for the approval of the Council.

Landscaping has also been retained at the front of the site containing mature trees and shrubs which will provide some visual interest to the built form.

The demolition plan is contained in **Attachment D**

Environmental Sustainability

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

City Wide Objectives:	42
City Wide PDC's:	148

The proposed built form is similar in roofed area to the previous dwelling located on the site and with large amounts of pervious landscaping contained on the subject site, resulting in similar amounts of stormwater runoff from the subject land as a result of the proposed development

The proposed play area will provide an outdoor activity area for students to play and learn which will assist in facilitating a healthier lifestyle and outdoor education activities.

Summary

Whilst the proposed use of the subject land as school and the installation of classroom building associated with St Joseph's School is not specifically anticipated within the Residential Zone, the proposed change of use and built form represents a reasonable expansion of an existing land use, which has been designed such that it will not have an unreasonable impact on the character or amenity of adjacent and nearby residential property occupiers.

The proposed classrooms on the subject land are to be developed with some peripheral landscaping, which will provide a physical separation between the building and the adjacent residents. Having a source of noise relocated closer to residential properties is not ideal and is considered to be a negative aspect of the proposed development. However, the primary use of the area for classes and the infrequent use of the rear grassed areas outside of lunch play-time will not unreasonably compromise the amenity of adjacent and nearby property occupiers.

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 155/251/18 by St Joseph's School Payneham to change the use of the land from a dwelling to a primary school and the Installation of a transportable building to be used as two (2) classrooms associated with St Joseph's School, with associated fencing and landscaping; on the land located at 82 Portrush Road, Payneham South; 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:

- the site plan and elevations prepared by Brown Falconer, received by the Council on 17 April 2018; and
- the supporting planning report and emails prepared by URPS, dated 23 April 2018, 2 May 2018, and 29 May 2018.

Conditions

1. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises, to the reasonable satisfaction of the Council or its delegate.
2. 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.
3. All plants shall be watered through the installation of a suitable irrigation system which shall be maintained to the reasonable satisfaction of the Council or its delegate.
4. The exiting crossover invert that is located along the west property boundary shall be reinstated to kerb and gutter prior to the occupation of the building to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the owner/applicant.

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 are likely to be at the Applicant's cost.
5. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
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.

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/265/2018 – MR T N WALTERS & MS E K WALTERS – 25 QUEEN STREET, NORWOOD

DEVELOPMENT APPLICATION:	155/265/18
APPLICANT:	Mr T N Walters & Ms E K Walters
SUBJECT SITE:	25 Queen Street, Norwood SA 5067 (Certificate of Title: Volume 5280 Folio 382)
DESCRIPTION OF DEVELOPMENT:	Construction of a swimming pool, safety fence and boundary fencing
ZONE:	Residential Historic (Conservation) Zone – Norwood 4 Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a swimming pool, safety fence and boundary fencing.

Staff do not have delegated authority to determine the Application, as the applicant is a Council employee.

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	15.24 metres
Depth:	45.72 metres
Area:	559.61m ²
Topography:	essentially flat
Existing Structures:	single-storey dwelling
Existing Vegetation:	soft landscaping within front and rear yard.

The subject land is a regular shaped allotment on the western side of Queen Street. A detached dwelling exists on the land with small areas of landscaping located at the front and rear of the site. Vehicular access to the subject land is via a crossover from Queen Street.

Locality Attributes

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

The locality is considered to be confined to the dwellings fronting both sides of Queen Street, between Beulah Road and Foster Street, with the exception of 22A, 22B and 22C Queen street, and is predominantly characterised by single-storey detached dwellings. Only two out of the seven dwellings on the western side of Queen Street within the locality are Local Heritage Places with villas the most common architectural styles. While there are no Contributory Items listed within the locality, four out of the seven dwellings are pre-1920's dwellings, with the remainder (3) constructed between 1930 and 1939.

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

Proposal in Detail

The Applicant seeks consent to construct a pool, pool safety fence and alterations to boundary fencing with the works proposed in the rear yard of the allotment, which is not visible from the streetscape.

The proposed pool is an inground swimming pool constructed of concrete, which is ancillary to a dwelling located on site. A swimming pool is an anticipated form of development within a residential zone, with associated safety fencing and alterations to boundary fences necessary to make to pool compliant with safety standards.

City Wide Principle of Development Control 245 states;

“Swimming pools, outdoor spas and associated ancillary equipment and structures should be sited and designed so as to protect the privacy and amenity of adjoining residential land.”

Swimming pools are located within the rear yard areas of the abutting allotments to the south and west of the subject land at 27 Queen Street and 12 Prosser Avenue. The proposed pool is located closest (1.7 metres) to these boundaries. In this context, swimming pools and the activity associated with them, form part of the character and amenity of the locality. Therefore, the proposal is not expected to detract unreasonably from the amenity experienced by adjoining property occupants.

The pool pump is proposed to be located on the southern boundary between the dwelling and the fence in an enclosure. While the proposed pool pump is to be located within close proximity to the adjoining dwelling at 27 Queen Street, this location corresponds with the pool pump equipment on the adjoining site.

Accordingly, the proposal presents minimal effects to the privacy and amenity of adjoining residential land and as such is consistent with City Wide Principle of Development Control 245.

A site plan of the allotment is contained in **Attachment B**.

The proposed boundary fencing is to increase the height of an existing fence from 1.8 to 2.1 metres and is limited to the Private Open Space areas to the rear of the dwelling. Due to raised landscaping areas the increase in fencing height is required to meet pool safety standards. This fencing addition is proposed to be a corrugated profile and coloured colorbond “Willow”.

Elevations of the fencing are contained in **Attachment C**.

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 155/265/2018 by Mr T N Walters & Ms E K Walters, to construct a pool, safety fence and boundary fencing on the land located at 25 Queen Street Norwood, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans and elevations prepared by Mr T N Walters & Ms E K Walters and received by the Council on 1 May and 1 June 2018.

Conditions

1. That the associated filter pump be enclosed in such a way that the noise levels do not exceed 45db(a) measured at adjoining property boundaries.

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 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.

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/699/2017 – MR E FERRARA – 82A FOURTH AVENUE, ST PETERS

DEVELOPMENT APPLICATION:	155/699/17
APPLICANT:	Mr E Ferrara
SUBJECT SITE:	82A Fourth Avenue, St Peters (Certificate of Title Volume: 5677 Folio: 971)
DESCRIPTION OF DEVELOPMENT:	Construction of a two storey dwelling, a freestanding garage and swimming pool, together with associated site works, retaining walls and fencing
ZONE:	Residential Historic (Conservation) Zone (The Avenues Policy Area) - Norwood, Payneham and St Peters (City) Development Plan (dated 30 May 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a two storey dwelling, freestanding garage and swimming pool, together with associated site works, retaining walls and fencing.

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

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	16.46 metres
Depth:	45.72 metres
Area:	752.55m ²
Topography:	fall of up to 1.9 metres from front to back
Existing Structures:	single storey dwelling
Existing Vegetation:	small trees and shrubs

The subject land is located on the north-western side of Fourth Avenue, one allotment removed from the boundary between St Peters and Joslin to the north-east. The land falls towards the rear by nearly 2 metres. The land backs onto a rear lane (Fifth Lane), which is accessed only via Winchester Street.

A mid-twentieth century conventional cream brick, hipped roof dwelling occupies the land in a landscaped setting of small trees and shrubs. A single-width driveway provides vehicular access to the land via Fourth Avenue.

Locality Attributes

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

The locality is considered to extend to approximately Joslin Reserve to the north-east and Winchester Street to the south-west. This part of Fourth Avenue has a high level of amenity, created through mature dense street tree plantings, wide verges and character dwellings set back consistently from the street with landscaped front gardens. The predominant dwelling type in the locality is Victorian era villas, as well as some inter-war bungalows within the suburb of Joslin. An exception is a two storey residential flat building constructed around the mid-twentieth century at 85 Fourth Avenue.

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

Proposal in Detail

The Applicant seeks consent to demolish the existing dwelling and construct a two storey detached dwelling, freestanding garage and swimming pool together with associated site works, retaining walls and fencing.

The ground floor level of the dwelling is stepped, with the rear portion being set down 720mm (4 steps) lower than the front portion. The upper floor level is located towards the rear of the dwelling, approximately 18 metres from the street. A cellar is proposed below a rear alfresco area. A single-car carport is proposed on the south-western side of the dwelling, to be accessed via the existing driveway crossover on Fourth Avenue.

A double garage is proposed at the rear of the site, to be accessed via Fifth Lane. The garage is to be sited on the south-western side boundary and has an associated verandah area with shower and toilet. A swimming pool is proposed adjacent to the garage/verandah structure at the rear of the site.

Retaining walls and new corrugated profile colorbond fencing (woodland grey) are proposed along side and rear boundaries. The height of the retaining varies, however is generally less than 400mm above existing ground levels.

A rendered pillar and plinth front fence is proposed, with black steel blade infill, together with automatic black steel blade driveway gates.

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	752.5m ²	600m ²
Allotment Width	16.46m	18.0m
Allotment Depth	45.72m	N/A
External Wall Height*	6.5m	N/A
Maximum Overall Height (to roof apex)*	8.0m	N/A
Floor Area (footprint, all buildings excluding swimming pool)	388m ²	N/A
Site Coverage	51.6%	50%
Private Open Space	183m ² 24% of site area	20% of site area
Street Set-back	8.5m (facade) 7.0m (verandah)	greater of the two adjoining contributory items

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Side Set-back	1.0m, 1.5m and 2.0m. Carport and garage on boundary	N/A
Rear Set-back	1.5m	N/A
Car Parking Provision	3 undercover & 1 visitor	2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage

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

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

Notification

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

As such, no public notification was undertaken.

State Agency Consultation

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

Discussion

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

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

Land Use

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

- The Avenues Policy Area Desired Character Statement
- The Avenues Policy Area Objectives: 1
- The Avenues Policy Area PDC's: 2, 3, 5 & 7

- RH(C)Z Desired Character Statement
- RH(C)Z Objectives: 1
- RH(C)Z PDC's: 1, 2, 7 & 8

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

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

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

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

The proposal is consistent with part (b) of Principle 8, in that the proposed dwelling is to replace a building which does not contribute significantly to the heritage value, historic character or desired character of the zone.

streetscape/bulk/scale/height/character/heritage

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

The Avenues Policy Area Desired Character Statement

The Avenues Policy Area PDC's: 1, 4 & 9.

Residential H(C)Z Desired Character Statement

Residential H(C)Z Objectives: 1 & 5.

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

City Wide Objectives: 18, 19 & 20.

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

Principle of Development Control 4 of The Avenues Policy Area states:

“Development in The Avenues Policy Area should not be more than one storey above natural ground level, except where the predominant height in the immediate locality is two storey. In this instance development should not be more than two storeys above the natural ground level”

Despite there being an outwardly two storey building adjacent the subject land at 85 Fourth Avenue, the predominant height of buildings in the immediate locality is single storey. The proposal is therefore not in accordance with Principle 4 of the policy area.

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

“Development of a new building or building addition should result in dwellings that have a single-storey appearance along the primary street frontage, where these are predominant in the locality, but may include:

- (a) sympathetically designed two-storey additions that utilise or extend roof space to the rear of the dwelling, such as the use of attics with dormer windows; or*
- (b) second storey components located to the rear of a building; and*
- (c) in either of these instances:*
 - (i) should be of a building height, scale and form that is compatible with the existing single-storey development in the zone;*
 - (ii) should not result in an excessive mass or scale that would adversely affect the visual outlook from adjoining residential properties;*
 - (iii) should not overshadow or impact on the privacy of neighbouring properties;*
 - (iv) should not compromise the heritage value of the building or the view of the building from the street; and*
 - (v) the total width of second storey windows should not exceed 30 per cent of the total roof width along each elevation and be designed so as to not overlook the private open space of adjoining dwellings.”*

The proposal is consistent with part (b) of Principle 17, as the second storey is located at the rear of the building. Considerations (i) to (v) of part (c) are discussed below.

The proposed dwelling presents to Fourth Avenue as a single storey building, with the upper floor level likely to be largely discernible in the streetscape. This is achieved through:

- the slope of the site, allowing the rear portion of the dwelling to be stepped, such that the eave height of the upper level at the rear is just 1.6m higher than the eave height of the single storey front section of the dwelling; and
- the large, steeply pitched roof over the front section of the dwelling obscuring views of the upper level behind.

As the roof of the carport on the side of the dwelling is lower than the main dwelling roof, this creates the most likely vantage point of the upper level behind. A perspective drawing included on page 4 of the set of plans, shows the extent to which the upper level is likely to be visible over the carport roof. The drawing indicates that the view is likely to be minimal.

It is considered that the proposal achieves the intent of the zone and policy area with respect to maintaining a single storey streetscape presentation, which is compatible with the appearance of surrounding single storey dwellings.

Parts (ii), (iii) and (v) of Principle 17 are intended to ensure that development greater in height than one storey does not impact unreasonably on the amenity of adjoining property occupants.

The proposed upper level extends to within 18.3 metres of the rear boundary (Fifth Lane). By comparison, the rear-facing alfresco area of the dwelling on the adjoining property to the south-west at 82 Fourth Avenue, is also approximately 18.3 metres from the rear boundary. Therefore, the proposed upper level would not impede the primary outlook of residents from this alfresco area.

The rear of the dwelling on the adjoining property to the north-east at 84 Fourth Avenue, is even closer to the rear boundary. Therefore the proposed upper level would also not impede the primary outlook of residents of that dwelling.

Consistent with part (v) of Principle 17, the total width of second storey windows does not exceed 30 per cent of the total roof width along each elevation.

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

Overall, the street presentation of the dwelling:

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

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

"the revised design is a large improvement over earlier designs where the upper level was much more dominant and there was a front facing garage door. The resultant two level house design attempts as much as possible to recess the upper level and the rest of the elements are acceptable in terms of their impact on the streetscape and complementing the context and surrounding heritage homes"

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

Principle of Development Control 9 of The Avenues Policy Area states:

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

- (a) *not detract from the character or restrict the visibility of the building;*
- (b) *utilise original design and materials such as timber picket, timber dowelling, masonry and cast iron palisade, or corrugated iron or mini orb within timber framing; and*

- (c) *not exceed 1.2 metres in height for materials such as masonry or a maximum of 1.5 metres in height for all other materials.*”

The proposal is consistent with Principle 9. Mr Brown is supportive of the front fence, as well as the corrugated profile woodland grey side fences, which taper down in height at the front to sit behind the front 1.5m high fence pillars.

Setbacks and Site Coverage

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

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

Principle of Development Control 8 of The Avenues Policy Area states:

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

The site of the proposed dwelling is located between two contributory items. The contributory item at 72 Fourth Avenue is set back from Fourth Avenue approximately 7.5 metres to the facade, while the contributory item at 74 Fourth Avenue is set back approximately 7.8 metres to the facade. The proposed facade setback of 8.5 metres is therefore consistent with Principle 8.

The proposed side setbacks are considered to be reasonably reflective of the pattern established by adjoining dwellings. The open carport on the south-western side and a 2 metre setback on the north-eastern side, combine to create a suitable sense of space around the dwelling.

With respect to site coverage, the proposed dwelling covers 51.6% of its site. The Avenues Policy Area Principle of Development Control 6 states that buildings should not cover more than 50 per cent of the total area of the site. The extent of site coverage for the proposed dwelling is considered to be acceptable, as the proposal includes generous covered outdoor areas and garaging, such that no further increase in site coverage is likely to occur in the future.

Overshadowing/overlooking

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

City Wide PDC's:	11, 32, 37, 200 & 201.
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The proposed dwelling and garage will not unreasonably overshadow adjoining properties, due to the orientation of the subject land. The majority of overshadowing caused by the proposed dwelling would be over the north-eastern side windows of the dwelling at 72 Fourth Avenue. Principle of Development Control 194 is of relevance in this situation and states:

“habitable rooms should at least one window with a minimum horizontal distance, between any facing building and the face of the wall containing the window (ie the distance between the eaves, fascias or gutters), of no less than 900 millimetres which is clear to the sky”

With a side boundary setback of 1.5 metres at ground level and 2.0m at upper level, the proposal is consistent with Principle 194.

The proposed garage is sited on the boundary with 72 Fourth Avenue. The boundary wall is 3.0m high and 6.5 metres long, consistent with City Wide Principle of Development Control 207. Its location at the rear of the allotment is not considered to cause an unreasonable visual outlook from 72 Fourth Avenue and is consistent with the siting of many other garages in the locality.

Overlooking is proposed to be controlled via obscure glazing to a height of 1.7m above the floor level of the upper level.

Private open space

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

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

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

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

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

The proposed dwelling has access to 183m² of private open space, equating to 24% of the site area, consistent with Principle 225.

Car parking/access/manoeuvring

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

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

Table NPSP/8.

Principle of Development Control 32 of the Residential Historic (Conservation) Zone states:

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

The proposal is consistent with Principle 32, however also includes a carport to be accessed via Fourth Avenue. This is considered reasonable, as the driveway is single-width and leading to an open carport. This is a common arrangement in the locality for historic dwellings. Providing a driveway access from Fourth Avenue also provides a convenient location for visitors to park, where otherwise they would be required to park in the street.

Finished floor levels/flooding/retaining/fencing

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

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

City Wide Principle of Development Control 53 states:

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

The proposal is consistent with Principle 53, as the ground floor level has been stepped down in accordance with the slope of the land towards the rear. This has resulted in minimal requirement for retaining walls at boundaries and a reduced visual impact of the upper floor level on the streetscape and adjoining properties.

Trees (significant, mature & street) and landscaping

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

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

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

A landscaping plan has been provided for the front and rear gardens, comprising lawn, hedges and. The proposed landscaping is considered appropriate.

Environmental Sustainability

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

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

With a north-west facing rear living area, the dwelling is orientated to gain from passive warming in the cooler months, while the rear verandah provides sun protection from the higher sun angle in the warmer months.

A very large rain water tank is proposed within the cellar. Although a capacity for the tank has not been provided, it will clearly exceed the 2000 litre capacity stated in City Wide Principle of Development Control 159.

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

Summary

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

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

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

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/699/17 by Mr E Ferrara to construct a two storey dwelling, a freestanding garage and swimming pool, together with associated site works, retaining walls and fencing, on the land located at 82A Fourth Avenue, St Peters, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans prepared by Elvio Ferrara Design and Construct P/L, Project No. 1479D, pages 1-4 of 4, dated 13 April 2018.

Conditions

1. The portions of the upper floor windows which are less than 1.7 m above the internal floor level, other than those facing south-east towards Fourth Avenue, shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 m above the internal floor level or a window sill height of 1.7 above the internal floor level.)
2. All stormwater from buildings and paved areas shall be disposed of to Fourth Avenue (not Fifth Lane) in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building.
3. 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.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
5. Front windows of the proposed new dwelling shall be timber framed or commercial powder-coated aluminium framed.

Notes to Applicant

1. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.
2. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.

3. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.
4. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development is likely to be at the Applicant's cost.
5. The Applicant is advised that the property is located within an Historic (Conservation) Area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including fencing).
6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
7. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

2. STAFF REPORTS

2.4 DEVELOPMENT APPLICATION 155/205/2018 – ANGELO ALI ARCHITECTURE – 3 KAPUNDA TERRACE, PAYNEHAM

DEVELOPMENT APPLICATION:	155/205/18
APPLICANT:	Angelo Ali Architecture
SUBJECT SITE:	3 Kapunda Terrace, Payneham (Certificate of Title Volume: 5677 Folio: 971)
DESCRIPTION OF DEVELOPMENT:	Construction of a single storey dwelling and front fence
ZONE:	Residential Historic (Conservation) Zone Payneham (Harcourt Road) Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 30 May 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

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

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

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

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

Subject Land Attributes

Shape:	irregular
Frontage width:	24.36 metres
Depth:	31.88- 46.99 metres
Area:	753m ²
Topography:	slight fall of 500mm from back to front
Existing Structures:	single storey dwelling
Existing Vegetation:	small trees and shrubs

The subject land is located on the south-eastern side of Kapunda Avenue, one allotment removed from the junction with Llandower Avenue to the south. Whilst the rear and side boundaries follow a regular north-south, east-west grid, Kapunda Avenue is orientated northeast – southwest, resulting in an angled front property boundary.

A mid-twentieth century conventional cream brick, hipped roof dwelling occupies the land, with a large carport and garage located in the rear south-eastern corner. A single-width driveway provides vehicular access to the land from Kapunda Terrace, adjacent the southern side boundary.

Locality Attributes

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

The locality of the subject land can be broadly defined as the entire length of Kapunda Terrace, 2-6 Llandower Avenue and the northernmost 50 metres of Morris Street. Three (3) different residential zones cover the locality, including:

- the Residential Zone, covering the north-western side of Kapunda Terrace, commencing adjacent the subject land to the north;
- the Residential Character Zone covering land on the southern side of Llandower Avenue and both sides of Morris Street; and
- the Residential Historic (Conservation) Zone (Payneham (Harcourt Road) Policy Area), covering the south-eastern side of Kapunda Terrace and three allotments on the north-western side of Kapunda Terrace, adjacent the subject land.

The locality comprises residential land use, predominantly in the form of detached dwellings, with a wider range of dwelling types being evident within the section of Kapunda Terrace covered by the Residential Zone (including group dwellings, residential flat buildings and semi-detached dwellings).

There are seven (7) Contributory Items within the locality, all of which are 1920's bungalows, with the exception of a return verandah villa adjoining the subject land to the north, located at 5 Kapunda Terrace.

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

Proposal in Detail

The Applicant seeks consent to demolish the existing dwelling and construct a single storey detached dwelling and a front fence.

The dwelling has a total floor area of 324m² and comprises 4 bedrooms, two living areas, a double garage and a rear alfresco area. The facade is to be faced with a combination of sandstone and face brick (muscat grey), with a custom orb colorbond (basalt colour) roof at a 25 degree pitch. Windows are to be commercial aluminium framed, powder-coated in 'Notre Dame' colour. Side and rear windows are to be natural anodised. A panel lift door is proposed for the garage, which is set back approximately 5 metres behind the dwelling facade.

A rendered pillar and plinth front fence is proposed, with black steel flat bar infill, together with a black steel flat bar driveway gate.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	753m ²	300m ²
Allotment Width	19.1m	15.0m
Allotment Depth	31.88- 46.99m	N/A
External Wall Height*	3.0m	N/A
Maximum Overall Height (to roof apex)*	5.3m	N/A
Floor Area (footprint, all buildings)	324m ²	N/A
Site Coverage	43%	50%
Private Open Space	250m ² (approx.) 33% of site area	20% of site area

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Street Set-back	5.7m (facade) 4.2m (verandah)	Equal to or greater than the adjoining contributory item
Side Set-back	1.0m garage 1.5m dwelling	Reflect pattern established by adjoining dwellings
Rear Set-back	8m verandah	N/A
Car Parking Provision	2 undercover & 2 visitor	2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage

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

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

Notification

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

As such, no public notification was undertaken.

State Agency Consultation

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

Discussion

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

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

Land Use

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

- Payneham (Harcourt Road) Policy Area Objectives: 1
- Payneham (Harcourt Road) Policy Area Desired Character Statement
- Payneham (Harcourt Road) Policy Area Principles of Development Control: 2, 3, 5

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

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

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

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

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

The proposal is consistent with part (b) of Principle 8, in that the proposed dwelling is to replace a building which does not contribute significantly to the heritage value, historic character or desired character of the zone.

streetscape/bulk/scale/height/character/heritage

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

Payneham (Harcourt Road) Policy Area Objective: 1
Payneham (Harcourt Road) Desired Character Statement
Payneham (Harcourt Road) Policy Area Principles of Development Control: 1, 3, 4

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

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

Principle of Development Control 4 of the Payneham (Harcourt Road) Policy Area states:

“Development in the Payneham (Harcourt Road) Policy Area should not be more than one-storey above natural ground level.”

The proposed dwelling is single storey, consistent with Principle 4.

The proposed dwelling includes a double garage facing Kapunda Terrace. Principle of Development Control 31 of the Residential Historic (Conservation) Zone states:

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

- (a) be set behind the main face of the dwelling and may be freestanding;*
- (b) be designed and sited to ensure garage doors do not visually dominate the primary or secondary street frontage of the dwelling;*
- (c) not extend design elements such as verandahs, roof forms or historic detailing at the same alignment as the main face of the principal building;*
- (d) exhibit architectural and roof form designs, and exterior finishes to enhance and not diminish the historic character of the locality; and*
- (e) not incorporate undercroft parking or other parking or access arrangements that are not in keeping with the historic character of the area.”*

In addition, City Wide Principle of Development Control 211 states:

“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; and*

- (b) *be set back at least 0.5 metres behind the main face of the associated dwelling, unless the main face incorporates projecting elements such as a portico or verandah, in which case the garage or carport may be in line with the main face of the associated dwelling (Refer to Figure 8); and*
- (c) *be set back no less than 5.5 metres from the primary street frontage, to allow for vehicle parking.”*

The proposed garage is consistent with the above zone and city wide policies, as the garage width is 33% of the allotment frontage, the front of the garage is set back more than 500mm from the dwelling facade and more than 5.5 metres from the street and has a flat roof, so as to not extend the roof form from the main face of the principle building.

Principle of Development Control 16 of the Residential Historic (Conservation) Zone states:

“Development of a new building or building addition should demonstrate a compatible visual relationship with the buildings that contribute to the historic character of the relevant policy area through consideration of the following:

- (a) bulk and scale;*
- (b) width of site frontage, front and side boundary setback patterns, wall height and window placement;*
- (c) the proportions (vertical and horizontal) of additions visible from the street that complement the existing building façade and other elevations facing a public road;*
- (d) the form and level of visual interest present in a building (as determined by the height of eaves, the length and size of unbroken walling, treatment of openings and depths of reveals, roof form and pitch, external colour and texture of materials used, as well as detailing, landscaping and fencing); and*
- (e) design elements such as verandahs, balconies and eaves where appropriate.”*

Given that the subject land is located within a Historic (Conservation) Zone, advice was sought from the Council’s Heritage Advisor, Mr David Brown, regarding the heritage aspects of the proposal. The Heritage Advisor was concerned with a previous iteration of the proposal. In particular, Mr Brown was concerned with:

- the single fronted presentation of the house to the street, where all other houses are double fronted;
- the roof form in a street characterised by wide gable-fronted bungalows;
- the wide garage door;
- the colour scheme was not considered appropriate to the context and was dominated by grey (render and roof); and
- the front setback was considered inadequate.

The applicant subsequently amended the plans. Key changes included:

- providing a consistent wall height for Bedrooms 2 and 3 at the front of the dwelling (previously Bedroom 2 was higher than Bedroom 3), reducing the impression that the dwelling is ‘single fronted’;
- whereas the earlier proposal comprised grey painted render to much of the facade, as well as the front fence, it is now proposed that the facade comprise a combination of sandstone and face brick, while the front fence is to remain grey painted render;
- the front setback has been increased; and
- an unusual parapet extension to the side of the garage has been removed.

Mr Brown has subsequently advised that the amended plans address his concerns to the extent that he now considers the dwelling is marginally acceptable in the context of the streetscape and surrounding contributory items. In particular, he has advised:

“The revised design now sits better in the streetscape between the two character homes. It has an appropriate bulk and scale, the material selections are complementary, and the eaves heights are similar to the houses on either side.”

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

Principle of Development Control 9 of the Payneham (Harcourt Road) Policy Area states:

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

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

The proposal is consistent with Principle 9. Mr Brown is supportive of the front fence.

Setbacks and Site Coverage

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

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

Principle of Development Control 8 of the Payneham (Harcourt Road) Policy Area states:

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

The site of the proposed dwelling is located adjacent to a contributory item at 5 Kapunda Terrace, which is set back 5.7m to the façade and 4.2m to the verandah at the closest point. The revised setbacks of the proposed dwelling match those of the adjacent contributory item and are therefore consistent with Principle 8.

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

With respect to site coverage, the proposed dwelling covers 43% of its site. The Payneham (Harcourt Road) Policy Area Principle of Development Control 6 states that buildings should not cover more than 50 per cent of the total area of the site. The extent of site coverage for the proposed dwelling is consistent with Principle 6.

Overshadowing/overlooking

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

City Wide PDC's:	11, 32, 37, 200 & 201.
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As the proposed dwelling is single storey and modest in height, it will not cause unreasonable levels of overshadowing, nor result in overlooking.

Private open space

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

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

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

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

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

The proposed dwelling has access to approximately 250m² of private open space, equating to 33% of the site area, consistent with Principle 225.

Car parking/access/manoeuvring

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

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

Table NPSP/8.

Principle of Development Control 32 of the Residential Historic (Conservation) Zone states:

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

As the subject land only has a frontage to Kapunda Terrace, the proposed vehicular access arrangement is consistent with Principle 32. The proposal results in on-site parking capacity for 2 vehicles within the garage and 2 within the driveway, exceeding the minimum requirements within Table NPSP/8.

Finished floor levels/flooding/retaining/fencing

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

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

It is proposed that the floor level of the dwelling be approximately at the existing ground level at the rear of the allotment, so that no excavation is required. This results in a floor level that is approximately 500-600mm above the footpath level. Although the floor levels of the dwellings on adjoining allotments have not been provided, the proposed height appears to be similar to the level of those dwellings. Accordingly, the proposed floor level is considered reasonable.

Trees (significant, mature & street) and landscaping

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

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

There are no regulated trees on the subject land and no street trees affected by the proposal.

No landscape plan has been provided. As the extent of site coverage is only 43%, there is ample opportunity for landscaping to be established in accordance with the Desired Character Statement for the zone, which seeks a development in a 'landscaped setting'. It is not considered necessary that a detailed landscaping plan be provided in this instance, however if the Panel determines to grant consent to the Application, it is recommended that a condition be imposed, requiring garden areas to be planted with a suitable mix of trees, shrubs and ground covers.

Environmental Sustainability

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

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

With a south-east facing rear living area, the dwelling is not well orientated to gain from passive warming in the cooler months. This is somewhat inevitable due to the orientation of the allotment.

A 2000 litre rain water tank is proposed, consistent with City Wide Principle of Development Control 159.

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

Summary

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

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

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

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/205/18 by Angelo Ali Architecture to construct a single storey dwelling and front fence, on the land located at 3 Kapunda Terrace, Payneham, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans prepared by Angelo Ali Architect Drawing Numbers A288/18-P1-P4, Amendment A, dated 21 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 shown as garden areas on the approved plan A288/18-P1 (ie. not perimeter paving, driveway or pedestrian path) shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
4. Front windows of the proposed new dwelling shall be timber framed or commercial powder-coated aluminium framed.

Notes to Applicant

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

6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
7. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

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