

Council Assessment Panel Minutes

20 August 2018

Our Vision

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

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

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

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



City of
Norwood
Payneham
& St Peters

1.	CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 16 JULY 2018	1
2.1	DEVELOPMENT APPLICATION 155/C040/2018 AND 155/622/2017 – MR M COOPER – 92B & 92C OSMOND TERRACE, NORWOOD.....	2
2.2	DEVELOPMENT APPLICATION 155/465/2017 – NOBLE BUILT – 5 JOHN STREET, FIRLE	22
2.3	DEVELOPMENT APPLICATION 155/D046/2018 – GLOBAL CONSTRUCTIONS – 25 ROSELLA STREET, PAYNEHAM	35
2.4	COUNCIL ASSESSMENT PANEL MEETING IN NOVEMBER 2018.....	44
3.	OTHER BUSINESS.....	47
4.	CONFIDENTIAL REPORTS.....	47
5.	CLOSURE	47

VENUE Mayors Parlour, Norwood Town Hall

HOUR 7pm

PRESENT

Panel Members Mr Terry Mosel
 Mr Phil Smith
 Ms Fleur Bowden
 Mr John Minney
 Ms Jenny Newman

Staff Mark Thomson – Manager Development Assessment
 Kathryn Clausen – Senior Urban Planner
 Nenad Milasinovic – Senior Urban Planner
 Ellen de Souza – Development Officer, Planning
 David Ansen – Work Place Student

APOLOGIES Nil

ABSENT Nil

**1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
 PANEL HELD ON 16 JULY 2018**

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

Seconded and carried

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/C040/2018 AND 155/622/2017 – MR M COOPER – 92B & 92C OSMOND TERRACE, NORWOOD

DEVELOPMENT APPLICATION:	155/C040/18 and 155/622/17
APPLICANT:	Mr M Cooper
SUBJECT SITE:	92B and 92C Osmond Terrace, Norwood (Certificate of Title Volume: 6191 Folio: 2 and 3)
DESCRIPTION OF DEVELOPMENT:	Construction of a three-storey residential flat building (comprising four dwellings) with associated basement car parking; and Community Title Land Division (creating four lots from two existing allotments)
ZONE:	Residential Character (Norwood) Zone – Norwood, Payneham and St Peters (City) Development Plan (dated 17 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 two Development Applications. The first is a Community Title land division and comprises the creation of four lots and common property, from two existing allotments. The second is for the construction of a three-storey residential flat building (comprising four dwellings) with associated basement car parking.

Staff have delegated authority to determine the land division application (DA 155/C040/18), however do not have delegated authority to determine the built form/land use Application (DA 155/622/17), as it was subject to Category 3 public notification.

As the Panel will be aware, it is necessary for the land division Application to be determined prior to determination of the built form / land use Application. On this occasion, staff determined not to exercise their delegated authority for the land division application, as to do so would effectively pre-determine the outcome of the built form / land use Application. This is due to the fact that the land division is a Community Strata division, which creates detailed building envelopes across four (4) different levels. It would not be feasible for the land to be developed in a manner other than ostensibly what is proposed in the built form / land use application, if the land division was approved.

On this basis, there are two (2) recommendations at the end of this report – one for the proposed community division and one for the proposed built form/land use. The Panel must determine each Application in the order presented.

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:	28.09 metres
Depth:	38.06 metres

Area:	1,075m ²
Topography:	The land has an average slope of 1.30 metres from side (south) to side (north)
Existing Structures:	vacant land
Existing vegetation:	a concentration of trees is situated adjacent the land's Osmond Terrace frontage. A significant Lemon Scented Gum is located amongst this concentration of trees that also includes three palm trees of which two are regulated and one is significant.

Adjacent the southern side boundary of the subject land (ie. 92C Osmond Terrace), is a 1.83 metre wide Council drainage easement that runs between Osmond Terrace and Church Avenue. To the north of the subject land is a vacant large single-level asymmetrical Late-Victorian dwelling with gable roof elements with a front return verandah. The vacant building is a Local Heritage Place (LHP) and was originally constructed between 1885 – 1887 as a dwelling with eight rooms, gardens and a paddock. An original bluestone masonry front wall spans across the property frontage of the subject land, the vacant LHP and the newly created allotment north the LHP.

A Torrens Title Land Division (Application No. 155/D044/16) was lodged on 18 July 2016 and granted Approval of 22 December 2016. The land division resulted in the creation of three allotments fronting Osmond Terrace, one to the north of the LHP and two (ie. comprising the subject land known as 92B and 92C Osmond Terrace, to the south.

Locality Attributes

Land uses:	predominantly residential
Building heights (storeys):	combination of single-storey and two-storey
Streetscape amenity:	High - Osmond Terrace is characterised by established building stock and well established street trees and landscaping

Osmond Terrace is characterised predominately by large detached dwellings on spacious allotments, with established street trees and a wide centrally-located landscaped boulevard. The locality is characterised by a wide range of dwelling types and styles, including several original detached dwellings with heritage significance, later detached dwellings of various age and style and medium density infill in the form of residential flat buildings. In addition to 92 Osmond Terrace, there are several dwellings that are Local Heritage Places situated on the eastern side of Osmond Terrace between The Parade and Kensington Road including 88-90, 94-96, 112, 114A and 124 Osmond Terrace.

The built form character of the locality along both sides of Osmond Terrace is generally characterised by residential buildings. Furthermore, residential buildings within the locality vary between single-storey and two-storey detached dwellings with pitched roof forms. The nearest examples of residential flat buildings can be found to the north of the subject land at 84 and 86 Osmond Terrace.

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

Proposal in Detail

Development Application 155/C040/18 is for a Community Title Land Division comprising the creation of four community lots and common property, from the two existing Torrens Title allotments.

Development Application 155/ 622/17 is for the construction of a three-storey residential flat building (comprising four dwellings) with associated basement car parking.

The residential flat built comprises two dwellings at ground level and two dwellings at second floor level. All four dwellings mirror each other and comprise an open plan living/dining/kitchen area, three bedrooms (the master bedrooms include an ensuite and walk-in-robe), a secondary living area (ie. 'home theatre') and a balcony area. At the third floor level, open terrace and alfresco areas are proposed. A ten vehicle basement car parking garage is situated beneath the two ground level dwellings. A 3.6 metre wide opening is proposed to be created in the existing bluestone masonry front wall in order to enable vehicular access and egress to the basement garage. The basement area is to contain waste bin storage for each of the four dwellings.

The residential flat building has a rectilinear design appearance with an overall horizontal massing that is broken up by a combination of vertically proportioned windows to the outer sections of the front facade and recessed balcony areas along with framed-out feature facade elements with concealed roof areas. At the third floor level, the communal terrace/alfresco area is situated 8.0 metres from the main front facade. The residential flat building is to have a combination of face brickwork (“Boral Blue”) and rendered external walls (colours Dulux “Fair Bianca” and colorbond “Woodland Grey”) along with expressed joint feature panels to the rear and side elevations.

The proposal also includes the relocation of two regulated palm trees. The significant Lemon Scented Gum tree and significant palm tree are to be retained and incorporated within the landscaping scheme for the front yard areas.

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	Residential Flat Building	Development Plan Merit Assessment Quantitative Guideline
Site Area	1,075m ²	No minimum
Site Width	28.09m	18m (total development site frontage)
Site Depth	38.06m	N/A
External Wall Height*	7.35m	N/A
Maximum Overall Height (to roof apex)*	10.21m (ie. measured to the top of the second level roof area)	Two-storey
Floor Area (total)	205 (Dwellings 1 and 3) - 228m ² (Dwellings 2 and 4)	Dwellings - 100m ² minimum internal living
Site Coverage	40%	N/A
Private Open Space	35m ² (Dwellings 1 and 3) – 33m ² (Dwellings 2 and 4) 39m ² of communal open space at the second level	15m ² per dwelling
Street Set-back	14.1 – 18.3m	N/A
Side Set-back (southern side)	1.8 – 2.3m	N/A
Side Set-back (northern side)	1.7 – 2.4m	N/A
Rear Set-back	1.8 – 2.8m	4.0m (single-storey) 6.0m (two-storey)
Car Parking Provision	2 spaces per dwelling (ie. a total of 8 car parking spaces) and 2 visitor spaces for the 4 dwellings	Residential - 2 spaces per dwelling plus 1 visitor space for every 2 dwellings for a development of up to 10 dwellings

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.

Four representations were received (two opposed and two in favour). One of the representors who is opposed to the proposal, is concerned with the three-storey nature of the proposal.

The other representor who is opposed to the proposal, is concerned with the proposed building not having a visible room form like other dwellings within the locality.

A copy of the representations is contained in **Attachment C**.

The representor, Dr Valdis Tomanis, desires to be heard personally by the Panel in support of his representation.

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

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 Character (Norwood) Zone Objective: 1, 2 & 3
Residential Character (Norwood) Zone Desired Character Statement
Residential Character (Norwood) Zone PDC: 1 & 10

City Wide Objectives: 1, 2, 3, 5 & 7
City Wide PDC's: 1, 2, 3, 4, 5, 6, 12, 20, 21, 23-26, 364 & 366

Residential Character (Norwood) Zone Objective 2 and the Desired Character Statement for the Residential Character (Norwood) Zone (in part) state respectively:

“Infill development in specified localities, including affordable housing, providing a variety of housing types and densities, which enhances the character of the locality.”

And

“Outside of the localities identified on Concept Plan Fig RC(N)/1, opportunities will be provided for increasing the density of a site. Building heights of up to two (2) storeys may occur...”

The subject land is not within a locality identified on Concept Plan Fig RC(N)/1. A residential flat building is an anticipated land use within the Residential Character (Norwood) Zone, as Principle of Development Control 10 sets out minimum site area and frontage requirements for residential flat buildings. In particular, Principle 10 states that there is no minimum site area per dwelling, provided that the development site has a minimum frontage of 18.0 metres.

In this instance, the subject land has a frontage width of 28.09 metres, consistent with Principle 10.

Zone Principle of Development Control 11 states that dwellings contained within a residential flat building with three or more bedrooms, should have a minimum floor area per dwelling of 100m². All four dwellings have three bedrooms with the proposed floor areas ranging between 205 - 228m².

From a land use perspective, the dwellings in the form of a residential flat building are considered to be acceptable within the Residential Norwood (Character) Zone.

Streetscape/bulk/scale/height/character

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

Residential Character (Norwood) Zone Objectives:	3
Residential Character (Norwood) Zone PDC's:	5, 7, 9, 12, 15 & 18
City Wide Objectives:	8, 18 – 20 & 114
City Wide Principles of PDC's:	28, 29, 30, 32, 33, 35, 36, 37, 38, 39, 346, 349, 359, 360 & 361

Residential Character (Norwood) Zone Principle of Development Control 12 allows for the development of dwellings fronting a public road up to two-storeys in height. The proposed development is inconsistent with Principle 12 as it is three-storeys in height.

More specifically, the third storey is a rooftop communal covered open terrace/alfresco area. When measured to the closest point, the open terrace/alfresco areas are set back 22.3 metres from the Osmond Terrace frontage. Furthermore, the open terrace/alfresco areas are set back 7.9 metres from both the northern and southern side boundaries and 8.4 metres from the eastern (rear) boundary. The combined floor area of the terrace/alfresco areas is 82.6m².

The third-storey component is set well back from all four external boundaries and comprises a relatively small footprint relative to the outer building envelope. Due to the scale and location of the proposed third storey component, it is not likely to be readily seen when viewed from Osmond Terrace nor from directly neighbouring land. Sight lines from Osmond Terrace are illustrated in **Attachment B2** and are considered to adequately demonstrate that the proposed residential flat building is likely to appear ostensibly as a two-storey building.

The rectilinear design of the residential flat building is distinctly contemporary in its form, which is consistent with the Desired Character Statement, which states (in part):

“The design of buildings will be innovative and contemporary, however, large unbroken expanses of glass or walling and monochromatic colour schemes will not occur where it will be highly visible in the streetscape or from surrounding properties.”

The finishes and modulation to the overall built form is considered to provide visual interest consistent with City Wide Principle of Development Control 30 and the proposed building materials (ie. face brickwork, rendered walls and natural anodised aluminium window frames), complement the existing residential urban character of the immediate area as called for by both the Desired Character Statement and City Wide Principle of Development Control 29.

Residential Character (Norwood) Zone Principle of Development Control 18 states that undercroft or below garaging should only be developed on the western side of Osmond Terrace. It is understood that this policy was adopted as there are several examples of undercroft garaging on the western side, which results in a different character on that side of the road. Undercroft garaging has the potential to have an impact on the streetscape, by creating large 'holes' forward of dwellings, in place of traditional at-grade driveways.

Whilst the provision of an undercroft garage is at odds with Principle 18, the impact on the streetscape is minimised through the retention of the heritage masonry bluestone front wall. The proposed opening in the wall is minimised (being 3.6m), so that views of the undercroft garaging would be limited to directly in front of that small section of the frontage.

A more conventional approach to vehicular access to more than one new dwelling on the subject land, would be to provide a separate driveway for each dwelling, which would create more openings in the front wall and be more disruptive to the streetscape.

On balance, the proposed residential flat building is considered to be acceptable from a bulk, and scale perspective and the building is considered to sit reasonably comfortably within the Osmond Terrace streetscape.

Heritage

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

City Wide Objectives: 110, 111 & 113
City Wide Principles of PDC's: 346, 349, 359, 360 & 361

The subject land is situated between two Local Heritage Places located at 92 Osmond Terrace (a Late Victorian Bluestone Dwelling) and 94 Osmond Terrace (a Bluestone Victorian Dwelling). As such, the Application was referred to the Council's Heritage Advisor, David Brown, for comment.

A summary of Mr Brown's comments is set out below:

- the new building provides a good degree of separation between both Local Heritage Places;
- the new building displays a rectilinear form and a contemporary design appearance incorporating a mix of materials and large sections of glazing to the front facade. The proposed materials, including brick and render, are considered to be contextually acceptable;
- the large sections of centrally located glazing are not ideal, however, they are not considered to be fatal to the design given both the setback of the residential flat building from the Osmond Terrace as well as the proposed landscaping and retained landscaping adjacent within the front property boundary;
- the proposed opening in the masonry bluestone wall is considered to be a positive outcome as the wall will continue to remain the dominant element when viewed from within the streetscape;
- the third level is set well back and as such, will not read readily;
- the overall height of the first floor level is similar to the ridge of both the Local Heritage Places at 92 and 94 Osmond Terrace, which in turn is considered to be generally acceptable given that the streetscape that is becoming predominantly two-storey in height;
- In overall terms, the proposed building is generally acceptable in the context of the established built form character of Osmond Terrace, and its impact on the two adjacent Local Heritage Places.

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

City Wide Principles of Development Control 359 and 361 relate specifically to development located on land adjacent to a Heritage Place.

City Wide Principle of Development Control 359 states:

"Development on land adjacent to land containing a State or Local Heritage Place as designated in Tables NPSP/5 and 6 should respect the heritage value, integrity and character of the heritage place and should clearly demonstrate design consideration of the relationships with the heritage place and its setting (without necessarily replicating its historic detailing) and the character of the locality by establishing compatible:

- (a) *scale and bulk;*
- (b) *width of frontage and boundary setback patterns;*
- (c) *proportion and composition of design elements;*
- (d) *form and visual interest (as determined by play of light and shade, treatment of openings and depths of reveals, roofline and pitch and silhouette, colour and texture of materials as well as detailing, landscaping and fencing);*
- (e) *fencing and areas set aside for landscaping, particularly on the primary street frontage of an allotment, which complement the era, style and landscaping setting of the heritage place; and*
- (f) *garages, carports or outbuildings set-back at a greater distance from the primary street frontage than the main face of the primary building."*

City Wide Principle of Development Control 361 states:

“Development on land adjacent to land containing a State or Local Heritage Place should not be undertaken if it is likely to dominate or detract from the heritage value and integrity of the heritage place by way of design, appearance or standard of construction.”

The proposed residential flat building is considered to display a compatible visual relationship with the two directly adjacent Local Heritage Places in terms of its overall scale and bulk. In addition, the relatively unfussy design of the new building does not seek to compete with or detract from the prominence of either of the adjacent Local Heritage Places. As such, the proposed development is considered to be consistent with Principles 359 and 361 as the proposed residential flat building displays a compatible relationship with the adjacent Local Heritage Places and is not considered to have an adverse impact on their settings.

Setbacks and Site Coverage

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

Residential Character (Norwood) Zone PDC: 12
City Wide PDC's: 50, 204, 205, 206 & 208.

The Residential Character (Norwood) Zone does not specify minimum front setbacks. As such, City Wide Principle of Development Control 205 applies.

City Wide Principle of Development Control 205 states:

“Where the Zone and/or Policy Area does not specify a minimum distance, dwellings should be set back from the allotment boundary on the primary street frontage:

- (a) the same distance as one or the other of the adjoining dwellings (or any distance in between), provided the difference between the setbacks of the two adjoining dwellings is not greater than 2 metres;*
- (b) not less than the average of the setbacks of the adjoining dwellings, if the difference between the setbacks of the adjoining dwellings is greater than 2 metres; or*
- (c) the same distance as the greater of the two adjoining dwelling setbacks, in all circumstances where a new dwelling comprising of 2 or more storeys is being introduced, and one or both of the adjoining properties are single storey.”*

Given that the proposed building is three-storey and the adjacent Local Heritage Places at 92 and 94 Osmond Terrace are single-storey, the proposed building should be set back the same distance as the greater of the two adjoining setbacks, in accordance with part (c) of Principle 205.

The adjacent single-storey dwelling to the north at 92 Osmond Terrace has a 19.7 metre setback to the main facade. The adjacent single-storey dwelling to the south at 94 Osmond Terrace has a front setback of 14.6 metres to the main facade. Applying part (c) of Principle 205, the setback of the residential flat building should be 19.7 metres.

The proposed dwelling is set back from the Osmond Terrace property boundary ranging from 14.1 – 18.3 metres. The proposed setback is based on advice which was provided by the Council to prospective purchasers of the land when it was being offered for sale. In particular, a diagram was provided, showing a notional setback arc between the two adjacent Local Heritage Places.

Being less than the required 19.7 metres is a negative aspect of the proposal. However, the proposed staggering of the front setback of the residential flat building and the space provided between the two Local Heritage Places (ie. 6.0 metres to the north and 1.8 – 3.8 metres to the south) through the proposed side boundary setbacks, is considered to result in a reasonable setback relationship with the LHP at 92 Osmond Terrace, particularly in light of the varying setbacks of other buildings along the eastern side of Osmond Terrace, located between The Parade and William Street. In this context, the proposed front setbacks of the new building are considered appropriate notwithstanding that the criteria specified in Principle 205, is not met.

For the ground level and the second-storey, the side setback from the northern side boundary ranges from 1.7 – 2.4 metres and the side setback from the southern side boundary ranges from 1.8 – 2.3 metres. In terms of the rooftop open terrace/alfresco area, this is set back from both the northern and southern side boundaries by 7.9 metres.

The dwelling at 94 Osmond Terrace has a large masonry gable wall on its northern side boundary, along with a large covered alfresco area, which is also situated on the northern side boundary, and is enclosed with high level openings facing north. The dwelling does not have any north facing windows that directly look onto the proposed residential flat building.

With respect to the open rear yard area of 94 Osmond Terrace, and having regard to the shadow diagrams contained in **Attachment B4**, the occupants of this property will not be subject to an unreasonable level of overshadowing or loss of natural light, resulting from the proposal. Therefore, it is considered that the proposed side setback of the residential flat building adjacent to the southern side boundary of the subject land accords with City Wide Principle of Development Control 206, which requires that side and rear setbacks should be progressively increased as the height of the building increases in order to minimise such impacts.

The proposed ground level and the second-storey are set back from the eastern (rear) by between 1.8 and 2.8 metres. The rooftop open terrace/alfresco area, is set back from eastern boundary by 8.1 metres. Residential Character (Norwood) Zone Principle of Development Control 12 prescribes that the minimum setback from a rear boundary for single-storey and two-storey development should be 4.0 metres and 6.0 metres respectively. The proposal is inconsistent with these criteria.

In terms of the two vacant allotments to the east of the subject land (ie. 39 and 41 Church Avenue), the Council's Planning staff have recently approved the construction of a three-storey detached dwelling and a two-storey detached dwelling at 39 and 41 Church Avenue respectively. The three-storey dwelling has been designed and configured so that its private open space is centrally located on the land and as such, the internal living areas of the dwelling face onto this private open space area. The approved dwelling at 39 Church Avenue has a minimal outlook onto the subject land.

The approved two-storey dwelling at 41 Church Avenue has its private open space situated in the north-western corner of the allotment with almost 50% of the private open space area covered by an alfresco/verandah area. The ground level internal living areas are linked to the private open space area through north facing operable glass doors/windows. The ground level internal living area has no western facing windows that look onto the subject land. In this context, the covered alfresco/verandah area would limit the visual outlook onto the proposed residential flat building. On this basis, the proposed rear setbacks are considered to be acceptable in this instance notwithstanding they do not satisfy the criteria prescribed in Principle 12.

Overall, it is considered that the proposed setbacks and the potential visual impact of the proposed residential flat building on existing occupiers of directly adjacent land are acceptable in the context of the existing locality.

The Residential Character (Norwood) Zone does not prescribe any quantitative site coverage assessment criteria. The proposed building has a site coverage of 40%, which is not inconsistent with the site coverage of development on adjacent and nearby land. Furthermore, the resulting site coverage is less than that of detached dwellings within the immediate area, such as 94 and 96 Osmond Terrace.

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

Private open space

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

City Wide PDC's: 222-225, 227, 228 & 230

City Wide Principle of Development Control 226 states:

“Residential development in the form of apartments within a multi storey building should have associated private open space of sufficient area and shape to be functional and capable of meeting the likely needs of the occupant(s) and should be in accordance with the following requirements:

- (a) studio (no separate bedroom) or one bedroom, a minimum area of 10 square metres of private open space;*
- (b) two bedrooms, a minimum area of 12 square metres of private open space; or*
- (c) three bedrooms or greater; a minimum area of 15 square metres of private open space.”*

All of the proposed dwellings have three or more bedrooms, they should have a minimum area of private open space of 15m², which may comprise ground level courtyards, balconies or a combination of both.

Each of the four dwellings have two balcony areas each. The combined balcony areas for Dwellings 1 and 3 are 35m², while the combined balcony areas for Dwellings 2 and 4 are 33m².

Dwellings 1 and 3 have good orientation for solar access throughout the day, whilst Dwellings 2 and 4 will have compromised access to northern light given the orientation of the subject land, the configuration of the residential flat building and that these dwellings are situated on the southern side of the residential flat building. This is considered to be a negative aspect of the proposal.

City Wide Principle of Development Control 230 states that balconies should make a positive contribution to the internal and external amenity of residential buildings and should be located adjacent main living areas to extend the living space of the dwellings. The private open space areas of each dwelling are directly accessible from the living areas of the respective dwellings, which in turn accords with Principle 230.

Overshadowing/Overlooking

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

City Wide PDC's: 11, 31, 71, 72, 196, 235, 236 & 273

City Wide Principle of Development Control 196 states:

“Unless otherwise specified in the relevant Zone and/or Policy Area, development should ensure that at least half of the ground level private open space of existing dwelling(s) receive direct sunlight for a minimum of two hours between 9.00am and 3.00pm on 21 June. Development should not increase the overshadowed area in cases where overshadowing already exceeds these requirements.”

The Applicant has provided shadowing diagrams, to demonstrate the extent of overshadowing that would result from the proposed development during the winter solstice. In relation to 94 Osmond Terrace, which is directly south of the subject land, the shadowing analysis demonstrates that the property will experience some shadowing to its open rear yard at midday and to a greater extent in the late afternoon period. The dwelling at 94 Osmond Terrace has a large masonry gable wall on its northern side boundary. Further back to the east, a large covered alfresco area exists which is also situated on the northern side boundary and is enclosed on its northern side. That said, the ground floor yard areas of 94 Osmond Terrace will continue to receive direct sunlight to their private open space area as prescribed by Principle 196.

In terms of visual privacy from the proposed dwellings, all of the south, east and north facing upper level windows and balcony areas incorporate a combination of 1.7 metre high sill levels and privacy screening respectively above the internal upper floor level. The proposed privacy measures are consistent with City Wide Principle of Development Control 235, which seeks privacy treatment to a height of 1.7 metres. In any event, if the Panel determine to approve the proposed development, it is recommended that a condition be imposed not only reiterating these screening measures for the windows and balcony areas of Dwellings 2 and 3, but also, that appropriate privacy treatment be incorporated to the northern and southern sides of the roof level open terrace/alfresco area.

Car parking/access/manoeuvring

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

City Wide Objectives: 31, 32 & 34
City Wide PDC's: 98, 101, 113, 120, 121, 122, 123,124, 126, 127, 129 & 130

Table NPSP/8

City Wide Principle of Development Control 120 states that development should include on-site car parking in accordance with the rates prescribed in Table NPSP/8. In relation to residential flat buildings, Table NPSP/8 states that two (2) on-site car parking spaces should be provided for each two (2) - three (3) bedroom dwelling, of which at least one (1) should be covered. In addition, one (1) visitor space should be provided for every two (2) dwellings up to ten (10) dwellings.

Each of the proposed four (4) dwellings is provided with two (2) exclusive car parking spaces within the basement car park. The proposed development also includes the provision of two (2) on-site visitor spaces.

The four (4) dwellings result in a demand of 8 spaces, plus a demand of three (3) visitor spaces. Applying the requirements prescribed in Table NPSP/8, the proposed development results in a car parking demand shortfall of one (1) space.

City Wide Principle of Development Control 122 states (in part):

"A lesser on-site car parking rate may be applied to applicable elements of a development in any of the following circumstances:

(b) sites are located within 200 metres walking distance of a convenient and frequent service fixed public transport stop; or

The subject land is approximately 218 metres to the nearest bus stop on The Parade, which is a 15 minute "Go Zone".. On balance, although the development results in a shortfall of one car parking space, the shortfall is not considered fatal to the Application.

City Wide Principle of Development Control 118 states (in part) that:

"driveways should:

- (a) not exceed a gradient of 1 in 5 at any point and have a near level gradient (of 1 in 20) at either end for a length of at least 5 metres and connect to any existing paved footpath surface at a level that does not require any modification to the level of any public infrastructure"*

The purpose of the requirement of a near level gradient at either end of the driveway for a length of at least 5 metres, is to provide an opportunity for convenient visitor car parking. The proposed driveway does not achieve this. Instead, the visitor car parking spaces are proposed to be located behind an entry door to the basement garaging. To ensure that visitors have convenient access to the visitor parking spaces, it is recommended that a condition be imposed, requiring that an intercom system be installed within the driveway area of the subject land so that visitors can contact an occupier in order to arrange access to the visitor car parking spaces. This has been discussed with and agreed by the Applicant.

The Council's Planning staff applied the 85th percentile vehicle turning templates, within the Australian Standard for off-street car parking, to the manoeuvring areas. Having regard to the plans that are before the Panel, vehicle movements can be undertaken on-site in a safe and convenient manner.

Accordingly, this aspect of the proposal is consistent with City Wide Principles of Development Control 113 and City Wide Objective 34.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives: 24, 120 & 121
City Wide PDC's: 73, 74, 75, 76, 77, 78, & 409 - 415

The subject land contains two significant trees (one Lemon Scented Gum and one palm tree) and two regulated trees (two palm trees).

City Wide Objective 121 seeks development, which balances the preservation of regulated trees, which display one or more of the following attributes:

- a) *significantly contributes to the character or visual amenity of the locality;*
- b) *indigenous to the locality;*
- c) *a rare or endangered species;*
- d) *an important habitat for native fauna.'*

The two regulated palm trees were originally part of the garden of the adjacent Local Heritage Place at 92 Osmond Terrace. In order to accommodate the driveway from Osmond Terrace into the proposed basement garage, the two regulated palm trees are proposed to be relocated to the front of the vacant property at 92A Osmond Terrace.

The Applicant proposes to retain and incorporate the existing Lemon Scented Gum tree and the significant palm tree (ie. located in the south-western corner of 92C Osmond Terrace) as part of the landscaping scheme associated with the development.

The proposed development has been considered by the Council's City Arborist in order to determine the suitability of the proposed development with respect to the likely impacts upon the significant Lemon Scented Gum. The Lemon Scented Gum has a calculated theoretical Tree Protection Zone (TRZ) of 13.6 metres, when measured from the centre of the tree's trunk. A portion of the basement car parking area, the north-western corner of the Dwelling 1 and the vehicle by-pass area of the driveway are located within the Lemon Scented Gum's TPZ.

Having regard to *Australian Standard 4970 - Protection of trees on development sites*, the City Arborist has advised that the extent of encroachment into the TPZ is feasible, subject to appropriate tree protections measures and non-destructive excavation methods, so as to minimise damage to the tree's root system from the construction of the proposed residential flat building and associated driveway area. Furthermore, the City Arborist has concluded that the proposed development may have an initial impact on the significant tree, however is not likely to affect its long-term health. In this context, the City Arborist has recommended several conditions of consent be imposed, should the Panel determine to approve the Application.

In addition to seeking to retain the Lemon Scented Gum and the significant palm tree, the Applicant has provided a landscaping plan and schedule, which specifies a range of hedge plantings, shrubs and grass types.

In combination with the retention of the two significant trees, the proposed landscaping is considered to enhance the amenity of the proposed residential flat building, particularly given the extent of hard paving required for the driveway area. In this context, the provision of landscaping is considered to be acceptable and will complement the development.

Finished floor levels/flooding/retaining

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

City Wide Objectives: 42, 43 & 44.
City Wide PDC's: 147, 148, 149, 151, 154, 155, 157, 160 & 161.

The subject land is not located within a recognised flood plain.

The finished floor levels of Dwellings 1 and 2 are approximately 100 – 485mm above the adjacent top of kerb level. Stormwater disposal from the roof area and the surrounding ground surface area can be disposed of to the Osmond Terrace street water table by gravity. The ground runoff from the driveway area

is to be collected by a sump located in the front of the basement garaging and pumped back to the street water table. In this context, stormwater disposal is considered to be acceptable.

As the subject land is currently pervious and the proposed development will result in a substantial introduction of impervious surface area, it is recommended that the existing 1 in 5 year ARI peak flow from the property be maintained. Accordingly, should the Panel determine to approve the proposed development, a condition of consent should be imposed requiring that the Applicant adhere to this requirement.

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, 154, 159 & 160.

Having regard to the orientation of the subject land it is considered that the siting of the residential flat building and the proposed floor and balcony area layouts, the proposal will only optimise exposure to natural light for two of the four dwellings, which is inconsistent with City Wide Principles 67 and 68.

With regard to Principle 69, which seeks that development minimises energy consumption by incorporating, where practicable, energy efficient building design elements, it is noted that the northern elevations of the Dwellings 1 and 3 have minimal horizontally proportioned window areas which in turn minimises the extent of direct sunlight (ie. heat loading) to these windows. In terms of the western facing windows and in particular the vertically proportioned windows (ie. those not recessed and shaded behind the balcony areas), these will experience heat loading in the summer months. This is considered to be a negative aspect of the proposal.

City Wide Objective 42 seeks development that is designed to maximise the harvest and use of stormwater and Principle of Development Control 159 prescribes that new dwellings should be provided with a 2000 litre rainwater tank, which is plumbed to the dwellings for reuse. The Applicant has not indicated the size or location of rainwater tanks on the proposed plans.

As such, it is recommended that if the Panel determine to approve the proposed development, that a condition be imposed to require the Applicant to install a 2,000 litre rainwater tank for each proposed dwelling, in accordance with Principle 159.

Summary

The Residential Character (Norwood) Zone is intended to accommodate infill development and a mix of housing forms in specified localities and at varying densities. This is such a locality within the zone.

The proposed dwelling density is considered to be acceptable, as the proposed dwellings all meet the minimum dwelling floor area requirement.

The Zone anticipates development up to two-storeys in height. Whilst the proposed three-storey development is at odds with this policy, the third floor level is minimal and the building is considered to appear predominantly two-storey in height. On this basis, the three-storey building height is considered to be acceptable in this instance.

From a built form perspective, the proposed residential flat building is considered to result in a compatible streetscape fit in relation to both the two adjacent Local Heritage Places and the streetscape as a whole. The building is well spaced and sited on the land and has been designed with a reasonably good level of visual interest and includes a range of different materials and finishes. The existing bluestone masonry wall is being retained across the front property boundary albeit a driveway access/egress point is being introduced. In addition, the retention of the two significant trees adjacent the Osmond Terrace frontage and relocation of two regulated trees, is considered to be a positive aspect of the proposal.

Minor shortcomings of the proposal include a shortfall of one visitor car parking space and a shortfall in private open space provision for two of the four dwellings. In terms of the qualitative provisions of the Development Plan, two of the four dwellings only have good orientation of internal living areas and private open space areas for solar access.

Maintaining stormwater discharge at pre-development levels will be addressed via a stormwater management plan at the Building Rules stage.

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

RECOMMENDATION 1

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application Number 155/C040/18 by Normat No.2 Pty Ltd to undertake a Community Title Land Division (creating four lots from two existing allotments), on the land located at 92B and 92C Osmond Terrace, Norwood, subject to the imposition of the following conditions and notes:

Relevant Plans

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

- Plan of Division prepared by Benchmark Property Services and received by the Council on 14 August 2018.

Conditions

Nil.

RECOMMENDATION 2

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application Number 155/622/17 by Mr M Cooper to undertake the construction of a three-storey residential flat building (comprising four dwellings) with associated basement car parking on the land located at 94B and 94C Osmond Terrace, Norwood, subject to the imposition of the following 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, except where varied by the following conditions of consent:

- Plan of Division prepared by Benchmark Property Services and received by the Council on 21 June 2018.
- plans and elevations (Drawing Numbers 3334.1 DA01 Revision F, 3334.1 DA02 Revision H and 3334.1 DA03 Revision E) prepared by Flightpath Architects Pty Ltd.

Conditions

1. A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land being maintained at pre-development levels and includes investigation of the possible use of the stormwater easement to the east of the land to avoid reliance on pumps. On-site detention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.
2. Prior to the granting of Development Approval, the Applicant shall provide a detailed arboricultural methodology and measures which demonstrates:
 - a. appropriate non-destructive excavation and construction methods so as to minimise damage to the significant Lemon Scented Gum's critical root system from the proposed development.
 - b. the extent of excavation required for the relocation of the two regulated palms trees within the Lemon Scented Gum's Tree Protection Zone;
 - c. appropriate method for the effective relocation of the two regulated trees to the property at 92A Osmond Terrace
3. A tree protection zone (TPZ) shall be established around the significant Lemon Scented Gum with a radius of 13.6 metres (within the subject land) and no works of any kind shall occur within this zone during the construction of the development herein approved. The protection zone is to encompass the critical root zone.

The Tree Protection Zone shall be fenced before any works commence on site and the following provisions must be adhered to:

- (a) the fence shall consist of 2.0 metre high solid, chain mesh, steel or similar fabrication with posts at 3 metre intervals;
 - (b) the fence shall incorporate on all sides a clearly legible sign displaying the words "Tree Protection Zone";
 - (c) there shall be no changes to the natural ground level within the Tree Protection Zone;
 - (d) a layer of organic mulch (woodchips) to a depth of 100mm shall be placed over all root systems within the Tree Protection Zone so as to assist with moisture retention and to reduce the impact of compaction.
 - (e) no persons, vehicles or machinery shall enter the Tree Protection Zone without consent of the Council.
 - (f) no storage or dumping of material, fuel, chemicals, equipment or temporary building shall take place within the Tree Protection Zone.
 - (g) nothing shall be attached to the tree.
 - (h) supplementary watering shall be provided to the tree through any dry periods during and after the construction process.
 - (i) no trenching form for the installation of underground service is permissible within the Tree Protection Zone.
 - (j) structural roots, that is, roots with a diameter greater than 25 millimetres, located outside the Tree Protection Zone should be retained during the construction. Of such roots require removal they shall be severed by saw cutting, sharp axe or secateurs and not with a Backhoe or any machinery or blunt instrument. Wounds shall be dressed with a commercially available tree-wound healing compound.
 - (k) any paths, driveways that may be required through the Tree Protection Zone shall be constructed of gravel.
 - (l) excavation to construct paths within the Tree Protection Zone shall be constructed by hand digging and any structural roots, that is, roots with a diameter greater than 25 millimetres, encountered should be retained.
4. All excavation work associated within the TPZ is to be undertaken using non-destructive techniques such as HydroVac or similar under the supervision of an Arborist with a minimum qualification of Level 5 Diploma in Horticulture (Arboriculture). These excavations shall be inspected by Council's

City Arborist prior to commencing construction works by arranging contact with Matthew Cole on 8366 4588.

5. All excavation work associated with the substructure associated with the residential flat building located within TPZ, is to be undertaken using non-destructive techniques such as HydroVac or similar under the supervision of an Arborist with a minimum qualification of Level 5 Diploma in Horticulture (Arboriculture). These excavations shall be inspected by Council's City Arborist prior to commencing construction works by arranging contact with Matthew Cole on 8366 4588.
6. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the final landscaping plan and schedule, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.
7. Each dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres), or alternatively, an eight kilolitre (8000 litres) communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m² of its roof catchment area to the communal tank and in either case, water shall be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.
8. Wheel stopping devices (or kerbing with adequate clearance from the boundaries) constructed of concrete, metal or wood shall be placed at the end of all new parking bays so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
9. 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.
10. 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.
11. The portion of the upper floor windows, balconies and the rooftop communal area on the northern, eastern and southern sides, less than 1.7 metres above the floor levels, shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person from the balcony to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, wing walls, solid or translucent panels or perforated panels or metal trellises which have a maximum of 24% openings).
12. An intercom system shall be installed within the driveway area so that visitors can contact an occupier within any of the four dwellings in order to achieve remote access to the visitor car parking spaces within the basement garage. Details of the chosen system shall be provided to the reasonable satisfaction of the Council or its delegate prior to the granting of Development Approval.

Notes to Applicant

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

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

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

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

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

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

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

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

Mr Mosel declared a conflict of interest for item 2.1 because the applicant in this matter is known to him. Mr Mosel has also declared a conflict of interest for 2.2 because representors in this matter are known to him.

Mr Mosel left the meeting at 7:03pm

Ms Newman nominated Mr Smith to chair the meeting for item 2.1 and 2.2. Seconded and carried.

Mr Smith chaired the meeting in Mr Mosel's absence.

Mr Matthew Cooper, Applicant addressed the Panel from 7:07pm until 7:09pm

Moved

RECOMMENDATION 1

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application Number 155/C040/18 by Normat No.2 Pty Ltd to undertake a Community Title Land Division (creating four lots from two existing allotments), on the land located at 92B and 92C Osmond Terrace, Norwood, subject to the imposition of the following conditions and notes:*

Relevant Plans

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

- Plan of Division prepared by Benchmark Property Services and received by the Council on 14 August 2018.

Conditions

Nil.

RECOMMENDATION 2

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application Number 155/622/17 by Mr M Cooper to undertake the construction of a three-storey residential flat building (comprising four dwellings) with associated basement car parking on the land located at 94B and 94C Osmond Terrace, Norwood, subject to the imposition of the following 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, except where varied by the following conditions of consent:

- Plan of Division prepared by Benchmark Property Services and received by the Council on 21 June 2018.
- plans and elevations (Drawing Numbers 3334.1 DA01 Revision F, 3334.1 DA02 Revision H and 3334.1 DA03 Revision E) prepared by Flightpath Architects Pty Ltd.

Conditions

1. A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land being maintained at pre-development levels and includes investigation of the possible use of the stormwater easement to the east of the land to avoid reliance on pumps. On-site detention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.
2. Prior to the granting of Development Approval, the Applicant shall provide a detailed arboricultural methodology and measures which demonstrates:
 - a. appropriate non-destructive excavation and construction methods so as to minimise damage to the significant Lemon Scented Gum's critical root system from the proposed development.
 - b. the extent of excavation required for the relocation of the two regulated palms trees within the Lemon Scented Gum's Tree Protection Zone;
 - c. appropriate method for the effective relocation of the two regulated trees to the property at 92A Osmond Terrace
3. A tree protection zone (TPZ) shall be established around the significant Lemon Scented Gum with a radius of 13.6 metres (within the subject land) and no works of any kind shall occur within this zone during the construction of the development herein approved. The protection zone is to encompass the critical root zone.

The Tree Protection Zone shall be fenced before any works commence on site and the following provisions must be adhered to:

- (a) the fence shall consist of 2.0 metre high solid, chain mesh, steel or similar fabrication with posts at 3 metre intervals;*
 - (b) the fence shall incorporate on all sides a clearly legible sign displaying the words "Tree Protection Zone";*
 - (c) there shall be no changes to the natural ground level within the Tree Protection Zone;*
 - (d) a layer of organic mulch (woodchips) to a depth of 100mm shall be placed over all root systems within the Tree Protection Zone so as to assist with moisture retention and to reduce the impact of compaction.*
 - (e) no persons, vehicles or machinery shall enter the Tree Protection Zone without consent of the Council.*
 - (f) no storage or dumping of material, fuel, chemicals, equipment or temporary building shall take place within the Tree Protection Zone.*
 - (g) nothing shall be attached to the tree.*
 - (h) supplementary watering shall be provided to the tree through any dry periods during and after the construction process.*
 - (i) no trenching for the installation of underground service is permissible within the Tree Protection Zone.*
 - (j) structural roots, that is, roots with a diameter greater than 25 millimetres, located outside the Tree Protection Zone should be retained during the construction. Of such roots require removal they shall be severed by saw cutting, sharp axe or secateurs and not with a Backhoe or any machinery or blunt instrument. Wounds shall be dressed with a commercially available tree-wound healing compound.*
 - (k) any paths, driveways that may be required through the Tree Protection Zone shall be constructed of gravel.*
 - (l) excavation to construct paths within the Tree Protection Zone shall be constructed by hand digging and any structural roots, that is, roots with a diameter greater than 25 millimetres, encountered should be retained.*
- 4. All excavation work associated within the TPZ is to be undertaken using non-destructive techniques such as HydroVac or similar under the supervision of an Arborist with a minimum qualification of Level 5 Diploma in Horticulture (Arboriculture). These excavations shall be inspected by Council's City Arborist prior to commencing construction works by arranging contact with Matthew Cole on 8366 4588.*
 - 5. All excavation work associated with the substructure associated with the residential flat building located within TPZ, is to be undertaken using non-destructive techniques such as HydroVac or similar under the supervision of an Arborist with a minimum qualification of Level 5 Diploma in Horticulture (Arboriculture). These excavations shall be inspected by Council's City Arborist prior to commencing construction works by arranging contact with Matthew Cole on 8366 4588.*
 - 6. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the final landscaping plan and schedule, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.*
 - 7. Each dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres), or alternatively, an eight kilolitre (8000 litres) communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m² of its roof catchment area to the communal tank and in either case, water shall be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.*
 - 8. Wheel stopping devices (or kerbing with adequate clearance from the boundaries) constructed of concrete, metal or wood shall be placed at the end of all new parking bays so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.*

9. *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.*
10. *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.*
11. *The portion of the upper floor windows, balconies and the rooftop communal area on the northern, eastern and southern sides, less than 1.7 metres above the floor levels, shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person from the balcony to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, wing walls, solid or translucent panels or perforated panels or metal trellises which have a maximum of 24% openings).*
12. *An intercom system shall be installed within the driveway area so that visitors can contact an occupier within any of the four dwellings in order to achieve remote access to the visitor car parking spaces within the basement garage. Details of the chosen system shall be provided to the reasonable satisfaction of the Council or its delegate prior to the granting of Development Approval.*

Notes to Applicant

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

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

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.
6. *This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.*
7. *The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

Seconded and carried

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/465/2017 – NOBLE BUILT – 5 JOHN STREET, FIRLE

DEVELOPMENT APPLICATION:	155/465/17
APPLICANT:	Noble Built
SUBJECT SITE:	5 John Street, Firle (Certificate of Title Volume: 5740 Folio: 672)
DESCRIPTION OF DEVELOPMENT:	Construction of a two-storey residential flat building (containing four (4) dwellings), associated retaining walls and fencing and landscaping
ZONE:	Residential Zone Medium Density Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 17 December 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 2

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on a Development Application for the construction of a residential flat building containing four (4) two storey dwellings, associated retaining walls and fencing and landscaping.

Staff do not have delegated authority to determine the Application, as it is a Category 2 form of development and objections to the Application were received through the public notification process.

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:	rectangular
Frontage width:	19.81 metres
Depth:	47.55 metres
Area:	941.94m ²
Topography:	slight fall (in the order of 600mm) from front (east) to rear (west)
Existing Structures:	detached dwelling and several outbuildings
Existing Vegetation:	low shrubs and small non-regulated trees

The subject land contains a single-storey bungalow with a tiled roof. A driveway enters the property adjacent to the southern side boundary and leads to a freestanding galvanised garage located within the rear yard area. The land is relatively flat, with a slight fall of approximately 600mm from the front boundary down to the rear boundary.

A Development Application to divide the subject land via Community Title into four (4) Lots ranging in area from 154m² to 192m² and common property has recently been determined under delegated authority, as the land division achieved the relevant quantitative provisions of the Development Plan with respect to site area and frontage width. The land division was granted Development Approval. A copy of the approved land division is contained in **Attachment A**.

Locality Attributes

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

The locality is characterised by a mix of low and medium density housing, predominantly single storey in height. Dwelling types include detached dwellings and residential flat buildings. Directly adjacent to the north of the subject land at 112 Gage Street are 24 single-storey dwellings contained within 6 residential flat buildings. In addition to this, directly to the east at 2 John Street are three dwellings contained within a single-storey residential flat building.

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

Proposal in Detail

The Applicant seeks consent to construct a two-storey residential flat building containing four (4) dwellings. All four dwellings front onto a common driveway area which runs along the southern boundary of the property.

At ground level, each dwelling has a double garage, an open-plan living/meals/kitchen area, laundry and WC. Each has a north-facing rear yard, while the easternmost dwelling (Dwelling 1) and the westernmost dwelling (Dwelling 4) also have side yard areas.

At first floor level, each dwelling has three bedrooms, bathrooms and a secondary living area.

The dwellings have a traditional appearance, with pitched roofs (between 22.5 and 25 degrees) and a range of cladding materials, including rendered hebel walls (colour colorbond "surfmist" or similar) and rendered blueboard framed-out feature elements and powder-coated aluminium windows (colour dark grey).

A 1.8 metre high rendered form wall that incorporates an integrated recessed landscaping bed is proposed adjacent to the front property boundary.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Dwelling 1	Dwelling 2	Dwelling 3	Dwelling 4	Development Plan Merit Assessment Quantitative Guideline
Site Area	192m ²	145m ²	145m ²	177m ²	No minimum
Allotment Width	13.65m	10.75m	10.75m	12.4m	N/A
Development site width			19.81m		18.0m
Allotment Depth	12.29m	12.29m	12.29m	12.29m	N/A
External Wall Height*	5.6m	5.6m	5.6m	5.6m	Two-storey
Maximum Overall Height (to roof apex)*	7.9m	7.8m	7.8m	7.8m	Two-storey
Floor Area (total)	202m ²	196m ²	196m ²	179m ²	100m ² minimum
Floor Area (footprint)	114m ²	106m ²	106m ²	107m ²	N/A

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Dwelling 1	Dwelling 2	Dwelling 3	Dwelling 4	Development Plan Merit Assessment Quantitative Guideline
Site Coverage (excluding common area)	59%	69%	69%	60%	70%
Site Coverage (including common area)			46%		N/A
Private Open Space	40m ² 86% uncovered	34m ² 51% uncovered	34m ² 51% uncovered	44m ² 61% uncovered	35m ²
Street Set-back	4.6m	N/A	N/A	N/A	4m
Side Set-back (ground level northern side)	1.1m	2.5m	2.5m	2.5m	2.5m for Dwellings 2, 3 & 4 0.9m for Dwelling 1
Side Set-back (upper level northern side)	4.5m	4.5m	4.5m	4.5m	4.5m for Dwellings 2, 3 & 4 2.8m for Dwelling 1
Rear Set-back (ground level western side)	N/A	N/A	N/A	2.5m	2.5m
Rear Set-back (upper level western side)	N/A	N/A	N/A	4.5m	4.5m
Occupant Car Parking Provision	2 spaces	2 spaces	2 spaces	2 spaces	2 spaces per dwelling
Visitor Car Parking Provision			1 space		1 space for every 2 dwellings

** 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 C**.

Notification

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

Eight (8) representations were received in response to this notification, copies of which are attached (**Attachment D**). The representors were all opposed to the Application. Key issues raised by representors are, in summary:

- concern over loss of visual privacy;
- concern over compromise living and visual amenity and the change to the established built form landscape;
- concern that the proposed development will generate additional vehicular traffic;
- concern that proposed development will result in pressure on additional waste collection services;
- concern with the proposed dwelling density; and
- concern with the loss of access to northern light and overshadowing of neighbouring land and buildings.

The following persons have indicated in their representation that they wish to be heard by the Panel:

*Angela D'Ortenzio;
Kara Palombo;
Robert Duke; and
Franwyn Botha.*

Through their planning consultant, Masterplan Town and County Planners, the Applicant has responded to the representations received and a copy of their response is contained in **Attachment E**.

State Agency Consultation

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

Discussion

The subject land is located within the Medium Density Policy Area of the Residential Zone, 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:

Medium Density Policy Area Objectives: 1 & 2
Medium Density Policy Area Desired Character Statement
Medium Density Policy Area Principles of Development Control: 3, 5 & 7

Residential Zone Objectives: 1 & 2
Residential Zone Desired Character Statement
Residential Zone Principles of Development Control: 1 & 3

Objective 1 of the Medium Density Policy Area encourages a range of medium density dwellings, including a minimum of 15 per cent affordable housing, designed to integrate with areas of open space, neighbouring centres or public transport nodes. Objective 2 speaks towards transitioning density down towards the edges of the policy area.

There is no minimum site area per dwelling for residential flat buildings within the Medium Density Policy Area, with the only quantitative requirement being that the property has a minimum frontage width of 18m. The Desired Character Statement explains:

“Whilst detached and semi-detached dwellings will continue to be developed within the Medium Density Policy Area, more flexible development parameters for other forms of housing (including group dwellings, row dwellings and residential flat buildings) are included and will provide additional opportunities for increasing residential densities in these locations. While a minimum site area has not been allocated for dwellings within a residential flat building, a minimum floor area requirement for dwellings has been included and will, along with other policies relating to private open space, communal space, car parking and the design of the built form, ensure an acceptable level of amenity for occupants, as well residents in the locality.”

Accordingly, residential flat buildings are clearly anticipated within the Medium Density Policy Area and whether or not the proposal is of an acceptable density will depend on whether policies related to private open space, communal space, car parking and the design of the built form are adequately addressed. These issues are discussed under the relevant headings in the preceding sections of this report.

streetscape/bulk/scale/height/character

Medium Density PA Desired Character Statement

Medium Density PA Objectives: 2, 4

Medium Density PA PDCs: 1, 3, 7

Residential Zone Desired Character Statement

Residential Zone Objectives: 3

Residential Zone PDCs: 6, 8

City Wide Objectives: 18, 19 & 20

City Wide PDCs: 28-33, 35-37, 181, 184, 197

The Desired Character Statement for the Medium Density Policy Area states (in part):

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

The proposed two-storey building height is consistent with the maximum height stated in the desired character of the Policy Area.

With respect to the relatively traditional style of the proposed dwellings, the Desired Character Statement for the Residential Zone states:

“A variety of facade treatments will be permitted in the zone, allowing for individual preferences, however overall proportions of buildings as they present to the street, will be balanced and in accordance with good architectural practice, so as to provide a pleasant streetscape. Garages and carports will be located to the side or rear of dwellings and the placement of driveways will ensure minimal disruption to footpaths and street trees. Where double garaging is proposed, driveways will be tapered, where practicable, to reduce the extent of hard surface areas forward of dwellings.”

The residential flat building is considered to provide a reasonable level of visual interest and through a combination of modulated rendered walls, framed-out feature facade elements and pitched corrugated sheet roofing that is generally consistent with the Desired Character Statement.

From the street, the layout of development with the driveway on the southern side of the residential flat building and the provision of a 4.5 meter setback at the upper level from the northern side boundary, as well as a 4.0 metre front setback, would maintain a sense of space around the building and reflect the intent of the Residential Zone that a ‘suburban’ character be maintained.

Consistent with the desired character statement, there are no garages facing the street and one (1) driveway crossover services all four (4) dwellings.

Setbacks and Site Coverage

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

Medium Density PA PDCs: 7

City Wide PDCs: 202, 203, 208

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

The proposal is consistent with this policy, with Dwelling 1 being set back from the street 4.5 metres.

In terms of side and rear setbacks, City Wide Principle of Development Control 202 states that any single-storey component of a two-storey dwelling on a battleaxe, hammerhead or similar configuration allotment or site and a side or rear boundary of the parent development site, should be set back no less than 2.5 metres. City Wide Principle of Development Control 203 states that any two-storey component of a two-storey dwelling on a battleaxe, hammerhead or similar configuration allotment or site and a side or rear boundary of the parent development site, should be set back no less than 4.5 metres.

Principles 202 and 203 apply to Dwellings 2, 3 and 4, all of which achieve the 2.5m and 4.5m criteria.

Dwelling 1 is not located on a battleaxe, hammerhead or similar configuration allotment or site. As such, Residential Zone Principle of Development Control 8, which applies to dwellings fronting a public road, is relevant and provides a 0.9m side back criteria for ground level and 0.9m plus 1/3 of the increase in height above 3m for upper level. In this case, the upper level setback criteria for Dwelling 1 equates to 2.8m.

Dwelling 1 is set back 1.1m at ground level and 4.5m at upper level. It therefore exceeds the minimum setback criteria for both levels. The applicant initially proposed that Dwelling 1 be set back 2.5 metres from the northern side boundary, however in recognition of the potential visual impact on the occupiers of adjoining dwellings at 112 Gage Street, the applicant was asked to amend the setback to 4.5m, as is currently proposed.

In terms of site coverage, Principle of Development Control 7 of the Medium Density Policy Area states that the site coverage for dwellings within residential flat buildings should be designed with a maximum site coverage (inclusive of ancillary structures) of 70%. Each of the proposed dwellings has a site coverage ranging from 59% to 69%, consistent with Principle 7.

Overshadowing/overlooking

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

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

City Wide Principle of Development Control 196 states:

“Unless otherwise specified in the relevant Zone and/or Policy Area, development should ensure that at least half of the ground level private open space of existing dwelling(s) receive direct sunlight for a minimum of two hours between 9.00am and 3.00pm on 21 June. Development should not increase the overshadowed area in cases where overshadowing already exceeds these requirements.”

The Applicant has provided shadow diagrams, to demonstrate the extent of overshadowing that would result from the proposed development during the winter solstice. The majority of shadowing of neighbouring properties that is likely to occur, is during the mid-morning period, over portions of the rear yard areas of 1, 1/1 and 3 Ryan Avenue as well as the rear yard of 7 John Street. By midday, the extent of shadowing to the rear yards of the three Ryan Avenue properties has substantially reduced. The rear yard area of 7 John Street remains in shadow, however, this is as a result of the shadowing cast by the existing dwelling being located relatively close (ie. 1.7 metres) to its rear western property boundary.

In addition to the rear yard area located at 7 John Street, the dwelling also has a covered alfresco/verandah area on its northern side directly adjacent the southern side boundary of the subject land. By mid-afternoon, the extent of shadowing to rear yards of 1 and 1/1 Ryan Avenue has further reduced whilst the rear yard area has approximately the same extent of shadowing as it did at midday. With respect to 7 John Street, the extent of shadowing confined to a relatively small portion of the northern rear yard area.

Accordingly, the shadow diagrams demonstrate that the proposed development would result in at least half of the private open space for the three directly adjacent properties to the south receiving direct sunlight for a minimum of two hours between 10:00am and 3:00pm on 21 June, in accordance with Principle 196.

A copy of the shadow diagrams is contained in **Attachment C10 - 12**.

City Wide Objectives:	38
City Wide PDC's:	98, 101, 104, 118, 120, 122, 181, 198, 200 & 219
Table NPSP/8	

City Wide Principle of Development Control 120 states that development should include on-site car parking in accordance with the rates prescribed in Table NPSP/8. In relation to residential flat buildings, Table NPSP/8 states that two (2) on-site car parking spaces should be provided for each three (3) bedroom dwelling, of which at least one (1) space should be covered. In addition, one (1) visitor space should be provided for every two (2) dwellings.

Each of the proposed dwellings includes two (2) covered car parking spaces within garages for use by the occupants of the dwellings. In addition, one (1) centrally located dedicated visitor parking space is provided between Dwellings 2 and 3, for use by visitors to any of the four (4) dwellings. This results in a shortfall of one (1) on-site car parking space for the development, when considering the rates in Table NPSP/8.

Although the shortfall of one on-site visitor parking space is a negative aspect of the application, visitor cars parked on the street in front of the property are unlikely to detract from the amenity of other residents in the street, as the property is at the end of a cul-de-sac and adjacent properties at 2 John Street and 112 Gage Street have high brush front fences.

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

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

City Wide Principle of Development Control 189 provides guidelines for the configuration of driveway and manoeuvring areas for battle-axe style allotments, so as to achieve safe and convenient access arrangements. In relation to developments involving more than two (2) dwellings utilising a common driveway, Principle 189 states that the driveway should have a 6.0 metre x 6.0 metre paved carriageway at the front of the property, to enable safe and convenient access/egress for vehicles turning into and out of the site simultaneously. The proposal accords with this policy.

Principle 189 also states that the paved carriageway width should be no less than 5.0 metres in width, with an additional 1.0 metre of landscaping, resulting in a total width of paved carriageway and landscaping of 6.0 metres. The proposed development also complies with this policy.

The 85th percentile vehicle turning templates within the Australian Standard for off-street car parking have been applied to the manoeuvring areas and it has been determined that vehicles are able to conveniently access and egress all car parking spaces.

Finished floor levels/flooding/retaining

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

City Wide PDCs:	53-58, 79, 164, 167-171
-----------------	-------------------------

The subject land is not within an identified flood plain.

The subject land has an approximate average fall of 600mm from the John Street boundary to the western rear boundary. The Applicant has nominated the same finished floor level for each of the four proposed dwellings. In terms of Dwellings 1 – 2, the proposed finished floor level is between 200 - 260mm above existing adjacent ground level, Dwelling 3 is 400mm – 600mm higher than adjacent ground level and Dwelling 4, 600 - 800mm higher than adjacent ground level.

The proposed finished floor levels for the dwellings will result in the need for retaining walls of between 200 - 600mm height along the northern side boundary, 600mm along the western rear boundary and between 200 - 600mm along the southern side boundary.

The Applicant has indicated that 1.8 metre high 'Good-neighbour' Colorbond fencing will be used for all internal fencing and the replacement of side and rear fencing. The resulting combined height of retaining and fencing at the boundaries of the site (up to 2.4 metres on the western boundary) and the resulting level of fill are consistent with City Wide Principles of Development Control 58 and 164 respectively.

A copy of the Civil Plan, which contains the proposed levels and stormwater sump locations, is contained in **Attachment C13**.

The Applicant has proposed to direct roof runoff to 2,000 litre rainwater tanks for each dwelling, which are to be plumbed back to each dwelling for reuse, with overflow directed to a main stormwater collection pipe located beneath the common driveway. Surface water collected from the ground surrounding each dwelling is also proposed to be directed to the main stormwater collection pipe and pumped to the street water table.

Given the relatively high percentage of land that will be covered with impervious surfaces compared with the existing condition, it is considered appropriate that on-site detention be provided to ensure that stormwater leaving the site in a high rainfall event does not exceed current levels, consistent with City Wide Principle of Development Control 160.

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

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

Trees (significant, mature & street) and landscaping

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

City Wide Objectives:	24, 117, 118
City Wide PDCs:	73, 74, 220 & 221, 395, 396

The subject land does not contain any regulated trees, however, contains a number of small mature trees, shrubs and vegetation.

The Applicant has provided a landscaping plan and species schedule, a copy of which is attached (**Attachment C1**).

Overall, it is considered that the proposed landscaping plan demonstrates a reasonable amount and mix of plantings, which will provide a level of screening at the boundaries of the site and provide some shading along the driveway area.

Environmental Sustainability

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

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

The proposed orientation of the ground level internal living areas and private open space, is a positive aspect of the proposal. The orientation of the development also means that, in overall terms, there are minimal exposed east and west facing windows in the development, which is also a positive consideration.

Whilst no rear verandah or pergola structures are proposed, the design is conducive to future owners constructing a shade structure at the rear, to provide some relief from the summer sun angle.

The proposed dwellings are each provided with a 2,000 litre rainwater detention tank, which are to be plumbed back to each dwelling in accordance with City Wide Principle of Development Control 159.

Summary

The subject land is located within the Medium Density Policy Area, where increased dwelling densities are anticipated. There is no minimum site area for dwellings within a residential flat building and the acceptable density will depend on whether policies related to private open space, communal space, car parking and the design of the built form are adequately addressed.

Two of the four dwellings have a negligible shortfall in the amount of private open space provided which otherwise is consistent with the relevant Development Plan criteria, as is the orientation of the private open space and its functionality and relationship with internal living areas.

The communal open space, comprising a common driveway and landscaping, also accords with the relevant Development Plan criteria. Sufficient space is provided for vehicle manoeuvring and meaningful landscaping areas.

The amount of on-street parking is slightly less than the rates provided in Table NPSP/8. Specifically, there is an overall shortfall of one (1) on-site parking space, comprising a visitor space. Having regard to the ability afforded in City Wide Principle of Development Control 122 to apply a lesser rate in certain circumstances, the amount of car parking is considered adequate.

The design of the built form is considered appropriate, insofar as the layout provides functional living spaces at ground level with good access to sunlight and generous accommodation upstairs for bedrooms and secondary living. The presentation of the development in the streetscape is considered to be compatible with the surrounding the built form character.

Overall, it is considered that the development 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 155/465/17 by Noble Built to residential flat building containing four (4) two storey dwellings, associated retaining walls and fencing and the implementation of landscaping, on the land located at 5 John 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 Plans to Build Adelaide and received by the Council on 9 August 2018.
- Civil Plan (Drawing Number HC01, Revision A) prepared by FMG Engineering and dated 26 April 2017;

Conditions

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

2. A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land at pre-development levels. On-site retention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.
3. All plants 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.
4. 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.
5. The portion of the upper floor windows less than 1.7 metres above the internal floor level shall be treated prior to occupation of the dwellings in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)
6. All the upper floor windows on the northern elevation shall have a minimum window sill height of 1.7 metres above the internal floor level.

Notes to Applicant

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

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

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

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

Ms Kara Palombo; addressed the Panel from 7:26pm until 7:29pm

Mr Robert Duke; addressed the Panel from 7:23pm until 7:26pm

Ms Julie Jensen, Masterplan on behalf of the Applicant addressed the Panel from 7:30pm until 7:37pm

Moved

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 155/465/17 by Noble Built to residential flat building containing four (4) two storey dwellings, associated retaining walls and fencing and the implementation of landscaping, on the land located at 5 John 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 Plans to Build Adelaide and received by the Council on 9 August 2018.*
- *Civil Plan (Drawing Number HC01, Revision A) prepared by FMG Engineering and dated 26 April 2017;*

Conditions

1. *All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into the adjacent street water table.*
2. *A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land at pre-development levels. On-site retention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.*
3. *All plants 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.*
4. *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.*
5. *The portion of the upper floor windows less than 1.7 metres above the internal floor level shall be treated prior to occupation of the dwellings in a manner that permanently restricts views being*

obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)

6. *All the upper floor windows on the northern elevation shall have a minimum window sill height of 1.7 metres above the internal floor level.*
7. *A landscaping plan should be provided to the reasonable satisfaction of the Council or its delegate prior to the granting of development approval, showing a sophisticated and variable landscaping scheme to the common driveway area including the bin storage area at the end of the driveway.*

Notes to Applicant

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

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

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

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.
6. *This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.*

Seconded and carried

Mr Mosel returned to the meeting at 8:03pm

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/D046/2018 – GLOBAL CONSTRUCTIONS – 25 ROSELLA STREET, PAYNEHAM

DEVELOPMENT APPLICATION:	155/D046/18
APPLICANT:	Global Constructions
SUBJECT SITE:	25 Rosella Street Payneham (Certificate of Title - Volume: 5713 Folio: 47)
DESCRIPTION OF DEVELOPMENT:	Torrens Title Land Division creating two (2) additional allotments
ZONE:	Residential Zone 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 a Torrens Title Land Division creating two (2) additional allotments.

Staff do not have delegated authority to determine the Application, as it is for a land division which does not have an approved related development and which does not meet the relevant quantitative Development Plan Criteria with respect to frontage width for three (3) of the proposed allotments. In particular, the proposed allotments range in width from 6.75 – 6.76 metres, whereas the Development Plan states a minimum of 7.0 metres.

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

Background

In June 2018, the Applicant lodged a Development Application for the construction of three (3) two-storey row dwellings on the subject land (DA 155/389/2018). Consistent with the Council's practice (based on legal advice) that a land division application must be determined prior to the determination of a related built form/land use application, the Applicant prepared and lodged a Development Application for the proposed land division in July 2018.

For the purpose of the Panel's consideration of the Land Division Application, the plans submitted with the land use/built form Application will be used as indicative plans in order to demonstrate the suitability (or otherwise) of the proposed allotments for accommodating dwellings. Should the Panel determine to approve the Land Division Application, the land/use built form Application would then be fully assessed and determined by staff under delegation.

Subject Land Attributes

Shape:	Regular
Frontage width:	20.27m
Depth:	49.66m-49.68m
Area:	1007m ²

Topography: slightly sloping
Existing Structures: detached dwelling and outbuildings
Existing Vegetation: a number of mature trees and shrubs within both the front and rear yard areas

The subject land contains a single-storey detached dwelling of post war construction, a large garage located on the western boundary and a range of mature shrubs and trees.

Locality Attributes

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

The locality is considered to be confined to dwellings fronting Rosella Street, between Ashbrook Avenue and Arthur Street, and is predominantly characterised by detached, semi-detached and group dwellings fronting Payneham Oval. An exception to this is two residential flat buildings located at 17 Rosella Street.

There is no street infrastructure adjacent to the Rosella Street frontage of the subject land.

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

Proposal in Detail

The proposed Land Division is for the subdivision of one (1) Torrens Title allotment into three (3) Torrens Title allotments with reciprocal party wall rights for the purpose of a future development comprising three (3) two-storey row dwellings.

The relevant details of the proposal in terms of allotment areas and dimensions for the future development of row dwellings are set out in Table 1 below.

TABLE 1: DEVELOPMENT DATA:

Consideration	Allotment 1	Allotment 2	Allotment 3	Development Plan Merit Assessment Quantitative Guideline
Site Area	336m ²	335m ²	336m ²	300m ² for Row Dwellings
Frontage width	6.76m	6.75m	6.76m	7m
Allotment Depth	49.65-49.66m	49.66-49.68m	49.68-49.69m	N/A

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

Notification

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

State Agency Consultation

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

Discussion

The subject land is located within the Residential 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:

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

City Wide Objective 15 sets out that land divisions should create allotments appropriate for the intended use of the land. The proposed land division is intended to cater for three (3) two-storey row dwellings. Plans showing the design of the intended buildings, upon which the land division has been derived, are contained in **Attachment C**.

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

1. whether the dwelling types which the land division is likely to facilitate are envisaged in the Residential Zone; and
2. if the site areas and frontage widths proposed are in accordance with the relevant policies for the dwelling types which the land division is likely to facilitate.

As the proposed land division includes party wall rights between each allotment, it is intended to facilitate row dwellings. With regard to whether row dwellings are an envisaged dwelling type, Principle of Development Control 1 of the Residential Zone states that all dwelling types are envisaged in the zone. The Desired Character Statement encourages denser dwelling forms, stating:

“in locations where there are large allotments or where the amalgamation of allotments has occurred, there may be opportunity to develop low-rise (one or two-storey) group dwellings, row dwellings and residential flat buildings”.

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

With regard to the size of the proposed allotments, Principle 7 of the Residential Zone requires row dwelling sites to have a minimum area of 300m² and a minimum frontage width of 7m. Although all three (3) allotments readily achieve the minimum site area, all of three (3) allotments fail to meet the frontage width requirement of 7m. Two (2) of the proposed allotments fall short of the prescribed minimum requirement by .24m (3.7%) and one (1) allotment falls short by .25m (3.55%).

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

Streetscape/bulk/scale/height/character

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

Residential Zone Desired Character Statement	
Residential Zone Objectives:	3
Residential Zone PDC:	6

City Wide Objectives: 18, 19 & 20
City Wide PDCs: 28-35, 37, 39, 211

The proposed land division, if approved, would allow for the construction of three (3) row dwellings on the subject land.

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

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

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

With regard to the proposed height and scale of the indicative dwellings, two-storey row dwellings are anticipated throughout the Residential Zone, therefore it is considered that the subject site could be developed for two-storey row dwellings in accordance with this aspect of the Desired Character Statement.

The indicative dwellings meet City Wide PDC 211, which requires the width of garages facing the street to be minimised relative to the width of the dwelling and be no more than 50% of the total allotment width, unless the desired character of an area provides otherwise, in an attempt to reduce the dominance of garages to the streetscape. The indicative dwellings demonstrate that that this requirement can be achieved, with a shortfall in frontage width of 0.24-0.25m per allotment.

Having regard to the indicative design of the dwellings, it is considered that they are well articulated along the street frontage and incorporate a good range of materials and finishes, with lower and upper floor habitable room windows presenting to the street, with the exception of the lower floor of dwelling 3, as a result of side setbacks along the eastern boundary.

Notwithstanding this conclusion, it is considered that there is scope to negotiate design changes through the assessment of the built form/land use Application, to include additional windows treatment along the front facades to further reduce the garage dominance and improve street level activation and interest.

Setbacks and Site Coverage

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

Residential Zone PDC: 8
City Wide PDCs: 207, 208

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

With regard to side set-backs all of the dwellings achieve a ground floor setback of .900m, with the exception of the garage located on the western boundary of Dwelling 1. This garage is 7.8 metres in length, and 3.4m in height, which while exceeding the requirements of CWPDC 207 it is considered that alternative design options could be easily achieved that would sufficiently satisfy this requirement. Upper level side setbacks, are in accordance with PDC 7.

With regard to rear set-backs, all of the dwellings achieve the minimum 4m set-back at ground level and 6 metres for upper level in accordance with PDC 7.

With regard to site coverage, PDC 8 of the Residential Zone allows up to 60% site coverage for dwellings. The indicative plans demonstrate that three (3) row dwellings comprising 3 bedrooms and 2.5 bathrooms, would be able to be constructed on the subject land without exceeding the maximum allowable site coverage. Furthermore, it is considered that this level of site coverage would allow for the future development of verandas or the like without exceeding the 60% maximum.

Overshadowing/Overlooking

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

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

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

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

Private open space

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

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

City Wide Principle of Development Control 225 requires that dwellings with sites greater than 250m² should provide a minimum of 20% private open space. Indicative site plans detail that all sites are capable of exceeding this requirement.

The orientation of the subject land would ensure that the private open space areas have good access to northern sunlight. The indicative plans show that the private open space areas would be accessible from the main living areas of the dwellings.

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

Car parking/access/manoeuvring

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

City Wide Objectives: 38
City Wide PDCs: 98, 101, 104, 118, 120, 122, 181, 198, 200 & 219
Tables NPSP/8 on-site car parking rate for row dwellings

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

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

The indicative plans show that each of the three (3) dwellings would satisfy this requirement, with the garages being set back at least 5.5m from the street frontages and with each dwelling having a single garage.

The indicative plans demonstrate that despite the shortfall in frontage width, the proposed land division still allows for an on-street parking space to be retained following the construction of new crossovers for each allotment. Although this is not expressly stated in the Development Plan as a consideration, it is understood to have been a determining factor in setting the minimum allotment width at 7.0 metres. The plans show an on-site parking space with a dimension of 5.86m between the driveways of future dwellings on allotments 2 and 3. This dimension is slightly less than the 6.0m distance stated in the Council's Driveway Crossover Policy. However, it is noted that there is scope for an on-site parking space with a 6.0m dimension to be achieved, by locating the crossover to allotment 3 further east.

Finished floor levels/flooding/retaining

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

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

The subject land is not within an identified flood plain so there is not likely to be any requirement for finished floor levels to be high relative to natural ground level.

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

The land drops in elevation by approximately 600mm from the front to rear of site, with the indicative dwellings indicated that up to 100mm of retaining would be required along the western boundary of Dwelling 1, and 200mm of retaining would be required along a portion of the eastern boundary of Allotment 3.

Landscaping

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

City Wide Objectives: 24
City Wide PDCs: 185, 186, 220 & 221

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

The indicative layout of the dwellings sites shows that there is reasonable opportunity for each dwelling to incorporate small areas of landscaping in the front yards, with larger portions of landscaping included within POS areas to the rear of each allotment.

Environmental Sustainability

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

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

Having regard to both the orientation of the subject land and the indicative dwelling floor plans, it is considered that good access to northern light in the winter months for both the internal living areas and the private open space areas is achievable in accordance with City Wide PDC 68.

Summary

The proposed land division is within the Residential Zone and will result in the creation of three (3) Torren Title allotments, which are intended for the future development of three (3) row dwellings.

With regard to land use, row dwellings are an anticipated form of development in the Medium Density Policy Area. With regard to density, all of the proposed allotments satisfy the minimum site area requirement for row dwellings, however, all three (3) of the allotments do not satisfy the minimum frontage requirement. Two (2) of the proposed allotments fall short of the prescribed minimum requirement by .24m (3.7%) and one (1) allotment falls short by .25m (3.55%). The proposed frontage width shortfall in this context is considered to be relatively minor.

The indicative plans provided in support of the land division demonstrate that notwithstanding the site frontage shortfall, it is considered that the allotments could be developed for three (3) row dwellings which would sufficiently satisfy the relevant City-Wide, Zone and Policy Area provisions of the Development Plan.

On balance, it is considered that the proposed Torrens Title Land Division 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/D046/18 by Global Constructions, to undertake a Torrens Title Land Division creating two (2) additional allotments, on land located at 25 Rosella Street, Payneham, subject to the following conditions:

Relevant Plans

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

- Plan of Division prepared by Cavallo Forest dated 27 June 2018 and received by the Council on 10 July 2018.

Conditions

1. All buildings and structures shall be demolished and removed prior to the issuing of section 51 clearance.

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 postal address of the newly created allotments are:
 - Allotment 1 = 25A
 - Allotment 2 = 25B
 - Allotment 3 = 25C
3. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.

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

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

Moved

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/D046/18 by Global Constructions, to undertake a Torrens Title Land Division creating two (2) additional allotments, on land located at 25 Rosella Street, Payneham, subject to the following conditions:*

Relevant Plans

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

- *Plan of Division prepared by Cavallo Forest dated 27 June 2018 and received by the Council on 10 July 2018.*

Conditions

1. *All buildings and structures shall be demolished and removed prior to the issuing of section 51 clearance.*

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 postal address of the newly created allotments are:*

- *Allotment 1 = 25A*
- *Allotment 2 = 25B*
- *Allotment 3 = 25C*

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

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

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

Seconded and carried

2. STAFF REPORTS

2.4 COUNCIL ASSESSMENT PANEL MEETING IN NOVEMBER 2018

REPORT AUTHOR: Manager, Development Assessment
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4567
FILE REFERENCE: S/1099
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of the report is to obtain the Panel's endorsement of an alternate date for the CAP meeting to be held in November 2018, following the Local Council Elections.

BACKGROUND

At the Council meeting held on 4 September 2017, the Council resolved:

"That Cr John Minney be and is hereby appointed to the City of Norwood Payneham & St Peters Council Assessment Panel for a period commencing on 1 October 2017 until 31 October 2018"

Unlike the Specialist External Members of the CAP, whose term of appointment will expire on 1 October 2019, Cr Minney's term was limited to the end of October 2018, to correspond with the term of the current Council.

The Local Council Elections will be completed in early November 2018, with the results due to be released by the Electoral Commission SA on 10 November 2018.

The Swearing In Ceremony for the new Council has been scheduled for Monday 19 November in the Council Chambers at 7:00pm.

The CAP has previously resolved to hold its meeting for the month of November at 7:00pm on 19 November in the Mayor's Parlour, which adjoins the Council Chambers.

It would be impractical to hold both meetings on the same evening within the same vicinity.

DISCUSSION

In the past, ordinary meetings of the Development Assessment Panel have been held commencing at 7.00pm on the third Monday of each month, unless otherwise determined by the Panel. In the event of a public holiday and/or the re-scheduling of a Council meeting which clashes with a scheduled Panel meeting, the Council has generally resolved that Panel meetings be held on the third Wednesday of the month.

On this occasion, the Mayor's Parlour has already been booked on the third Wednesday of the month (21st), as well as the third Thursday of the month (22nd). The evening of Tuesday 20 November is available and is considered the most appropriate alternative.

It will be necessary for the Council to appoint an Elected Member to the CAP at its first meeting of the new Council in December 2018. This means that the meeting of the CAP in November, will need to take place without an Elected Member in attendance. Clause 3.4 of the CAP's Terms of Reference states:

"A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings".

Clause 9.1 of the CAP's Terms of Reference states:

"A quorum for a meeting of the Development Assessment Panel, shall be the total number of members of the Council Assessment Panel in office, divided by two (2) (ignoring any fraction) and adding one (1) and no business shall be transacted at a meeting unless a quorum is present."

Accordingly, the absence of an Elected Member from the November meeting will not affect the ability of the CAP to achieve a quorum, nor invalidate any decisions of the CAP.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Forming a Panel in accordance with the relevant legislation is good governance and provides the community with the confidence that our processes, procedures and delegations are robust; all of which allows us to focus on implementing the Council's Strategic Management Plan, CityPlan 2030.

FINANCIAL IMPLICATIONS

Nil.

SOCIAL ISSUES/IMPACT

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

CONSULTATION

- **Elected Members**
Nil.
- **Community**
Nil.
- **Staff**
Nil.
- **Other Agencies**
Nil.

OPTIONS

Options available to the CAP include:

1. rescheduling the November meeting to Tuesday 20 November 2018;
2. rescheduling the November meeting to another date in November as determined by the CAP;
3. holding the meeting of the CAP on the scheduled date of 19 November at an alternative venue; and
4. not holding a meeting in November.

In respect of Option 2, the Assessment Manager will have access to both the Council Corporate Diary and booking information for the Mayor's Parlour during consideration of this item by the CAP.

In respect of Option 3, this is not recommended, as the Mayor's Parlour is considered the most appropriate venue for CAP meetings to be held.

In respect of Option 4, this is not recommended, as not holding a meeting in November would result in an extended timeframe for decisions to be made on development applications, contrary to the Council's obligation pursuant to Section 41(1) of the *Development Act 1993* to deal with an application as expeditiously as possible.

CONCLUSION

Due to a clash between the scheduled date of the November CAP meeting and the Swearing In Ceremony of the new Council, alternative arrangements must be reached. It is recommended that the CAP meet at 7:00pm on Tuesday 20 November in the Mayor's Parlour.

COMMENTS

Nil

RECOMMENDATION

1. That the Council Assessment Panel meeting for the month of November 2018, be rescheduled to 7.00pm on 20 November 2018 in the Mayor's Parlour, Norwood Town Hall.
-

Moved

RECOMMENDATION

1. *That the Council Assessment Panel meeting for the month of November 2018, be rescheduled to 7.00pm on 20 November 2018 in the Mayor's Parlour, Norwood Town Hall.*

Seconded and carried

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 8:22pm

Terry Mosel
Presiding Member

Mark Thomson
Manager Development Assessment