

Council Assessment Panel Agenda & Reports

15 April 2019

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

10 April 2019

To all Members of the Council Assessment Panel:

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

NOTICE OF MEETING

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

Monday 15 April 2019, commencing at 7.00pm.

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

Yours faithfully

Mario Barone
CHIEF EXECUTIVE OFFICER

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**

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VENUE Mayors Parlour, Norwood Town Hall

HOUR

PRESENT

Panel Members

Staff

APOLOGIES Ms Jenny Newman

ABSENT

- 1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
 PANEL HELD ON 18 MARCH 2019**

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/883/2017 – MR J PARONIS – 5-7 DIX AVENUE, MARDEN

DEVELOPMENT APPLICATION:	155/883/2017
APPLICANT:	Mr J Paronis
SUBJECT SITE:	5-7 Dix Avenue, Marden (Certificates of Title: Volume: 5204 Folio: 215 Volume: 5575 Folio 25)
DESCRIPTION OF DEVELOPMENT:	Demolition of two dwellings and the construction of four two-storey residential flat buildings (comprising eight dwellings in total), associated retaining walls, fencing and landscaping.
ZONE:	Residential Zone - Norwood, Payneham and St Peters (City) Development Plan (28 April 2016)
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the demolition of two dwellings and the construction of four two-storey residential flat buildings (comprising eight dwellings in total), associated retaining walls, fencing and landscaping.

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

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

Subject Land Attributes

Shape:	irregular
Frontage width:	31.59 metres
Depth:	46.08 – 50.14 metres
Area:	1473m ²
Topography:	steeply sloping (3.4m fall from rear (east) to front (west))
Existing Structures:	two single storey detached dwellings and outbuildings
Existing Vegetation:	mature trees and vegetation

The subject land comprises two contiguous allotments, each containing a single storey detached dwelling constructed around the 1960's. The land is steeply sloping, with a fall of approximately 3.4 metres from the rear down to the front. The floor level of the existing dwelling at 7 Dix Avenue is 400mm lower than that of the existing dwelling at 5 Dix Avenue.

As the subject land is located on a bend in the road, the front property boundary (of number 7 Dix Avenue in particular) is angled. There are two crossovers providing vehicular access to the subject land, located adjacent to the southern boundary of each allotment. Two mature street trees are located adjacent to the subject land and a stobie pole is centrally located between the two trees.

Locality Attributes

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

The locality contains a mix of mostly single-storey buildings, comprising a mix of detached dwellings and residential flat buildings. A notable exception is a pair of two-storey semi-detached dwellings located on the adjoining property at 3/3A Dix Avenue.

The subject land is bounded by single storey residential flat buildings to the north and east and a pair of two-storey semi-detached dwellings to the south.

The subject land is located approximately 600 metres from Marden Shopping Centre.

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

Proposal in Detail

A Community Title division of the subject land creating eight (8) community lots and a common property lot (being for driveway access and visitor parking) has recently been approved. The land division was determined by staff under delegation as it achieved the relevant Development Plan land division criteria with respect to site area and frontage. A copy of the approved plan of division is contained in **Attachment B**.

The Applicant now seeks consent to construct four, two-storey residential flat buildings. Each residential flat building comprises two dwellings, resulting in a total of eight proposed dwellings.

Each dwelling is on two-levels and comprises at ground level, a double garage, an open plan kitchen, living and meals area, laundry and toilet. One of the dwellings (Dwelling 1) also has a bedroom at ground level. The upper level of each dwelling comprises two (2) bedrooms, a retreat and two (2) bathrooms. Each dwelling has a balcony fronting the common driveway.

Despite the sloping topography of the land, all dwellings are proposed to have the same finished floor level. This will require a levelling of the land, at a level which is approximately:

- 3.8 metres lower than the ground level of the adjoining property to the east (rear);
- between 900mm and 2 metres above the footpath level (the greatest height being at the northern end of the frontage);
- between 1.8m higher (at the front) and 1.3m lower (at the rear) than the ground level of the adjoining property to the north; and
- between 800mm higher (at the front) and 2.9m lower (at the rear) than the ground level of the adjoining property to the south.

Boundary retaining is proposed accordingly. Due to the height of the required retaining at the rear of the site, it is proposed to be tiered, with the upper tier containing landscaping. The front retaining is proposed to act as both a retaining wall and front fence. Steps are proposed to provide pedestrian access from the footpath to each of the dwellings which front Dix Avenue.

The Applicant advised by way of email on 10 April 2019, that boundary fencing above the new side and rear retaining walls, is to be 1.8m high colorbond "good neighbour" fencing in woodland grey.

The relevant details of the proposal in terms of areas, setbacks and the like are set out in Tables 1 and 2 below.

TABLE 1: DEVELOPMENT DATA DWELLINGS 1-4:

Consideration	Dwelling 1	Dwellings 2&3	Dwelling 4	Development Plan Merit Assessment Quantitative Guideline
Site Area	200m ²	123m ²	140m ²	N/A
Allotment Width		31.59m		Min of 18m
Allotment Depth		46.1m – 50.1m		N/A
External Wall Height*		5.5m		N/A
Maximum Overall Height (to roof apex)*		6.9m		N/A
Floor Area (total)	211m ²	169m ²	169m ²	N/A
Floor Area (footprint)	121m ²	88m ²	88m ²	N/A
Site Coverage	61%	71%	63%	N/A
Private Open Space	36m ²	39m ²	39m ²	35m ²
Street Set-back	4m	N/A	N/A	4m
Side Set-backs	0.9m ground 4.5m upper	1.0m ground 4.5m upper	1.0m ground 4.5m upper	2.5m ground 4.5m upper
Rear Set-backs	N/A	N/A	1.8m ground 1.8m upper	2.5m ground 4.5m upper
Car Parking Provision	2 undercover occupant spaces plus 0.25 visitor spaces per dwelling			2 occupant spaces, plus 0.5 visitor spaces per dwelling

** 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.*

TABLE 2: DEVELOPMENT DATA DWELLINGS 5-8:

Consideration	Dwelling 5	Dwellings 6&7	Dwelling 8	Development Plan Merit Assessment Quantitative Guideline
Site Area	156m ²	116m ²	133m ²	N/A
Allotment Width		31.59m		Min of 18m
Allotment Depth		46.1m – 50.1m		N/A
External Wall Height*		5.5m		N/A
Maximum Overall Height (to roof apex)*		6.9m		N/A
Floor Area (total)	169m ²	162m ²	162m ²	N/A
Floor Area (footprint)	91m ²	83m ²	83m ²	N/A
Site Coverage	58%	71%	62%	N/A

TABLE 2: DEVELOPMENT DATA DWELLINGS 5-8 *continued...*

Consideration	Dwelling 5	Dwellings 6&7	Dwelling 8	Development Plan Merit Assessment Quantitative Guideline
Private Open Space	37m ²	38m ²	38m ²	35m ²
Street Set-back	4m	N/A	N/A	4m
Side Set-backs	1.0m ground 4.4m upper	1.0m ground 4.4m upper	1.0m ground 4.4m upper	2.5m ground 4.5m upper
Rear Set-backs	N/A	N/A	1.8m ground 1.8m upper	2.5m ground 4.5m upper
Car Parking Provision	2 undercover occupant spaces plus 0.25 visitor spaces per dwelling			2 occupant spaces, plus 0.5 visitor spaces per dwelling

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

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

Notification

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

Twelve (12) representations were received (all opposed) in response to this notification, copies of which are attached (**Attachment D**). The key issues raised by representors are, in summary:

- Impact of additional vehicles on traffic and parking in Dix Avenue
- Visual impact of an increase in Council rubbish bins
- Too many dwellings are proposed (over-development)
- 'ordinary' architecture will adversely affect the aesthetic quality of adjacent dwellings;
- Concerns regarding overlooking and loss of privacy
- The proposed dwellings would likely lead to more 'renters'
- Front and rear setbacks are not consistent with the street
- Extent of cut/fill is not consistent with residential development;
- Insufficient landscaping
- Shortfall in visitor parking;
- Lack of on-site visitor parking leading to over-crowding of cars parked in the street
- Dix Avenue is a busy street and is already impacted by nearby commercial development
- Overshadowing;

The following representors desire to be heard personally by the Council Assessment Panel (CAP):

- Ms Antonia and Mr John D'Alessio;
- Ms Nina Collyer and Mr Adrian Howie;
- Mr Don Iannicelli on behalf of Ms Angela Iannicelli; and
- Mr Emmanuel and Ms Maria Mikromanolis

The Applicant has responded to the representations received and a copy of their response is attached (**Attachment E**).

A summary of the response is provided below:

- the proposed density is consistent with the Medium Density Policy Area;
- the two visitor space shortfall in car parking is not detrimental to the locality. On street parking is maximised by providing one common driveway across the entire frontage;

- an increase in traffic movements as a result of the proposal is reasonable and expected in light of the Medium Density Policy Area zoning;
- bins are able to be accommodated on street and the visual impact would be minimal;
- the Residential Zone allows for a variety of facade treatments and the proposed dwellings are considered to be appropriately designed in their context;
- the front setback achieves the relevant policy requirement of 4 metres;
- upper level windows (other than those facing the street) will have 1.8m sill heights;
- balconies will have metal fin screening to a height of 1.7m;
- overshadowing plans have now been prepared and show that the proposal will not result in any adverse overshadowing impacts on neighbouring properties.
- Construction management issues can be resolved as part of detailed design and in the process of gaining building rules consent.

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, 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 proposed use of the subject land for residential purposes is consistent with its location in the Residential Zone. With regard to the type and density of residential development that could be expected within the Medium Density Policy Area of the Residential Zone, the following Development Plan provisions are relevant:

Medium Density Policy Area	Desired Character Statement
Medium Density PA Objectives:	1, 4
Medium Density PA PDCs:	1, 5, 6
Residential Zone Desired Character Statement	
Residential Zone Objectives:	1, 2, 3
Residential Zone PDCs:	1, 3, 6
City Wide Objectives:	1, 8, 10, 55-57
City Wide PDCs:	1-4

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

“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.”

In this regard, a residential flat building is an anticipated land use and built form within this locality and, as distinct from parts of the zone outside of the Medium Density Policy Area, the built form parameters for residential flat buildings are more flexible within this locality.

PDC 5 of the Medium Density Policy Area states that there is no minimum site area for dwellings in a residential flat building, provided that the overall site has a minimum frontage width of 18 metres and that the proposal is consistent with this, having a frontage width of 31.59 metres.

PDC 6 of the Medium Density Policy Area states that dwellings contained within a residential flat building with three (3) bedrooms should have a minimum floor area per dwelling of 100m². The proposed floor areas range between 162m² and 211m², which is consistent with PDC 6.

The other policies referred to in the Desired Character Statement (private open space, communal space, car parking and the design of the built form) are discussed in greater detail under their respective headings later in the report. Provided that the proposal is considered to sufficiently accord with these other aspects, it should be concluded that the proposed dwelling density is consistent with the Development Plan.

streetscape/bulk/scale/height/character

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

“Building heights within this part of the Policy Area will be up to two (2) storeys, however, along arterial road frontages and within the Lutheran Homes Incorporated and Australian Retirement Homes sites, development of up to three (3) storeys will be considered where an appropriate built form transition can be provided to adjacent residential land outside of the Policy Area...”

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

With regard to the streetscape impact of the proposal, the desired character statement of the Residential Zone states the following:

“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.”

and

“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.”

From the street, it is considered that the proposal maintains the desired rhythm of buildings in the street comprising one and two storeys. The setback from the street allows front gardens to be established and is consistent with the 4m minimum for the Medium Density Policy Area. The central driveway separating the two dwellings fronting the street achieves ‘space’ to be established between buildings, generally consistent with the spacing of buildings in the street.

The overall proportions of the proposed buildings, as they present to the street, are considered to be balanced and in accordance with good architectural practice. Whilst the proposed style does not reflect the majority of existing dwellings in the street, the Desired Character Statement clearly allows for flexibility in this respect. Unlike the Residential Character Zone for example, the policy allows for a new character to evolve, rather than requiring new development to match with existing character.

The proposal provides for all garages to be accessed off the common driveway, so that garaging and driveways have minimal impact on the streetscape. The placement of the common driveways ensures minimal disruption to footpaths and street trees.

In relation to the side elevations, which not only affect the outlook of occupants of adjacent properties, but also the streetscape impact of the proposal, the Desired Character Statement for the Residential Zone relevantly states:

“Dwellings will be designed to provide a good level of visual interest and articulation and should avoid large expanses of uninterrupted walling, tilt-up concrete or glass, or the monochromatic use of materials and finishes.”

The side elevations are reasonably well articulated, through:

- the 3.0m wide space between the pairs of dwellings;
- upper level recesses between the staircase of each dwelling, clad in scyon ‘matrix’ to contrast with the main upper level cladding of scyon ‘linea’ (Dwellings 2-4 and 6-8) and render (Dwellings 1 and 5);
- contrasting brick at ground level; and
- protruding window sunhoods at upper level.

Overall, the proposal is considered to satisfactorily address the Desired Character Statement for the Residential Zone, with respect to design and streetscape appearance.

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 four (4) metres.

Both of the proposed street-fronting dwellings accord with this minimum. In the case of Dwelling 1, the setback varies, with the closest part to the street being set back 4.0m.

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.

With respect to side boundary setbacks, ground level portions of each dwelling extend to within 1.0 metre of the northern and southern side boundaries of the subject land. As Dwellings 1 and 5 face a public road, Principle 202 does not apply to them. However, the ground level portions of Dwellings 2, 3, 4, 6, 7 and 8 which are closer than 2.5m to side boundaries, are at odds with Principle 202. On the other hand, the proposed upper level setbacks do achieve the 4.5m criteria provided in Principle 203.

Despite the quantitative inconsistency of the ground level setbacks from the side boundaries, the proposal is not considered to unreasonably impact on adjacent properties, for the following reasons.

In relation to the impact on the group of units at 9 Dix Avenue, those dwellings are separated from the subject land by a wide (approximately 10m) common driveway and landscaping area. The landscaping area is well vegetated and would effectively screen the ground level of the proposal. Also, as the floor level of the proposed dwellings will be lower than existing ground level at the rear of the land, the relevant ground floor portions of:

- Dwelling 4 would not be visible above the fence line;
- Dwelling 3 would be approximately 800mm above the fence line; and
- Dwelling 2 would be approximately 1.2m above the fence line.

In relation to the impact on the semi-detached dwelling to the south at 3A Dix Avenue, that dwelling extends approximately 37 metres from the front boundary. The only portion of the proposal which is beyond that distance and which encroaches within the 2.5m setback criteria, is the living area of Dwelling 8. Due to the proposed levels, this would not be at all visible behind the boundary fencing. The portions of Dwellings 6 and 7 which encroach within the 2.5m setback criteria are adjacent to the side of the dwelling at 3A Dix Avenue, which is set back a similar distance of approximately 1 metre. In this context, the impact is considered reasonable, particularly since the proposed levels are such that Dwellings 6 and 7 would be substantially lower than the dwelling at 3A Dix Avenue.

In terms of the rear setbacks, Dwellings 4 and 8 are proposed to be 1.8m from the rear boundary at both ground and upper levels. Due to the proposed levels, the ground floor level portions would not be visible from the adjacent units at 18 Battams Road and only approximately 1.3 to 1.7m of the upper level would be visible above the boundary fence. A common driveway separates the units at 18 Battams Road from the subject land. Given this context, the proposed setback is considered acceptable.

In terms of site coverage, Medium Density Policy Area Principle of Development Control 7 states that the site coverage for residential flat buildings (and ancillary structures) within the Policy Area should not exceed 70%. The site coverage of each of the proposed dwellings ranges from 58% to 71%, with an average of 66%, which is consistent with PDC 7. These figures exclude the common areas. The site coverage across the whole site, including common areas would be much lower.

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 shadowing resulting from the proposal would affect the property at 3A Dix Avenue to the south of the subject land. The shadow diagrams show that between approximately 12:00 midday and 3:00pm, the rear yard of 3A Dix Avenue would receive sunlight in accordance with the requirement of PDC 196.

A copy of the shadow diagrams is contained in **Attachment F**.

The extent of overshadowing is not likely to significantly detract from the amenity of the occupiers of adjacent properties and accords with City Wide Principle of Development Control 196.

In terms of privacy, the plans show that all outward facing upper level windows have sill heights of 1.8m above floor level, which satisfies PDC 235, which requires sill heights of 1.7m for privacy. Inward facing windows (ie. those facing the internal driveway) have obscure glazing to a height of 1.7m. Balconies facing the internal driveway have angled fin privacy screens to a height of 1.7m.

The upper level windows facing Dix Avenue do not require any privacy treatment, as they do not overlook any adjacent private open space areas.

Overall, it is considered that the proposal adequately addresses any potential overlooking issues.

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 states (in part):

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

- (b) a dwelling with a site area of less than 250 square metres, a minimum of 35 square metres should be private open space, of which one portion should have an area of 16 square metres and a minimum dimension of 4 metres;”*

All of the proposed dwellings have site areas of less than 250m² and, as such, should have a minimum area of private open space of 35 square metres.

All dwellings have at least 35m² of private open space, consistent with Principle 225. In all cases, the private open space comprises a combination of ground level open space adjacent to living areas and upper level balconies adjacent to retreats. Both the ground level private open space and the balconies, achieve the relevant minimum dimensions set out in City Wide Principles of Development Control 222 and 225. In particular, the balconies have a minimum dimension of 2.5m and exceed 10m² in area and the ground level courtyards have a minimum dimension of 4.0m and minimum area of 16m².

All of the ground level private open space areas are directly accessible from the main living areas of the respective dwellings.

A negative aspect of the proposal is the siting of the private open space areas on the southern side of the Dwellings 5-8, which means that they will not have good solar access. This is a negative but largely unavoidable aspect of the proposal.

City Wide Principle of Development Control 229 states that fifty percent (50%) of the total private open space requirement provided at ground level should be open to the sky and developed in a manner to provide outdoor amenity, opportunities for landscaping and a reduction in stormwater runoff through the use of permeable surface treatments. The proposal accords with this, as no covered alfrescos are proposed at this time. That said, there is sufficient space available for future alfrescos to be constructed while preserving 50% of the private open space as uncovered area.

Carparking/access/manoeuvring

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

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 2 on-site car parking spaces should be provided for each three (3) bedroom dwelling, of

The extent of fill at the front of the site will result in the floor level of the dwellings being between 900mm and 2m above the footpath level. By comparison, the floor levels of the two existing dwellings on the subject land are both over 2 metres above the adjacent footpath level. In this context, the extent of fill is considered acceptable.

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.

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 Applicant has provided a landscaping plan prepared by Life Garden Designs, a copy of which is attached (**Attachment G**). While limited space is available for planting along the length of the driveway, garden beds are provided adjacent to the entry of each dwelling, containing Hibiscus tiliaceus, known as 'Cottonwood', which are small trees to 5m tall with a 1.5m wide canopy, together with under-planting of kangaroo paws and Japanese box. At the termination of the driveway, upright Manchurian pear trees and liriopes are proposed. Along the tiered retaining wall, a Viburnum hedge is proposed.

In front of Dwellings 1 and 5, lawn and hedging plants and ground covers are proposed, along with upright Manchurian pear trees along the northern boundary and a feature Cercis Canadensis, known as a 'Forest Pansy' in front of each dwelling, which grows to 5m tall with a canopy of 3-5m.

Overall, it is considered that the proposed landscaping plan demonstrates an appropriate amount and mix of plantings, which will provide a positive contribution to the streetscape amenity, a good 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 private open space areas on the southern side of Dwellings 5-8 has been highlighted as a negative aspect of the proposal in a previous section of this report. As stated previously, this is largely unavoidable.

Similarly, the living areas of Dwellings 5-8 are on the southern side, limiting access to solar radiation in winter, however, ultimately the development will need to achieve the required energy rating in order to be granted Building Rules Consent.

Overall, the development does not exhibit any outstanding environmental features, but in this respect nor does it offend the relevant provision of the Development Plan.

The proposed dwellings are each proposed to have a 2000 litre rainwater tank which is to be plumbed back to the dwelling in accordance with City Wide Principle of Development Control 161.

Summary

The proposal satisfies the relevant Development Plan provisions with respect to land use, building height, site coverage, private open space, overlooking and overshadowing.

It is considered that the bulk and scale and streetscape appearance of the development, will to some degree, have an impact on the existing character of the locality, which, other than the adjacent two-storey semi-detached dwelling, is predominantly single-storey. This however, is considered to be acceptable in the context of its location in the Medium Density Policy Area, where development of this nature is anticipated.

As there is no minimum site area requirement for dwelling sites in a residential flat building configuration, the test as to whether the proposed density is appropriate, is in how the proposal performs against the other quantitative and qualitative policies of the Development Plan, including those which it satisfies above.

On the negative side however, the following shortcomings of the proposal are noted:

The proposal has an on-site car parking shortfall of two (2) visitor spaces based on the rates provided in Table NPSP/8.

The ground level setbacks of dwellings 2-4 and 6-8 from side and rear boundaries are less than prescribed in City Wide Principle 202. The upper level rear setbacks are less than prescribed in City Wide Principle 203.

As set out in the relevant sections of the report on each of the aspects of the proposal which do not satisfy the relevant Development Plan provisions, the main concerns are whether the visual impact of the lesser building set-back is likely to be unreasonable and whether the shortfall in on-site visitor parking is acceptable.

With regard to the side and rear setbacks, the impacts on adjoining properties are considered acceptable, due to a range of site-specific circumstances, including the extent to which the subject land is proposed to be excavated, to lower the height of the proposed buildings.

With regard to the car parking shortfall, the shortfall of two visitor spaces is not considered to be fatal to the application.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/883/2017, by Mr J Paronis to demolish two dwellings and construct four two-storey residential flat buildings (comprising eight dwellings in total), associated retaining walls, fencing and landscaping, on the land located at 5-7 Dix Avenue, Marden, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Site plan, floor plans and elevations prepared by Burgess Design, Sheets 1-17 of 17, dated 16 August 2018 and received by the Council on 27 March 2019; and
- Landscape Plan prepared by Life Garden Designs, undated and received by the Council on 26 March 2019.

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. 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.
3. All plants shall be watered through the installation of a suitable irrigation system which shall be maintained to the reasonable satisfaction of the Council or its delegate.

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.

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/549/2018 – OOH! MEDIA ASSETS PTY LTD – 1 KENSINGTON ROAD, NORWOOD

DEVELOPMENT APPLICATION:	155/549/2018
APPLICANT:	Ooh! Media Assets Pty Ltd
SUBJECT SITE:	1 Kensington Road, Norwood (Certificate of Title Volume: 5133 Folio: 756)
DESCRIPTION OF DEVELOPMENT:	Replacement of an existing double sided roof-mounted static 'billboard' sign with a single-sided LED display (non-complying)
ZONE:	Business Zone (West Norwood Policy Area) Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the replacement of an existing double sided roof-mounted static 'billboard' sign with a single-sided LED display.

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

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

Background

The Council's Planning staff considered a non-complying Development Application (155/188/2015) lodged by Ooh! Media Assets Pty Ltd on 24 March 2015, for the replacement of an existing double sided roof-mounted static 'billboard' sign with a single-sided LED display on the roof of an existing State Heritage listed Britannia Hotel. On 13 August 2015, staff determined to refuse to proceed to an assessment for the following reason:

"The proposed development is a non-complying form of development within the Business Zone and the Council has determined to refuse the Application without proceeding to an assessment of the application, pursuant to Section 39(4)(d) of the Development Act 1993."

The Applicant appealed the decision to treat Development Application 155/188/2015 as non-complying to the Environment Resources and Development Court, however the Court upheld the Council's decision. The applicant has subsequently appealed the decision of the ERD Court to the Supreme Court, however that appeal has been held in abeyance.

The Applicant subsequently lodged a fresh application (Development Application 155/129/2016) that was processed as a non-complying, whereby the Council's Planning staff determined to proceed with an assessment. This Application also comprised the replacement of the existing double sided roof-mounted static 'billboard' sign with a single-sided LED display on the roof of the Britannia Hotel. Development

In the current application (Development Application 155/549/2018), the proposed single-sided southwest facing LED display is proposed to be 8.78 metres wide x 2.93 metre high, providing a surface area of 25.73m².

Aside from the reduction in the surface area of the LED display, the proposal remains essentially the same as the previous proposal considered by the Panel at its 18 December 2017 meeting with respect to dwell times, illumination, and removal of the existing north-eastern facing static advertising.

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

Notification

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

At the conclusion of the public notification process, one representation had been received, in support of the application. Mr Con Angelopoulos has advised that he wishes to address the Panel in support of his representation. A copy of the representation by Mr Angelopoulos is contained in **Attachment C**.

State Agency Consultation

Commissioner of Highways

The Application was referred to the Commissioner of Highways pursuant to Schedule 8 of the *Development Regulations 2008*, as the proposed development encroaches within a road widening setback under the *Metropolitan Adelaide Road Widening Plan Act 1972*. Schedule 8 provides the Commissioner of Highways with the power of 'direction' in respect of a proposed development that would encroach on land shown on the Metropolitan Road Widening Plan as being potentially required for road widening.

Whilst that is the case in this instance (ie. the proposed sign would encroach on land shown as potentially required for road widening), the Commissioner of Highways has not chosen issue any direction(s), presumably because the concerns raised by the Commissioner of Highways do not relate to the encroachment within the area potentially required for road widening, but rather the potential for the sign to distract motorists and thus present a safety concern.

In this respect, it should be noted that the proposed development would not have been referred to the Commissioner of Highways, had it not been located within on land shown as potentially required for road widening.

The Manager, Transport Assessment and Policy Reform, on behalf of Commissioner of Highway's, has advised that DPTI does not object to the proposed development, if managed appropriately, with strict conditions imposed in order to minimise the potential for driver distraction and to ameliorate any safety concerns that arise as a result of the sign.

A number of conditions have been recommended by the Manager, Transport Assessment and Policy Reform. One of the recommended conditions states:

"In the event that the sign results in any safety concerns, the operation of the electronic sign shall be ameliorated on the direction of the Commissioner of Highways or their delegate."

There is concern that this particular recommended condition would be invalid, as it is not final and unambiguous. It is not clear who would be responsible for determining if there are any safety concerns, what type or severity of safety concerns would be applicable, nor how the sign would be 'ameliorated'. For this reason, if the Panel determines to grant consent to the application, it is not recommended that this condition be included.

A copy of the response from the Commissioner of Highways is contained in **Attachment D**.

Minister for Environment and Water

The Application was also referred to the Minister for Environment and Water, as the proposed development directly affects a State heritage place.

Mr Michael Queale, delegate of the Minister for Environment and Water, has advised that the proposed development is acceptable in relation to the impact on the State Heritage Place as:

- the adverse visual and physical impact is similar to the existing situation, however the new sign will be less visually dominant due to the lower height, black painted supporting frame and limitation of advertising to one side; and
- the applicant proposes to paint existing steel framing to match roof and wall colours, further reducing the adverse visual impact of the framing on the State Heritage Place.

A copy of the response from the Minister for Environment and Water is contained in **Attachment E**.

Discussion

Given the background in relation to this matter, the following discussion has been based around the reason for refusal which were given by the Panel, in the consideration of DA 155/129/16. Discussion on other relevant assessment considerations is contained within the staff report contained in **Attachment A** and remains applicable to the current proposal.

Reason for Refusal - *That the change in message of the sign will cause a distraction to motorists presenting a traffic safety concern.*

The Panel refused the previous development application on the basis that the introduction of an LED sign (replacing the existing static sign) would cause a distraction to motorists and therefore, present potentially traffic and safety concerns. The Applicant's Planning consultant, Mr Garth Heynen, has suggested that the reduction in the size of the proposed LED display would lessen the likelihood of any driver distraction and associated traffic impacts of the current proposal compared to the previously proposed LED display as part of Development Application 155/129/2016.

The Manager, Transport Assessment and Policy Reform, on behalf of the Commissioner of Highways, has also suggested that the reduced size of the advertising sign will "*potentially reduce the impact of the sign when compared to the previous application*".

Summary

By and large, the proposal before the Panel is generally the same as the application that was refused by the Panel at its meeting on 18 December 2017 (DA 155/129/16), with the exception of a reduction of surface area of the LED advertising display area.

The Council's Planning staff were of the opinion that DA 155/129/16 was sufficiently in accordance with the Development Plan to warrant consent. With the reduction in size of the sign and the support of the Commissioner of Highways, staff remain of that view.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, subject to the concurrence of the State Commission Assessment Panel, Development Plan Consent be **granted** to Development Application No 155/549/18 by Ooh! Media Assets Pty Ltd to replace an existing double sided roof-mounted 'billboard' sign with a single-sided LED display (non-complying), on the Britannia Hotel located at 1 Kensington Road, Norwood, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Site plan, Sheet No. 349-15/P 1b, prepared by Royal GreenHouse dated 26 June 2018; and
- Signage Frame Upgrade, Dwg No. WAD141376 Sheet No. S20 Rev. 4, prepared by Wallbridge & Gilbert, dated 21 June 2018.

1. The LED sign shall be permitted to display one self-contained message every 45 seconds.
2. The time taken for consecutive displays to change shall be no more than 0.1 seconds.
3. The colour contrast between consecutive displays shall be gradated so that the sign does not create the appearance of a flash.
4. The sign content shall not flash, scroll or move.
5. The sign shall not display or imitate a traffic control device.
6. The sign shall not operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Accordingly, the electronic signage shall be limited to following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m ²) Max
Sunny Day	40000	2800
Cloudy Day	4000	500
Twilight	400	200
Dusk	40	100
Night	<4	60

7. The electronic sign shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.
8. Final paint colours for the existing steel support framing (to match walls/roof) and new screen support framing, ladders and walkways to be confirmed prior to commencement of works, to the satisfaction of Council in consultation with the Department for Environment and Water, so as to reduce adverse visual impact of steelwork and framing within the setting of the State Heritage Place.

Notes to Applicant

1. The Metropolitan Adelaide Road Widening Plan shows a possible requirement for strips of land up to 4.5 metres in width from the Kensington Road and Fullarton Road frontages of the site, together with additional land from the Kensington Road/Fullarton Road corner, for the possible future upgrading of the Dequetteville Terrace/Kensington Road/Fullarton Road/Wakefield Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Act 1972 is required to all new building works located on or within 6 metres of the possible requirements.

The proposed LED screen constitutes an encroachment within the possible road widening requirements. Consequently, the attached consent form should be completed by the applicant and returned to DPTI with a copy of the Decision Notification Form and three copies of the approved site plans.

2. Should damage to existing masonry occur while construction works are underway, the advice of Heritage South Australia should be sought before proceeding with repair work.

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 is advised that any works undertaken on Council owned land will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.

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

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/864/2018 – CITY OF NORWOOD PAYNEHAM & ST PETERS – ROAD RESERVE ADJACENT TO 17 WEST STREET, EVANDALE

DEVELOPMENT APPLICATION:	155/864/2018
APPLICANT:	City of Norwood Payneham & St Peters
SUBJECT SITE:	Road reserve adjacent to 17 West Street, Evandale
DESCRIPTION OF DEVELOPMENT:	Removal of one (1) significant street tree (Callistemon Harkness)
ZONE:	Residential Character Zone – Evandale/Maylands/Stepney Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 2

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the removal of one (1) significant street tree on the road reserve adjacent to 17 West Street, Evandale.

Staff do not have delegated authority to determine the Application, as it comprises a Category 2 form of development where there is an unresolved representation opposing the application. 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.

Locality Attributes

Land uses:	predominantly residential
Building heights (storeys):	mix of 1 and 2 storey dwellings

The locality contains a variety of street trees ranging in species and size. Landscaping within the locality is not substantial with street trees making the greatest contribution to the landscape character of the street.

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

Background

The Applicant (Council) seeks consent to remove one (1) significant street tree. The tree is a *Callistemon Harkness*, more commonly known as a 'Bottlebrush'. The tree is split into three (3) dominant stems, which have an average circumference of 625mm and together, a total circumference of 3 metres or more, when measured at a point 1 metre above natural ground level, which meets the requirement for designation as a significant tree.

By way of background, the request for removal of the subject tree came from one of the Ward Members for Evandale, who received a verbal request from a resident for the removal of the tree. It is not known where this resident lives but presumably, the resident lives in the locality.

The process for the removal of a street tree in such cases, requires that the City Arborist undertakes a Visual Tree Assessment and makes a recommendation to the General Manager, Urban Services regarding the requested removal. If the General Manager agrees to the removal, then there is a requirement for consultation with the relevant Ward Members. If no objection is received from the Ward Members within a five (5) day notification period, then the removal can proceed in principal. At this point, if the tree is a regulated tree (as in this case), the Urban Services department would lodge a Development Application for its removal.

With regard to the subject tree, the Council's City Arborist, Matthew Cole, has undertaken a Visual Tree Assessment, which concludes that the poor form of the tree is affecting the public walkway on the western side of West Street in terms of providing clearance for pedestrians and other users. In this respect, the risk to public and private safety was noted by Mr Cole as being 'broadly acceptable'. The tree roots are also causing minor damage to the public walkway. Pruning is not considered a viable option to alleviate the access issues, due to the poor form of the tree. Matthew has further elaborated on the pruning option, advising staff that the removal of the overhanging limb would most likely unbalance the tree and affect its health and structure.

A copy of the Visual Tree Assessment is contained in **Attachment B**.

Notification

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

One (1) representation in opposition was received in response to this notification, a copy of which is contained in **Attachment C**. The key issues raised by representors are, in summary:

- the tree provides important habitat for native birds, insects and possums;
- the Application does not contain any reason(s) for complete tree removal, as opposed to branch removal;
- the tree is a key part of the character and charm of the street; and
- the Application lacks any specific indication of replacement and a tree was removed quite some time ago from outside 10B West Street without replacement.

The following representors desire to be heard personally by the Council Assessment Panel (CAP):

- *K Rogers and K MacFarlane*

In response to the concerns raised by the representor, the Council's City Arborist has confirmed that there are no suitable pruning options available, which would improve the footpath clearance height.

State Agency Consultation

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

Discussion

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

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

Significant Trees

The following Development Plan provisions provide guidance with respect to considerations relating to significant trees:

City Wide Objectives:	122
City Wide Principles of Development Control:	412, 413 & 414

The first 'test' in determining the application is whether or not the tree is worthy of retention. City Wide PDC 412 states:

"Where a significant tree:

- (a) makes an important contribution to the character or amenity of the local area; or*
- (b) is indigenous to the local area and its species is listed under the National Parks and Wildlife Act as a rare or endangered native species; or*
- (c) represents an important habitat for native fauna; or*
- (d) is part of a wildlife corridor of a remnant area of native vegetation; or*
- (e) is important to the maintenance of biodiversity in the local environment; or*
- (f) forms a notable visual element to the landscape of the local area, development should preserve these attributes."*

Street trees are considered to be an important part of the character and amenity of streetscapes in urban areas. The existing street tree plantings along West Street are varied, displaying a mix of species and different stages of maturity.

The subject street tree is noted by the City Arborist as being mature in age, in good health and of sound structure but poor shape and form. In particular, Mr Cole notes that the tree has a northern bias and asymmetrical crown as a result of previous line clearance pruning and roadway clearance pruning.

The tree is located on the Council verge at approximately the mid-point of West Street, on the eastern side of the road.

With regard to the criteria contained in PDC 412, the following consideration is provided:

- part (a) - the tree is highly visible by virtue of the fact that it is located on the Council verge. In this regard, being mature and healthy, it is considered to makes an important contribution (as one of a number of street trees) to the character and amenity of West Street. Whilst the tree is not a large species in maturity (for example, in comparison to a mature eucalypt), there are only 3 or 4 larger trees in the street and it is considered that its removal would leave a significant gap in the existing canopy coverage.
- part (b) - the tree is not indigenous to the local area.
- part (c) - whilst it does provide habitat for native fauna, its importance in this regard has not been further investigated at this time.
- part (d) - it is not remnant native vegetation and is not identified as part of a wildlife 'corridor' (notwithstanding that it does provide a degree of habitat value).
- part (e) - its biodiversity importance has not been assessed at this time.
- part (f), due to its size, it is not considered to be a notable visual element in the landscape of the local area (this would usually be attributed to much larger trees which stand out from the other trees and are visible from a greater distance).

The policy requires that only one of these criteria needs to be met in order for the tree to be worthy of retention. As such, it is concluded that the tree is worthy of retention on the basis that it is considered to meet part (a) of PDC 412.

Where the proposal is to remove a tree which is considered worthy of retention, City Wide PDC 414 (1) provides the following guidance:

Significant trees should be preserved and tree-damaging activity should not be undertaken unless:

- (1) (i) *the tree is diseased and its life expectancy is short; or*
- (ii) *the tree represents an unacceptable risk to public or private safety; or*
- (iii) *the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area; or*
- (iv) *the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value; and*
all other reasonable remedial treatments and measures have been determined to be ineffective.

No evidence has been provided with the Application which demonstrates parts (i), (ii), (iii) or (iv). Advice from an independent Arborist was not sought by staff as the health and structure of the tree is not in question. The Visual Tree Assessment undertaken by the Council's City Arborist is clear in its conclusion that the tree is healthy and structurally sound. The report indicates that the tree limb which extends over the footpath provides approximately 2m clearance for pedestrians at about the mid-point of the footpath space between the fence and the tree. Whilst the Council does not have a specific policy regarding appropriate footpath clearances, it is considered that a 2m clearance should be sufficient for footpath users. As such, it is not considered that a minor obstruction to footpath users on one side of the road would qualify as representing an *'unacceptable risk to public or private safety.'*

In addition to the above, it is noted that the footpaths along West Street are not particularly wide and several other street trees along the street also provide varying degrees of obstacle for footpath users, including uneven footpaths caused by tree roots and overhanging limbs and vegetation. More broadly, footpath obstructions from street tree roots and overhanging vegetation are quite common throughout the Council area.

Pruning options have been considered by the City Arborist who has advised that the removal of the overhanging limb would be detrimental to the health and structure of the tree.

Summary

The subject street tree is considered to make an important contribution to the character and amenity of local area. Whilst it is not the largest street tree in West Street, it is one of the larger and more mature trees in the street and its removal would create a gap in the existing canopy cover, within a locality where the landscaping is not considered to be substantial.

The tree is described by the Council's City Arborist as being mature in age, in good health and of sound structure. He further describes it as having poor form with three (3) angled stems, one of which extends over the footpath at a height of approximately 2m. The level of risk attributed to the overhanging limb is indicated as being broadly acceptable. Pruning options are not considered viable in this instance.

In this context, it is not considered that the tree meets any of the criteria for removal and as such the proposal is not sufficiently in accordance with the relevant provisions to warrant consent.

It is therefore recommended that the Application is refused Development Approval.

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 Approval be **refused** to Development Application No 155/864/2018, by the City of Norwood Payneham and St Peters for the removal of a significant street tree (*Callistemon Harkness*) on the road reserve adjacent to 17 West Street, Evandale, for the following reasons:

The proposal does not accord with City Wide Principle of Development Control 414 as it is considered that it does not meet any of the following criteria for removal:

- the tree is not diseased and its life expectancy is not short;
- the tree does not represent an unacceptable risk to public or private safety;
- the tree is not located within 20 metres of a residential, tourist accommodation or habitable building and is not a bushfire hazard within a Bushfire Prone Area;
- the tree is not shown to be causing or threatening to cause substantial damage to a substantial building or structure of value.

2. STAFF REPORTS

**2.4 DEVELOPMENT APPLICATION 155/7/2019 – DR A NG – 10 COLLEGE STREET,
COLLEGE PARK**

DEVELOPMENT APPLICATION:	155/7/2019
APPLICANT:	Dr A Ng
SUBJECT SITE:	10 College Street, College Park (Certificate of Title Volume: 5725 Folio: 74)
DESCRIPTION OF DEVELOPMENT:	Demolition of an existing dwelling and the construction of a detached dwelling, with a second storey component comprising a loft over the garage and associated fencing, including a front fence
ZONE:	Residential Historic (Conservation) Zone (College Park Policy Area) - Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the demolition of a detached dwelling and the construction of a detached dwelling, with a second storey component comprising a loft over the garage and associated fencing, including a front fence.

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

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	22.86 metres
Depth:	45.72 metres
Area:	1058m ²
Topography:	fall of 1.65m from the front to the rear lane
Existing Structures:	single storey dwelling and garage
Existing Vegetation:	several large non-regulated trees and other vegetation

The subject land is occupied by a detached dwelling set within a mature landscaped garden. The dwelling is not identified in the Development Plan as having any heritage status.

Vehicular access (and garaging) is from the rear of the site via Lincoln Lane. The subject land has a slope of approximately 1.65m from the front (College Street) to the rear (Lincoln Lane).

Locality Attributes

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

The locality is considered to have a high level of amenity, created through mature street tree plantings, wide verges and character dwellings with landscaped front gardens. Lincoln Lane is dominated by garaging and fencing, except for a group of single storey units adjacent the subject land which front the laneway.

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

Proposal in Detail

The Applicant seeks consent to demolish the existing dwelling and for the construction of a detached dwelling, with a second storey component comprising a loft over the garage and associated fencing, including a front fence.

The floor level of the dwelling is proposed to be stepped to reflect the slope of the land. The front section of the dwelling, comprising bedrooms, bathrooms, study and library would be 900mm higher than the middle portion of the dwelling, comprising the main living area and covered outdoor entertaining area. The rear portion of the dwelling comprises a four (4) car garage and integrated carport, with the finished floor level being 1.5m below the front portion of the dwelling. A second level containing a loft area and bathroom is proposed above the garage and would be accessed via a set of stairs located in the main part of the dwelling.

The dwelling is proposed to be sited to orientate the main living areas towards the north, wrapping around the garden and focussing on two (2) large (non-regulated) jacaranda trees, which are proposed to be retained.

The proposed design features include a hipped roof pavilion with a part-flat roofed section fronting the street the street. A living wing extends behind for the length of the block with a narrow skillion roof section providing high level windows for light. The rear section has a hipped and gable roof over the upper level loft. Materials include extensive use of bagged brick in 'double Thornden Cream', Maxline roof cladding in 'Monument' and black timber-framed windows. The upper level loft section is proposed to be clad with painted timber battens also in 'Thornden Cream'.

Side and rear boundary fencing is proposed to be in corrugated profile Colorbond fencing (woodland grey).

The front fence is proposed to comprise flat steel bar (black powder coat), with rendered masonry inserts ('Thornden Cream').

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	1058m ²	900m ²
Allotment Width	22.86m	N/A
Allotment Depth	45.72m	N/A
External Wall Height*	3.3m 2.75 (garage bdy wall) 4.6m (upper level loft)	N/A
Maximum Overall Height (to roof apex)*	6.82m (2 storey component) 6.7m (single storey component)	N/A

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Floor Area (footprint, including garage) Loft	488m ² 84m ²	N/A
Site Coverage	46%	40%
Private Open Space	245m ² 23% of site area	20% of site area
Street Set-back	7.98m (verandah, main bedroom) 9.69m (main wall)	greater of the two adjoining dwellings
Side Set-back	1.15m - 3.8m (south-western side) Garage on boundary 2.32m (upper level loft (south-western side)) 9m (upper level loft (north-eastern side)) 655mm (north-eastern side)	N/A
Rear Set-back	2.7m to garage 2.7m (upper level loft)	N/A
Car Parking Provision	4 undercover	2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage

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

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

Notification

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

As such, no public notification was undertaken.

State Agency Consultation

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

Discussion

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

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

Land Use

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

College Park Policy Area Desired Character Statement
College Park Policy Area Objectives: 1
College Park Policy Area PDCs: 2 & 3

RH(C)Z Desired Character Statement
RH(C)Z Objectives: 1
RH(C)Z PDCs: 1, 2, 7 & 8.

City Wide Objectives: 1, 2, 7, 8 & 10.
City Wide PDCs: 1, 2, 3 & 4.

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

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

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

The proposal is consistent with part (b) of Principle 8, in that the existing dwelling on the subject land is not listed in Tables NPSP/6 or 7, as a Local Heritage Place or Contributory Item and is therefore not considered to make any significant contribution to the heritage value or historic character of the zone.

PDC 2 of the College Park Policy Area states that development should comprise the construction, alteration, conversion or additions to a detached dwelling.

The proposal for a detached dwelling is therefore considered appropriate from a land use perspective.

streetscape/bulk/scale/height/character/heritage

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

College Park Policy Area Desired Character Statement
College Park Policy Area PDCs: 1 & 4

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

City Wide Objectives: 18, 19 & 20.
City Wide PDCs: 29, 30, 32, 33, 37, 39 & 41

Principle of Development Control 4 of the College Park Policy Area states:

“No building in the College Park Policy Area should be more than two-storeys above natural ground level and only where this is compatible with surrounding development.”

The proposal for a dwelling with a two-storey component is consistent with this policy, subject to the consideration of its compatibility with the surrounding development. In this regard, the two-storey component is at the rear of the site (above the garage) and is unlikely to be highly visible from the street due to the slope of the land and the stepping down of the finished floor levels, such that the ridgeline of the roof of the two-storey component is only 120mm higher than the ridgeline of the roof of the single storey component.

From the laneway, the garage and loft present as a two storey structure, having an overall wall height of 4.6m and a total height to the ridgeline of the roof of 6.82m. In this regard, there is currently no two-storey development fronting Lincoln Lane, with the built form comprising a mix of garaging and relatively high boundary fencing – the exception being an adjacent group of single storey units fronting the lane. As such, with regard to building height, the two-storey form is not considered to be compatible with other development fronting the laneway. Whether or not this is fatal to the application has been considered in the context of PDC 17 of the Residential Historic (Conservation) Zone which states:

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

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

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

The proposed dwelling presents to College Road as a single storey building, with the upper floor level likely to be largely indiscernible in the streetscape, due to the slope of the land and the stepping of the floor levels to reflect the slope.

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

The neighbouring dwelling to the south west of the subject land (8 College Road) has a floor level which is much higher than the proposed finished floor level of the garage/loft. In this regard, the visual impact of the two-storey component when viewed from the dwelling and outdoor verandah area, is unlikely to be much more significant than that of single-storey structure. The visual impact would be greater when standing in the back yard of this dwelling, which is much lower than the house, however, the proposed upper level is set back 2.32m from this boundary, and roof hip on this side pitches away from the boundary. This, combined with an existing high and heavily vegetated boundary fence, is unlikely to result in any unreasonable impairment of the outlook for these neighbours. Shadow diagrams provided by the Applicant do not indicate any significant overshadowing impact from the two storey component.

The neighbouring dwelling to the north east of the subject land (12 College Road) is unlikely to be impacted by the two-storey garage/loft, given the siting relationship between the existing and proposed dwellings and the distance to the two-storey component.

The other neighbouring dwelling to the north east of the subject land (unit 6/54 Harrow Road) fronts Lincoln Lane and has a garage along the shared boundary with the subject land. The view of the two storey component would be most visible from the front yard of the unit and the laneway. It is not considered that the outlook from the rear yard and main living area of the unit would be unreasonably impacted by the two storey element. Given the siting of the unit to the north-east of the subject land, there would be no overshadowing impacts.

The occupants of the properties on the opposite side of Lincoln Lane (fronting Magdalen Street), would have views of the two storey component from their rear yards and to some extent, the rear of their dwellings; the most affected properties being 3 and 3A Magdalen Street. The distance from the back section of the dwelling at 3A Magdalen Street and the proposed two storey garage/loft is approximately 25m. This dwelling also has sheds along most of its rear boundary. In this context, there is unlikely to be any unreasonable or significant visual impact for the occupants of this dwelling.

The dwelling at 3 Magdalen Street has a swimming pool in the rear yard and the back section of the dwelling is set back approximately 12m from its rear boundary, making the distance to the proposed two storey garage/loft in the order of 19m. Whilst the upper level loft is likely to have some impact on the current outlook from the back yard of 3 Magdalen Street, the design of the building has been modified to reduce the overall height and pitching point of the roof such that the overall height is not likely to be significantly higher than a large garage with a steeply pitched roof, a design which is reasonably common throughout College Park and St Peters. Importantly, there are no windows fronting the laneway, which could create the perception of overlooking and make the structure seem more intrusive. It is also worth noting that 3 Magdalen Street has a section of 3m high rear boundary fencing which would significantly reduce the visibility of the proposal, along with the proposed retention of the large Jacaranda tree adjacent to Lincoln Lane which would provide additional screening.

With regard to overshadowing, given the siting of these two dwellings to the north-west of the subject land, there would be no overshadowing impacts.

In this context, it is considered that the proposed two storey component is unlikely to have any significant or unreasonable impact on the neighbouring land. As such, the proposed two storey development is not considered to offend PDC 17.

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

"The house is designed in an elegant contemporary classical style... (it) appears to be avoiding the now somewhat generic floating hipped roof with vertical pillars across the front and high level windows. While still having the rhythm of the pillar, the off centre roof and verandah structure add a level of visual complexity to the front façade that will assist this design to sit well in the streetscape..."

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

Principle of Development Control 8 of the College Park Policy Area states:

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

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

The proposed front fence comprises a simple design of vertical steel elements set between wider solid masonry sections. The height varies but is intended to match at one end, the height of the adjacent front fence of the adjoining property at 8 College Road and at the other end, the height of the secondary street fence of the adjoining property at 12 College Road. This would result in the height exceeding 1.5m at the south eastern end, which is not consistent with part (b) of the above policy. Notwithstanding this, David Brown is supportive of the front fence at the height proposed.

Setbacks and Site Coverage

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

College Park Policy Area Desired Character Statement

College Park Policy Area PDCs:	6
RH(C)Z PDCs:	10, 11 & 12
City Wide PDCs:	35, 204 – 207, 218

The Desired Character Statement for the College Park Policy Area states in relation to set-backs:

“New dwellings will be set-back from the boundary of the road, which forms their primary street frontage, at a distance equal to or greater than, the alignment of the main face of the adjacent heritage place or contributory item (where a site is between two heritage places or contributory items the greater of the two set-backs will be applied). Side and rear setbacks will generally be substantial, providing large separation distances between dwellings.”

Whilst the site of the proposed dwelling is between two Contributory Items, it is noted that the adjacent Contributory Item at 12 College Road actually fronts Harrow Road and has a garage sited close to College Road, which is its secondary frontage. The adjacent Contributory dwelling at 8 College Road has a front set-back of approximately 8.6m to the projecting part of the main wall and 9.3m to the verandah. The front set-back of the proposed dwelling is 7.98m to the pillars of the main wall and 9.69m to the verandah. Whilst the set-back of the main wall is marginally closer than its Contributory neighbour, the verandah steps back at the corner closest to this dwelling. Visually, the new dwelling should not stand out as being closer than its Contributory neighbour, particularly given roof form of the proposed dwelling, the combined side set-backs and the slightly skewed siting of the Contributory dwelling.

The Desired Character Statement also requires that side set-backs should be substantial, providing large separation distances between dwellings. Whilst the side set-back on the north eastern side is only 655mm, it is adjacent to the rear yard of 12 College Road, which has its primary frontage to Harrow Road. In this regard, the siting relationship between the proposed and existing dwelling would provide a generous separation distance between the dwellings as required by the Desired Character Statement.

On the south western side, the proposed dwelling has a side set-back of 1.15m to the boundary, increasing to 2.95m at the front corner where the verandah is stepped. Whilst this is not considered to be as generous as the policy intends, it reflects the existing siting relationship between the subject and neighbouring dwelling, which is not highly visible from the street given the number of street trees along this section of College Road.

The garage is proposed to be constructed on the south western boundary of the subject land. The boundary wall would be 2.7m high and 7.7m long, which is consistent with City Wide Principle of Development Control 207. It's location at the rear of the allotment, adjacent to a covered shed structure on the neighbouring land is unlikely to cause any unreasonable overshadowing unreasonable or visual outlook from the neighbouring land and is consistent with the siting of many other garages in the locality. The second level loft is set back 2.32m from this same boundary and its impact on the outlook of 8 College Road has been discussed previously in this report as being acceptable.

With respect to site coverage, the proposed dwelling covers 46% of its site, which is not consistent with the College Park Policy Area Principle of Development Control 6, which states that buildings should not cover more than 40% of the total area of the site. Whilst this is a negative aspect of the proposal, it is noted that site coverage within the area generally appears to be higher than 40%, particularly on sites where dwelling additions have occurred. In this regard the proposed extent of site coverage is considered to be acceptable considering that it includes a generous covered outdoor area and a four (4) car garage/carport, which would provide ample room for the storage of garden tools and outdoor equipment if required.

Overshadowing/overlooking

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

City Wide PDCs: 11, 31, 195 & 196

The Applicant has provided shadow diagrams for the proposed development which indicate that the proposed dwelling and garage/loft would not overshadow adjoining properties to any significant degree, due to the orientation of the subject land and the siting of the two storey component to the rear of the site. The predicted level of overshadowing does not appear to exceed the maximum guidance contained in PDCs 195 and 196. A copy of the shadow diagrams is contained in **Attachment D**.

Upper level windows are proposed in the loft space, orientated inwards towards the back yard of the subject land and facing north east along the lane. Overlooking is proposed to be controlled via external privacy screens, however detail of these screens is not shown on the plans. At this time, it is not clear what the extent of overlooking could be, particularly given the design of the windows which are recessed. As such, if the Panel determines to support the proposal, a condition of approval should be included which requires all of the upper level windows to incorporate privacy screening to a minimum height of 1.7m above the floor level.

Given the stepped design of the floor levels to follow the slope of the land, it is not anticipated that ground floor windows would cause any privacy issues.

Private open space

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

City Wide PDCs: 222, 224 & 225

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

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

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

The proposed dwelling has access to 245m² of private open space, equating to 23% of the site area, consistent with Principle 225.

The private open space is directly accessible from the main living areas, consistent with PDC 224.

Car parking/access/manoeuvring

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

RH(C)Z PDCs: 32
City Wide Objectives: 34
City Wide PDCs: 101 & 120
Table NPSP/8

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

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

The proposal is consistent with Principle 32, as all vehicle access is proposed to be from Lincoln Lane.

The proposal for a four (4) space garage/carport provides sufficient on-site parking in accordance with Table NPSP/8.

The garage is proposed to be set back 2.7m from Lincoln Lane, which is 4.4m wide. This set-back should provide sufficient width for safe and convenient access and egress.

Finished floor levels/flooding/retaining/fencing/stormwater management

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

City Wide Objectives:	42
City Wide PDCs:	53, 54, 58, 147 - 149, 151, 171

The subject land is not within an identified flood affected area.

City Wide Principle of Development Control 53 states:

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

The proposal is consistent with Principle 53, as the ground floor level has been stepped down in accordance with the slope of the land towards the rear.

The Applicant has advised in an email of 20 March 2019 that side and rear fencing is proposed to be replaced with good neighbour fencing in Colorbond ‘Woodland Grey’. As the profile is not noted in the email, it is recommended that a condition of approval be included to require that the fence sheeting has a corrugated profile. At the moment, the fence line along the southwestern side is heavily vegetated and appears to have some form of retaining wall below. The Applicant has not included information as to the condition or extent of this retaining, as it is difficult to access. As the proposed dwelling includes stepped floor levels, it is not anticipated that any significant cut and/or fill would be required, therefore the replacement of any fencing and retaining walls should not alter the existing situation to any great extent. The Applicant would be required to submit a separate Development Application for the retaining walls, if they are to be replaced.

The plans do not indicate any stormwater drainage system, however, the Applicant has indicated verbally that they would wish to drain stormwater to Lincoln Lane. The Council’s Urban Services Department has advised that there is currently no underground drain in Lincoln Lane and therefore all stormwater must be directed to College Road. Given the slope of the land, this would require a pump system to be designed for the disposal of stormwater from the site. As such, if the Panel supports the Application, it is recommended that a condition of approval is included to confirm that stormwater disposal must be to College Road only.

Trees (significant, mature & street) and landscaping

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

Residential H(C)Z PDCs:	36 & 37
City Wide Objectives:	24
City Wide PDCs:	73, 220, 221

There are no regulated trees on the subject land.

The lightweight nature of the proposed front fence should pose no issues with regard to the adjacent street trees. The two rendered masonry sections adjacent to the proposed pedestrian gate are sufficiently removed from the adjacent street trees.

The proposed siting of the new dwelling and garaging is intended to allow for the retention of two (2) large non-regulated Jacaranda trees in the rear yard, which is a positive aspect of the proposal. It should be noted that the Jacaranda in front of the existing garage adjacent Lincoln Lane is not regulated because it is within 10m of a swimming pool.

The proposed dwelling has a front set-back which would allow for the establishment of a generously landscaped front garden, consistent with the Desired Character of the Policy 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- 69, 71, 72 & 159

The proposed dwelling has been designed with the main living area and covered outdoor entertaining facing north-east, providing good solar access. Verandahs are proposed to the main living areas and front façade of the dwelling, which should provide some summer shading of windows.

The plans do not indicate the supply of a rainwater tank in accordance with City Wide PDC 159, therefore a condition of approval should be included to require the installation of a 2,000 litre rainwater tank.

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

Summary

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

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

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

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/7/2019 by Dr A Ng, to demolish an existing dwelling and construct a detached dwelling, with a second storey component comprising a loft over the garage, and associated fencing, including a front fence, on the land located at 10 College Street, College Park, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Site plan, floor plan, elevations and levels, prepared by Williams Burton Leopardi (dated April 2019) and received by the Council on 4 April 2019.
- Email dated 20 March 2019 from Alexandra Ricketts, indicating colours and fencing details

Conditions

1. All stormwater from buildings and paved areas shall be disposed of to College Road (not Lincoln Lane) in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building.
2. A rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres) shall be installed for the dwelling herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
3. The portion of the upper level windows which are less than 1.7m above the internal floor level shall be treated 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.
4. That the side and rear fence sheeting has a corrugated profile.
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

5. The Applicant is advised that the property is located within an Historic (Conservation) Area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including fencing).
6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
7. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

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