

Council Assessment Panel Minutes

20 May 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.*

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City of
Norwood
Payneham
& St Peters

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VENUE Mayors Parlour, Norwood Town Hall

HOUR 7pm

PRESENT

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

Staff Mark Thomson Manager Development Assessment
Ellen de Souza Urban Planner
Adam Bowey Acting Senior Urban Planner

APOLOGIES Nil

ABSENT Nil

**1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 15 APRIL 2019**

Motion was put that the minutes of the Meeting of the Council Assessment Panel, held on 15 April 2019 be taken as read and confirmed.

Seconded and carried

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/62/2019 – ANDRASH PTY LTD – 88 STEPHEN TERRACE, ST PETERS

DEVELOPMENT APPLICATION:	155/62/2019
APPLICANT:	Andrash Pty Ltd
SUBJECT SITE:	88 Stephen Terrace, St Peters (Certificate of Title Volume: 5281 Folio: 253) (Certificate of Title Volume: 5281 Folio: 254)
DESCRIPTION OF DEVELOPMENT:	Variation to development approval 160/245/1993, to amend the approved opening time from 6.30 am to 5.00 am Monday to Sunday for the service station component only
ZONE:	Residential Character – St Peters/Joslin/Royston Park Policy Area - Norwood, Payneham and St Peters (City) Development Plan (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 to vary conditions attached to an existing Development Approval (160/245/1993), which relate to the trading hours for the service station component of a petrol filling station.

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.

Background

In 1993, Development Approval was granted by the ERD Court, to undertake alterations and additions to a petrol filling station and to add a shop component. This approval was subject to fourteen (14) conditions, including the following condition, which relates to operating hours of the Petrol Filling Station:

Condition 1.1: That the hours of operation of the business on the Land shall not exceed the following:

<i>Shell Shop and fuel sales</i>	<i>6.30 am – 10.00 pm (Monday to Sunday)</i>
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At some time after 28 March 1994, the service station commenced operating outside of its approved operating hours, operating from 5am to 11pm, 7 days per week.

On 23 August 2018, Development Application 155/584/2018 was lodged with the Council, seeking to vary the hours of operation to 6:30am to 12:00am Monday to Sunday for the service station component only. During assessment of the Development Application, Council's planning staff became aware that the service station was opening at 5:00am. The Applicant was advised that they should either amend their Development Application to include the earlier start time, or alter the opening time of the service station to reflect the approved time of 6:30am. The Applicant advised that they would alter the opening time.

Following approval of Development Application 155/584/2018 on 20 November 2018, the service station started operating until 12am in November 2018. However, the service station continued to open at 5:00am, contrary to the original and varied approval.

Further detail of the proposed variations is contained in letter provided by Adelaide Planning & Development Solutions on behalf of the Applicant, which is contained in **Attachment B**.

Section 39(7) of the *Development Act 1993* allows a person to seek the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation), provided that:

- the relevant authorisation is still operative;
- in a case where the development to which the development authorisation previously given was Category 3 development—the variation is also dealt with as an application for Category 3 development if any representations were made, unless the relevant authority determines that no such representation related to any aspect of the development that is now under consideration on account of the application for variation and that, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development;

It should also be noted that an application to vary a previous authorisation cannot:

- have effect so as to impose a new condition, or to vary an existing condition, with respect to a matter that does not fall within the ambit of the application for variation; and
- cannot affect the operation of a condition imposed with respect to the original authorisation, unless the relevant authority has made specific provision for the variation of the condition in its decision on the application for variation.

Subject Land and Locality Attributes

The subject land is bounded by the Adelaide O-Bahn/Linear Park to the north, a residential allotment at 18 Tenth Avenue to the west, Stephen Terrace to the east and Tenth Avenue to the south. The Petrol Filling Station comprises a fuel sales outlet and store and a vehicle service centre, both of which are single storey in height and front Stephen Terrace and Tenth Avenue. The business is surrounded by a predominantly residential locality, with the exception of a childcare centre located at 79-83 Stephen Terrace. Vehicular access to the site is from both Stephen Terrace and Tenth Avenue.

The locality is considered to encompass allotments fronting Tenth Avenue from 16 Tenth Avenue to 26 Tenth Avenue, and sites fronting Stephen Terrace between the Linear Park and 79-83 Stephen Terrace. Dwellings fronting Tenth Avenue are small to medium detached dwellings on medium sized allotments (with the exception of the residential flat building at 16 Tenth Avenue) and all have a high level of amenity, with a pleasant streetscape consisting of a wide tree lined street with landscaped front gardens and consistent setbacks.

Dwellings fronting Stephen Terrace within the locality are larger detached dwellings situated on medium to large allotments, landscaped front yards and are considered to have a compromised level of amenity due to the noise associated with arterial road traffic.

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

Proposal in Detail

The Applicant is seeking consent to vary the Petrol Filling Station's hours of operation from:

6.30 am – 12.00 am Monday to Sunday (current approved hours)

to

5.00 am – 12.00 am Monday to Sunday (proposed hours)

Currently, the Petrol Filling Station's trading hours reflect the proposed hours of operation, with advertised hours of operation from 5am-12am Monday to Sunday. This commencement of trade is 1.5 hours earlier than the operative approval, with the current application seeking to formalise the hours of operation to 5:00am.

Notification

The proposal has been identified and processed as a Category 3 form of development as per s39 (7) (c) of the Development Act, as the development seeks to vary a development authorisation which was previously given as a Category 3 form of development and valid representations were made.

In response to the notification process, one (1) representation was received in opposition to the Application. A copy of the representation is contained in **Attachment C**.

Jennifer O'Flynn is the owner of the adjoining residence at 85 Stephen Terrace and is opposed to the Application due to concerns regarding the following:

- Noise Pollution
- Deliveries to the site prior to 5am
- Who are they trying to encourage at that hour?

Jennifer O'Flynn desires to be heard personally by the Council Assessment Panel (CAP).

The Applicant's planning consultant has responded to the representation received and a copy of their response is attached (**Attachment D**).

State Agency Consultation

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

Discussion

The subject land is located within the Residential Character – St Peters/Joslin/Royston Park Policy Area, of the Norwood, Payneham and St Peters (City) Development Plan. The proposal is neither complying nor non-complying 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.

Interface Between Land Uses

The following Development Plan provisions provide guidance with respect to interface between land uses.

City Wide Objectives	26 & 27
City Wide PDC's	80, 82, 84 & 86

City Wide Principle of Development Control 86 states that:

Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.

The *Environment Protection (Noise) Policy 2007* sets out daytime and night time limits for sensitive land uses from emitting activities, measured at the sensitive land use boundary, with a night time limit average of 40 dB(A) and a maximum noise level of 60 dB(A).

The Applicant has provided an Acoustic Report prepared by Sonus Pty Ltd, a copy of which is contained in **Attachment E**. Sonus undertook an assessment of the acoustic observations of the site on 9 August 2018 after 10pm.

These observations measured 21 vehicles after 10pm, with an average maximum noise level from a passing vehicle recorded as 71 dB(A), while an average noise level of 42 dB(A) was recorded when no cars were passing and no activity was undertaken at the subject site. When activity was conducted at the subject site, the maximum noise level recorded for vehicle movements, vehicle doors closing and the use of a fuel filling bay was 54 dB(A) (vehicle doors closing). The average noise observed was 42 dB(A) at the measurement location, while no cars were passing, however the noise from the mechanical plant and passengers talking was not audible and as such was assumed to be significantly less than the average noise level.

This report concludes that the subject site achieves the requirements of the *Environment Protection (Noise) Policy, 2007* during the proposed extended operating hours.

As such, the proposed development meets the requirement of City Wide Principle of Development Control 86.

A representation has been received from the owner of the property at 85 Stephen Terrace, raising concern regarding deliveries to the site occurring prior to 5.00am. The original approval for the site that this Applicant seeks to vary (DA 160/245/1993), has the following ongoing conditions relating to delivery vehicles on site;

- 1.8 *That deliver vehicles (other than fuel tankers) may only service the business conducted on the Land between the hours of 7.00 am to 7.00 pm on any day.*
- 1.9 *That vehicles delivering fuel may only service the Land between the hours of 7.00 am to 7.00 pm Monday to Saturday inclusive.*

In the response to representations, the Applicant's planning consultant has specified that deliveries to the subject land are undertaken between the hours of 7.00am and 10.00 pm. The representor has been advised to contact the Council if and when she observes deliveries occurring prior to 7:00am or after 7.00pm, so that enforcement action may be undertaken.

The proposed change equates to 1.5 additional hours of trading within the Petrol Filling Station component only, which is unlikely to have any significant or unreasonable impact on the occupants of nearby dwellings.

Overall, it is considered that the proposed variation to the trading hours of the Petrol Filling Station is unlikely to significantly impact on the amenity of the locality.

Summary

The Applicant is seeking to vary a previously imposed condition of Development Approval relating to the operating hours for the petrol filling station.

The Application was subject to Category 3 notification because it proposes to vary previous Development Applications which were subject to Category 3 notification, with no representations were received in opposition to the proposal.

The Applicant has stated that the service station has been operating outside of its approved hours of operation for a number of years, which has not come to the attention of the Council until recently in response to a submission from an adjoining landowner.

An acoustic report has concluded that the noise emanating from the service station is less than passing traffic from Stephen Terrace, and falls under the Environmental Protection (Noise) Policy criteria.

Accordingly, it is considered that the proposal to vary a previously imposed condition of Development Approval for the petrol filling station, is not seriously at variance with the Development Plan and sufficiently accords with the Development Plan to merit consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/62/2019 by Andrash Pty Ltd to the Variation to development approval 160/245/1993, to amend the approved opening time from 6.30 am to 5.00 am Monday to Sunday for the service station component only on the land located at 88 Stephen Terrace, St Peters.

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 information presented in a letter prepared by Mark Kwiatkowski of Adelaide Planning & Development Solutions received by the Council on 04 March 2019.

Ms Evonne Moore addressed the Panel on behalf of Ms Jennifer O'Flynn from 7:01pm until 7:06pm

Mr Mark Kwiatkowski addressed the Panel on behalf of the applicant addressed the Panel from 7:06pm until 7:11pm.

Moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/62/2019 by Andrash Pty Ltd to the Variation to development approval 160/245/1993, to amend the approved opening time from 6.30 am to 5.00 am Monday to Sunday for the service station component only on the land located at 88 Stephen Terrace, St Peters.*

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 information presented in a letter prepared by Mark Kwiatkowski of Adelaide Planning & Development Solutions received by the Council on 04 March 2019.

Seconded and carried

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/102/2019 – ASPEX BUILDING DESIGNERS – 189 PAYNEHAM ROAD, ST PETERS

DEVELOPMENT APPLICATION:	155/102/2019
APPLICANT:	Aspex Building Designers
SUBJECT SITE:	189 Payneham Road, St Peters (Certificate of Title, Volume: 5808 Folio: 982)
DESCRIPTION OF DEVELOPMENT:	Construction of a single-storey office building with associated car parking and landscaping
ZONE:	Local Office Zone - Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2019)
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 construction of a single-storey office building with associated car parking and landscaping.

Staff do not have delegated authority to determine the Application, as the Application is a Category 2 development for the purposes of public notification and a representation has been received in opposition to the development.

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

In making its determination, the Panel is required to determine 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

By way of background, a previous application (DA 155/205/2016) for a two-storey office development on the subject land was granted Planning Consent through the Environment Resources & Development Court in March 2017. In February 2018, a request for an extension of time was granted by the Council, extending the operative date of the Planning Consent until March 2019.

In March 2019, the applicant approached the Council seeking to vary the application by way of altering the building form from two-storey building to a single storey building. Council staff determined that it could not be treated as a variation application as was considered that the proposed extent of modification changed the essential nature of the development and as such, it has been lodged and assessed as a new application.

Subject Land Attributes

Shape:	regular
Frontage width:	15.24 metres
Depth:	60.96 metres

Area: 929m²
 Topography: slightly sloping toward the rear
 Existing Structures: A domestic scale shed exists towards the rear of the site
 Existing Vegetation: nil

The subject land is currently vacant and has frontages to Payneham Road and First Lane, with First Lane providing vehicle access.

Locality Attributes

Land uses: mixed use
 Building heights (storeys): primarily single storey
 Streetscape amenity: low to moderate due to the Arterial Road location

The locality includes a mix of land uses including shops, offices, consulting rooms and dwellings. Payneham Road is an Arterial Road. The adjacent properties at 187 Payneham Road and 191 Payneham Road, are converted dwellings, one being a personal services establishment (hairdressing) and the other being consulting rooms (Chinese medicine and acupuncture).

The wider locality includes two storey commercial buildings, including a recently constructed two storey office building at 170 Payneham Road, a two storey bridal shop in a former church at 172 Payneham Road (listed as a Local Heritage Place) and a group of commercial tenancies within a two storey building at 174 Payneham Road.

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

Proposal in Detail

The Applicant seeks consent to construct a single-storey office building with associated car parking and landscaping.

The building is proposed to comprise two (2) tenancies with common amenities (staff room and toilets) and a common reception area. Tenancy 1 includes five (5) separate office areas, two (2) meeting rooms and an archive room. Tenancy 2 includes three (3) office areas and a meeting room.

The proposed building is to be finished externally with a combination of rendered walling (off-white), aluminium composite panels (charcoal and metallic silver), matrix cladding (charcoal) and aluminium windows (night sky). A feature blade wall is proposed in corporate red.

A new vehicular access is proposed on Payneham Road and is intended service three (3) visitor car parking spaces, including one accessible space. The existing vehicle access on First Lane is proposed to be widened and is intended to service the proposed rear car parking area, which includes six (6) car parking spaces.

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	Development Plan Merit Assessment Quantitative Guideline
Site Area	929m ² (existing)	N/A
Allotment Width	15.24m (existing)	N/A
Allotment Depth	60.69m (existing)	N/A
Floor Area		
Tenancy 1	171m ²	
Tenancy 2	79.3m ²	N/A
Common reception/lobby	24m ²	
Common amenities	55.6m ²	
Total	330m²	

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Proposed	Development Plan Merit Assessment Quantitative Guideline
External Wall Height*	4 – 5.2m	N/A
Maximum Overall Height (to roof apex)*	5.2m	2 storey
Street Set-back	12 – 13.8m	N/A
Side Set-backs eastern side western side	1m 1m	N/A
Rear Set-back	21m	N/A
Car Parking Provision	10 spaces	1 space per 25m ² of floor area = 13 spaces if taking into account the total floor area = 11 spaces if excluding the floor area of the common amenities

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

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

Notification

The proposal has been identified and processed as a Category 2 form of development. One representation was opposing the application. A summary of the representor's concerns is set out below:

- Proximity of the building to the property line (eastern side);
- Toilets have windows facing the bedroom windows;
- Concern that natural light to the windows of the adjoining building will be blocked;

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

The following representor would like to be heard by the Panel in support of the submission:

- Hong Wang

The Applicant has provided a response to the above representation, which has been prepared by Mr Kieron Barnes of Ekistics. A summary of the response is provided below:

- The 1m side set-back reflects the set-back of the adjoining buildings and is unlikely to cause any overshadowing of the property to the north-east and is unlikely to block natural light to windows given set-back of both buildings from the common boundary.
- The toilet windows are high level and constructed of glass blocks, therefore would not have any impact on the privacy of the neighbour.

A copy of the response to the representation is contained in **Attachment D**.

State Agency Consultation

The Application was referred to the Commissioner of Highways pursuant to Schedule 8 of the *Development Regulations 2008*, as the proposed development includes the creation of an access point to an Arterial Road (Payneham Road). The Commissioner of Highway's response is discussed in detail under the heading *Car-parking/access/manoeuvring* later in the report.

Discussion

The subject land is located within the Local Office Zone, as identified in 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 of development that is envisaged within the Development Plan:

Local Office Zone Objectives:	1
Local Office Zone PDCs:	1 & 3
City Wide Objectives:	1, 2, 7, 12, 26, 27 & 73.
City Wide PDCs:	1, 3, 4, 45 & 83.

Local Office Zone Principle of Development Control 1 states:

“Development should be, primarily, commercial and professional offices serving nearby residents. In the St Peters Area shown on Map NPSP/1 (Overlay 1) development should be limited to two-storeys.”

The proposed office use is anticipated within the Local Office Zone, although whether it would be entirely constrained to serving only nearby residents is unknown. Notwithstanding this, the total floor area of the building is only 330m² and as such it is considered that the intensity of activity associated with an office building of this size is likely to be ‘local’ in scale. The proposed single storey form, albeit at a commercial scale, does not exceed the two-storey building height guidance of the zone. As such, the proposed development is consistent with Local Office Zone Objective 1 and Principle of Development Control 1.

City Wide Objectives 26 and 27, and Principles of Development Control 78 and 83 relate to developments that abut different zones and land uses and generally seek to ensure that the potential impacts between land uses are minimised, whilst allowing for appropriate development in accordance with the relevant zone provisions. As the subject land is adjacent to the Residential Historic (Conservation) Zone, consideration of these objectives is relevant.

Office land uses generally provide for a good transition between residential land uses and more intense land uses. This was presumably a consideration when the Local Office Zone was established along Payneham Road, i.e. it provides a buffer for the residential area to the north-west from the heavily trafficked and noisy Payneham Road. Office land uses are generally less intense in terms of traffic and noise generation than other commercial land uses such as shops and consulting rooms.

The fundamental use of the land as offices is considered to be acceptable, consistent with Objective 1 of the Local Office Zone. More specific discussion on the potential sources of conflict with the adjacent residential properties is provided in the following sections of the report.

Streetscape/bulk/scale/height/character

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

Local Office Zone PDCs:	1 & 2.
City Wide Objectives:	18, 19 & 20.
City Wide PDCs:	29-33, 35, 37, 39 & 43

Local Office Zone Principle of Development Control 1 limits the height of development to two-storeys. The proposed development is single-storey and as such, consistent with this provision of the Development Plan.

Notwithstanding that the building is single storey, it does have a contrasting style and scale to the existing buildings within the immediate locality, which are mostly converted dwellings and domestic in scale.

City Wide Principle of Development Control 30 states:

“Buildings and structures should have a visual bulk and architectural scale which is consistent with structures on adjoining or nearby land and should not visually dominate the surrounding locality, unless the Zone or Policy Area Objectives or Principles of Development Control provide otherwise.”

In this regard, there are other more contemporary commercial buildings within the broader locality and whilst the proposed building is likely to provide some contrast, it is not considered that it would visually dominate its surrounds. Furthermore, the Local Office Zone does not provide any specific building design guidance, which requires new development to reflect character elements of the surrounding existing built form (as would be expected in character zones or historic conservation zones).

The proposed building provides set-backs from both side boundaries, which generally reflect the pattern of small side set-backs within the locality.

The proposed office building facade is reasonably well articulated and incorporates a high degree of fenestration with materials including rendered walls, aluminium composite panelling and glazing. It is considered that appearance of the building is reasonably compatible with other contemporary commercial buildings within the locality.

Whilst the bulk and scale of the proposed single storey commercial building is greater than that of its domestic scale neighbours, this scale of development is clearly anticipated within the Local Office Zone and does exist elsewhere in the locality.

As such, the proposed development is considered to be acceptable from a bulk, scale and streetscape perspective.

Setbacks

The following Development Plan provisions provide guidance with respect to set-back considerations:

City Wide PDCs: 35, 50

City Wide Principle of Development Control 50 states:

“The setback of buildings should:

- (a) be similar to, or compatible with, the setbacks of buildings on adjoining land and the predominant setback of buildings in the locality, unless otherwise specified in the relevant Zone and/or Policy Area;*
- (b) contribute positively to the existing or desired streetscape character of the locality; and*
- (c) not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.”*

The proposed development has a front set-back of between 12m – 13.8m from the Payneham Road property boundary. The adjacent property to the west has a front set-back of approximately 11.4m, whilst the property to the east is set-back much further on its site at approximately 19m to the closest part of the building. The proposed development is consistent with City Wide Principle of Development Control 50, which states that buildings should be set back from public roads at a compatible distance to buildings on adjoining land and the predominant setback pattern in the locality.

The building is proposed to be set back 1m from both the northern and southern side boundaries. The representor to the east of the subject land has raised concern with the proposed set-back of the building from this boundary, stating concern that natural light would be blocked by the building. Staff understand that this property is used as a dwelling and consulting rooms. The property currently has a carport/verandah structure, which is approximately 20m long located along the common boundary with the subject land.

The windows along the side elevation of this building are all located under this structure. Therefore they would not currently receive any direct sunlight and would have limited access to natural light. The additional impact of the new building being sited close to this boundary would be negligible in this respect. Nor is it considered that there would be any significant impact on the outlook of the occupants of the neighbouring building considering the current level of cover along this side of the building. The side setbacks are consistent with City Wide Principle of Development Control 35, which states:

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

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

The proposed office building is set back 21 metres from the rear boundary. First Lane is located at the rear of the allotment, which provides for an additional separation of 4.2 metres from the residential properties to the rear.

The generous rear setback provides for adequate separation between the proposed office building and adjacent dwellings and is compatible with the rear setbacks of buildings on nearby land. No representations were received from the occupants of the properties to the rear of the subject land.

Overall, the proposed setbacks are considered to be in accordance with the relevant Development Plan provisions and acceptable.

Overshadowing/overlooking

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

City Wide PDCs: 11, 31, 83

City Wide Principles of Development Control 11 and 83 state respectively:

“Buildings should be designed so as to not unreasonably overlook or overshadow indoor or outdoor living areas of adjacent buildings”.

“Non-residential development adjacent to a residential zone or within a residential zone should be located, designed and sited to minimise overlooking and overshadowing of nearby residential properties.”

The proposed development will not result in any overshadowing of residential properties within the adjacent Residential Historic (Conservation) Zone and as such, the development is consistent with City Wide Principle of Development Control 83.

It is not considered that the proposed development would unreasonably overshadow the adjacent properties at 187 and 191 Payneham Road, given the height and orientation of the building. The representor at 191 Payneham Road raised concerns regarding the proposed location of the toilet windows on the western elevation of the building.

Whilst privacy has not specifically been raised as an issue by the representor, it is assumed that this might be part of the concern regarding the placement of the windows, as they face the representor's property. With regard to these windows the plans indicate that they are constructed of glass blocks and are high level and non-opening.

As such, it is considered that the proposal satisfies City Wide PDC 11, in that it would not unreasonably overlook or overshadow indoor or outdoor living areas of adjacent buildings.

Car-parking/access/manoeuvring

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

Local Office Zone PDCs:	4 & 5.
City Wide Objectives:	31- 34.
City Wide PDCs:	98, 101, 104, 110, 112, 113, 115, 119, 122, 123, 124, 127, 128, 129 & 130

The proposed development includes the provision of ten (10) car parking spaces, including seven (7) at the rear of the site, accessed from First Lane and three (3) at the front of the site (including one accessible space), accessed from Payneham Road.

PDC 5 of the Local Office Zone requires that the provision of on-site car parking for office development should be at a rate of not less than 1 space per 25m² of floor area of the office. Based on this rate, the proposal has a floor area of 274m² (excluding the common amenities), which generates a demand for eleven (11) spaces. As such, the proposal has a theoretical shortfall of one (1) space, which equates to 9%. Given the location of the subject land on Payneham Road, which is a high frequency public transport corridor, it would be considered reasonable to allow discounting of at least 10% of the required rate.

As such, the shortfall is considered to be very minor and ameliorated by the fact that some discounting could be applied to development in this location.

The Application was referred to the Commissioner of Highways as the proposed development includes the creation of an access point to an Arterial Road (Payneham Road). The Commissioner of Highways does not object in-principle to the proposed development, however, advises of the following conditions:

1. *All vehicles shall enter and exit the site in a forward direction.*
2. *The Payneham Road access shall be in general accordance with the Overall Site Plan project no BIS 3548, drawing no PD01 (revision A) dated 22 February 2019.*
3. *The off-street parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Additionally, clear sightlines, as shown in Fig 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.*
4. *Any stormwater run-off shall be collected on-site and disposed of safely without jeopardising the integrity of the adjacent roads. Any alterations to the existing road drainage infrastructure as a result of this development shall be at the expense of the applicant.*

A full copy of the Commissioner of Highways advice is contained in **Attachment E**.

With regard to the use of First Lane for the majority of vehicular movements associated with the proposed development, the land is within a Local Office Zone and it is considered that the extent of traffic movements associated with the proposal within First Lane can be reasonably anticipated, particularly given the views of the Commissioner of Highways towards access and egress directly from Payneham Road. The impact of additional traffic within First Lane is therefore considered to be acceptable.

The provision of car parking is considered to be adequate and vehicle manoeuvring and access is considered to be safe and reasonably convenient, in accordance with City Wide Principle of Development Control 98.

If the Panel determines to approve the development, it is recommended that the Commissioner of Highway's suggested conditions be imposed as conditions of consent.

Finished floor levels/flooding/retaining/stormwater

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

City Wide Objectives:	9, 42, 44 & 51.
City Wide PDCs:	7, 10, 147-149, 154, 160 & 163.

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

A stormwater management plan has not yet been prepared for this proposal. City-Wide PDC requires that in the case where non-residential development would result in the impervious area being greater than the pre-development state that the development should:

“Incorporate an on-site detention system (either above or below ground) to ensure that stormwater discharged from the site does not exceed the capacity of the existing or planned 1 in 5 year Average Recurrence Interval stormwater system and increase the risk of flooding to downstream properties or add any significant pollutant load to the downstream stormwater system.”

City Wide PDC 163 requires that no stormwater should be discharged into or onto a laneway unless there is a defined underground piped stormwater system drainage system which has sufficient capacity to receive stormwater flows. In this context, the Council's Urban Services Department has advised that no discharge into First Lane should occur.

As such, if the Panel determines to approve the Application, a condition of approval should be included to incorporate the above.

The plans indicate that 1.8m high good neighbour Colorbond fencing is proposed along the side boundaries of the subject land. Along the rear boundary, an auto sliding gate is proposed to be installed, in order to limit public access to weekdays, between 7am and 7pm. Passcode access would be available outside of these hours.

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

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

City Wide Objectives:	24, 120
City Wide PDCs:	73, 76, 77 & 78

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

The Applicant has provided a landscaping plan which indicates the areas for landscaping and a proposed planting schedule. The landscaping proposed at the front of the building includes a mix of low growing shrubs and grasses and one medium sized tree. In the rear car park, a mix of pencil pines and medium tree sized trees are proposed along the eastern and western boundaries, with smaller understorey plantings. It is considered that the proposed landscaping is sufficient and importantly provides a good buffer along the eastern boundary adjacent to the residential neighbour.

The landscaping plan is contained in **Attachment F**.

The proposed new crossover long the Payneham Road frontage has a separation distance of 1.6m to the adjacent street trees, which is considered to be sufficient.

Environmental Sustainability

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

City Wide Objectives:	23
City Wide PDCs:	67 & 69

The proposed building does not include extensive glazing on the western and northern elevations, which should assist in reducing heat load during summer.

The proposed development will not result in any adverse micro-climate impacts such as overshadowing of adjacent residential properties.

Summary

The proposed development is considered to be acceptable from a land use perspective. The bulk and scale of the proposed development, while greater than adjacent development, is anticipated within the Local Office Zone. The proposed setbacks are consistent with other development within the locality. Overshadowing is considered to be acceptable and measures have been taken to ensure that no unreasonable overlooking will result from the development.

The proposal has a theoretical on-site car parking shortfall of one (1) space based on the rate set out in the Local Office Zone, however, given the location of the subject land adjacent to a high frequency transport corridor, discounting of at least 10% could be applied, which would address the shortfall.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/102/2019 by Aspex Building Designers to construct a single-storey office building with associated car parking and landscaping, on the land located at 189 Payneham Road, St Peters, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Site plan, floor plan and elevations prepared by Aspex Building Designers (Revision A dated 22 February 2019) and received by the Council on 27 February 2019;
- Landscaping plan prepared by Aspex Building Designers (dated 6 May 2019) and received by the Council on 6 May 2019.

Conditions

1. All stormwater discharged from the land shall remain at pre-development levels with 1 in 5 year ARI events detained on-site and pumped back to the Payneham Road underground stormwater pipe system.

2. The car parking area shall be graded such that surface stormwater does not enter First Lane, whilst maintaining a convenient grade for vehicles to egress the land into First Lane. Details of the car parking area levels and stormwater disposal shall be provided to the reasonable satisfaction of the Council prior to the issuing of Development Approval.
3. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
4. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
5. Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of all parking bays so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
6. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
7. Any air conditioning units or other plant and equipment associated with the development, herein approved, shall be adequately screened such that noise levels do not exceed 45db(a) when measured at adjoining residential property boundaries.

DPTI Conditions

1. All vehicles shall enter and exit the site in a forward direction.
2. The Payneham Road access shall be in general accordance with the Overall Site Plan project no BIS 3548, drawing no PD01 (revision A) dated 22 February 2019.
3. The off-street parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Additionally, clear sightlines, as shown in Fig 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
4. Any stormwater run-off shall be collected on-site and disposed of safely without jeopardising the integrity of the adjacent roads. Any alterations to the existing road drainage infrastructure as a result of this development shall be at the expense of the applicant.

Notes to Applicant

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

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

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

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

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

Ms Jing Wang addressed the Panel on behalf of Mr Hong Wang from 7:30pm until 7:35pm

Ms Rebecca Thomas addressed the Panel on behalf of the applicant from 7:36pm until 7:45pm

Moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/102/2019 by Aspex Building Designers to construct a single-storey office building with associated car parking and landscaping, on the land located at 189 Payneham Road, St Peters, subject to the following requirements, conditions and notes:*

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- *Landscaping plan prepared by Aspex Building Designers (dated 6 May 2019) and received by the Council on 6 May 2019.*

Conditions

1. *All stormwater discharged from the land shall remain at pre-development levels with 1 in 5 year ARI events detained on-site and pumped back to the Payneham Road underground stormwater pipe system.*

2. *The car parking area shall be graded such that surface stormwater does not enter First Lane, whilst maintaining a convenient grade for vehicles to egress the land into First Lane. Details of the car parking area levels and stormwater disposal shall be provided to the reasonable satisfaction of the Council prior to the issuing of Development Approval.*
3. *All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.*
4. *All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.*
5. *Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of all parking bays so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.*
6. *Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.*
7. *Any air conditioning units or other plant and equipment associated with the development, herein approved, shall be adequately screened such that noise levels do not exceed 45db(a) when measured at adjoining residential property boundaries.*

DPTI Conditions

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3. *The off-street parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Additionally, clear sightlines, as shown in Fig 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.*
4. *Any stormwater run-off shall be collected on-site and disposed of safely without jeopardising the integrity of the adjacent roads. Any alterations to the existing road drainage infrastructure as a result of this development shall be at the expense of the applicant.*

Notes to Applicant

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

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

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

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

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

Seconded and carried

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/190/2019 – ALAN SHEPPARD CONSTRUCTIONS – 13 WINCHESTER STREET, ST PETERS

DEVELOPMENT APPLICATION:	155/190/2019
APPLICANT:	Alan Sheppard Constructions
SUBJECT SITE:	13 Winchester Street, St Peters (Certificate of Title Volume: 5811 Folio: 698)
DESCRIPTION OF DEVELOPMENT:	Demolition of an existing dwelling and the construction of a single storey detached dwelling, with associated garage, swimming pool and fencing
ZONE:	Residential Historic (Conservation) Zone (The Avenues Policy Area) - Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
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 single storey detached dwelling, with associated garage, swimming pool and fencing.

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

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

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

Subject Land Attributes

Shape:	regular with corner cut-off
Frontage width:	12.19 metres
Depth:	36.27- 39.32 metres
Area:	596m ²
Topography:	fall of approx. 410mm from the primary frontage to the rear
Existing Structures:	single storey dwelling and garage
Existing Vegetation:	no vegetation of note

The subject land is occupied by a single storey detached dwelling of post- war construction, located on the south-eastern corner of Winchester Street and Third Avenue. A large freestanding concrete block double garage is located close to the Third Avenue (secondary) frontage. The dwelling is not identified in the Development Plan as having any heritage status.

Locality Attributes

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

The locality is considered to have a moderate to high level of amenity. Activity associated with the adjacent East Adelaide Primary School is likely to have some impact on residential amenity, due to traffic movement and noise during school hours. The built form within the immediate locality includes some infill housing, most notably being a large group of units located on the corner of Winchester Street and Second Avenue.

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

Proposal in Detail

The Applicant seeks consent to demolish the existing dwelling and construct a single storey detached dwelling, with associated garage, swimming pool and fencing, including a front fence.

The proposed dwelling has a total floor area of 320m², comprising three (3) bedrooms, formal living, open plan kitchen/living/dining, study, two (2) bathrooms, prayer room, laundry and change room. A swimming pool and covered alfresco are sited on the north-western side of the dwelling adjacent to the Third Avenue (secondary) frontage. A double garage is accessed via the existing vehicular access on Third Avenue.

The proposed dwelling design has a simple hipped roof form (30 degree pitch) with visually strong horizontal ridgelines. The front façade includes a flat canopy style verandah. The proposed double garage is partially under the main roof but extends a flat roof form, alongside the alfresco, towards the secondary street.

Materials and finishes include sandstone veneer, render (rich sandy colour with dark grey highlights), corrugated Colorbond roof sheeting in 'monument' (matt), powder coated aluminium (matt black) and matt black panel lift doors.

The proposed front fence is between 1.1m and 1.5m high, extending around the corner past the front alignment of the dwelling. It has rendered masonry pillars with a simple steel slatted infill. The section on the corner includes feature stone veneer. Along the secondary street, the fencing enclosing the private open space area is between 1.8m and 2m high (due to the slope of the footpath) and is proposed to be constructed of lightweight walling with render and stone veneer finish.

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	596m ²	600m ²
Allotment Width	12.19-15.24m	18m
Allotment Depth	36.27-39.32m	N/A
External Wall Height*	3.45-3.6m	N/A
Maximum Overall Height (to roof apex)*	5.473m	N/A
Floor Area (footprint, including garage and alfresco)	320m ²	N/A
Site Coverage	54%	50%
Private Open Space	130m ² 22% of site area	20% of site area

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Street Set-back	5.9m (verandah) 7.5m (main wall)	greater of the two adjoining dwellings
Side Set-back	1m- 3m (south-eastern side)	N/A
Secondary street	1.27m to alfresco 3.5m – 5.1m to main wall 4.5m to garage	
Rear Set-back	1m to garage	N/A
Car Parking Provision	2 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 The Avenues Policy Area of the Residential Historic (Conservation) Zone of the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is neither a complying, nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

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

Land Use

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

- The Avenues Policy Area Desired Character Statement
- The Avenues Policy Area Objectives: 1
- The Avenues Policy Area 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 Avenues Policy Area states that development should comprise the construction, alteration, conversion or additions to a detached dwelling.

The proposal for the demolition of the existing dwelling and the construction of 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:

The Avenues Policy Area Desired Character Statement
The Avenues 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 Avenues Policy Area states:

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

The proposed dwelling is single storey and as such is consistent with this PDC.

Given that the subject land is located within a Historic (Conservation) Zone, advice was sought from the Council’s Heritage Advisor, David Brown, regarding the heritage aspects of the proposal. Mr Brown’s report concludes:

“The proposed new single level house is a somewhat generic contemporary design with stone veneer on the feature walls, render to the remainder of the walls, a simple hipped roof form and a flat roofed verandah. As an infill house in a Historic Conservation Zone it will not visually dominate the original character homes around it, and is an improvement on the 1960s house that is currently on the site. Overall the proposal is an acceptable design for this location.”

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

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

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

- (a) *not detract from the character or restrict the visibility of the building;*
- (b) *not exceed 1.2 metres in height if masonry or a maximum of 1.5 metres in height if wrought iron, brush, timber and or 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, woven crimped wire, or corrugated iron or mini orb within timber framing for Edwardian dwellings; or*
 - (iii) *timber paling, wire mesh and timber or tube framing, woven crimped wire, or masonry with galvanised steel ribbon for Bungalows, Tudors and other dwellings built between the wars.*

The proposal includes front fencing as well as fencing along the secondary street frontage.

The proposed front fence is between 1.1m and 1.5m high and wraps around the corner extending part way along the secondary frontage. It has rendered masonry pillars and a simple steel slat infill, which would maintain visibility to the new dwelling and is consistent with part a) of PDC 9. The maintenance of the low and open design extending along a portion of the secondary frontage is in keeping with the Desired Character of the Policy Area, which seeks the continuation of front fencing around corners to at least the house alignment

The secondary street fencing is between 1.8m and 2m (due to the slope of the footpath) and is proposed to be constructed of lightweight walling with render and stone veneer finish. The proposed height and design is consistent with Desired Character of the Policy Area.

Mr Brown has indicated in his report that he supports the proposed fencing design.

Setbacks and Site Coverage

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

The Avenues Policy Area Desired Character Statement
The Avenues Park Policy Area PDCs: 8

RH(C)Z PDCs: 10, 11 & 12.

City Wide PDCs: 35, 204 – 207, 218,

The Desired Character Statement and PDC 8 of The Avenues Policy Area state in relation to set-backs:

“Dwellings will maintain a setback from the boundary of roads 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).”

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

The subject land is a corner site, with its primary frontage being to Winchester Street. As such, in reference to the above policies, the front set-back of the properties located at 11B Winchester Street (identified as a Contributory Item) and 17 Winchester Street (not identified as a Contributory Item) are relevant.

In order to satisfy the above policies, the front set-back of the proposed dwelling should be no closer than the adjacent Contributory Item at 17 Winchester Street, which has a front set-back of approximately 8m to the main wall and 6.5m to the verandah. As the proposed front set-back is closer to the street (7.5m to the main wall and 5.9m to the veranda), this aspect is not consistent with the above policies and is a negative aspect of the proposal.

In considering whether this, in itself, is fatal to the proposal, the following observations are made:

- the alignment of Winchester Street changes at the intersection with Third Avenue (the roundabout), and to some degree interrupts the reasonably consistent front set-back pattern of the historic dwellings on the north-western side of Winchester Street; and
- the existing dwellings along the north-eastern side of Winchester Street, including the subject dwelling, are post-war infill dwellings and have distinctly different character to the dwellings further along Winchester Street.

In this context, given the relatively generous separation distance provided by Third Avenue, it is considered that the lesser front set-back of the proposed new dwelling is unlikely to have a negative impact on the streetscape of Winchester Street, nor is it likely to affect the prominence of the adjacent Contributory dwelling.

With regard to the adjacent non-contributory dwelling and the other non-contributory dwellings between Third Avenue and Third Lane, the proposed front set-back is slightly forward of the adjacent dwelling but similar to, or greater than, the other dwellings.

On balance, it is considered that the proposed front set-back is acceptable.

With regard to side set-backs, PDC 8 seeks that they reflect the side set-back pattern established by adjoining dwellings. Side set-backs within the locality are varied, with the historic dwellings generally having more generous siting characteristics, whilst the infill dwellings tend to have less generous siting characteristics, often with garaging being to one side boundary.

The proposed dwelling has a side set-back of 1m from the south-eastern boundary and set-backs of between 1.27m and 5m from the other side boundary, being the secondary street boundary. The proposed set-back from both side boundaries would maintain a sense of space around the dwelling, when viewed from Winchester Street. The main impact on the adjoining Winchester Street neighbour would be the extension of the new built form much further back on the site. In this regard, the proposed finished floor level of the dwelling would lower than that of the neighbouring dwelling, which would assist in ameliorating the visual impact of the single storey wall.

Along Third Avenue, the proposed garage has a set-back 4.5m from the street and 1m from the rear boundary (being the side boundary of the adjacent property at 61 Third Avenue). This replaces an existing concrete block garage on the subject land which has similar set-backs, so would not significantly alter the existing built form context.

Overall, the side and rear set-backs of the proposed dwelling are considered to be acceptable.

With respect to site coverage, the proposed dwelling covers 54% of its site, including the covered alfresco and the garage. This is not consistent with PDC 6 of The Avenues Policy Area, which states that buildings should not cover more than 50% 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 50%, particularly on sites where dwelling additions have occurred. Furthermore, the subject allotment is only 596m² (which is relatively small when compared to other allotments in The Avenues Policy Area), so it is recognised that developing a moderately sized contemporary family home within the 50% maximum site coverage requirement would be more difficult to achieve.

In this regard, the proposed extent of site coverage is considered to be acceptable considering that it includes a generous covered outdoor area, double garaging and ample storage space.

Overshadowing/overlooking

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

City Wide PDCs: 11, 31, 195 & 196

The single storey nature of the proposed development is unlikely to give rise to any unreasonable overshadowing or overlooking.

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 130m² of private open space, equating to 22% of the site area, consistent with Principle 225.

The private open space is directly accessible from the main living areas, consistent with PDC 224 and the bulk of it is well located on the north-western side of the dwelling.

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 the existing driveway crossover on Third Avenue.

The proposal for a double garage provides sufficient on-site parking in accordance with Table NPSP/8.

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 proposed finished floor level of the dwelling is slightly lower than the top of kerb level along Winchester Street (between 30mm and 240mm lower). Along Third Avenue, the proposed finished floor level is between 30mm and 360mm above the top of kerb level. Overall, the finished floor levels would not result in the need for any major earthworks, or the construction of retaining walls exceeding 360mm in height.

The proposal shows stormwater being directed to the Third Avenue water table and should be able to be disposed of by a gravity fed system in accordance with the Council requirements.

Fencing is proposed along the primary and secondary street frontages. The height and style has been discussed in a previous section of this report as being appropriate. The impact of the fence on street trees is discussed in the following section of the report.

With regard to fencing along the side and rear boundaries, the applicant has advised that it is intended to retain the existing fencing on these boundaries.

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, 120
City Wide PDCs:	73, 220, 221

There are no regulated trees on the subject land.

There is currently no vegetation of note on the subject land.

The proposed dwelling has a front set-back which would allow for the establishment of soft landscaping. Being a corner site, the relatively generous secondary set-back also provides space for additional landscaping between the dwelling and the street. Overall, whilst site coverage is higher than the 50% maximum, it is considered that there is sufficient open space for the establishment of landscaping in accordance with the above policies.

There are two (2) street trees (Plane Trees) located along the Third Avenue verge. Both trees are relatively juvenile and it is considered unlikely that the root systems of these trees would be impacted on by the fence construction, particularly as the proposed walling is of lightweight construction.

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-west, providing good solar access. The alfresco also provides summer shading over a section of the main living area.

The plans indicate the supply of a 2000 litre rainwater tank in accordance with City Wide PDC 159.

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

Summary

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

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

Whilst the front set-back of the proposed dwelling does not satisfy the requirements of The Avenues Policy Area, it is considered to be acceptable in the context of the corner location and its siting relationship with the adjacent Contributory Item and other dwellings in the immediate locality.

At 54%, the proposed site coverage exceeds the 50% guidance of The Avenues Policy Area. This is considered to be acceptable, as site coverage in the area appears to be higher than 50%, especially on infill sites (similar to the subject site) and where dwelling extensions have been built. Furthermore, it includes a generous covered outdoor area and the dwelling appears to have ample room for storage, which is likely to negate any further requests for sheds and the like.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/190/2019 by Alan Sheppard Constructions, to demolish an existing dwelling and construct a detached dwelling and associated fencing, including a front fence and a swimming pool, on the land located at 13 Winchester Street, St Peters, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Site plan, floor plan, elevations and levels, prepared by Alan Sheppard Constructions (current drawing issued 8 May 2019) and received by the Council on 8 May 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.

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. That the swimming pool filter pump be enclosed in such a way that noise levels do not exceed 45db(a), measured at adjoining property boundaries.
4. That the air conditioning compressor unit be located on the subject land such that noise levels do not exceed 52 dB(A) between 7 am and 10 pm and 45 dB(A) between 10 pm and 7 am the next day, measured at adjoining property boundaries.
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.

Moved

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/190/2019 by Alan Sheppard Constructions, to demolish an existing dwelling and construct a detached dwelling and associated fencing, including a front fence and a swimming pool, on the land located at 13 Winchester Street, St Peters, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Site plan, floor plan, elevations and levels, prepared by Alan Sheppard Constructions (current drawing issued 8 May 2019) and received by the Council on 8 May 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.
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. That the swimming pool filter pump be enclosed in such a way that noise levels do not exceed 45db(a), measured at adjoining property boundaries.
4. That the air conditioning compressor unit be located on the subject land such that noise levels do not exceed 52 dB(A) between 7 am and 10 pm and 45 dB(A) between 10 pm and 7 am the next day, measured at adjoining property boundaries.
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted within the next available planting season following occupation 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.*

Seconded and carried

2. STAFF REPORTS

2.4 DEVELOPMENT APPLICATION 155/86/2019 – DECHELLIS HOMES – 85 THIRD AVENUE, JOSLIN

DEVELOPMENT APPLICATION:	155/86/2019
APPLICANT:	Dechellis Homes
SUBJECT SITE:	85 Third Avenue, Joslin Lot 59 DP 1593 Adelaide CT 5763/891
DESCRIPTION OF DEVELOPMENT:	Construction of a single-storey detached dwelling with associated double garage and landscaping
ZONE:	Residential Historic (Conservation) Zone - The Avenues Police Area - Norwood Payneham & St Peters (City) Development Plan (dated 19 December 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a single-storey detached dwelling, with associated double garage and perimeter fencing.

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

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 and Attributes

Shape:	Regular
Frontage width:	19.81 metres
Depth:	47.85 metres
Area:	947.91 square meters
Topography:	Fall of approximately 2m from rear to front
Existing Structures:	Vacant land
Existing Vegetation:	Large non-regulated palm tree

The subject land was occupied by a detached dwelling that was not identified in the Development Plan as having any heritage status. Demolition of the dwelling was approved on 27 December 2018 and Council was notified of the commencement of demolition on 12 March 2019. The removal of a significant Willow Myrtle tree was also approved on 3 January 2019.

Vehicular access is via an existing crossover on Third Avenue.

Locality Attributes

Land uses:	Predominately residential with Joslin Reserve across the road
Building heights (storeys):	Predominantly single storey with some examples of two-storey development present in the street

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.

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

Proposal in Detail

The applicant seeks consent to construct a single-storey detached dwelling with associated double garage and landscaping.

The internal living spaces of the proposed dwelling comprise an open plan living/kitchen/dining area, three (3) bedrooms (the master bedroom includes ensuite facilities), a study, home theatre, separate bathroom area and laundry. The proposed dwelling also includes an alfresco area at the rear of the building under the main roof and a small shed along the rear boundary.

The proposed dwelling has a hipped roof with a straight sheet front verandah and an attached side garage which sits under the main roof. The proposal comprises materials and colour including sandstone veneer, rendered plinths, the sides of the house have been nominated to be face brick with a render colour of pale grey and all the roof, gutters and garage door are to be mid grey. The commercial aluminium windows are powder coated black.

The existing vehicular access located to the front of the subject land is proposed to be altered with a new garage proposed to provide covered on-site car parking for two vehicles.

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	947.91 m ²	600m ²
Allotment Width	19.81m	N/A
Allotment Depth	47.85m	N/A
External Wall Height*	3.4m 2.7m garage wall	N/A
Maximum Overall Height (to roof apex)*	6m	N/A
Floor Area (total)	343.12m ² (proposed dwelling)	
Floor Area (footprint)	343.12m ²	
Site Coverage**	36.2%	50% maximum (The Avenues Policy Area PDC 6)
Private Open Space	39.56% (375m ²) of site area of which 92% is uncovered	20% minimum (City Wide PDC 225(a))
Street Set-back	10.53m to main wall 9m to verandah	<i>In part; the front and side setbacks of new dwellings should reflect the pattern established by the adjoining dwellings</i> (The Avenues Policy Area PDC 8)
Side Set-back	2.49m – 3.8m (north-east) 1.5m (south-west)	
Rear Set-back	14.5m	N/A
Car Parking Provision	2 undercover	2 (1) covered spaces per dwelling (Table NPSP/8); whereby the covered space is set back no less than 5.5 metres from the primary street frontage(City Wide PDC 211 (c))

** 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 1993 do not require consultation with State Government Agencies.

Discussion

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

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

Land Use

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

The Avenues Policy Area Desired Character Statement

The Avenues Area Objectives: 1
The Avenues 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:

- (d) 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;*
- (e) 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*
- (f) 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 pre-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 identified as making any significant contribution to the heritage value or historic character of the zone.

PDC 2 of The Avenues 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:

The Avenues Policy Area Desired Character Statement
The Avenues 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, 13-16, 18-20, 22, 23, 25, 26 & 31

City Wide Objectives: 18, 19 & 20.
City Wide PDCs: 29, 30, 32, 33, 37, 39, 41, 211

The proposal for a single storey dwelling meets this criterion of PDC 4 of The Avenues Policy Area. The neighbouring dwelling to the south of the subject land (83B Third Avenue) has a floor level which is slightly higher than the proposed finished floor level of the proposed dwelling. In contrast, the dwelling to the north of the subject land (87 Third Avenue) has a floor level which is much lower (350mm) than the proposed finished floor level of the proposed dwelling. However, the land naturally increased in height from number 87 Third Avenue and in this context, the proposed floor level is considered appropriate.

The new dwelling has been designed with a lower wall height for the proposed garage (2.7m) which is set in 2.4m from the side boundary. This treatment assists in reducing the dominance of the garage in the overall facade of the dwelling.

Given that the subject land is located within a Historic (Conservation) Zone, the Council's Heritage Advisor has reviewed the proposal and has reported on the appropriateness of the proposed new dwelling. Mr Brown has concluded that the proposal is acceptable from a heritage and streetscape perspective advising that:

"The proposed new single level house is a simple stripped back design with stone veneer on the front façade with render plinth and surround. Generally what is being proposed is acceptable in this context."

The heritage report alludes to the fact that double garage doors in Historic Conservation Zone are not a typical design element seen close to the front of properties. Mr Brown recommended that the garage be set much further behind the main face of the dwelling to reduce visual dominance. In assessing this aspect of the proposal, City Wide PDC 211 should be considered.

Principle of Development Control 211 of the City Wide provisions states:

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

- (a) be of a width that is minimised relative to the width of the dwelling frontage and in any case, should be designed with a maximum width (including the total width of any support structure) of 6.5 metres or 50 per cent (or 40 per cent in a Residential Historic (Conservation) Zone) of the allotment or building site frontage width, whichever is the lesser distance; and*
- (b) be set back at least 0.5 metres behind the main face of the associated dwelling, unless the main face incorporates projecting elements such as a portico or verandah, in which case the garage or carport may be in line with the main face of the associated dwelling (Refer to Figure 8); and*
- (c) be set back no less than 5.5 metres from the primary street frontage, to allow for vehicle parking."*

In this regard, the proposal accords with PDC 211. The Residential Historic Conservation Zone provides qualitative guidance for garaging by way of PDC 31 which states:

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

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

Through the assessment process, the applicant amended the application in response to the concerns raised by the Heritage Advisor, by setting the garage 2.2m behind the main face of the dwelling incorporating a panel lift door to be coloured Woodland Grey. The original design had the garage positioned 380mm behind the main face of the dwelling which had a front setback of 8.4m.

These design solutions that have been employed assist to make the garage door visually recessive from within the streetscape, in response to part (b) of PDC 31.

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

Having regard to the relevant heritage provisions of the Development Plan, it is considered that the design of the proposed dwelling results in a sympathetic appearance when viewed within the streetscape. It will be clearly distinguishable from the original dwellings of heritage significance in the locality without appearing dominant within the street. On balance, the appearance and heritage aspects of the proposal are considered acceptable.

Setbacks and Site Coverage

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

The Avenues Policy Area Desired Character Statement

The Avenues Policy Area PDCs: 6 & 8

RH(C)Z PDCs: 10, 11 & 12.

City Wide PDCs: 35, 204 – 207, 218,

In relation to set-backs Principle of Development Control 8 The Avenues Policy Area states:

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

The adjoining dwellings are not heritage listed. The front set-back of the proposed dwelling is 10.53m to the main wall and 9m to the verandah. Whilst the set-back of the main wall is behind the main face of 83B Third Avenue, the verandah sits marginally forward. Furthermore, the setback from of the garage is 12.83m from the front boundary which brings it in line with the building line of 87 Third Avenue. On balance, visually the discrepancy of the verandah is not considered to detrimentally impact the character of the existing streetscape.

The Desired Character Statement for the Residential Historic (Conservation) Zone states that the setback of new development will match the predominant setback established by existing dwellings. In this regard, the siting relationship between the proposed and neighbouring dwellings would provide a generous separation distance.

With respect to site coverage, the proposed dwelling covers 46% of its site. This is consistent with The Avenues Policy Area Principle of Development Control 6, which states that buildings should not cover more than 50% of the total area of the site.

Overshadowing/overlooking

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

City Wide PDC's: 11, 31, 71, 72, 195, 196, 235 & 236

Overshadowing is not anticipated to be an issue given the single storey nature of the development and the proposed wall heights relative to the existing floor levels and siting of number 83B Third Avenue. Furthermore, no loss of privacy will result from the proposed development as the retaining that is proposed for the rear of the site is similar to the current situation.

Private open space

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

City Wide PDCs: 222 - 225 & 229

The proposed dwelling has access to 375m² of private open space, equating to 23% of the site area, consistent with Principle 225 which prescribes at least 20% of the total site area to be allocated as private open space. The private open space is predominantly open to the sky in accordance with PDC 229 and includes an alfresco area which is oriented appropriately to make use of the northern sun. The alfresco 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 it will retain the existing car parking arrangement and access via Third Avenue. The proposed garage will accommodate two (2) vehicles which satisfies Table NPSP/8.

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.

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 topography of the subject land has a substantial fall from the finished floor level of the pre-existing dwelling, down to the street boundary, in the order of 1.0 to 1.5 metres.

The proposed finished floor level is 200mm lower than that of the pre-existing dwelling on the site. As the footprint of the proposed dwelling is larger than the pre-existing dwelling, the proposed floor level results in the need for a minor amount of ‘cut’ at the rear of the dwelling (up to approx. 300mm), while at the front of the proposed dwelling, the amount of required fill varies from 500mm at the southern side, up to 1m at the northern side.

As a result, the proposed development would result in the need for a retaining wall up to 1m in height for a portion of the northern side boundary, adjacent to the driveway. Elsewhere, only under-fence plinths up to approximately 300mm will be required.

The subject land is not within an identified flood affected area. The proposed finished floor level is approximately 1.19m above the top of kerb level, which will enable surface stormwater to drain to the street by a gravity fed system.

No fencing is proposed in this application. A separate development application will need to be lodged for fencing, as all fencing in a Historic (Conservation) Zone requires development approval. Upon assessment of that future application, careful consideration will be given to any fencing forward of the dwelling facade, including any fencing above the 1m high section of retaining wall adjacent the driveway. As fencing is not required for privacy in this location (being a front yard area), it is envisaged that low fencing along this section will likely be appropriate.

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 proposed alterations to the crossover and driveway are intended to allow for the retention of one (1) non-regulated street tree which is a positive aspect of the proposal. With regard to landscaping, 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.

The proposed development is able to adequately drain its stormwater to the street water table without any adverse impact or velocity that will cause harm or damage to the subject land or adjoining properties.

City Wide Principle of Development Control 159 prescribes that new dwellings should be provided with a 2,000 litre rain water tank in order to maximise the use of stormwater collected from roof areas. The site plan contained in Attachment B indicates that a 2,000 litre rain water tank is to be provided as part of the proposal.

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

Summary

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

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

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

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/86/2019 by Dechellis Homes, to construct a single-storey detached dwelling with associated double garage and landscaping, on the land located at 85 Third Avenue, Joslin, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Site plan, floor plan, elevations and specifications, prepared by Dechellis Homes (dated 15 April 2019) and received by the Council on 15 April 2019.
- Civil plan prepared by Intrax dated April 2019 and received by Council on 23 April 2019.
- Landscape Plan prepared by Dechellis Homes dated 3 May 2019 and received by Council on 7 May 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 either the adjacent street kerb & water table or a Council underground pipe drainage system
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. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers within the following planting season after the occupation of the premises to the reasonable satisfaction of 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.

Moved

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/86/2019 by Dechellis Homes, to construct a single-storey detached dwelling with associated double garage and landscaping, on the land located at 85 Third Avenue, Joslin, subject to the following requirements, conditions and notes:

Relevant Plans

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Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system
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. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers within the following planting season after the occupation of the premises to the reasonable satisfaction of Council or its delegate.

Notes to Applicant

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

4. *The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development is likely to be at the Applicant's cost.*
5. *The Applicant is advised that the property is located within an Historic (Conservation) Area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including fencing).*
6. *This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.*
7. *The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

Seconded and carried

2. STAFF REPORTS

2.5 DEVELOPMENT APPLICATION 155/C071/2018 – D’ANDREA & ASSOCIATES – 12-14 ELIZABETH STREET, NORWOOD

DEVELOPMENT APPLICATION:	155/C071/18
APPLICANT:	D’Andrea & Associates
SUBJECT SITE:	12-14 Elizabeth Street, Norwood (Certificate of Title Volume: 5088 Folios: 717 and 718)
DESCRIPTION OF DEVELOPMENT:	Community Title land division (creating fifteen lots from two existing allotments), demolition of two dwellings and construction of a two-storey residential flat building (comprising fifteen dwellings) with basement car parking
ZONE:	Residential Character (Norwood) Zone – Norwood, Payneham and St Peters (City) Development Plan (dated 17 December 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 2

Purpose of Report

The purpose of this report is to provide details to the Panel on a compromise proposal which has been submitted in relation to a Development Application that was refused by the Panel at its meeting held on 18 February 2019 and which is the subject of an appeal in the Environment Resources and Development (ERD) Court. The Panel is required to consider the amended plans and advise the ERD Court as to whether or not the amended plans satisfactorily address the concerns identified with the Application, such that development plan consent is now warranted.

Background

The Panel refused Development Application No. 155/C071/18 for the following reasons:

1. *The application is not consistent with the desired character of the zone*
2. *The proposal does not achieve a mostly single storey appearance to the street*
3. *The height and length of upper level walls have not been minimised*
4. *The proposal includes undercroft garaging whereas the development plan states that undercroft should only be on the western side of Osmond Terrace*
5. *The bulk and scale of the proposal will have an unreasonable overshadowing and visual impact variously on the properties immediately to the south and east of the subject land.*

A copy of the relevant section of the Minutes of the Panel meeting held on 18 February 2019, including the refused plans, is contained in **Attachment A**.

Following the refusal of the application by the Panel, the applicant lodged an appeal with the ERD Court. A conciliation conference is scheduled for 21 May 2019 in the ERD Court. The Applicant has submitted additional supporting information, which is the subject of this report, in an attempt to gain the Panel’s support for the proposal.

A copy of the additional supporting information that is the subject of this report is contained in **Attachment B**.

Discussion

The additional supporting information will be discussed in the context of the reasons for refusal given by the Panel at its meeting held on 18 February 2019. All other aspects of the proposal are addressed in the previous staff report contained in **Attachment A** and are not significantly affected by the additional information.

Consistency with the desired character of the zone

The Applicant has submitted an Urban Design Statement of Support by Mr Ross Bateup, who has qualifications and experience in architecture, urban design and town planning.

Mr Bateup has stated:

“from an overview of the desired character for residential development in the zone, it is apparent the Plan and the Zone allow for a range of dwelling types up to two storeys high. Increased density is also anticipated e.g. a residential flat building as proposed”

and

“In my opinion the proposed development of a two-storey residential flat building with land division outside of the character pockets is consistent with the desired character of the Zone in terms of land use and development density”

In response to the desire expressed in the Desired Character Statement for the design of buildings to be innovative and contemporary, Mr Bateup has opined:

“the design of the whole site reflects an urban design awareness of a high standard”

and

“the design shows a commendable practical understanding that results in a proposal comfortable in a streetscape setting eg. designing with the street trees, pedestrian crossing safety considerations, driveway entrance (set well back from the street), façade symmetry and a building design responding to the Plan and Zone desired character”.

Mostly single storey appearance to the street

This reason for refusal has been derived from Principle of Development Control 6, which states:

“For sites identified on Concept Plan Fig RC(N)/1, where two-storey development is proposed, it should be designed to achieve a mostly single-storey streetscape appearance...”

As the subject land is not a site identified on Concept Plan Fig RC(N)/1, Principle 6 does not apply. Therefore, the proposal is not required to have a mostly single storey appearance to the street.

The height and length of upper level walls have not been minimised

This reason for refusal has been derived from the Desired Character Statement, which states:

“Outside of the localities identified on Concept Plan Fig RC(N)/1, opportunities will be provided for increasing the density of a site. Building heights of up to two (2) storeys may occur, however, where proposed, consideration will be given to the impact of second storey walls from neighbouring properties. In this context, it will be important that the height and length of upper storey walls are minimised and finished and articulated in such a way so that they are visually recessive and do not create any unreasonable overshadowing impacts.”

Mr Bateup notes that the length of the building is determined by the site dimensions, the built form design and the zone complying front and rear setbacks. He proceeds to opine that the apparent bulk of the building is reduced by the articulation to the north and south elevations and suggests that the various subtle design elements are not readily apparent from 2-dimensional elevations and plan drawings.

The proposal includes undercroft garaging whereas the development plan states that undercroft should only be on the western side of Osmond Terrace

This reason for refusal has been derived from Principle of Development Control 18, which states:

“Undercroft or below ground garages should only be developed on sites located along the western side of Osmond Terrace.”

Mr Bateup has opined that the decision to create an undercroft carpark is a logical and practical design technique that takes advantage of the east west site fall of approximately 1 metre. By creating a car parking area beneath the building, Mr Bateup suggests the design utilises the slope to simplify the access driveway and allows a constant finished floor level on the east west axis.

Mr Bateup also suggests that the lack of support in the Development Plan for undercroft parking in the zone is inconsistent with the intent of the Desired Character Statement.

The bulk and scale of the proposal will have an unreasonable overshadowing and visual impact variously on the properties immediately to the south and east of the subject land.

Mr Bateup has considered the shadow diagrams which were submitted with the application and has agreed with the interpretation in the previous Council staff report, that the winter solstice impact is reasonable and in accordance with the Development Plan.

In relation to the visual impact of the proposal on the properties immediately to the south and east of the subject land, Mr Bateup considers that the apparent bulk of the building is reduced through ‘rigorous articulation’ and design elements such as:

“variable sized alfresco patios, ‘push pull’ walls to habitable rooms, masonry columns, planter boxes with 8 trees of variable heights, variable upper level roof overhangs, 2 variable sized recessed balconies, a mix of compatible materials and a non-monochromatic paint scheme”.

Other

Although the Panel did not express a concern with the proposed landscaping in their reasons for refusal, the applicant has submitted a new landscaping plan by Oxigen Landscape Architects. The plan includes various tree plantings around the perimeter of the site, as well as hedges and various ground covers.

Similarly, although the Panel did not express a concern with the extent of on-site car parking in their reasons for refusal, Mr James Jordan of Botten Levinson Lawyers has provided an opinion on that matter. In particular, he has addressed the shortfall of one (1) car parking space, when applying the rates in Table NPSP/8 of the Development Plan.

Mr Jordan has referred to City Wide Principle of Development Control 122, which allows for ‘discounting’ of on-site car parking in certain circumstances, including where a site is located within 200m walking distance of a convenient and frequent serviced fixed public transport stop. Mr Jordan rightly points out that the site achieves this locational criteria, being approximately 150m from a ‘go zone’ bus stop on The Parade.

Summary

The additional supporting information reflects the views expressed in the previous Council staff report to the Panel. The new landscaping plan provides an increased level of detail and is considered to represent an improvement to the proposal.

Accordingly, the proposal is considered to sufficiently accord with the relevant Development Plan to warrant consent, for the reasons set out in the previous report.

RECOMMENDATION

That the Environment Resources and Development Court be advised that the Council Assessment Panel is satisfied that the amended proposal sufficiently accords with the Development Plan to merit Development Plan Consent, subject to the following conditions (or any similar conditions deemed appropriate by the ERD Court):

Relevant Plans

- Plan of Division prepared by Cavallo Forest & Associates, plan numbers 64395_pland_1_V01 to 64395_pland_4_V01, dated 29 January 2019.
- plans and elevations by D'Andrea Architects, Sheet 1 Rev C, Sheet 2 Rev C, Sheet 3 Rev E, Sheet 4 Rev D and Sheet 5 Rev D
- Waste management plan by D'Andrea Architects, dated 22 January 2019
- Landscaping plan by Oxigen, Drawing Number 001, Revision B, dated 26 March 2019.

Conditions

1. A Stormwater Management Plan shall be prepared and provided to the reasonable satisfaction of the Council prior to the issuing of development approval, which demonstrates stormwater discharge from the subject land being maintained at pre-development levels. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.
2. Tree protection zones (TPZ's) shall be established around the two street trees adjacent the land, in accordance with advice obtained from the Council's City Arborist, prior to demolition and shall be maintained throughout construction.
3. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.
4. The trees to be planted adjacent to the balconies of Dwellings 13 and 14, shall have a minimum height at the time of planting, of 2.5 metres.
5. Each dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres), or alternatively, a 30 kilolitre (30,000 litres) communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m² of its roof catchment area to the communal tank and in either case, water shall be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.
6. The portion of the upper floor windows and balconies on the northern, eastern and southern sides, less than 1.7 metres above the floor levels, shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person from the balcony to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

(particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.

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

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

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

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

Moved

That the Environment Resources and Development Court be advised that the submission does not address the reasons for refusal. Nothing contained in the submission causes the panel to reverse its previous decision to refuse consent.

Seconded and carried

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 8:42pm

Terry Mosel
Presiding Member

Mark Thomson
Manager Development Assessment