

# Council Assessment Panel Agenda & Reports

**17 June 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  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



City of  
Norwood  
Payneham  
& St Peters

12 June 2019

**To all Members of the Council Assessment Panel:**

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

**NOTICE OF MEETING**

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

**Monday 17 June 2019, commencing at 7.00pm.**

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

Yours faithfully

Mario Barone  
**CHIEF EXECUTIVE OFFICER**

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175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



City of  
**Norwood  
Payneham  
& St Peters**

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**VENUE**                      Mayors Parlour, Norwood Town Hall

**HOUR**

**PRESENT**

**Panel Members**

**Staff**

**APOLOGIES**

**ABSENT**

- 1.        CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT  
          PANEL HELD ON 20 MAY 2019**

## 2. STAFF REPORTS

### 2.1 DEVELOPMENT APPLICATION 155/565/2018 – DESIGNTECH STUDIO – 93-95 NORTH TERRACE, COLLEGE PARK

<b>DEVELOPMENT APPLICATION:</b>	<b>155/565/18</b>
<b>APPLICANT:</b>	<b>Designtech Studio</b>
<b>SUBJECT SITE:</b>	<b>93-95 North Terrace, College Park (Certificate of Title Volume: 5693 Folio: 165)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Construction of a two storey dwelling addition to existing single storey commercial building</b>
<b>ZONE:</b>	<b>Local Commercial Zone – Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 2</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on a Development Application for the construction of an upper level addition (dwelling) to an existing single storey commercial building.

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

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

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

#### **Subject Land Attributes**

Shape:	regular
Frontage width:	15.34m
Depth:	34.06m
Area:	522.48m <sup>2</sup>
Topography:	essentially flat
Existing Structures:	single-storey retail showroom and carpark
Existing Vegetation:	no vegetation

The subject land is a corner allotment, located on the north-eastern corner of North Terrace and Trinity Street. It contains a single storey commercial building of some 210m<sup>2</sup> located on the front boundary, with parking area located behind the building. Vehicular access and egress to the subject land is from Trinity Street, with the allotment also providing access to 97 North Terrace via a right of way.

The land is relatively flat, with 400mm of fall from the front boundary down to the rear boundary. The subject land is bound by North Terrace to the front (south-east) and Trinity Street to the side (south-west).

## Locality Attributes

Land uses: mixed use – including offices, retail and residential  
Extent of consolidation/infill: moderate - high  
Building heights (storeys): Predominantly single-storey and some two-storey

The locality is considered to be defined as the north western side of North Terrace, from 85 to 109 North Terrace, and Trinity Street including dwellings up to and including 5 and 10 Trinity Street, whereby the proposed dwelling will be visible amongst the streetscape.

The subject land is bounded by a property containing a dwelling to the east at 97 North Terrace and a property containing a dwelling to the north at 1 Trinity Street.

Both the subject land and the adjacent dwelling at 97 North Terrace are located within a small pocket of the Local Commercial Zone. Elsewhere within the locality, properties fronting the northern side of North Terrace are zoned Residential Zone, Medium Density Policy Area. Properties along Trinity Street, north of the subject land, are zoned Residential Historic Conservation Zone, College Park Policy Area. Properties fronting the southern side of North Terrace within the locality, are zoned Urban Corridor Zone, Boulevard Policy Area.

The predominant nature of land uses within the immediate locality and along the northern side of North Terrace is residential, with the southern side of North Terrace being commercial. Built form along the northern side of North Terrace is reflective of a residential zone, with dwellings on a mixture of allotments sizes reflective of the Medium Density zone, while the southern side of North Terrace is heavily influenced by its Urban Corridor Zoning, providing a mixture of offices and commercial tenancies through the adaption of existing dwellings, or the construction of outwardly two storey commercial buildings and warehousing.

A plan of the subject land and its surrounds, including the location of zone boundaries, is contained in **Attachment A**.

## Proposal in Detail

The Applicant seeks consent to construct a two storey dwelling addition above the rear portion of the existing commercial building and the rear carpark.

The owner of the subject land currently operates a business from the retail building and intends on living in the proposed dwelling, with no changes proposed to the existing internal configuration of the retail showroom.

The new two-storey dwelling is to have bathroom, laundry and entry at ground level, with a staircase leading up to the first floor. At first floor level, the dwelling comprises an open plan living/dining/kitchen area, a master bedroom (with ensuite and WIR), three (3) additional bedrooms and a home theatre. The proposal includes a balcony which is accessed from the dining area and provides an outdoor entertaining area. Access to the roof has also been provided through a central staircase.

No structures are proposed to be built on the roof of the building apart from a 1.2 glass balustrade, with the roof terrace comprising 92.65m<sup>2</sup>.

The majority of the proposed dwelling would be constructed from unitex uni-tws panels attached to a timber frame, which will be of a rendered finish in black for the upper portions. This upper level is supported by a stone feature wall slightly setback from the Trinity Street frontage. The rear elevation of the proposed dwelling (south east elevation) features a centrally located finesse nailstrip cladding in 'monument' colour, which provides articulation to the Trinity Street Façade and adjoining land located within the Historic Conservation Zone.

All vehicular access/egress and on-site car parking is to be from Trinity Street. The existing retail showroom building is to have five on-site car parking spaces, while the proposed dwelling is to have two covered parking spaces. It is proposed that visitor parking for the dwelling can utilise retail parking spaces outside of business hours.

The applicant has advised that there is no intention to divide the land.

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	Existing Retail	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
<b>Site Area</b>		522.48m <sup>2</sup>	N/A
<b>Allotment Width</b>	15.34m (North Tce)	15.34m (North Tce)	N/A
<b>Allotment Depth</b>	34.06m (Trinity Street)	34.06m (Trinity Street)	N/A
<b>External Wall Height*</b>	4m (existing) 3.44m (proposed)	7.93m	N/A
<b>Maximum Overall Height (to roof apex)*</b>	5.68m	7.93m	N/A
<b>Floor Area (total)</b>	238.7m <sup>2</sup>	355.4m <sup>2</sup>	N/A
<b>Floor Area (footprint)</b>	238.7m <sup>2</sup>	440m <sup>2</sup>	N/A
<b>Site Coverage</b>		84.2%	N/A
<b>Private Open Space</b>	N/A	15.7 m <sup>2</sup> Balcony 92.65m <sup>2</sup> Rooftop Terrace	15m <sup>2</sup> - CWPDC 226(c)
<b>Street Set-back</b>	Unchanged	NIL	Except where otherwise specified in the relevant Zone and/or Policy Area, the setback of development from a secondary street frontage should reflect the setbacks of the adjoining buildings and the predominant setback of other buildings in the locality – CWPDC 50
<b>Side Set-back</b>	Unchanged	NIL	N/A
<b>Rear Set-back</b>	15.6m	3.6m – from Dwelling addition	N/A
<b>Car Parking Provision</b>	5 spaces (existing)	2 undercover & 0 visitor (after hours)	2 undercover, 1 uncovered and 1 visitor (Table NPSP/8) 5 spaces for existing retail use.

*\*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 3 form of development. In response to the public notification, two representations were received (both opposed) in response to this notification, copies of which are contained in **Attachment C**. The key issues raised by representors are, in summary:

- The impact to the amenity and streetscape of the Historic Conservation Zone to the east of the subject land.
- Safe vehicle manoeuvring and access to and from the subject land.
- The proposed on-site car parking provision for both the retail component and the proposed dwelling is insufficient.

The following representor desires to be heard in support of their representation by the Panel:

- *Mr Phillip Brunning.*

The Applicant has responded to the representations received and a copy of their response is contained in **Attachment D**.

A summary of the response is provided below:

- The proposed dwelling has been carefully designed to complement the existing building and respect the historic streetscape, through consultation with both Mr Brown and Hosking Willis Architecture.
- The parking requirements of the Norwood Payneham & St Peters Development Plan has been met by the provision of 7 vehicle parking spaces, which has been supported by a Traffic Report by Mr Erik Stopp of InfraPlan.
- The existing site has no landscaping, with the proposal adding landscaping along the Trinity Street Frontage.

## State Agency Consultation

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

## Discussion

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

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

### Land Use and Density

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

Local Commercial Zone Desired Character Statement	
Local Commercial Zone Objectives:	1
Local Commercial Zone Principles of Development Control:	1
City Wide Orderly and Sustainable Development Statement	
City Wide Objectives:	2, 7, 12, 26, 27, 56 & 57.
City Wide PDC's:	3, 4, 12, 47, 83, 176 & 177.

The proposal seeks to maintain the existing retail use that is operating from the subject land.

Local Commercial Zone Objective 1, and Principle of Development Control states the following:

*A zone primarily accommodating local service activities which are compatible with the amenity of the locality.*

And

*Development undertaken in the Local Commercial Zone should be, primarily, local service activities which are compatible with the amenity of the locality.*

The construction of dwellings above a commercial (retail) tenancy as part of a mixed use development is not envisaged within the Development Plan in a Local Commercial Zone, however is not expressly excluded either, with Objective 1 using the term 'primarily', suggesting that some additional uses may be appropriate. Given that the proposal maintains the current retail use as the primary use of the site, with the dwelling an additional land use, the proposal is considered to be reasonably consistent with Objective 1.

Further guidance with regard to land use and density can be obtained from the City Wide Principles of the Development Plan in which, City Wide Objective 56 and 57, state respectively:

*An increased mix in the range and number of dwellings types available within the City to cater for changing demographics, particularly smaller household sizes, housing for seniors and supported accommodation.*

and

*Increased dwelling densities in areas close to centres, public transport and significant public open spaces.*

The subject land is within walking distance of public transport on North Terrace. In addition, the subject land is within reasonable walking distance to the Adelaide CBD and the eastern parklands. Accordingly, the subject land is considered appropriate to accommodate residential development and in this respect, the proposed development is considered to be consistent with City Wide Objectives 56 and 57.

This proposal seeks to provide an appropriate opportunity for residential development, whilst also seeking to maintain an existing retail use, in an area that is serviced with infrastructure and reasonable access to services and public transport.

streetscape/bulk/scale/height/character

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

City Wide Objectives:	8, 18, 19 & 20.
City Wide PDC's:	29-35, 41, 44 & 46.

The front facade of the existing single-storey retail building has been modified over the years. The Council's Heritage Advisor states;

*The existing building on the site started off life as a symmetrical Victorian bluestone cottage that had an Art Deco styled shopfront added across the full width of the block and on the front boundary. The property has no heritage protection, but does have some historical significance, in that it is one of the few remaining early dwellings on this street, and the shop has some architectural merit.*

City Wide Principle of Development Control 46 states the following;

*Development adjacent to the boundary of a Residential Historic (Conservation) Zone, should provide a transition down in scale and mass to complement the built form within the Residential Historic (Conservation) Zone.*

Development up to two storeys is envisaged within the adjoining College Park Policy Area of the Residential Historic (Conservation) Zone, and is guided by Principle of Development Control 4 which states:

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

Given that the site is located within a Local Commercial Zone, which does not have a maximum height restriction; two storey development is considered appropriate, provided that there is an appropriate transition in scale and mass to the Historic Conservation Zone to the north.

As the subject land abuts a Historic (Conservation) Zone, the Council's Heritage Advisor, David Brown, has provided advice on the Application. As a result of initial concerns shared by Mr Brown and Council Staff, the applicant amended the application to comply with City Wide Principle of Development Control 33, by redesigning the eastern elevation, so as to provide articulation and a mixture of colours and materials to break up what was a flat rendered facade.

Mr Brown has indicated his support for the superseded proposal and in particular, he considers that the impact of the facade to Trinity Street:

*"is a better result than the earlier design, as the articulated wall breaks down the scale of the building, and the darker colour to the central part will assist in it being more recessive. Accordingly, the amended facade appearance is considered to result in a sympathetic design response within the context of the subject land located abutting the Residential Historic (Conservation) Zone."*

The changes are considered to be an appropriate design response with respect to satisfying with Principle of Development Control 33.

The proposed two-storey dwelling addition is set back in the order of 14.4 metres from the primary frontage, such that the existing commercial building would partially obscure views of the dwelling from North Terrace. In this way, the addition is considered to sit comfortably within the existing built form along the northern side of North Terrace, which is predominantly single-storey in height, with some examples of two storey residential development.

The proposed dwelling is considered to be consistent with City Wide Principles of Development Control 29 and 31, in that it will not unreasonably impair the amenity of the locality and will complement the existing built form character of the area.

A copy of the Council's Heritage Advisor's comments are contained in **Attachment E**.

The applicant has provided a heritage assessment by Sam Hosking of Hosking Willis Architecture in support of the proposal, contained in **Attachment F**.

#### Setbacks and Site Coverage

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

City Wide PDC's: 51, 52, 212, 213, 215, 216 & 217.

City Wide Principle of Development Control 52 states the following:

*"Except where otherwise specified in the relevant Zone and/or Policy Area, the setback of development from a secondary street frontage should reflect the setbacks of the adjoining buildings and the predominant setback of other buildings in the locality."*

Dwellings located on adjoining sites at 2 and 4 Trinity Street have minimal front setbacks, with dwellings further north-west have more traditional front setbacks, reflective of the Historic Conservation Zone.

The existing single-storey building is built on the primary property boundary, with the building stepping off the secondary street frontage after to the first showroom, by a distance of 1.6 metres. The two-storey dwelling addition proposes a 400mm setback from the secondary street frontage at ground level, with the upper floor built to both side boundaries of the subject land.

On this basis, the new dwelling is consistent with Principle 52.

The proposed addition abuts an easement which extends across the rear of the property, thereby providing a setback of 3.6 metres to the western rear boundary.

Overall, the side and rear setbacks of the new dwelling are considered to be acceptable within the context of the Trinity Street locality and are not considered to result in any adverse loss of visual amenity when viewed from adjacent and/or nearby land.

#### Overshadowing/overlooking

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

City PDC's: 194-196.

The Applicant was not asked to provide any shadowing analysis in relation to the proposed development as the majority of shadowing that will be attributable to the two-storey dwelling will be confined to Trinity Street and North Terrace.

The rooftop terrace has been reduced in size, and set back from the roof edge so that downwards views in to adjoining Private Open Space cannot be achieved.

Given the two storey nature of the proposed addition, both the balcony and the master bedroom give the potential for future occupants of the dwelling to overlook the nearby side yard areas of the residential properties at 2 and 4 Trinity Street is a potential concern.

If the Panel determines to approve the development, it is recommended that a condition of consent be imposed requiring the appropriate treatment be undertaken to a height of 1.7 metres to prevent overlooking into these neighbouring residential properties. In the event that the owner desires for the Council to reconsider the need for such treatment to these areas, it will be possible for an Application to be lodged seeking to vary the consent, at a stage during construction, when it is possible to more accurately assess the potential overlooking impacts or otherwise, from the proposed dwelling.

#### Private open space

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

City Wide PDC's: 222, 223, 224, 225, 226, 227, 228, 229 & 230.

The proposed dwelling incorporates a balcony at the second floor level, totalling 15.7m<sup>2</sup>, which is directly accessed from the open plan living area and is completely overhung by the roof of the building. This area is open to the Trinity Street frontage and is orientated south west.

Access has also been provided to the roof space of the dwelling, with this area providing an uncovered terrace area of 92.65m<sup>2</sup>.

City Wide Principle of Development Control 245 states the following (in part):

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

*(c) three bedrooms or greater; a minimum area of 15 square metres of private open space.*

Although this Application involves the construction of one dwelling, it is considered that the dwelling displays similar attributes and characteristics (ie. the living areas of the dwelling are not located at ground level as there is only scope to locate the garage and entrance door) to that of a residential apartment and on this basis, it is appropriate to apply Principle 245.

The dimensions of the balcony, and the roof terrace are consistent with the quantitative requirement of City Wide Principle of Development Control 241. In addition given the form and nature of the proposed dwelling, the provision of private open space is considered to be acceptable in that it provides a choice of lifestyle that does not require the upkeep of a large garden.

Car parking/access/manoeuvring

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

City Wide Objectives:	34.
City Wide PDC's:	98, 100, 112, 115, 117, 119, 120, 121, 123, 124, 125, 129 & 130.

Table NPSP/8 NPSP/9 & NPSP/10.

The floor area in association with the existing retail showroom land use is not proposed to be increased. The five (5) car parking spaces currently (albeit in an informal arrangement) associated with the retail land use are not proposed to be reduced.

Table NPSP/8 requires that for a dwelling for four or more bedrooms within a multi-storey building, three on-site spaces should be provided (two of which is covered), together with one additional visitor car parking space. The proposed development provides two designated dwelling spaces, in addition to the five spaces maintained for the retail land use.

The sharing of car parking spaces between visitors to the dwelling and customers to the retail showroom is supported by City Wide Principle of Development Control 122(c), which states:

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

*(c) mixed use development including residential and non-residential development has respective peak demands for parking occurring at different times”*

The parking arrangement proposes a stacker system for employees which provides two vehicle parking spaces. The proposed system can be accommodated under the 3.4 metre high ceiling of the addition.

The parking arrangement is configured so that the two dwelling spaces are stacked one behind the other, with the retail staff utilising the vehicle stacker arrangement, freeing up the two south western parking spaces and the disabled parking space for customers, creating a total of seven (7) parking spaces. While this represents a shortfall of 2 car parking spaces against the Development Plan Requirements from an individual land use perspective, when considered as part of an integrated development, the differing peak demands of the retail tenancy and the dwelling prevent parking overlap between land uses.

The Applicant has also nominated an area directly to the north-east of the ground floor entry area of the proposed dwelling for bicycle parking/storage. This is considered a positive aspect of the proposal and as such accords with Principle 113 and Table NPSP/10.

In terms of vehicular access and egress from Trinity Street, the Council's Planning staff are satisfied that internal traffic movements and the ability to achieve safe and convenient access/egress is achieved. Furthermore, the proposed car park configuration and proposed car parking spaces in considered appropriate in the context of the nature of the proposed development and the location of the subject land.

The applicant has provided a vehicle traffic report in support of the application by Erik Stopp of Infraplan, contained in **Attachment G**

Details of the stacker arrangement are contained in **Attachment B14**

Finished floor levels/flooding/retaining

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

City Wide Objectives:	9.
City Wide PDC's:	10, 148, 149, 150, 151, 152, 153, 154, 155, 156 & 157.

The proposed development will result in a predominantly impervious surface area over the subject land. On this basis, it is recommended that the existing 1 in 5 year Average Recurrence Interval peak flow from the property be maintained. Accordingly, should the Panel determine to approve the proposed development, a condition of consent should be imposed requiring that the Applicant adhere to this requirement.

The Applicant has proposed to direct stormwater from the new dwelling to the existing system, which runs to the street water table via a gravity fed system.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives:	24, 118, 119 & 120.
City Wide PDC's:	73, 74, 75, 76, 77, 78, 409, 410, 411, 412, 413, 414, 415, 416.

There is no established vegetation on the subject land.

The applicant has provided a landscaping plan, which incorporates mature plantings (1.8 metre height) along the Trinity Street frontage between the dwelling and the property boundary. Additional opportunity exists to introduce and establish landscaping in the form of potted plantings on both the second floor balcony and the roof terrace, should the future occupier so desire. Given the elevated nature of the proposed dwelling, the lack of genuine opportunity to establish landscaping areas at ground level is not considered to be a negative aspect of the proposal in this instance.

The landscaping plan is included as **Attachment B12**.

Environmental Sustainability

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

City Wide Objectives:	23, 42, 43, 46 & 48.
City Wide PDC's:	67, 68, 69, 147, 148, 149, 151, 154, 155, 159 & 160.

The main private open space area and internal living areas of the proposed dwelling have high upper level windows to prominently northerly (ie. north-west) aspect to maximise access to natural light which is consistent Principles 70 and 71.

As the existing carpark is unsealed, the proposal will result in a substantial increase in impervious areas to the subject land, resulting in increased stormwater runoff during rainfall events and reduced opportunity for soft landscaping. Therefore from an environmental perspective, this aspect of the proposal is considered to be a negative outcome.

City Wide Principle of Development Control 159 requires new dwellings and dwelling additions greater than 50m<sup>2</sup> to be installed with 2,000 litre rainwater tank. No detail has been provided by the Applicant. If the Panel determines to approve the development, it is recommended that a condition of consent be imposed requiring the installation of a 2,000 litre rainwater tank in accordance with the above requirement.

## Summary

The proposed new addition to the existing building to create an integrated retail store and dwelling on the subject land, is consistent with the Development Plan provisions which seek a variety of housing types and configurations in appropriate areas. The subject land has good access to public transport links into the Adelaide CBD. The proposed land use mix is appropriate for the Local Commercial Zone.

In terms of the number of storeys, the proposed dwelling consistent with the local commercial zone, and is considered compatible with the adjoining Historic Conservation Zone, and existing two-storey commercial and residential building heights within the locality along North Terrace.

The proposed private open space provision, in the form of a balcony and roof terrace is considered to be adequate to service the needs of the likely occupiers by providing an area for entertaining, clothes drying and minor landscaping in pots and/or planter beds.

The design of the two-storey dwelling addition is sympathetic to the Historic Conservation Zone to the north-east, and fits comfortably within the Local Commercial Zone and amongst the North Terrace streetscape.

While the parking arrangement results in a shortfall of 2 parking spaces against the Development Plan requirements, the extent of overall car parking that is proposed is considered to be acceptable in light of the proposed use of the land and relatively close proximity to public transport and the Adelaide CBD. Access and egress from the proposed car parking areas can be safely and conveniently achieved.

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 155/565/18 by Designtech Studio for the Construction of a two storey dwelling addition to existing single storey commercial building, on the land located at 93-95 North Terrace, College Park, subject to the following requirements, conditions and notes:

### Relevant Plans

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

- plans and elevations prepared by Designtech Studio and received by the Council on 5 June 2019

### Conditions

1. The portion of the north-western facing deck area less than 1.7 metres above the floor level of the balcony shall be treated prior to occupation of the dwelling in a manner that permanently restricts views being obtained by a person from the balcony to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, wing walls, solid or translucent panels or perforated panels or metal trellises which have a maximum of 24% openings).
2. The portion of the upper floor windows to the Master Bedroom less than 1.7 m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 m above the internal floor level or a window sill height of 1.7 above the internal floor level.)

3. 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 directed to the Trinity Street watertable.
4. 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 Trinity Street watertable.
5. The new dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitres (2,000 litres), with storm water plumbed 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. Wheel stopping devices (or kerbing with adequate clearance from the boundaries) constructed of concrete, metal or wood shall be placed at the end of all new parking bays so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
7. 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.
8. All car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
9. All car parking spaces, driveways, and vehicle maneuvering areas shall be maintained in a good condition at all times 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 are likely to be at the Applicant's cost.
5. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
6. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

## 2. STAFF REPORTS

### 2.2 DEVELOPMENT APPLICATION 155/982/2017 – 365 STUDIO PTY LTD – 10 BLANDEN AVENUE, MARDEN

<b>DEVELOPMENT APPLICATION:</b>	<b>155/982/17</b>
<b>APPLICANT:</b>	<b>365 Studio Pty Ltd</b>
<b>SUBJECT SITE:</b>	<b>10 Blanden Avenue, Marden (Certificate of Title Volume: 5692 Folio: 240)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Construction of a two-storey residential flat building comprising four (4) dwellings</b>
<b>ZONE:</b>	<b>Residential Zone Medium Density Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 2</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on a Development Application for the construction of a two-storey residential flat building comprising four (4) dwellings.

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

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

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

#### **Subject Land Attributes**

Shape:	rectangular
Frontage width:	19.2 metres
Depth:	43.59 metres
Area:	836.93m <sup>2</sup>
Topography:	slight incline (in the order of 500mm) from front (west) to rear (east)
Existing Structures:	detached dwelling and several outbuildings
Existing Vegetation:	low shrubs and small non-regulated trees

The subject land contains a single-storey dwelling with a tiled roof. Two driveways provide access to the property adjacent to the northern and southern side boundaries and lead to carports located forward of the dwelling. The land is relatively flat, with a slight fall of approximately 500mm from the front boundary down to the rear boundary.

A Development Application to divide the subject land via Community Title into four (4) Lots ranging in area from 128m<sup>2</sup> to 201m<sup>2</sup> and common property and has recently been determined under delegated authority, as the land division achieved the relevant quantitative provisions of the Development Plan with respect to site area and frontage width, the land division was granted Development Approval. A copy of the approved land division is contained in **Attachment A**.

## Locality Attributes

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

The locality is characterised by a mix of low and medium density housing, predominantly single storey in height. Dwelling types include detached dwellings and residential flat buildings. Directly adjacent to the north of the subject land at 12, 14 and 16 Blanden Avenue are 12 single-storey group dwellings contained on 3 allotments. In addition, to the west at 5 Blanden Avenue are three dwellings contained within a single-storey residential flat building.

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

## Proposal in Detail

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

At ground level, each dwelling has a single carport, an open-plan living/meals/kitchen area, laundry and WC, with Lot 4 having a bedroom located on the ground floor. Each has a south-facing rear yard, while the westernmost dwelling (Lot 1) and the easternmost dwelling (Lot 4) also have side yard areas.

Lot 1, 2 and 3 have three bedrooms and bathrooms on the second floor, with lot 4 having 2 bedrooms on the upper level.

The dwellings have a traditional appearance, with pitched roofs (15 degrees) and a range of cladding materials, including liquorice colour brickwork to the lower walls, and a mixture of rendered lightweight walling to the upper floor detailed in colorbond "monument" and colorbond "surfmist". Articulation to the upper floors is provided through framed-out feature elements and powder-coated aluminium windows (colour "monument").

A 2 metre high rendered front fence that incorporates an integrated recessed landscaping bed is proposed adjacent to the front property boundary.

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

**TABLE 1: DEVELOPMENT DATA:**

Consideration	Lot 1	Lot 2	Lot 3	Lot 4	Development Plan Merit Assessment Quantitative Guideline
Site Area	166m <sup>2</sup>	128m <sup>2</sup>	128m <sup>2</sup>	201m <sup>2</sup>	No minimum
Allotment Width	12.71m	9.43m	9.43m	12.02m	N/A
Development site width			19.2m		18.0m
Allotment Depth	11.51-13.2m	13.2m	13.2m	13.2-19.2m	N/A
External Wall Height*	5.64m	5.64m	5.64m	5.64m	Two-storey
Maximum Overall Height (to roof apex)*	6.88m	6.98m	6.98m	6.8m	Two-storey
Floor Area (total)	111.3m <sup>2</sup>	109.5m <sup>2</sup>	109.5m <sup>2</sup>	119.1m <sup>2</sup>	100m <sup>2</sup> minimum

**TABLE 1: DEVELOPMENT DATA *continued...***

Consideration	Lot 1	Lot 2	Lot 3	Lot 4	Development Plan Merit Assessment Quantitative Guideline
<b>Floor Area (footprint)</b>	93.7m <sup>2</sup>	95.9m <sup>2</sup>	95.9m <sup>2</sup>	103.1m <sup>2</sup>	N/A
<b>Site Coverage (excluding common area)</b>	56.4%	74%	74%	51.3%	70%
<b>Site Coverage (including common area)</b>			46.4%		N/A
<b>Private Open Space</b>	35.9m <sup>2</sup> 100% uncovered	35m <sup>2</sup> 63.8% uncovered	35m <sup>2</sup> 63.8% uncovered	55m <sup>2</sup> 100% uncovered	35m <sup>2</sup>
<b>Street Set-back</b>	4.0m	N/A	N/A	N/A	4m
<b>Side Set-back (ground level southern side)</b>	3.85m	4.45m	4.45m	4.5m	2.5m for Dwellings 2, 3 & 4 0.9m for Dwelling 1
<b>Side Set-back (upper level southern side)</b>	5.06m	4.8m	4.8m	4.5m	4.5m for Dwellings 2, 3 & 4 2.77m for Dwelling 1
<b>Rear Set-back (ground level eastern side)</b>	N/A	N/A	N/A	2.5m	2.5m
<b>Rear Set-back (upper level eastern side)</b>	N/A	N/A	N/A	4.5m	4.5m
<b>Occupant Car Parking Provision</b>	2 spaces	2 spaces	2 spaces	2 spaces	2 spaces per dwelling
<b>Visitor Car Parking Provision</b>			1 space		1 space for every 2 dwellings

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

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

**Notification**

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

Four (4) representations were received in response to this notification, copies of which are attached (**Attachment D**). The representors were all opposed to the Application. Key issues raised by representors are, in summary:

- concern over loss of visual privacy;
- concern over compromised living and visual amenity and the change to the established built form landscape;
- concern that the proposed development will generate additional vehicular traffic;

- concern over construction impacts; and
- concern with the proposed dwelling density.

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

*Renata Nemeth (on behalf of Virginia Madon);  
Miao-Foong Koh-Buckland & Paul Buckland*

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

### **State Agency Consultation**

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

### **Discussion**

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

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

#### Land Use and Density

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

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

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

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

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

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

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

streetscape/bulk/scale/height/character

Medium Density PA Desired Character Statement

Medium Density PA Objectives: 2, 4  
Medium Density PA PDCs: 1, 3, 7

Residential Zone Desired Character Statement

Residential Zone Objectives: 3  
Residential Zone PDCs: 6, 8

City Wide Objectives: 18, 19 & 20  
City Wide PDCs: 28-33, 35-37, 181, 184, 197

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

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

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

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

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

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

From the street, the layout of development with the driveway on the northern side of the residential flat building and the provision of a 4 metre setback at the upper level form the northern side boundary, as well as a 4.0 metre front setback, would maintain space around the building and reflect the intent of the Residential Zone that a ‘suburban’ character be maintained.

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

Setbacks and Site Coverage

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

Medium Density PA PDCs: 7  
City Wide PDCs: 202, 203, 208

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

The proposal is consistent with this policy, with Dwelling 1 being set back from the street 4 metres.

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

dwelling on a battleaxe, hammerhead or similar configuration allotment or site and a side or rear boundary of the parent development site, should be set back no less than 4.5 metres.

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

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

Dwelling 1 is set back 3.85m at ground level and 5.06m at upper level. It therefore exceeds the minimum setback criteria for both levels.

In terms of site coverage, Principle of Development Control 7 of the Medium Density Policy Area states that the site coverage for dwellings within residential flat buildings should be designed with a maximum site coverage (inclusive of ancillary structures) of 70%. Allotments 1 and 4 meet this requirement at 56.4% and 51.3%, while allotments 2 and 3 exceed this requirement with 74% site coverage.

While the failure of allotments 2 and 3 to meet site coverage requirements is considered to be a negative aspect of the application, the excessive site coverage does not impact on the amenity of the dwellings, nor the visual appearance of the dwellings from adjoining land, or the streetscape given their central location on the site. The average site area for all four dwellings is 64%.

#### Overshadowing/overlooking

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

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

City Wide Principle of Development Control 196 states:

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

The Applicant has provided shadow diagrams, to demonstrate the extent of overshadowing that would result from the proposed development during the winter solstice. Some overshadowing is present during the mid-morning period over portions of the front and rear yard areas of 8 Blanden Avenue. By midday, the extent of shadowing to the front and rear yards has substantially reduced. In the mid-afternoon the rear yard of 8 Dix Avenue is partially cast in shadow, with no impact to 8 Blanden Avenue during this period.

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

A copy of the shadow diagrams is contained in **Attachment C9**.

In terms of privacy, it is proposed that all upper level windows, other than those facing the street, contain fixed obscure glazing to a height of 1.7 metres above floor level as demonstrated on the elevations, consistent with City Wide Principle of Development Control 235. If the Panel determine to approve the proposed development, it is recommended that a condition be imposed requiring that the upper floor dwelling windows on the northern, eastern and the southern elevation be fixed and obscured. In this context, it is also recommended that a condition be imposed requiring that the balconies of Lot 2 and Lot 3 situated on the northern elevation incorporates privacy screening to a height of 1.7 metres above the balcony floor level.

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

Private open space

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

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

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

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

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

All of the proposed dwellings have site areas of less than 250m<sup>2</sup> and, as such, should have a minimum area of private open space of 35 square metres.

The proposed dwellings have private open space areas of 40m<sup>2</sup>, 35m<sup>2</sup>, 35m<sup>2</sup> and 55m<sup>2</sup> for Lot 1, 2, 3 and 4 respectively, with each of the four dwellings containing an area of at least 16m<sup>2</sup> and a minimum dimension of 4 metres, consistent with Principle 225.

The private open space of Lot 1 is partially located forward of the building line, with the applicant amending the application to locate the front fence behind landscaping in order to address City Wide Principle of Development Control 222 (a) (i), which states that private open space should not be located forward of dwellings unless high solid front fences form part of the streetscape. As high front fences are not characteristic of the street, the proposed landscaping treatment in front of the fence is considered to satisfy the intent of Principle 222 (a) (i).

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

City Wide Principle of Development Control 229 states that 50% of the total private open space requirement provided at ground level should be open to the sky and developed in a manner to provide outdoor amenity, opportunities for landscaping and a reduction in stormwater runoff through the use of permeable surface treatments. All of the proposed private open space areas associated with each dwelling are ‘open to the sky’ which in turn accords with Principle 229.

Car parking/access/manoeuvring

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

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

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

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

Although the shortfall of one on-site visitor parking space is a negative aspect of the application, the allotment frontage width maintains sufficient space for two on street vehicle parks in front of the allotment.

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

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

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

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

The 85<sup>th</sup> percentile vehicle turning templates within the Australian Standard for off-street car parking have been applied to the manoeuvring areas and it has been determined that vehicles are able to conveniently access and egress all car parking spaces, with vehicles able to access and egress the site in a forward direction.

#### Finished floor levels/flooding/retaining

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

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

The subject land is not within an identified flood plain.

The subject land has an approximate average fall of 500mm from the Blanden Avenue boundary to the eastern rear boundary. The Applicant has nominated the same finished floor level for each of the four proposed dwellings. In terms of Dwelling 1, the proposed finished floor level is between 310 - 350mm above existing adjacent ground level, Dwellings 2 & 3 is 190mm – 330mm higher than adjacent ground level and Dwelling 4, 190 - 250mm higher than adjacent ground level.

The proposed finished floor levels for the dwellings will result in the need for under fence plinths to a height of 300mm along portions of the property boundaries, with the applicant indicating that 1.8 metre high 'Good-neighbour' Colorbond fencing will be used for all internal fencing and the replacement of side and rear fencing. The resulting combined height of retaining and fencing at the boundaries of the site and the resulting level of fill are consistent with City Wide Principles of Development Control 58 and 164 respectively.

A copy of the Civil Plan, which contains the proposed levels and stormwater sump locations, is contained in **Attachment C10**.

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

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

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

Trees (significant, mature & street) and landscaping

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

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

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

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

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

Environmental Sustainability

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

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

The proposed orientation of the ground level internal living areas and private open space, is a negative aspect of the proposal, given that POS areas will be shadowed by the upper level during the winter months, with no northern light available to living areas. The orientation of the development does mean that, in overall terms, there are minimal exposed east and west facing windows in the development, which is a positive consideration.

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

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

**Summary**

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

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

The site coverage for allotments 2 and 3 exceeds requirements, however has minimal impact on the building's overall bulk, or appearance within the streetscape, due to their central location on the site.

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

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

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

## RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/982/17 by 365 Studio Pty Ltd for the construction of a two-storey residential flat building comprising four (4) dwellings, on the land located at 10 Blanden Avenue, Marden, subject to the following requirements, conditions and notes:

### Relevant Plans

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

- plans and elevations prepared by Mavtect Designs (Job No 1880) and received by the Council on 3 June 2019, and 24 May 2019.
- Civil Plan (Job No C25572) prepared by RCI Consulting Engineers and dated 5 March 2019;

### Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into the adjacent street water table.
2. A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land at pre-development levels. On-site retention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.
3. All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
4. All plants shall be watered through the installation of a suitable irrigation system which shall be maintained to the reasonable satisfaction of the Council or its delegate.

5. With the exception of the Western elevation of Lot 1, the portion of the upper floor windows less than 1.7 metres above the internal floor level shall be treated prior to occupation of the dwellings in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)
6. The portion of upper floor balconies less than 1.7 metres above the floor level of the balcony shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person from the balcony, with details to be provided to the reasonable satisfaction of the Council or its delegate, prior to the issuing of Development Approval (Suggested treatments include, but are not restricted to, wing walls, solid or translucent panels)

#### Notes to Applicant

1. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.
2. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.
3. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.  
  
The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
4. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.
5. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.  
  
All works on Council owned land required as part of this development are likely to be at the Applicant's cost.
6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.

## 2. STAFF REPORTS

### 2.3 DEVELOPMENT APPLICATION 155/868/2018 – YOGO DESIGN & CONSULTING PTY LTD – 12 HILLTOP AVENUE, FELIXSTOW

<b>DEVELOPMENT APPLICATION:</b>	<b>155/868/2018</b>
<b>APPLICANT:</b>	<b>Yogo Design &amp; Consulting Pty Ltd</b>
<b>SUBJECT SITE:</b>	<b>12 Hilltop Avenue, Felixstow Lot: 83 DP: 3429 CT: 5687/883</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Construction of a two-storey residential flat building containing four (4) dwellings with associated car parking, landscaping, fencing and retaining</b>
<b>ZONE:</b>	<b>Residential Zone – Medium Density Policy Area Norwood Payneham &amp; St Peters (City) Development Plan (dated 19 December 2017)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 2</b>

#### **Purpose of Report**

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

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

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

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

#### **Subject Land Attributes**

Shape:	rectangular
Frontage width:	18.53 metres
Depth:	53.01m - 54.10m
Area:	978.4m <sup>2</sup>
Topography:	fall of approximately 2m from front to rear
Existing Structures:	detached dwelling and ancillary structures
Existing Vegetation:	some non-regulated trees including fruit trees

The subject land contains a modest single-storey house with a tiled roof. A driveway enters the property adjacent to the southern side boundary and leads to a freestanding carport with an attached galvanised garage. There is also a small gardening shed structure located at the rear of the property. The land slopes, with a fall of approximately two meters from the front boundary down to the rear boundary.

#### **Locality Attributes**

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

The locality is characterised by predominantly single storey detached dwellings with the exception of number 5 Hilltop Avenue which is outright two storey. There are no current examples of residential flat buildings within the street. Architectural styles for dwellings fronting Hilltop Avenue vary. Most of the dwellings are from the post – Second World War era along with some examples of infill development since the early 2000’s including dwellings at 14, 16 & 19 Hilltop Avenue.

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

**Proposal in Detail**

A Development Application to divide the subject land via Community Title into four (4) Lots ranging in area from 145m<sup>2</sup> to 146m<sup>2</sup> and common property has recently been determined under delegated authority, as the land division achieved the relevant quantitative provisions of the Development Plan with respect to site area and frontage width. The land division has been granted Land Division Approval. A copy of the approved land division is contained in **Attachment B**.

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

At ground level, each dwelling comprises a double garage, an open plan living/meals/kitchen area, laundry and toilet apart from Dwelling 4 which has a stacked carport arrangement instead of a double garage. Each dwelling has a north-facing rear yard with individual rainwater tanks and bin storage. The first floor level of each dwelling has three bedrooms, a bathroom, ensuite and a second living area. A small portion of the upper level overhangs the common driveway. Space for one visitor carpark has been provided at the rear of the site and a 1.8 metre high rendered front wall is proposed adjacent the front property boundary.

The dwellings have a contemporary appearance presenting with an irregular, asymmetrical front façade and the use of protruding geometric shapes as design features. A mix of materials have been used including brick and Hebel finishes.

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

**TABLE 1: DEVELOPMENT DATA:**

Consideration	Dwelling 1	Dwelling 2	Dwelling 3	Dwelling 4	Development Plan Merit Assessment Quantitative Guideline
Site Area	146m <sup>2</sup>	144m <sup>2</sup>	144m <sup>2</sup>	149m <sup>2</sup>	No minimum
Allotment Width	13.65m	10.75m	10.75m	12.4m	N/A
Development site width	18.29m -18.53m				Min 18m
Development site depth	53.01m - 54.10m				N/A
External Wall Height * (to top of parapet)	6.3m	6.3m	6.3m	6.3	Two-storey
Maximum Overall Height * (to roof apex)	7.125m	7.125m	7.125m	7.125m	Two-storey
Floor Area (total)	203.3m <sup>2</sup>	192.5m <sup>2</sup>	192.5m <sup>2</sup>	188.0 <sup>2</sup>	100m <sup>2</sup> minimum
Floor Area (footprint)	112.4m <sup>2</sup>	110.1m <sup>2</sup>	110.1m <sup>2</sup>	101.9 m <sup>2</sup>	N/A

**TABLE 1: DEVELOPMENT DATA *continued...***

Consideration	Dwelling 1	Dwelling 2	Dwelling 3	Dwelling 4	Development Plan Merit Assessment Quantitative Guideline
Site Coverage (excluding common area)	69%	68%	68%	69%	70%
Site Coverage (including common area)			44%		N/A
Private Open Space	40.4m <sup>2</sup>	42.3m <sup>2</sup>	42.3m <sup>2</sup>	47.9m <sup>2</sup>	35m <sup>2</sup>
Street Set-back	4m	N/A	N/A	N/A	4m
Side Set-back (northern side)	2.8m 4.5m	2.8m 4.5m	2.8m 4.5m	0.6m-2.7m 4.5m	2.5m ground 4.5m upper
Rear Set-back (eastern side)	N/A	N/A	N/A	7m 3.9m	2.5m ground 4.5m upper
Occupant Car Parking Provision	2 spaces	2 spaces	2 spaces	2 spaces	2 spaces per dwelling
Visitor Car Parking Provision			1 space		1 space for every 2 dwellings

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

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

### Notification

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

Four (4) representations were received in response to this notification, copies of which are attached (**Attachment D**). One (1) representor was in favour of the proposal and the remaining three (3) representors were opposed to the Application. All representors have not indicated a desire to be heard. Key issues raised by representors are, in summary:

- Loss of visual privacy;
- Potential noise issues;
- Environmental objections /Compromised living and visual amenity;
- Change to the established built form landscape;
- Proposed dwelling density;
- Decrease in land value for surrounding properties;
- The car parking arrangements; and
- Location for bin storage

Through their planning consultant, State Surveys, the Applicant has responded to the representations. A copy of their response is contained in **Attachment E**. A summary of the response is provided below:

- Upper level windows (other than those facing the street) will be treated with obscure glazing to a height of 1.7 above the upper floor finished floor level;
- In relation to noise, the subject land is located within the Medium Density Policy Area and has a valid authorisation for four (4) allotments under a Community Title Scheme;

- Each of the rear yards has solar access, overshadowing has been limited and a suitable landscaping mix has been proposed;
- The Development Plan anticipates two-storey development along minor residential streets;
- Whilst the design is clearly contemporary, it is consistent with the Development Plan in terms of its siting, form and mix of materials;
- The visitor car parking short fall is justified by the land being located just outside of 200m walking distance of a convenient, and frequent service fixed public transport stop.

### **State Agency Consultation**

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

### **Discussion**

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

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

#### Land Use and Density

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

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

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

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

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

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

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

Streetscape/bulk/scale/height/character

Medium Density PA Desired Character Statement

Medium Density PA Objectives: 2, 4  
Medium Density PA PDCs: 1, 3, 7

Residential Zone Desired Character Statement

Residential Zone Objectives: 3  
Residential Zone PDCs: 6, 8

City Wide Objectives: 18, 19 & 20  
City Wide PDCs: 28-33, 35-37, 181, 184 & 197

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

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

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

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

*“A variety of facade treatments will be permitted in the zone, allowing for individual preferences, however overall proportions of buildings as they present to the street, will be balanced and in accordance with good architectural practice, so as to provide a pleasant streetscape.”*

The overall proportions of the proposed building, as it presents to the street, is relatively balanced and in accordance with good architectural practice. Whilst the proposed style does not reflect most of the existing dwellings in the street, the Desired Character Statement clearly allows for flexibility in this respect.

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

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

The residential flat building is considered to provide a reasonable level of visual interest and through a combination of articulated rendered walls, framed-out feature facade elements and a mix of materials and finishes that is generally consistent with the Desired Character Statement.

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

Setbacks and Site Coverage

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

Medium Density PA PDCs: 7  
City Wide PDCs: 202, 203, 208

Medium Density Policy Area Principle of Development Control 7 states that dwellings fronting a public road within the Medium Density Policy Area should be designed with a minimum setback from the primary road frontage of four (4) metres. The proposal is consistent with this policy, with Dwelling 1 being set back at least (4) metres to the main face of the building at the closest point.

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

Each dwelling achieves the 2.5m and 4.5m criteria, aside from Dwelling 4 where the carport abuts the side boundary and the rear setback has a 500mm shortfall to the upper level.

The proposed open carport structure, has a gutter height of 2.7m. When taking into account a floor level which is approximately 500mm above natural ground level in the location of the carport, it has a height of approximately 3.2m above the neighbour's ground level. While the posts of the carport are set back 600mm from the boundary, the pitched roof extends to the boundary. Due to the pitched, tiled roof forming a continuation of the roof of the dwelling, it would 'read' as part of the dwelling when viewed from the neighbouring property. As such, the intent of Principle 202 is not achieved. If the Panel determines to consent to the application, it is recommended that a condition be imposed, requiring that the roof over the open carport, within 2.5m of the boundary, have a different profile to that of the dwelling proper and a gutter height of no greater than 2.4m above floor level.

In relation to the upper level, the form is staggered so that it overhangs the ground floor external wall by three (3) metres over the top of one of the designated occupant car parking spaces for Dwelling 4. The rear yard of the neighbouring property to the rear is relatively deep, spacious and open. In this context, the difference in visual impact between the proposed 4.0m setback and a 4.5m setback is likely to be negligible; albeit that it is a negative aspect of the proposal.

In terms of site coverage, Principle of Development Control 7 of the Medium Density Policy Area states that the site coverage for dwellings within residential flat buildings should be designed with a maximum site coverage (inclusive of ancillary structures) of 70%. Each of the proposed dwellings have a site coverage ranging from 68% to 69%, consistent with Principle 7 (exclusive to their own sites).

#### Overshadowing/overlooking

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

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

City Wide Principle of Development Control 196 states:

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

Based on the orientation of the subject land, any potential shadowing resulting from the proposal would affect the property at 10 Hilltop Avenue to the south of the subject land. The extent of existing boundary development on the subject land takes up a substantial portion of the side boundary comprising carport, garage and shed like structures. Given the separation that will be provided by the common driveway of the proposed development, access to natural light internally at number 10 will improve. The private open space in the rear yard of 10 Hilltop is anticipated to receive sunlight in accordance with the requirement of PDC 196.

In terms of privacy, the plans show that all upper level windows, other than those facing the street, contain fixed obscure glazing to a height of 1.7 metres above the floor level, consistent with City Wide Principle of Development Control 235. Inward facing windows (ie. those facing the internal driveway) also have obscure glazing to a height of 1.7m.

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

Private open space

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

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

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

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

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

Each of the proposed dwellings have site areas of less than 250m<sup>2</sup> and, as such, should have a minimum area of private open space of 35 square metres. The allocated area for private open space for each dwelling ranges from 40.4 square meters to 47.9 square meters which satisfies this provision. Further, each of the four dwellings contains an area of at least 16m<sup>2</sup> and a minimum dimension of 4 metres, consistent with Principle 225. The private open space areas are directly accessible from the main living areas of the respective dwellings and oriented to the north.

City Wide Principle of Development Control 229 states that 50% of the total private open space requirement provided at ground level should be open to the sky and developed in a manner to provide outdoor amenity, opportunities for landscaping and a reduction in stormwater runoff through the use of permeable surface treatments. All the proposed private open space areas associated with each dwelling are ‘open to the sky’ which in turn accords with Principle 229.

Car parking/access/manoeuvring

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

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

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

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

The shortfall of one on-site visitor parking space is a negative aspect of the application.

City Wide Principle of Development Control 200(c) states:

*“On-site visitor parking spaces for group dwellings, multiple dwellings and residential flat buildings should be located and designed to:*

- (c) *be clearly defined as visitor spaces not specifically associated with any particular dwelling”*

The location of the only visitor parking space at the rear of the site is not ideal, insofar as it could appear to be associated with Residence 4, despite being part of the common property in the approved plan of division. To address this issue and provide the greatest chance of visitors to all four dwellings using the visitor space, rather than parking in the street, it is recommended that two conditions be imposed. The first recommended condition requires a sign to be placed at the entrance to the driveway advising of visitor parking at the rear of the site and the second condition requires the car parking space to be marked as a visitor space.

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

Principle 189 also states that the paved carriageway width should be no less than 5.0 metres in width, with an additional 1.0 metre of landscaping, resulting in a total width of paved carriageway and landscaping of 6.0 metres. The proposal incorporates landscaping on either side of the common driveway. The applicant amended the proposal to include more mature plantings along the driveway.

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

#### Finished floor levels/flooding/retaining

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

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

The subject land is not within an identified flood plain.

The subject land has an approximate average fall of two (2) meters from the Hilltop Avenue boundary to the western rear boundary. The Applicant has nominated to gradually decrease the finished floor level for each of the four proposed dwellings. Dwelling 1, the proposed finished floor level is approximately 360mm above existing adjacent ground level, Dwelling 3 is 400mm – 600mm higher than adjacent ground level and Dwelling 4, 600 - 800mm higher than adjacent ground level.

The proposed finished floor levels for the dwellings will result in the need for retaining walls of between 200 - 600mm height along the northern side boundary, 600mm along the western rear boundary and between 300mm along the southern side boundary.

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

A copy of the Civil Plan, which contains the proposed levels and stormwater sump locations, is contained in **Attachment C6**.

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

The subject land is not located in a recognised flood affected area.

Trees (significant, mature & street) and landscaping

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

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

The subject land does not contain any regulated trees, however, contains several small trees and other minor vegetation.

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

The Applicant has provided a landscaping plan and species schedule, a copy of which is attached (**Attachment C2**).

Overall, it is considered that the proposed landscaping plan demonstrates a reasonable amount and mix of plantings, which will provide a level of screening at the boundaries and soften to bulk of the built form.

Environmental Sustainability

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

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

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

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

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

**Summary**

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

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

The amount of on-site parking is slightly less than the rates provided in Table NPSP/8. Specifically, there is an overall shortfall of one (1) on-site parking space, comprising a visitor space. In addition, the one visitor space which is provided, is not well located for use by visitors to all four dwellings.

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

Overall, it is considered that the development is not seriously at variance with the Development Plan and subject to conditions, 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 155/868/2018 by Yogo Design and Consulting Pty Ltd to construct a two-storey residential flat building containing four (4) dwellings with associated car parking, landscaping, fencing and retaining, on the land located at 12 Hilltop Avenue, Felixstow, subject to the following requirements, conditions and notes:

### Relevant Plans

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

- Plans and elevations prepared by Yogo Design and Consulting Pty Ltd and received by the Council on 31 May 2019;
- Civil Plan (Drawing Number AC01, Revision A) prepared by Intrax Engineering Confidence, dated January 2018 and received by Council on 7 February 2019

### Conditions

1. A sign shall be installed in a location on either side of the common driveway, between the front of Residence 1 and the street boundary, displaying the words "visitor park at rear", with such sign being at least 0.16m<sup>2</sup> in size and maintained so as to be clearly visible at all times, to the reasonable satisfaction of the Council or its delegate.
2. The visitor car parking space at the rear of the site, shall be clearly marked as a visitor parking space, through the words "visitor space" either contained on a sign located directly adjacent to the space or painted on the surface of the space.
3. The roof over the open carport of Residence 4, within 2.5m of the northern side boundary, shall have a different profile to that of the dwelling proper and a gutter height of no greater than 2.4m above floor level, to the reasonable satisfaction of the Council or its delegate.
4. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into the adjacent street water table.
5. 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.
6. All plants shall be watered through the installation of a suitable irrigation system which shall be maintained to the reasonable satisfaction of the Council or its delegate.
7. The portion of the upper floor windows less than 1.7 metres above the internal floor level shall be treated prior to occupation of the dwellings in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)

8. Each dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres). 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.

Notes to Applicant

1. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.
2. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.
3. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.  
  
The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
4. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.
5. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.  
  
All works on Council owned land required as part of this development are likely to be at the Applicant's cost.
6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.

## 2. STAFF REPORTS

### 2.4 DEVELOPMENT APPLICATION 155/831/2018 & 155/832/2018 – LARES HOMES – 1 & 3 RAVENSWOOD AVENUE, NORWOOD

<b>DEVELOPMENT APPLICATION:</b>	<b>155/831/2018 155/832/2018</b>
<b>APPLICANT:</b>	<b>Lares Homes</b>
<b>SUBJECT SITE:</b>	<b>1 and 3 Ravenswood Avenue, Norwood (Certificate of Title Volume: 6203 Folio: 112 &amp; 113)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Construction of two (2) two-storey detached dwellings and associated retaining walls, fencing and landscaping</b>
<b>ZONE:</b>	<b>Residential Historic (Conservation) Zone Norwood 1 Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 1</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on two development applications; each of which is for the construction of a two (2) two-storey detached dwelling and associated retaining walls, fencing and landscaping.

Staff do not have delegated authority to determine the applications, as they comprises the construction of new dwellings in a Historic (Conservation) Zone.

As such, the applications are 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
Total frontage width:	26.34 metres
Total depth:	32.25 – 32.29 metres
Total area:	851m <sup>2</sup>
Topography:	fall of 1m (approx) from south to north
Existing Structures:	vacant
Existing Vegetation:	mostly cleared

The subject land is vacant and is located on the western side of Ravenswood Avenue. It comprises two (2) existing allotments, which were once part of a larger site containing a Local Heritage Place, which fronts Fullarton Road. An existing driveway crossover services the southern-most allotment.

#### **Locality Attributes**

Land uses:	mix of residential and non-residential uses
Building heights (storeys):	mix of single-storey and two-storey buildings

The locality comprises a mix of residential and non-residential land uses, with the eastern side of Ravenswood Avenue being entirely residential and the western side being entirely commercial (offices and consulting rooms). Within the locality, the individual buildings all contribute to the historic character, most notably being the two-storey Victorian row dwellings located on the corner of The Parade and Ravenswood Avenue and a two-storey mansion located at 68 Fullarton Road, Norwood (directly to the west of the subject land), all of which are identified as Local Heritage Places. An old bluestone building is located directly adjacent to the northern-most boundary of the subject land and is part of a group of buildings which belong to the property located at 64 Fullarton Road, Norwood, including another two-storey mansion, which is also identified as a Local Heritage Place.

Ravenswood Avenue is a narrow street, with on-street parking limited to the western side only. Street trees are mostly mature Jacarandas, with two (2) of the three (3) adjacent street trees being identified as 'regulated' trees.

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

### Proposal in Detail

The Applicant seeks consent to construct two (2) two-storey detached dwellings on existing adjacent allotments. The allotments have existed for many years, however, a more recent boundary re-alignment (approved in 2017) established driveway access from Ravenswood Avenue for the property located at 68 Fullarton Road.

Both dwellings comprise ground level floor areas of approximately 232m<sup>2</sup>, including single garaging and outdoor terraces and upper level floor areas of approximately 83m<sup>2</sup>.

The dwellings are designed to have a mostly single-storey streetscape appearance, with the upper levels set back behind the single-storey components. Architectural elements include:

- 30° Colorbond custom orb roof deck (Woodland grey),
- 3.3m wall heights to the front portion of the dwellings
- Dwelling 1 has blockwork feature to the front façade (Limestone 'Coolum' random ashlar) and a panel lift garage door in Dulux 'Lexicon'.
- Dwelling 2 has render feature to the front façade (Porters 'Rubble- half') and a panel lift door in western red cedar

The proposed front fences comprise simple rendered pillars (Porters 'Rubble-half' and Dulux Lexicon) with metal infill (Monument).

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 1 (northern-most)	Proposed Dwelling 2 (southern-most)	Development Plan Merit Assessment Quantitative Guideline
Site Area	425.6m <sup>2</sup>	425.6m <sup>2</sup>	200m <sup>2</sup>
Allotment Width	13.17m	13.17m	N/A
Allotment Depth	32.29-32.33m	32.25-32.29m	N/A
External Wall Height*	6.12m	6.12m	N/A
Maximum Overall Height (to roof apex)*	7.6m	7.6m	N/A

**TABLE 1: DEVELOPMENT DATA *continued...***

Consideration	Proposed Dwelling 1 (northern-most)	Proposed Dwelling 2 (southern-most)	Development Plan Merit Assessment Quantitative Guideline
<b>Floor Area (footprint, all buildings)</b>	243m <sup>2</sup> (ground) 83m <sup>2</sup> (upper) 326m <sup>2</sup> (total)	243m <sup>2</sup> (ground) 83m <sup>2</sup> (upper) 326m <sup>2</sup> (total)	N/A
<b>Site Coverage</b>	55%	55%	N/A
<b>Private Open Space</b>	92m <sup>2</sup> or 21%	92m <sup>2</sup> or 21%	20% of site area
<b>Street Set-back</b>	5.5m to main wall 5.2m to brick piers 6.1m to garage	5.5m to main wall 5.2m to brick piers 6.1m to garage	Equal to or greater than the adjoining contributory item
<b>Side Set-back</b>	nil-5.2m (northern) 0.9m-1.5m (southern)	nil-5.2m (northern) 0.9m-1.5m (southern)	N/A
<b>Rear Set-back</b>	1m-5.1m	1m-5.1m	N/A
<b>Car Parking Provision</b>	2 undercover	1 undercover and 1 uncovered	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 Norwood 1 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:

Norwood 1 Policy Area Objectives: 1  
 Norwood 1 Policy Area Desired Character Statement

Norwood 1 Policy Area Principles of Development Control: 2, 5

RH(C)Z Desired Character Statement

RH(C)Z Objectives: 1, 4

RH(C)Z PDCs: 7 & 8.

City Wide Objectives: 1, 2, 7 & 10.

City Wide PDCs: 1, 2, 3, 4 & 19.

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

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

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

The proposal is consistent with part (a) of Principle 8, in that the existing allotments are vacant. Whether or not the proposed development has an adverse impact on the residential amenity or historic character of the Policy Area will be discussed in the following sections of this report.

The proposed use of the land for detached dwellings is consistent with Norwood 1 Policy Area PDC 2 which provides for the development of ‘... a range of types and forms of residential accommodation, offering a wide range of housing choice’.

The density has already been established through the previously approved land division and boundary re-alignment. The allotments both have a site area of 425.6m<sup>2</sup>, which exceeds the minimum site area requirement of the Norwood 1 Policy Area, being not less than 200m<sup>2</sup>.

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:

Norwood 1 Policy Area Objective: 1

Norwood 1 Desired Character Statement

Norwood 1 Policy Area Principles of Development Control: 1, 4

Residential H(C)Z Desired Character Statement

Residential H(C)Z Objectives: 1, 5 & 6

Residential H(C)Z PDCs: 1, 2, 13-19, 22, 23 & 26.

City Wide Objectives: 18, 19 & 20.

City Wide PDCs: 29-35, 39, 41, 43, 48 & 196.

Principle of Development Control 4 of the Norwood 1 Policy Area states:

*“Development in the Norwood 1 Policy Area should not exceed two storeys in height above natural ground level.”*

The proposed dwellings are two storey, consistent with Principle 4.

Principle of Development Control 17 of the Residential Historic (Conservation) Zone provides guidance on the streetscape appearance of two storey dwellings. It states:

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

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

The only other dwellings fronting Ravenswood Avenue are all single storey, therefore (in accordance with PDC 17), it is considered that new development should maintain a single storey streetscape appearance. In this regard, the upper levels of the dwellings are proposed to be set back behind the single storey front sections of the dwellings. The generous wall height and roof pitch of the front portions of the dwellings should mostly conceal the two storey components, which have a set-back of approximately 15m from Ravenswood Avenue. Overall, it is considered that the second storey component of each dwelling is sufficiently set back and visibly separate from the front section of the dwelling so as to maintain a mostly single storey streetscape appearance along Ravenswood Avenue.

The proposed dwellings have been designed with single width garages set back 900mm from the common boundary between the two dwellings, which results in the form of each dwelling 'mirroring' the other. From a streetscape perspective, it is generally preferable for side by side dwellings to be designed so that they don't 'mirror' each other, as it can result in driveways not being appropriately separated and disrupt the more typical built form pattern whereby garages are sited on the same side of each dwelling and driveways are more evenly distributed along the street.

Whilst this is considered to be a negative aspect of the design, it has been proposed as a way to avoid the construction of a new driveway crossover within the tree protection zone of the adjacent regulated street tree (located close to the northern most boundary of Dwelling 1). Further discussion regarding this and another two (2) street trees located adjacent to the subject land is contained in a later section of this report. Although it would result in the two (2) driveways being sited close together, both garages are proposed to be set back from the common boundary, providing separation between the dwellings and sufficient space on the verge for the planting of a new street tree between the driveways. In this regard, it is considered that the streetscape impact has been minimised.

With regard to the other aspects of the garage design, Principle of Development Control 31 of the Residential Historic (Conservation) Zone and City Wide Principle of Development Control 211 state respectively:

*"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."*

and

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

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

The proposed garages are single width only and set back from the common side boundary, which assists in establishing a sense of space around the dwellings. Each garage is set back behind the main face of the dwelling and has a sufficient set-back from the street so as to provide a second vehicle parking space.

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

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

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

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

There has been several design changes as a result of concerns raised by Mr Brown regarding several aspects of the proposal, most notably being the originally proposed double garaging built to side boundaries and the closer front set-back of the dwellings. Both of these aspects have now been addressed to the satisfaction of Mr Brown who states in his report:

*“The revised designs have the buildings set further back on the sites and now with a single garage have only minor boundary walls to the rear terrace area. This means the proposed dwellings sit more typically on the site with space either side when viewed from the street...”*

and

*“The proposed revised design with single garage doors facing the street is now an acceptable infill development in terms of the impact on the streetscape, and the other significant buildings in the area.”*

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

With regard to fencing the Desired Character Statement of the Residential Historic (Conservation) Zone states:

*“Fencing will complement the design of the dwelling and will be used to link the new dwelling into the streetscape. High solid fencing was not characteristic of the historic patterns of development in these areas. Preference will be given to low fencing rather than high solid masonry walls, as quite often these do not contribute to the historic streetscape character and in most cases obstruct views.”*

The proposed front fences have a simple contemporary design with low rendered pillars and metal infill. The proposed height and style of the fencing is consistent with the above section of the Desired Character Statement. Mr Brown's report indicates support for the design.

#### Setbacks and Site Coverage

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

RH(C)Z PDCs:	9, 11, 20
City Wide PDCs:	194, 204, 205 & 206.

PDC 9 of the Residential Historic (Conservation) Zone states:

*"Where single-storey heritage places and contributory items prevail at or close to the primary street frontage, single storey development and a consistent building set-back should be maintained."*

In this circumstance, the existing dwellings along the eastern side of Ravenswood Avenue are considered to be most relevant in determining the suitability of the proposed front set-backs of the dwellings. The adjacent buildings on the western side of Ravenswood Avenue are both 'contributory' but neither has a frontage to Ravenswood Avenue. To the south the building located at 7B The Parade, is separated from the subject land by its rear car parking area and to the north, there is a substantial bluestone building located on the street boundary, which is part of a larger site fronting Fullarton Road.

The dwellings opposite the subject land (fronting Ravenswood Avenue) have front set-backs of approximately 6.3m (excluding projecting verandahs). The dwellings located on the corners of Gray Street and the Parade have garages which are either on, or close to, the Ravenswood Avenue frontage. The front set-back of the proposed dwellings is 5.5m to the main walls and 6.1m to the garage doors, which is reasonably consistent with the front set-backs of the dwellings on the eastern side of Ravenswood Avenue. With regard to the buildings on the western side of Ravenswood Avenue, the proposed dwellings would be set back so as to maintain the visibility of the adjacent 'contributory' buildings within the streetscape.

With regard to the proposed side set-backs, the front portions of both dwellings have small side set-backs from both side boundaries. Further back, both dwellings include terrace walls on their respective northern allotment boundaries.

With regard to boundary development within the Residential Historic (Conservation) Zone, PDC 20 states:

*"Building to side boundaries (other than for party walls in semi-detached or row dwellings) or to the rear boundary is generally inappropriate, but may be considered where it is demonstrated that it assists in the retention of a heritage place and where there will be no detrimental effect on the residential amenity of adjoining properties."*

In this instance, the development does not involve the retention of a heritage place so the proposal for boundary walls on the side boundaries of the allotments is not in accordance with this policy. Notwithstanding this, the boundary walls are unlikely to have any real streetscape impact given that they are well set-back from the street. The boundary wall of Dwelling 1 would be adjacent to a large commercial property and would therefore have no significant impact on the occupiers of that land. The boundary wall of Dwelling 2 would be adjacent to the side utility area of Dwelling 1 and would be unlikely to have any significant impact on the future occupants of this dwelling.

The upper level component of both dwellings are set back further from the side boundaries than the ground level components and are considered to be acceptable in the context of the adjacent non-residential neighbours.

With respect to site coverage, the proposed dwellings cover 55% of their respective sites, which includes covered outdoor areas. The Norwood 1 Policy Area does not prescribe site coverage, however PDC 12 of the Residential Historic (Conservation) Zone seeks that site coverage should be compatible with the site coverage of those buildings in the locality which contribute significantly to the historic character. Site

coverage in the locality is varied but for residential sites is observed to be generally in the order of 50% or greater. In this context, the proposed level of site coverage is considered to be acceptable.

Overshadowing/overlooking

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

City Wide PDCs: 11, 31, 35, 71, 195, 196 & 235.

The Applicant has provided shadow diagrams, which demonstrate the expected level of overshadowing during the winter solstice. The main impact would be the extent of overshadowing from Dwelling 1 on the proposed Dwelling 2. It is likely that the level of overshadowing would exceed the guidance provided by PDC 196 which states:

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

It is noted that this provision refers to ‘existing’ dwellings and as such it is not considered that the proposal offends the spirit of this provision which is intended to protect the amenity of existing neighbours adjacent to development sites. Whilst much of the private open space of Dwelling 2 would experience overshadowing during the winter months, the dwelling has been designed with the main living areas and private open space areas having a northern aspect which should assist in maximising access to natural light during the winter months.

With regard to overlooking, both dwellings propose high level windows on the upper level components, which is in accordance with PDC 235.

Private open space

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

City Wide PDCs: 222 – 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*

Each dwelling includes 92m<sup>2</sup> of private open space (equating to 21% of the total site area), comprising ground level terraces and open yard areas, which are accessed off the main living area. As such, the provision of private open space is consistent with PDC 225.

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, 117, 123.

Table NPSP/8.

Both dwellings include single width garages, which are set back sufficiently to allow for an additional vehicle parking space in front of the garage. As such, the proposal is consistent with the minimum off-street vehicle parking requirement set out in Table NPSP/8.

With regard to the proposed and existing driveway crossovers City Wide PDC 101 states:

*“Driveway crossovers should be appropriately separated and the number minimised to maintain streetscape character, preserve street trees and optimise the provision of on-street visitor parking (where on-street parking is appropriate)”.*

The original proposal included double width garaging, with the garages and driveway crossover being located on the northern side of the allotments. During the assessment of the proposal, several concerns were raised regarding the impact of double garaging on the streetscape and also regarding the impact of driveway construction on the adjacent regulated street trees. With regard to the northern-most regulated tree, the Council’s consulting arborist was of the opinion that no driveway construction should occur within the tree protection zone of this tree.

As a result of the concerns raised, the proposal was amended to include single width garages only and the garage of Dwelling 1 was relocated to the southern side of the allotment. The relocation of the driveway crossover for Dwelling 1 now avoids any construction within the tree protection zone of the northern most street tree, however, has resulted in the need to remove a juvenile street tree, which is located approximately 3.7m from the southern boundary of the allotment. The Council’s City Arborist supports this approach on the basis that there not likely to be another design option that best protects the regulated tree whilst enabling vehicle access to be established for Dwelling 1.

Dwelling 2 utilises the existing vehicle access and the amendment to a single width garage would not require any alteration to the existing crossover.

The proposed configuration of the garages and driveway crossovers is considered to maintain sufficient space for an additional on-street vehicle park in front of each dwelling.

Finished floor levels/flooding/retaining/fencing

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

City Wide PDCs:	57, 58, 140, 148, 164 & 171.
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The subject land is not located within an identified flood affected area.

Along the street frontage, the subject land has a cross fall of approximately 760mm from the northern boundary to the southern boundary. An existing retaining wall is located along the northern boundary and part of the western boundary of the subject land, with the adjacent land being higher than the subject land.

The proposed bench and finished floor levels generally reflect the current levels of the subject land and have been staggered to minimise the requirement for cut and fill. The existing retaining wall along the western boundary of the subject land is proposed to be replaced and a small section of new retaining is proposed between Dwelling 1 and Dwelling 2.

Side and rear fencing is proposed to be 1.8m high Colorbond ‘good neighbour’ fencing, however, the sheeting profile is not indicated. As such, a condition of approval is recommended requiring that that fence sheeting should have a corrugated profile.

The proposed front fence comprises low rendered pillars with metal infill. The Council's Heritage Advisor supports the design. It is noted that some of the footing construction for the front fence falls within the structural root zones of the adjacent regulated street trees. As such, should the Panel determine to support the application it is recommended that a condition of approval be included to require that an above ground footing methodology be designed for the sections which encroach within the structural root zones of the tree.

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, 121.
City Wide PDCs:	73, 220, 221, 409 & 410.

There are no regulated trees on the subject land.

There are three (3) street trees (Jacarandas) adjacent to the subject land, two (2) of which are regulated.

The proposed removal of the non-regulated street tree has been discussed in a previous section of this report.

With regard to the two (2) regulated street trees, the re-location of the driveway for Dwelling 1 (in order to avoid construction within the tree protection zone), and the proposed construction of the front fence within the tree protection zones, has also been discussed in previous sections of this report.

With regard to any other construction within the tree protection zones, the site works and engineering plans for both dwellings show the stormwater pipes encroaching within the tree protection zones. As such, if the Panel determines to support the application, it is recommended that a condition of approval be included to require that the stormwater drainage system be re-designed to minimise any encroachment within the nominated tree protection zones, being 5.88m for the southern-most dwelling and 7.83m for the northern-most tree.

Given the relatively compact nature of the sites and the locality, it is considered that the potential for tree damaging activity to occur is highly likely if they are not sufficiently protected. As such, it is further recommended that a condition of approval is included to require that tree protection zones be established prior to the commencement of construction.

The site plan provided by the Applicant indicates areas nominated for landscaping and a planting schedule. Overall, it is considered that there are sufficient areas nominated for the establishment of landscaping in accordance with PDC 37 which requires new development to include *'landscaped front garden areas that complement the historic character and desired character of the zone.'*

Environmental Sustainability

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

City Wide Objectives:	23 & 42.
City Wide PDCs:	67, 68, 69, 147, 148, 159.

The dwellings have been designed to have a reasonable northerly aspect, notwithstanding that Dwelling 2 would experience some overshadowing from the upper level of Dwelling 1.

The site works and engineering plan indicates that each dwelling would be provided with a 1000 litre rainwater tank which is not consistent with City Wide PDC 159 which requires that new dwellings should be provided with a 2000 litre rainwater tank. As such, if the Panel determines to approve the application then it is recommended that a condition of approval be included to require this.

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

### Summary

The proposal for detached dwellings on the subject land is consistent with the land use objectives of the Residential Historic (Conservation) Zone and Norwood 1 Policy Area.

Several changes have been made to the proposed design of the dwellings in response to concerns raised by the Council's Heritage Advisor, most notably being the change from double garaging to single garaging and increased set-backs from the front and side boundaries.

Other design changes have been made (or are recommended) to address the potential impact of the development on two (2) adjacent regulated street trees. These include re-locating the garage and driveway of Dwelling 1 to the southern side of the allotment and re-designing the stormwater drainage system so that construction within the tree protection zones of these trees is avoided.

The removal of a third juvenile non-regulated street tree has been approved by the Council's Urban Services Department on the basis that it supports a design option which best protects the adjacent regulated street tree whilst enabling the establishment of vehicle access for Dwelling 1.

It is further recommended that a condition of approval is included to require that tree protection zones be established for the adjacent regulated street trees, prior to the commencement of construction.

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 Applications No 155/831/2018 and 155/832/2018 by Lares Homes, to construct two (2) two storey detached dwellings and associated retaining walls and fencing, on the land located at 1 and 3 Ravenswood Avenue, Norwood, subject to the following requirements, conditions and notes:

#### Relevant Plans

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

- site plan, floor plans and elevations prepared by Lares Homes (amendment A dated 31 May 2019) and received by the Council on 4 June 2019
- site works and engineering plans prepared by Gama Consulting (Lot 421 Revision D dated 31 May 2019 and Lot 431 Revision D dated 3 June 2019) and received by the Council on 4 June 2019.

### Conditions

1. The following Tree Protection Zones (TPZ) are to be established prior to the commencement of construction:
  - Tree A (street tree (jacaranda) located on the council verge adjacent to the northern allotment boundary Dwelling 1) – the nominated TPZ is to be 7.83m radius (measured outwards from the centre of the tree)
  - Tree B (street tree (jacaranda) located on the council verge adjacent to the southern allotment boundary of Dwelling 2) – the nominated TPZ is to be 5.88m radius (measured outwards from the centre of the tree)

The Tree Protection Zones shall be fenced before any works commence on site and the following provisions must be adhered to unless otherwise approved by the Council's City Arborist:

- (a) the fence shall consist of 2.0 metre high solid, chain mesh, steel or similar fabrication with posts at 3 metre intervals;
  - (b) the fence shall incorporate on all sides a clearly legible sign displaying the words "Tree Protection Zone"; (refer to example provided)
  - (c) there shall be no changes to the natural ground level within the Tree Protection Zone;
  - (d) a layer of organic mulch (woodchips) to a depth of 100mm shall be placed over all root systems within the Tree Protection Zone so as to assist with moisture retention and to reduce the impact of compaction.
  - (e) no persons, vehicles or machinery shall enter the Tree Protection Zone without consent of the Council.
  - (f) no storage or dumping of material, fuel, chemicals, equipment or temporary building shall take place within the Tree Protection Zone.
  - (g) nothing shall be attached to the tree.
  - (h) supplementary watering shall be provided to the tree through any dry periods during and after the construction process and at any location where roots have been exposed or pruned
  - (i) no trenching form for the installation of underground service is permissible within the Tree Protection Zone.
  - (j) structural roots, that is, roots with a diameter greater than 25 millimetres, located outside the Tree Protection Zone and within the TPZ (most likely 15m from the centre of the tree) should be retained during the construction. If such roots require removal they shall be pruned by handsaw cutting or secateurs and not with a Backhoe or any machinery or blunt instrument.
2. The stormwater drainage system shall be re-designed to minimise any trenching within the nominated tree protection zones, to the reasonable satisfaction of the Council or its delegate.
3. An above ground footing methodology shall be designed for the sections of the front fences which encroach within the structural root zones of the adjacent regulated street trees, to the reasonable satisfaction of the Council or its delegate.
4. Prior to any construction works associated with the approved development commencing, payment must be made to the Council in the amount of \$553.95, for the cost of removing the juvenile Jacaranda street tree located on the western side of Ravenswood Avenue adjacent to Lot 421, and for the planting of one (1) replacement tree. Upon the issuing of full Development Approval and payment of the said amount, and prior to construction work commencing, please contact the Council's Planning Department to arrange for removal of the tree(s). The Council will plant the new street tree within six (6) months of completion of the development, or in the closest following planting season.
5. All side and rear boundary fence sheeting shall have a corrugated profile.

6. A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres) shall be installed for each of the dwellings 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.
7. All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

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