

Council Assessment Panel Minutes

17 May 2021

Our Vision

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

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

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7:00pm

PRESENT

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

Staff Mark Thomson, Manager Development Assessment
Nenad Milasinovic Senior Urban Planner
Adam Bowey Senior Urban Planner
Tala Aslat Planning Assistant

APOLOGIES

ABSENT

- 1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 19 APRIL 2021**

Seconded and Carried

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/133/2021 – PAROLIN PROJECT STRATEGY – 123 KENSINGTON ROAD, NORWOOD

DEVELOPMENT APPLICATION:	155/133/2021
APPLICANT:	Parolin Project Strategy
SUBJECT SITE:	123 Kensington Road, Norwood (Certificate of Title Volume: 5281 Folio: 296)
DESCRIPTION OF DEVELOPMENT:	Change of use from a dwelling and offices to a childcare facility, including associated internal alterations to the Local Heritage Place, associated car parking and erection of acoustic fencing
ZONE:	Residential Character (Norwood) Zone – Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application involving a change of use from a dwelling and offices to a childcare facility, including associated internal alterations to the Local Heritage Place, associated car parking and erection of acoustic fencing.

Staff do not have delegated authority to determine the Application, as it was subject to Category 3 public notification.

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	60.96 metres (to Kensington Road)
Depth:	48.77 metres (to George Street)
Area:	2973m ²
Existing Structures:	the building on the land is a Local Heritage Place and is a large two-storey Federation mansion constructed of red brick and sandstone with large multiple-gabled tiled roof areas. The building is set in the remnants of a once large and grand garden area.
Existing Vegetation:	a number of mature trees are located adjacent the front property boundary. A well-established hedge is situated adjacent both the Kensington Road and George Street frontages of the subject land.

The Local Heritage Place was originally constructed between 1915's – 1920's as a dwelling and is a prominent building on the corner of Kensington Road and George Street. The building is a grand Federation mansion 'built to impress' and is notable for its fine design and red terracotta tile roof.

In February 2008, Development Application 155/470/07, the existing owner of the land obtained Approval to “change of use from a dwelling to an integrated dwelling and office and a dwelling with ancillary detached accommodation building, the construction of a freestanding garage and a freestanding carport, demolition of an existing garage and the replacement of a front fence along Kensington Road and George Street.” The land is currently used for both residential and commercial (ie. an office) purposes as per the current development authorisation. A copy of the approved site and floor plan as part of Development Application 155/470/07 is contained in **Attachment A2**.

Locality Attributes

Land uses:	predominantly residential
Building heights (storeys):	combination of single-storey and two-storey
Streetscape amenity	High – both Kensington Road and George Street is characterised by established by a mix of Interwar building stock and modern dwellings with well-established street trees (ie. along George Street) and landscaping. Kensington Road is notably influenced by the relatively large vehicle volumes it carries.

The locality is characterised by a relatively wide range of dwelling types and styles, including several original detached dwellings with heritage significance along George Street, later dwellings of various age and style and medium density infill in the form of group dwellings and residential flat buildings.

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

Proposal in Detail

The Applicant seeks consent to change the use of the vacant Local Heritage Place to a childcare facility. The proposal includes internal alterations and refurbishments to the existing building, whilst utilising the associated car parking areas for both parents/guardians/staff parking and erecting acoustic fencing adjacent the proposed outdoor play areas.

The existing building, comprising approximately 749m² of floor area (ie. ground level, lower ground level, upper level and the associated coach house), is to be internally altered and refurbished. The existing building is to accommodate administration areas along with a children’s nursery, sleep and activity areas.

New acoustic fencing is proposed adjacent the outdoor children’s play area and is to vary in height between 1.8 - 2.1 metres along the northern boundary and 1.5 metres adjacent the southern and eastern side boundaries.

The childcare facility is proposed to operate Monday to Friday between 7:30am and 5:30pm and is intended to accommodate a maximum of ninety (90) children. The 90 placements are to be spread across the following age cohorts:

- 6 month – 2 years: 16 places;
- 2 – 3 years: 34 places; and
- 3 years – school age: 40 places.

Two (2) outdoor play areas are proposed, one located north of the building (accommodating infants – year olds) and one to the south and southeast of the Local Heritage Place (accommodating 3 – 5 year olds and 2 – 5 year olds respectively).

Two (2) car parking areas with a total of 23 spaces are proposed to service the childcare facility comprising eight (8) staff parking only spaces adjacent the western side boundary and fifteen (15) shared spaces (parents and/or staff) situated adjacent the eastern side and northern rear boundaries of the property.

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.

Twenty seven (27) representations were received (all opposed), copies of which are contained in **Attachment C**. The key issues raised by representors are, in summary:

- not an appropriate land use within the zone;
- the proposed child care facility is large scale and therefore an intense land use within the zone;
- increased traffic congestion within the surrounding street network;
- increased likelihood of vehicular accidents;
- on-street car parking demand will be exacerbated; and
- noise impacts on adjacent residential properties.

The following representor desire to be heard personally by the Panel, in support of their representations:

- *Peter Hoban and Catherine Hill;*
- *A. Gianakis (represented by Peter Hoban);*
- *Marcus Alvino and Alessia Stegani (represented by Peter Hoban) ;*
- *Philip Milford and Angela Fenlon;*
- *Pratyush Giri;*
- *Sophia Stegani;*
- *Angela Hayley and Malcom Blue;*
- *Gayle and Phill Chadwick (represented by Rob Wight or Sarah Cunningham); and*
- *R.K. Bateman (represented by Miriam Keane and Ross Ermidis).*

Mr David Bills, of URPS, has responded to the representations on behalf of the Applicant. A copy of Mr Bills' response is contained in **Attachment D**.

State Agency Consultation

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

Discussion

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

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

Land Use

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

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

City Wide Objectives: 1, 2, 3, 5, 7, 12, 26 & 27
City Wide PDC's: 1, 2, 3, 4, 5, 6, 12, 80, 82, 85 & 87

The following are relevant policies taken from the Desired Character Statement and Principle of Development Control 2 from the Residential Character (Norwood) Zone, which state respectively:

'Non-residential development will be limited in size and nature and will generally only occur in locations along arterial road frontages, or where there is a recent history of lawful non-residential use, or where the building was originally constructed for non-residential use (such as original corner shops).'

and

'Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:

- (a) serves the local community;*
- (b) is consistent with the desired character of the locality; and*
- (c) does not detrimentally impact on the amenity of nearby residents.'*

To gain an understanding of the scale of non-residential land uses which is envisaged within the Residential Character (Norwood) Zone, it is useful to consider the list of non-complying land uses within the zone at Principle of Development Control 23. This list of non-complying uses includes offices, consulting rooms and shops greater than 250m² in floor area on an arterial road. By comparison, the proposed childcare centre has a floor area of 749m².

Comparing the intensity of offices and consulting rooms of the scale envisaged in the zone with that of the proposed use from a traffic generation perspective, an office with a floor area of 250m² has a theoretical parking demand of 10 car spaces. A consulting room use with a floor area of 250m² would typically contain 2 to 4 consulting rooms and have a parking demand of 8 -16 car spaces. A shop of 250m² would have a theoretical car parking demand of 12.5 car spaces. The proposed 90 space childcare centre has a theoretical demand of 23 car spaces. Therefore, from a traffic generation perspective, the proposal is approximately double the intensity of what is envisaged for offices, consulting rooms and shops in the zone.

That said, the subject land is much larger than that of typical allotments within the zone, with a site area of nearly 3,000m². If not for the heritage listing of the property, it would otherwise be able to be divided into several smaller allotments, potentially each containing separate offices and/or consulting rooms of 250m² each. Similarly, the existing buildings on the subject land could be converted and used for three separate non-residential uses, each of approximately 250m².

The proposed childcare centre is intended to accommodate up to 90 children at any one time. Recently approved childcare centres within the Council area include those at:

- 395-399 Payneham Road, Marden – 110 children;
- 255 Magill Road, Maylands – 152 children;
- 59 Kensington Road, Norwood - 55 children; and
- 191-193 Portrush Road, Maylands – 40 children.
- 95-99 Portrush Road, Evandale – 110 Children

Having regard to the above range of child care centre capacities, the proposed 90 child place centre is considered to be of a reasonably modest scale which 'serves the local community' City Wide Objective 26 and 27 and City Wide Principle of Development Control 80(parts 'b' and 'h') and 82(a) state respectively:

'Development located and designed to minimise adverse impact and conflict between land uses.';

'Protect community health and amenity from the adverse impacts of development and support the continued operation of all desired land uses.';

'Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (b) noise;*
- (h) traffic impacts.'; and*

'Non-residential development in residential zones should:

- (a) not detrimentally impact on the amenity of nearby residents;'*

Residential Character (Norwood) Zone Principle of Development Control 2 anticipates non-residential development of a nature and scale that serves the local community but which is not at odds with the desired character of the locality and does not detrimentally impact on the amenity of surrounding residents. Furthermore, the zone primarily anticipates residential development with limited scope for non-residential development. That said, the Residential Character (Norwood) Zone anticipates non-residential development of a limited size and nature, only occurring along arterial road frontages, or where there is a recent history of lawful non-residential use.

The proposal satisfies both of the prerequisites for non-residential use within the zone, in that it is located on an arterial road and there is a recent history of lawful non-residential use.

Residential Character (Norwood) Zone Principle of Development Control 2 seeks development to be of a nature and scale that serves the local community, is consistent with the desired character of the locality and does not detrimentally impact the amenity of nearby residents.

Generally speaking, a childcare facility is a land use which serves the locality community in the form of local residents who would send their children to the facility or be employed as staff of the facility.

City Wide Principles of Development Control 80 and 82 state respectively:

'Development located and designed to minimise adverse impact and conflict between land uses;

Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants;*
- (b) noise;*
- (c) vibration;*
- (d) electrical interference;*
- (e) light spill;*
- (f) glare;*
- (g) hours of operation; or*
- (h) traffic impacts; and*

and

Non-residential development in residential zones should:

- (a) not detrimentally impact on the amenity of nearby residents;*
- (b) provide adequate protection for residents of adjoining sites from air and noise pollution, traffic disturbance and other harmful effects on health or amenity; and*
- (c) not negatively impact on adjoining open space, mature trees or vegetation.'*

The subject land is bounded by residential properties to the north (119 George Street), west (121 Kensington Road) and east (116 George Street). A childcare facility has the potential to result in noise impacts on the occupants of neighbouring residential properties, primarily from when children are playing outside in the proposed outdoor play areas.

With this in mind, the Applicant has obtained an environmental noise assessment report from Mr Jason Turner of Sonus (an acoustic consulting engineering firm) to assess the acoustic impacts on adjacent and nearby residential occupiers. In his analysis, Mr Turner has assumed that the childcare facility is operating at capacity (ie. 90 children) and considered the sound of children's voices, as well as noise associated with vehicle movements/activity and within the car parking area.

With respect to the outdoor play areas, Mr Turner had regard to *Guidelines for Community Noise* published by the World Health Organisation (as the *Environment Protection (Noise) Policy 2007* specifically excludes noise from children playing within this policy).

The relevant standards and policies set maximum noise levels that should be achieved at the boundary of residential properties, above and beyond existing background noise. After determining the existing background noise levels (which is high due to traffic on Kensington Road), Mr Turner has recommended that

acoustic treatment measures be undertaken in the following manner, in order to ensure the proposal achieves those standards and policies:

- adjacent the northern proposed outdoor play area, construct a 2.1 metre high sheet metal fence (eg. Colorbond) within the existing brush fence and ensure that the junction of the new fencing and existing wall garage boundary wall (belonging to 119 George Street), along with the remaining sections of proposed fencing, is sealed airtight. In terms of the remaining section of fencing along the northern boundary (ie. situated adjacent the car parking area) the recommended acoustic fencing height is to be 1.8 metres in height;
- adjacent the southern front and eastern side boundaries (ie. adjacent the proposed outdoor play areas), construct a 1.5 metre high clear Perspex fence within the existing established hedge and ensure that fencing is sealed airtight;
- ensure that the existing timber fencing along the western side boundary should be sealed airtight at all junctions and in between panels; and
- limiting age groups of children to infants – 2 year olds to the northern outdoor play area, 2 – year olds to the south-eastern outdoor play area and 3 – 5 year olds to the southern outdoor play area (ie. between the front of the building and the Kensington Road frontage).

A copy of Mr Turner's report is contained in Attachments **B11-B23**.

Having regard to the advice of Mr Turner, the proposed childcare facility, is not considered to result in an unreasonable impact on adjoining residential properties, subject to the acoustic measures recommended.

The proposed childcare facility is therefore considered to be a compatible land use amongst existing adjacent residential land uses, from the perspective of noise impacts.

Being located on an arterial road, the accessibility of the subject land to cars, public transport and local residents to walk to, make the subject land conducive to a childcare facility use. Furthermore, it is considered that the unusually large size of the property, makes it more conducive to the proposed use than a residential use.

Accordingly, the proposed land use is considered to be an acceptable within the zone.

Streetscape/bulk/scale/height/character

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

Residential Character (Norwood) Zone Objectives: 3
Residential Character (Norwood) Zone PDC's: 9, 14 & 15

City Wide Objectives: 8, 18 – 20, 111 & 113
City Wide Principles of PDC's: 28, 29, 30, 32, 33, 35, 38, 39, 346, 348, 350, 351, 352, 353, 356 & 358

As part of the proposed acoustic measures, the Applicant intends to erect a 1.5 metre high acoustic Perspex fence within the property and within the established hedge adjacent the Kensington Road and George Street property boundaries. In this context, the 1.5 metre high Perspex fencing will not be discernible when viewed within a streetscape context. In terms of the existing well-landscaped front garden, the Applicant is proposing to retain the garden in its current form and appearance.

The Council's Heritage Advisor, David Brown, has reviewed the proposed development and has advised that the proposal is acceptable in terms of the impacts upon the heritage value of the Local Heritage Place.

A copy of David Brown's report is contained in **Attachment E**.

Car parking/access/manoeuvring

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

City Wide Objectives: 31, 32 & 34

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

The proposed development involves configuring the two (2) existing car parking areas on the subject land that results in 23 car parking spaces in total comprising 8 spaces of which are designated staff parking spaces located on the western side of the property and accessed from Kensington Road and 15 spaces which are to be shared by staff and parents on the eastern side of the property that are accessed from George Street.

Table NPSP/9 of the Council's Development Plan provides off street vehicle parking requirements for non-residential land uses, however no rate is provided for a child care facility.

The Council's Planning staff have had regard to a childcare industry specific car parking study, that was commissioned by the Australian Childcare Alliance – South Australia (*Child Care Centre Parking Rates Review – Parking Review*) undertaken by MFY Traffic Engineering Consultants. The *Child Care Centre Parking Rates Review* specifies that a rate of 1 car parking space for every 4 children (inclusive of staff) for a childcare facility is recommended. Applying this recommended rate, the proposal would generate a car parking demand of 23 spaces.

The Applicant provided a report from Ms Ben Wilson, a Traffic Engineer with CIRQA Pty Ltd, regarding the likely car parking demand of the proposal and the proposed access and parking arrangements. Ms Wilson's report is contained in **Attachment B24 – B40**.

Ms Wilson has advised that a rate of 1 car parking space for every 4 children (inclusive of staff) for a childcare facility is recommended based on the same car parking study commissioned by the Australian Childcare Alliance – South Australia that the planning staff have referred to.

Having regard to the recommended rate specified by *Child Care Centre Parking Rates Review*, the number of car parking spaces provided are considered sufficient for the needs generated by the proposed childcare facility.

In response to the concerns raised by representors, the Council's Manager, Traffic & Integrated Transport, has reviewed the proposed development and in particular, the likelihood of the proposal leading to an increased possibility of vehicle conflict and/or accidents within the vicinity of the subject land, given that the property is located at a four-way intersection. In addition to this, advice was sought as to whether the likely car parking demand associated with the proposed childcare facility would exacerbate the current on-street car parking demand along George Street. The Manager, Traffic and Integrated Transport has concluded that the proposed childcare facility is not anticipated to lead to additional conflict/accidents at this intersection and would likely not impact on the current on-street car parking demand.

A copy of the Manager, Traffic and Integrated Transport's report is contained in **Attachment F**.

The proposed access and egress arrangements for the car parking areas are considered to be safe and convenient. Accordingly, the proposal is consistent with City Wide Principles of Development Control 113 and City Wide Objective 34.

Summary

The proposed child care facility is considered to be an appropriate use for the subject land given its location adjacent an arterial road and relatively modest scale. Its location within a residential zone provides for convenient access for local residents, while the arterial road frontage means that impacts on surrounding residential amenity are less than would be the case for a site on a local street with less background noise and traffic.

The child care facility is not considered to result in any unreasonable noise impacts on nearby residents, subject to the acoustic measures proposed by Sonus Acoustic Engineers.

The proposal incorporates sufficient on-site car parking to cater for the anticipated demand of the childcare facility. In terms of access and egress from the proposed car parking areas, this is considered to be safe and convenient.

The proposal will not impact negatively on the setting of the Local Heritage Place on the land.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/133/21 by Parolin Project Strategy to change the use from a dwelling and offices to a childcare facility, including associated internal alterations to the Local Heritage Place, associated car parking and erection of acoustic fencing, on the land located at 123 Kensington Road, Norwood, subject to the following requirements, conditions and notes:

Relevant Plans

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

- supporting planning report (Reference Number: 21ADL-0025) prepared by Mr David Bills of URPS.
- acoustic recommendations detailed in the Environmental Noise Assessment (Reference Number S6787C2) prepared by Mr Jason Turner of Sonus and received by the Council on 16 June 2017.

Conditions

1. Operating hours for child care services, herein approved, shall be limited to the following times:
Monday – Friday: 7:30am – 5:30pm
2. All trade waste and other rubbish shall be stored in covered containers pending removal and shall be kept screened from public view to the reasonable satisfaction of the Council or its delegate.
3. All refuse and stored materials shall be screened from public view to the reasonable satisfaction of the Council or its delegate.
4. At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.
5. All external lighting of the site, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council or its delegate.
6. The vehicle entrance and exit of the car parking area shall be clearly marked with directional signs indicating the flow of traffic.
7. The 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.
8. Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
 2. This Development Plan Consent will lapse within 24 months of the date of this notice unless full Development Approval has been obtained.
 3. The Applicant is advised that the property is a Local Heritage Place and that approval must be obtained for any works involving the construction, demolition, removal, conversion, alteration or addition to most building and/or structure (including fencing).
-

Ms Newman declared a conflict of interest for item 2.1 and left the meeting at 7:03pm

Mr Hoban addressed the Council Assessment Panel from 7:05pm until 7:11pm

Ms Stegani addressed the Council Assessment Panel from 7:12pm until 7:18pm

Mr Chadwick agrees with the representations given by Ms Stegani and Mr Hoban

Ms Fenlon addressed the Council Assessment Panel from 7:19pm until 7:26pm

Mr Bills addressed the Council Assessment Panel from 7:27pm until 7:30pm

Mr Parolin addressed the Council Assessment Panel from 7:31pm until 7:35pm

MOVED

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **Refused** to Development Application No 155/133/21 by Parolin Project Strategy to change the use from a dwelling and offices to a childcare facility, including associated internal alterations to the Local Heritage Place, associated car parking and erection of acoustic fencing, on the land located at 123 Kensington Road, Norwood, for the following reasons:*

1. *The size of the subject land, the floor area designated for child care and its administration and the proposed number of child care places, results in a child care centre that cannot be regarded as a small scale nor a non-residential use that is limited in size. As a consequence the proposed use is in unacceptable conflict with PDC1 and the relevant terms of the desired character.*
2. *By reason of its scale, intensity and nature and the reduction of landscaped/garden area for the purposes of car parking, the proposed use will compromise the Heritage value, integrity and setting of the Local Heritage Place and thus is in unacceptable conflict with City Wide Objective 112 and PDC 347.*

Seconded and Carried

Ms Newman returned to the meeting at 8:20pm

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/7/2021 – EMMETT PROPERTY PTY LTD – 398A PAYNEHAM ROAD, GLYNDE

DEVELOPMENT APPLICATION:	155/7/2021
APPLICANT:	Emmett Property Pty Ltd
SUBJECT SITE:	398A Payneham Road, Glynde (Certificate of Title Volume: 6162 Folio 180)
DESCRIPTION OF DEVELOPMENT:	Construction of a two-storey childcare centre with associated car parking and acoustic fencing
ZONE:	Residential Zone (Medium Density Policy Area) – Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a two-storey childcare centre with associated car parking at 398A Payneham Road.

Staff do not have delegated authority to determine the Application, as it was subject to Category 3 public notification.

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

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

Subject Land Attributes

Shape:	irregular
Frontage width:	34.4 metres to Payneham Road (6.86 metres to Avenue Road)
Depth:	52.73 metres
Area:	1818m ²
Topography:	the land falls approximately 600mm from front to rear
Existing Structures:	A two storey building (used as a funeral chapel), outbuilding and carports
Existing Vegetation:	lawned areas, trees and shrubs

The subject land contains a two storey dwelling and outbuildings, which was previously used as a funeral chapel, as well as an outbuilding and carports. The site has two access points, with a crossover to Payneham Road providing vehicle access to the parking area located at the front of the site, while a secondary access from Avenue Road provides parking to carports at the rear of the site.

Locality Attributes

Land uses:	mix of residential and commercial
Building heights (storeys):	predominantly single storey

The subject land is located within the Medium Density Policy Area of the Residential Zone, with commercial properties to the west of the subject land at 396 and 398 in the form of single storey and two storey buildings fronting Payneham Road, while properties to the east and south contain single storey dwellings.

Land on the opposite (northern) side of Payneham Road is located within the Residential Zone and comprises detached dwellings.

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

Proposal in Detail

The Applicant seeks consent to construct a two-storey childcare centre with a floor area of 818m², to accommodate 90 child places, and associated car parking, fencing, landscaping and outdoor play areas.

The application includes a car parking area located between the building and Payneham Road, which is to be accessed by a new crossover from Payneham Road. This parking area provides 23 car parking spaces, which includes the provision of 3 stacked staff spaces. The existing secondary crossover access to Avenue Road is proposed to be closed.

Outdoor play areas are proposed on the upper floor of the building and at the rear of the site. Acoustic fencing is proposed along the southern site boundary and portions of the eastern boundary of the outdoor play areas, comprising 2.7 metre high acoustic sealed fencing. 1.8 metre high timber fencing is proposed alongside the remaining boundaries, while no fencing is to be provided along the site frontage.

The child care centre is proposed to operate Monday to Friday between the hours 6:30am – 6:30pm.

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.

Three representations were received in opposition to the application, copies of which are contained in **Attachment C**. The key concerns raised by representors are, in summary:

- Land Use
- The Development is not a small scale
- The development does not serve the local community
- There is no need for a child care centre in this location
- Car parking arrangement
- Amenity impacts
- The proposal represents an overdevelopment of the site
- Function of the right-of-way land

The following representors expressed a desire to be heard personally by the Panel, in support of their representation:

- Mr David Hutchison on behalf of Skremscin Christies Pty Ltd
- Garth Heynen on behalf of Mr Joe Franco
- Mr Danny Scinto & Mr George Skrembos from Eastern Building Group

The Applicant has responded to the representations as follows:

- The proposed land use is envisaged within the Residential Zone
- The development is of a smaller scale (based on number of places) than nearby childcare centres approved under the same zone and policy area. The resulting scale is appropriate on its merits;
- That the proposal will service the local community by its location within a residential zone, on an arterial road, as envisaged by RZPDC4(a)
- A traffic report has provided a response to the parking concerns (Attachment D7)

- Acoustic impacts have been addressed through measures recommended by Sonus, namely the introduction of a 2.7 metre acoustic fence along the southern boundary, and lighting will be in accordance with AS 4282 – *The control of the obtrusive effects of outdoor lighting*.
- The proposed buildings satisfies setbacks for residential dwellings in accordance with Zone Wide PDC 7 and 8.
- Clarification that the right of way will not be utilised.

A copy of the Applicant's written response is contained in **Attachment D**.

State Agency Consultation

The Application was referred to the Commissioner of Highways pursuant to Schedule 8 of the *Development Regulations 2008*, as the application seeks to alter an existing access/egress point to an arterial road (Payneham Road).

The Commissioner of Highway's response is discussed under the heading *Car parking/access/manoeuvring* later in the report.

A copy of the Commissioner of Highway's response is contained in **Attachment E**.

Discussion

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

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

Land Use

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

Residential Zone Desired Character Statement

Residential Zone Objective: 1 & 3

Residential Zone DPC: 1 & 4

City Wide Objectives: 1, 2, 3, 5, 7, 12, 26 & 27

City Wide PDC's: 1, 2, 3, 4, 5, 6, 12, 80, 82, 85 & 87

Residential Zone Principle of Development Control 1 states (in part):

'The following forms of development, or combinations thereof, are envisaged in the zone:

Small scale child care facility located along an arterial road or main road that serves the local community'

In addition to this, the Residential Zone Desired Character Statement states in part:

'Along arterial roads, some opportunity for the establishment of non-residential uses will be provided through the conversion of existing dwellings, small-scale purpose built buildings and on the ground floor of mixed-use buildings in close proximity to centres ...'

The proposed two storey building is considered to be reasonably compatible with the scale of commercial buildings within the locality. The architecture of the building is contemporary in design, with skillion roof forms and an articulated façade, with a mixture of cladding materials. Accordingly, the building is considered to be reasonably consistent with the term 'small-scale purpose built building' within the Desired Character Statement.

Residential Zone Principle of Development Control 4 states:

'Non-residential development should be of a nature and scale that:

- (a) serves the local community;*
- (b) is consistent with the desired character of the locality; and*
- (c) does not detrimentally impact on the amenity of nearby residents.'*

The proposed childcare centre has a floor area of 818m² and is intended to accommodate up to 90 children at any one time. Recently approved childcare centres within the Council area include those at:

- 395-399 Payneham Road, Marden – 110 children;
- 255 Magill Road, Maylands – 152 children;
- 59 Kensington Road, Norwood - 55 children; and
- 191-193 Portrush Road, Maylands – 40 children.
- 95-99 Portrush Road, Evandale – 110 Children

Having regard to the above range of child care centre capacities, the proposed 90 child place centre is considered to be of a reasonably modest scale which 'serves the local community'. In this respect, the subject land is considered to be appropriately located for the proposed use, as it is adjacent to an arterial road, whilst at the same time being within a residential zone. Therefore, the proposed childcare facility is conveniently accessible to both local families (as well as the broader community in general) and as such, is consistent with part (a) of Principle 4.

In addition to part (c) of Residential Zone Principle of Development Control 4, City Wide Objective 26, City Wide Principles of Development Control 80 and 82 state respectively:

'Development located and designed to minimise adverse impact and conflict between land uses;

and

'Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants;*
- (b) noise;*
- (c) vibration;*
- (d) electrical interference;*
- (e) light spill;*
- (f) glare;*
- (g) hours of operation; or*
- (h) traffic impacts;*

and

'Non-residential development in residential zones should:

- (a) not detrimentally impact on the amenity of nearby residents;*
- (b) provide adequate protection for residents of adjoining sites from air and noise pollution, traffic disturbance and other harmful effects on health or amenity; and*
- (c) not negatively impact on adjoining open space, mature trees or vegetation.'*

The subject land is bounded by residential properties to the east (400 Payneham Road) and south (2 Avenue Road Glynde). A childcare facility has the potential to result in noise impacts on the occupants of neighbouring residential properties, primarily from when children are playing outside in outdoor play areas and vehicle noise from car parking.

The Applicant has obtained an environmental noise assessment report from Sonus to assess the acoustic impacts on adjacent residential occupiers. In their analysis, Sonus have assumed that the childcare facility is operating at capacity (ie. 90 children) and considered the sound of children's voices, as well as noise associated with mechanical plant equipment and vehicle movements within the car parking area.

With respect to the outdoor play areas, Sonus have had regard to *Guidelines for Community Noise* published by the World Health Organisation (as the *Environment Protection (Noise) Policy 2007* specifically excludes noise from children playing within this policy). In particular, the WHO guidelines state:

“To protect the majority of people from being seriously annoyed during the daytime, the sound pressure level on balconies, terraces and outdoor living areas should not exceed 55 dB LAeq for a steady continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor sound pressure level should not exceed 50 dB LAeq.”

Mr Turnbull has recommended that acoustic treatment measures be undertaken in the following manner, in order to ensure the proposal achieves those standards and policies:

- Ensure that the balustrade around the upper-level deck play area be constructed from a solid material which is airtight at all junctions including with the upper deck and at vertical junctions. Suitable materials include glass or Perspex or a solid wall material.
- Ensure that the proposed boundary fences are sealed airtight at all junctions, including between panels and at the ground
- Ensure the fences located along the southern boundary are 2.7 metres high and from a solid material.

With the above treatments in place, Sonus have advised that the average noise levels from children playing in outdoor areas at the proposed centre is predicted to be less than 50 dB(A) at the closest residences. Therefore, Sonus have concluded that the noise criteria determined in accordance with the WHO Guidelines will be achieved.

With respect to the mechanical plant equipment and vehicle noise, Mr Turner had regard to the *Environment Protection (Noise) Policy 2007*, which takes into account existing background noise. In particular, the Policy provides goal noise levels to be achieved at residences, based on the principally promoted land uses of the Development Plan Zones in which the noise source (child care centre) and the noise receivers (residences) are located. Based on the residential land use within the vicinity of the proposed child care and the assessment being for new activity at the site, the Policy recommends an average (Leq) noise level of 47 dB(A) during the day (7am to 10pm) and 40 dB(A) during the night (10pm to 7am) to be achieved at residences.

With the inclusion of the acoustic treatment recommended, Sonus have predicted the noise at residences from vehicles within the car parking area to be no more than 45 dB(A) after 7am and no more than 40 dB(A) before 7am.

With respect to mechanical plant, Sonus have undertaken an assessment based on the installation of two typical condensing units located in the Dry/Services area with a predicted noise level of 73 dB(A).

A copy of the report by Sonus is contained in **Attachment B26**.

Having regard to the advice of Sonus, the proposed childcare facility is not considered to result in an unreasonable impact on adjoining residential properties, subject to the acoustic measures recommended.

The proposed childcare facility is therefore considered to be a compatible land use amongst existing adjacent residential land uses and the proposed acoustic measures are likely to provide a 'buffer' for the occupiers of residential properties to the south, from the traffic noise on Payneham Road.

The accessibility of the subject land to cars, public transport and local residents to walk to, together with the arterial road exposure, make the subject land conducive to a childcare facility use. Furthermore, it is considered that the already compromised level of residential amenity caused by the traffic noise of Payneham Road, makes the site more conducive to the proposed use than a residential use.

Accordingly, the proposed land use is considered to be an acceptable within the zone.

Car parking/access/manoeuvring

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

City Wide Objectives: 31, 32 & 34
City Wide PDC's: 98, 101, 113, 115, 120, 121, 122, 123,124, 126, 127, 129 & 130

The proposed development includes the provision of 23 car parking spaces, which includes an accessible space.

Table NPSP/9 of the Council's Development Plan provides off street vehicle parking requirements for non-residential land uses, however no rate is provided for a child care facility.

Based on expert advice received on a number of recent applications for childcare centres, it is considered appropriate to apply the recommended car parking rate within the Child Care Centre Parking Rates Review undertaken for the Australian Childcare Alliance – South Australia by MFY Traffic Engineering Consultants. The Child Care Centre Parking Rates Review recommends a rate of one car parking space for every four children (inclusive of staff) for a childcare facility. In addition, the recently implemented phase 3 of the Planning and Design Code contains the same parking rate for childcare centres. Applying this recommended rate, the proposal would generate a car parking demand of 22.5 spaces. The proposed therefore satisfies this parking rate.

The proposed car parking layout includes the provision of four (4) dedicated staff parking spaces in a stacked configuration. While this is not an ideal scenario, given that the parking arrangement for clients (parents) is typically a short turn around drop-off and pick-up, the ability for staff to access and utilise these parking spaces is considered acceptable.

In terms of the proposed access, egress and the configuration of the car parking areas, staff are satisfied that the proposed arrangements are reasonably safe and convenient. Accordingly, this aspect of the proposal is consistent with City Wide Principles of Development Control 113 and City Wide Objective 34

A copy of the report by MFY's is contained in **Attachment B21**.

Visual Impact

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

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

The visual impact of the 2.7m high fence, is considered acceptable, notwithstanding that it is inconsistent with City Wide Principle of Development Control 58, which states that the combined height of a fence and a retaining wall should not exceed 2.4 metres (measured from the lower of the two adjoining natural ground levels).

The proposed fence replaces existing structures on or in close proximity to the rear boundary, with the owners and occupiers of the affected property at 2 Avenue Road Glynde were notified of the application and did not submit a representation. Whilst high, the proposed boundary treatment will likely also assist in reducing existing traffic noise from Portrush Road and is considered acceptable on balance.

Stormwater Management

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

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

No specific stormwater disposal details have been provided with the Application. If the Panel determines to grant consent to the Application, it is recommended that a condition be imposed, requiring that a stormwater management plan be provided to the reasonable satisfaction of the Council, prior to the granting of Development Approval, ensuring that the stormwater discharge rate achieves the 1 in 5 year Average Recurrence Interval stormwater system discharge rate prescribed in City Wide Principle of Development Control 160.

Summary

The proposed expansion to an existing child care facility is considered to be an appropriate use for the subject land given its location adjacent an arterial road, nearby non-residential uses and the fact that childcare centres are specifically envisaged within the Residential Zone.

The childcare facility is not considered to result in any unreasonable noise impacts on nearby residents, subject to the acoustic measures proposed by Sonus Acoustic Engineers.

The impact of the proposal on the visual outlook from adjacent properties is considered acceptable.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/7/2021 by Emmett Property Pty Ltd, to construct a two-storey childcare centre with associated car parking and acoustic fencing on the land located at 398A Payneham Road, Glynde, subject to the following requirements, conditions and notes:

Relevant Plans

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:

- Planning Statement by Future Urban Group, dated January 2021;
- Plans by Raunik Design Group, Project No. 20583, received by the Council on 26 March 2021;
- Environmental Noise Assessment (Reference Number S6764C2) prepared by Mr Stefan John of Sonus, dated March 2021.

Conditions

1. A 2.7 metre high fence is to be provided along the rear boundary, and partway along the eastern boundary in accordance with the Site Plan (page20583_DA-100_G) and Figure 2: Cantilevered Design of the Sonus report (Ref s6764C2) dated March 2021. With the exception of the frontage to Payneham Road, all remaining boundary fences are to be constructed from a solid material such as "Colorbond" sheet steel and shall be sealed airtight at all junctions, including at the ground and any associated retaining walls.
2. Any external air conditioning units shall be located within the Dry/Services area with suitable acoustic shielding (such as the proposed fences) to maintain a maximum noise level of 73 dB(A). Details of this installation (including any required acoustic measurements to comply with this condition) are to be provided to the reasonable satisfaction of the Council or its delegate prior to the issuing of Building Rules Consent.
3. All external lighting of the site, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council or its delegate.

4. The 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.
5. Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
6. The proposed landscaping 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.
7. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device.
8. A Stormwater Management Plan shall be provided for the development. Calculations are required to demonstrate detention storage meets the minimum requirements of Council. The detention requirements for the site are to detain the post development 1 in 100 year ARI storm event, with discharge being at the pre development 1 in 5 year ARI rate. The Stormwater Management Plan is to conform to the Council's Urban Services requirements, prior to the granting of Development Approval.

Notes to Applicant

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

The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
2. The 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.
3. This Development Plan Consent will lapse within 24 months of the date of this notice unless full Development Approval has been obtained.

Mr Heynen and Mr Weaver addressed the Council Assessment Panel from 8:21pm until 8:38pm
Mr McElhinney addressed the Council Assessment Panel from 8:39pm until 8:44pm
Mr Vounasis addressed the Council Assessment Panel from 8:45pm until 8:52pm
Ms Mellen addressed the Council Assessment Panel from 8:53pm until 8:47pm

MOVED

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/7/2021 by Emmett Property Pty Ltd, to construct a two-storey childcare centre with associated car parking and acoustic fencing on the land located at 398A Payneham Road, Glynde, subject to the following requirements, conditions and notes:*

Relevant Plans

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:

- Planning Statement by Future Urban Group, dated January 2021;
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- Environmental Noise Assessment (Reference Number S6764C2) prepared by Mr Stefan John of Sonus, dated March 2021.

Conditions

1. A 2.7 metre high fence is to be provided along the rear boundary, and partway along the eastern boundary in accordance with the Site Plan (page20583_DA-100_G) and Figure 2: Cantilevered Design of the Sonus report (Ref s6764C2) dated March 2021. With the exception of the frontage to Payneham Road, all remaining boundary fences are to be constructed from a solid material such as "Colorbond" sheet steel and shall be sealed airtight at all junctions, including at the ground and any associated retaining walls.
2. Any external air conditioning units shall be located within the Dry/Services area with suitable acoustic shielding (such as the proposed fences) to maintain a maximum noise level of 73 dB(A). Details of this installation (including any required acoustic measurements to comply with this condition) are to be provided to the reasonable satisfaction of the Council or its delegate prior to the issuing of Building Rules Consent.
3. All external lighting of the site, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council or its delegate.
4. The 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.
5. Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
6. A landscaping plan detailing a suitable mix of trees, shrubs and ground covers shall be provided to the reasonable satisfaction of the council or its delegate prior to the granting of development approval.
7. The proposed landscaping 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.
8. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device.
9. A Stormwater Management Plan shall be provided for the development. Calculations are required to demonstrate detention storage meets the minimum requirements of Council. The detention requirements for the site are to detain the post development 1 in 100 year ARI storm event, with discharge being at the pre development 1 in 5 year ARI rate. The Stormwater Management Plan is to conform to the Council's Urban Services requirements, prior to the granting of Development Approval.
10. The four windows to room 6 at the first floor level be treated for privacy or alternative privacy measures be put in place to prevent unreasonable level of overlooking of the property to the South to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

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

2. *The 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.

3. *This Development Plan Consent will lapse within 24 months of the date of this notice unless full Development Approval has been obtained.*

Seconded and Carried

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/C067/2019 & 155/829/2019 – MR G YU – 28 & 30 GWYNNE STREET, FIRLE

DEVELOPMENT APPLICATION:	155/C067/2019 155/829/2019
APPLICANT:	Mr G Yu
SUBJECT SITE:	28 & 30 Gwynne Street, Firle (Certificate of Titles - Volume: 5193 Folio: 73 & Volume 5399 Folio 919)
DESCRIPTION OF DEVELOPMENT:	Community Title Land Division Creating six Community Lots (155/C067/19) and the Construction of two, two-storey residential flat buildings each containing three dwellings, associated retaining walls, fencing and landscaping (155/829/19).
ZONE:	Residential Zone – Medium Density Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
PUBLIC NOTIFICATION CATEGORY:	Category 2

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on two Development Applications. The first (DA 155/C067/19) is for a Community Title Land Division (creating six Community Lots). The second (DA 155/C077/19) is for the Construction of two, two-storey residential flat buildings each containing three dwellings, associated retaining walls, fencing and landscaping.

Staff have delegated authority to determine the land division application, however do not have delegated authority to determine the built form/land use Application (DA 155/829/2019), as it was subject to Category 2 public notification.

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

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

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

Subject Land Attributes

Shape:	irregular
Frontage width:	34.14 metres
Depth:	58.07 metres
Area:	1982.5m ²
Topography:	rise to south eastern corner of site (1.13 m)
Existing Structures:	Two group dwellings
Existing Vegetation:	small shrubs and lawn areas

The subject land is located on the southern side of Gwynne Street and contains two dwellings fronting Gwynne Street.

A Torrens Titled Land Division (155/D061/2019) was approved in February 2020 to create three allotments; one each for the existing dwellings fronting Gwynne Street and a battle-axe allotment which is intended to accommodate the development which is the subject of this report.

Both driveways of the existing dwellings are abutting at the centre of the frontage of the subject land and share a common crossover to Gwynne Street. There is limited existing landscaping, with the rear of the site cleared to make way for the proposed development. The site is fenced, with a rise of 1.13 metres towards the south eastern corner of the site.

A private laneway abuts the rear property boundary, approximately 3.2 metres in width. The laneway is trafficable, albeit with an unfinished surface and no drainage infrastructure making vehicle access during the winter periods potentially problematic.

Locality Attributes

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

The northern and southern sides of Gwynne Street are characterised by residential land uses predominantly in the form of low density detached dwellings and older group dwellings and residential flat buildings. There are limited examples of more recent infill development, including a pair of detached dwellings at 36A & 36B Gwynne Street.

The locality is considered to have a high level of amenity, resulting from the predominately low density residential land uses and associated landscaped front yards and generous setbacks. The locality is well separated from commercial areas fronting Glynburn Road, approximately 260 metres to the east of the subject land.

With the exception of a single allotment at 2 Gwynne Street, all allotments fronting Gwynne Street are located in the Medium Density Policy Area of the Residential Zone.

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

Proposal in Detail

The Applicant seeks consent to undertake a Community Title Land Division (creating six Community Lots) and the construction of two, two-storey residential flat buildings, each containing three dwellings, associated retaining walls, fencing and landscaping.

The two two-storey residential flat buildings mirror each other, sharing a central driveway from Gwynne Street to provide access to garaging for dwellings and visitor parking. The central driveway is also proposed to be utilised by the existing dwellings fronting Gwynne Street.

The residential flat buildings contain two different dwelling layouts, with Dwellings 1, 2, 5 and 6 having 'stacked' parking spaces, while dwellings 3 and 4 have double width garages.

All dwellings have a living/dining/kitchen area on the ground floor, with either two bedrooms and a bathroom, or three bedrooms (dwellings 3 and 4), ensuites and a bathroom on the upper floor. All dwellings have upper level balconies which provide additional private open space.

The two-storey residential flat buildings have a rectilinear design feature a mixture of rendered walling in 'Solver Designer White' and painted lightweight cladding ('Solver Charcoal'), with window, door frames, privacy screening and garage door in powder coated black.

New fencing and retaining is proposed along the side and rear boundaries of the allotment, up to a height of 2.5 metres in a custom orb corrugated profile in woodland grey.

The proposed development includes landscaping including small tree species, shrubs and ground covers.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Dwellings 1, 2 ,4 and 5	Dwellings 3 and 4	Development Plan Merit Assessment Quantitative Guideline
Frontage Width	34.14m	34.14m	18m minimum for RFB
Site Area	125m ²	148m ²	no minimum for RFB
Site Width	8.5m	11.67m	no minimum for RFB
Site Depth	14.07m	14.07m	no minimum
External Wall Height*	7m (maximum height)	7m (maximum height)	N/A
Maximum Overall Height (to roof apex)*	6.5m	6.5m	two-storey
Floor Area (total)	106 – 107m ²	131m ²	RFB Dwelling with 2 bedrooms - 70m ² 3 bedrooms – 100m ² minimum total floor area*
Floor Area (footprint)	87m ²	103m ²	N/A
Site Coverage	69.6%	69.6%	70% dwelling forms other than detached and semi-detached.
Private Open Space (POS)	36m ²	36m ²	35m ² per dwelling
Street Setback	N/A	N/A	4m
Eastern side setback (ground level)	2.18-4.0	3.5m	2.5m
Eastern side setback (Upper level)	4.8	4.8	4.5m

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Dwellings 1, 2 ,4 and 5	Dwellings 3 and 4	Development Plan Merit Assessment Quantitative Guideline
Western side setback (Ground level)	2.18-4.0	3.5m	2.5m
Western side setback (Upper level)	4.8	4.8	4.5m
Southern Setback (Ground level)	N/A	3.16m	2.5m
Southern Setback (Upper level)	N/A	3.16m	4.5m
Car Parking Provision	1 covered + 1 uncovered	2 covered	RFB 2 spaces plus 1 visitor 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 Community Title Land division and built form application are contained in **Attachments B and C** respectively.

A planning report by Gregg Jenkins of Heynen Planning Consultants is also contained in **Attachment F**.

Notification

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

Five (5) representations were received in response to notification, copies of which are contained in **Attachment D**. The representors are all opposed to the proposed development. Key issues raised by the representors are, in summary:

- Overlooking (inadequacy of proposed screening heights)
- Appearance of development (design and height)
- Overdevelopment of site (too many dwellings)
- Inadequacy of vehicle parking (to street network)
- Open Space
- Stormwater
- Environmental sustainability

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

Dr Peter & Mrs Margaret Boulton

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

State Agency Consultation

No State Agency referral required pursuant to Schedule 8 of the *Development Regulations 2008*.

Discussion

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

The key issues, specific to these Development Applications, 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 (PA) Desired Character Statement

Medium Density PA Objectives: 1
Medium Density PA PDC's: 5, 6

Residential Zone Desired Character Statement

Residential Zone Objectives: 1, 2
Residential Zone PDC's: 1, 3

City Wide Objectives: 1, 2, 7, 8, 10, 26, 55-57
City Wide PDC's: 1-4, 80, 82

The Residential Zone Desired Character Statement encourages denser dwelling forms, stating: *"in locations where there are large allotments or where the amalgamation of allotments has occurred, there may be opportunity to develop low-rise (one or two-storey) group dwellings, row dwellings and residential flat buildings"*.

This is reiterated in the Desired Character Statement for the Medium Density Policy Area which states (in part):

"Whilst detached and semi-detached dwellings will continue to be developed within the Medium Density Policy Area, more flexible development parameters for other forms of housing (including group dwellings, row dwellings and residential flat buildings) are included and will provide additional opportunities for increasing residential densities in these locations"

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

The proposed two residential flat buildings are consistent with the desire for 'other forms of dwellings' which 'provide additional opportunities for increasing residential densities'.

Medium Density Policy Area Principle of Development Control 5 sets out the minimum site area and frontage requirements for new dwellings in the Policy Area and in relation to residential flat buildings, states that there is no minimum site area per dwelling, provided that the development site has a minimum frontage of 18.0 metres.

The subject land has a frontage of 34.14 metres, consistent with the requirement for a residential flat building. As the existing dwellings fronting Gwynne Street are proposed to share the access driveway with the proposed development at the rear of the land, the entire frontage of the subject land is considered to constitute the 'development site' for the purposes of Principle of Development Control 5.

Medium Density Policy Area Principle of Development Control 6 states that dwellings contained within a residential flat building with two (2) bedrooms should have a minimum floor area per dwelling of 70m², and three (3) bedrooms should have a minimum floor area per dwelling of 100m². The proposed floor area for each dwelling type exceeds this criteria.

Within the Medium Density Policy Area, the desired character statement states:

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, it is important to consider whether the proposed dwellings within a residential flat building are able to achieve the range of other quantitative and qualitative provisions of the Development Plan, relating to matters such as private open space, setbacks, site coverage, height, car parking etc. This will assist in concluding whether, on balance, the allotments of the size proposed are able to be supported and is discussed under the relevant headings of this report.

From a land use perspective, dwellings in the form of residential flat buildings are considered to be acceptable.

Streetscape/bulk/scale/height/character

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

Medium Density PA Desired Character Statement

Medium Density PA Objectives: 2, 4
Medium Density PA PDC's: 1, 3, 7

Residential Zone Desired Character Statement

Residential Zone Objectives: 3
Residential Zone PDC's: 6, 8

City Wide Objectives: 18, 19, 20
City Wide PDC's: 28-32, 37, 39, 197

Guidance on the desired height of residential development can be found within the Residential Zone Desired Character Statement, which 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 Statement of the Policy Area.

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

"The existing character of the zone is varied and is derived from a number of factors, including built form, allotment size, road widths and natural features such as vegetation, topography and waterways. Although it is expected that residential densities will increase over time, resulting in more dense forms of development and smaller site and allotment sizes, it is intended that the overall character of the zone will maintain a 'suburban' feel with a high level of amenity. This will be achieved by generally maintaining a rhythm of buildings comprising one and two storeys, set back from the street so that front gardens can be established and also by requiring 'space' to be established between buildings."

and;

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

and;

“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 Medium Density Policy Area anticipates a variety of facade treatments with overall balanced building proportions that provide for a good level of visual interest and articulation when viewed in the streetscape.

The proposed residential flat buildings are to be sited behind existing dwellings, and as a result have a limited streetscape presence. That said, the above policies are not only directed at streetscape implications, but also the outlook from adjoining properties. In this respect, it is considered that the proposed residential flat buildings (as amended following concerns with earlier versions of the application) contain sufficient articulation and use of different materials to result in sufficient relief and visual interest to the facades which face the side and rear boundaries of the subject land.

The following extract from the Medium Density Policy Area Desired Character Statement also relates to the outlook from adjoining properties:

Built form within the Medium Density Policy Area will be carefully managed to ensure that it provides an appropriate transition down in scale and mass to residential development outside of the Policy Area.

The subject land abuts properties located within the Residential Character Zone to the south, which front Seventh Avenue. Separating these properties from the subject land is a private laneway (~3 metres wide), with some of the dwellings fronting Seventh Avenue having outbuildings located along the rear private laneway which would limit views of the proposed residential flat buildings. This laneway provides a transitional area between policy areas/zones in accordance with the Desired Character Statement. Together with amendments which have been made to the design of the rear elevations of the residential flat buildings and the proposed planting of advanced trees along the rear boundary, the impact of the proposal on dwellings in the adjacent Residential Character Zone is considered to have been appropriately managed.

Given the limited visibility to the streetscape, the finishes and architectural detailing to the residential flat buildings are considered to provide adequate visual interest consistent with the Desired Character Statement and City Wide Principle of Development Control 30. The proposed variation in building materials complement the existing residential urban character of the immediate area as called for by City Wide Principle of Development Control 29.

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

Setbacks and Site Coverage

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

Medium Density PA PDC's: 7

City Wide PDC's: 50, 202, 203, 208 & 273

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, while Principle 203 states that the distance between any two-storey component of a dwelling on a battleaxe, hammerhead or similar configuration allotment, and the side or rear boundary of the parent development site, should be no less than 4.5 metres.

Principles 202 and 203 apply to dwellings within the residential flat buildings. All habitable areas of the dwellings achieve the 2.5m criteria, with the exception of the stacked vehicle garaging for Dwellings 1, 2, 5 and 6, which provide a 2.2 metre setback from parent property boundaries.

With the exception of the southern (rear) setback for dwellings 5 & 6 (which are set back 3.16 metres), the dwellings all exceed the 4.5 metre second storey setback policy. Given the private laneway to the rear (southern) boundary, the 1.34m shortfall is considered acceptable.

In terms of site coverage, Principle of Development Control 7 of the Medium Density Policy Area states that the site coverage for all dwelling types (other than detached and semi-detached dwellings) should be designed with a maximum site coverage (inclusive of ancillary structures) of 70%. The proposal is consistent with Principle 7, with the proposed dwellings having a site coverage of 69.6%, excluding common areas.

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 11 states:

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

While no overshadowing diagrams have been provided, the north-south orientation of the subject land is such that the overshadowing impacts from the proposed development would be entirely consistent with the Development Plan criteria.

In terms of privacy, City Wide Principle of Development Control 235 states:

Except where buildings of three or more storeys are contemplated within the Urban Corridor Zone and the District Centre (Norwood) Zone, in all other circumstances upper level windows, balconies, terraces and decks should:

- (a) have a sill height of not less than 1.7 metres above the finished floor level ;or*
- (b) be treated with permanently fixed obscured treatment (such as glazing or adhesive film) in the part of the window below 1.7 metres above the finished floor level ;or*
- (c) be permanently screened to a height of not less than 1.7 metres above the finished floor level, through the use of external screening devices, such as planter boxes and angled louvres*

The applicant proposes screening to upper level windows and balconies in accordance with City Wide Principle 235, in the form of white translucent glazing and horizontally fixed privacy screening. Given that no detail has been provided on the spacing of privacy screening, it is recommended that if the Panel determines to approve the development, conditions of consent be imposed requiring the provision of this detail to the reasonable satisfaction of the Council or its delegate, prior to the issuing of Development Approval. In this light, suggested conditioning has been applied to the application.

Private open space

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

City Wide PDC's: 222-224, 225, 226, 227, 229, 230

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

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

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

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

City Wide Principle 222 states:

“Private open space (land available for the exclusive use of residents of each dwelling) may comprise one or more of the following forms:

- (a) *a ground level courtyard, garden, yard, decking or patio space, or other private open space that:*
- (i) *is screened to achieve privacy from adjoining properties and public areas by a suitable fence of at least 1.8 metres in height. The space should not be located between the primary street frontage and the main face of an existing or proposed building unless high, solid front fences form part of the existing streetscape or the desired character of the locality; and*
 - (ii) *has a minimum dimension of 2.5 metres and a minimum area of 10 square metres;*
- (b) *a roof top outdoor private open space, with a minimum dimension of 2.5 metres provided the area is equal to or greater than 10 square metres; or*
- (c) *a balcony, terrace, or other upper level outdoor areas (other than a roof top outdoor area), with a minimum dimension of 2 metres, provided the area of each is equal to or greater than 8 square metres.”*

All dwellings feature private open space areas which exceed the requirements of Principle 225 (a), with Dwellings 1, 2, 5 & 6 incorporating a combination of ground floor areas and balconies to achieve the requirements of Principle 225. It is also worth noting that this excludes service areas in accordance with Principle 223.

City Wide Principle of Development Control 224(f) and (g) states:

“Private open space should be located and designed:

- (f) *where possible, to have a northerly aspect to provide for comfortable year-round use;*
- (g) *to not be significantly shaded during winter by the associated dwelling or adjacent development;”*

In this respect, all private open space areas maintain a northern access, with Dwellings 1, 2 & 3 are orientated to receive morning sun, and Dwellings 4, 5 & 6 receiving afternoon sun.

On balance, the proposed development is considered to provide acceptable Private Open Space areas.

Car parking/access/manoeuvring

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

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

Tables 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.

Table NPSP/8 states that two (2) occupant car parking spaces should be provided for each two (2) and 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. The proposed dwellings either provide a covered and uncovered occupant vehicle space per dwelling (Dwellings 1, 2, 5 & 6) or two covered parking spaces (Dwellings 3 and 4). In addition, two (2) visitor parking spaces are provided at the rear of the allotment to be

shared amongst the six proposed dwellings (ie. one (1) for every three (3) dwellings). Therefore, there is an overall shortfall of one (1) visitor space associated with the development.

The shared driveway arrangement for all dwellings, including the existing dwellings fronting Gwynne Street, maximises the opportunity for on-street parking, such that if there was over-spill of parking demand onto the street as a result of the visitor parking shortfall, it would be unlikely to impact on the amenity of residents beyond the subject land.

City Wide Principle of Development Control 200 states (amongst other things) that on-site visitor parking spaces for residential flat buildings should be located and designed to be clearly defined as visitor spaces not specifically associated with any particular dwelling. The location of the proposed visitor spaces at the rear of the site and behind dwellings 3 and 4 is not consistent with this policy and is a negative aspect of the proposal. If the Panel determines to grant consent to the application, it is recommended that a condition be imposed, requiring signage to be provided within the first 10 metres of the common driveway area measured from Gwynne Street, directing visitors to parking at the rear of the site.

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 metre x 6 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.

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. While the application provides a combined width of 6 metres, it seeks to provide two 1.5 metre landscaping strips midway along the community driveway, and a 3 metre paved carriageway. While this has the benefit of providing more meaningful landscaping to the community driveway (and the streetscape), it does reduce the width of the vehicle carriageway within this section to below that anticipated by Principle 189.

Given the provision of a 6x6 metre handle for dual access/egress is maintained at the front of the site, and that a 5 metre carriageway is insufficient for vehicles to pass (nor is any vehicle manoeuvring required within this portion of carriageway), the additional landscaping is considered a positive aspect of the proposal. Should the panel determine to approve the development, it has the option to condition this area to widen the carriageway in accordance with Principle 189.

The community driveway provides access to vehicle parking spaces for each dwelling, while a right of way over the community driveway has been provided for rear loaded allotments (existing group dwellings) fronting Gwynne Street. A turnaround area has also been provided at the end of the community driveway, allowing visitors to access and egress from the site in a forward direction in the event that all parking spaces are utilised. In addition, visitor parking has been delineated using paving treatments so as to be not associated with any one dwelling in accordance with Principle 200 (c).

With respect to traffic generation, the increase in traffic in Gwynne Street resulting from an additional six dwellings is insignificant in the context of existing levels and can be reasonably anticipated in light of the policy context whereby there is no maximum stated density for residential flat buildings.

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 PDC's: 53-58, 79, 164, 167-171

City Wide Principle 58 States:

“The combined height of a fence and a retaining wall should not exceed 2.4 metres (measured from the lower of the two adjoining natural ground levels).”

The subject land has a slight incline towards the south eastern corner of the site in the order of 1.13 metres (76.28-77.41), with the finished floor levels for each dwelling slightly rising towards the rear of the site. Dwellings 1 and 6 have a FFL of 77.3 (120-500mm above NGL), Dwellings 2 and 5 have FFL's of 77.35 (270-470mm above NGL) while Dwellings 3 and 4 have a FFL of 77.4 (140-480mm above NGL).

This requires under fence plinths along the eastern boundary, plinths of up to 300mm along the rear southern boundary, and retaining walls of up to 700mm along the western boundary. The applicant has detailed a 1.8 metre woodland grey custom orb corrugated fence to all side boundaries of Lots 301 – 306, creating combined fencing heights up to 2.5 metres in height, thereby slightly exceeding the requirements of Principle 58.

City Wide Principle of Development Control 160 states:

“A development which includes:

- (a) three or more dwellings;*
- (b) the replacement of one dwelling with three or more dwellings on one site, or on separate sites resulting from the land division of the original site; or*
- (c) in the case of a non-residential development, an impervious surface area that is greater than the pre-development state;*

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

The applicant has not provided a stormwater management plan demonstrating compliance with Principle 160. Should the panel elect to grant Planning Consent to the Applications, it is recommended a condition be imposed requiring the provision of a stormwater management plan and a site works plan confirming floor levels to be provided to the satisfaction of the Council, prior to the issuing of Building Rules Consent.

A site survey plan and site works and drainage plan are contained within **Attachment C2** and **C9** respectively.

Waste Collection

The following Development Plan provisions provide guidance with respect to waste collection, storage and disposal:

City Wide Objectives:	23 & 42
City Wide PDC's:	141, 284, 285 & 286

City Wide Principle of Development Control 141 states:

‘Development should enable economic and effective servicing for public transport, recycling and waste collection...’

The Applicant has provided detail demonstrating that each dwelling will utilise the standard residential collection service. Dwelling floor plans indicate storage areas inside the garages/ service yards of each dwelling for the storage of 3 bins (general waste, green waste and recycling), with the site plan (**Attachment G**) displaying the bin placement on the Council verge in front of the subject land. This plan provides 300mm spacing between bins on both sides of the central crossover, for a combined width of 14 metres.

On this basis, the waste collection is considered to satisfy Principle 141.

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
City Wide PDC's: 76, 220, 221 & 288

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

The proposed development includes a landscaping scheme that includes a range of trees, shrubs and ground covers including Viburnum Odoratissimum (Sweet Virburnium), Liriope Samantha, Prunus Cerasifera (Oaksville Crimson Spire) and Lagerstroemia Indica (Crepe Myrtle 'Zuni'). The Oaksville Crimson Spire plantings located to the rear of the subject site (adjacent visitor parking spaces) are to be planted at a mature height of 3 metres, to assist with screening the building from adjacent properties located in the Residential Character Zone. The proposed landscaping will assist in softening the development when viewed from adjacent land.

The proposed landscape scheme and schedule is considered to provide for a reasonably good level of amenity for future occupants of the dwellings, as specified by City Wide Principle of Development Control 221(a).

As detailed in the "Car parking/access/manoeuvring" section of the report, City Wide Principle of Development Control 189 states that the paved carriageway width should be no less than 5.0 metres in width, with 1.0 metre of landscaping, resulting in a total width of paved carriageway and landscaping of 6.0 metres. The proposed development exceeds this requirement with respect to landscaping, providing landscaped areas of up to 1.5 metres in width. Deeper into the allotment, there are landscaped areas in front of Dwellings 1, 2, 5 and 6. Extensive landscaping is also proposed within the rear POS areas of each dwellings, which includes the planting of trees.

On balance, the proposed development is considered to provide a sufficient level of landscaping.

The landscaping plan is contained in **Attachment C8**.

Environmental Sustainability

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

City Wide Objectives: 23, 42
City Wide PDC's: 67-72, 147, 148, 151, 159, 160

None of these proposed dwellings incorporate covered alfresco/verandah areas to their ground level yard areas. That said, it is highly likely that future owners of the dwellings would construct pergolas and/or verandahs in these locations, based on their personal preference and needs, which would provide sun and wet-weather protection to the ground level north facing window/door areas.

The application has been amended to include permeable paving (Boral Hydropave) to the community driveway to allow surface runoff to move into bordering garden beds, which assists to offset the impact of the extensive hard surface areas.

City Wide Principle of Development Control 159 prescribes that new dwellings should be provided with a 2,000 litre rain water tank in order to maximise the use of stormwater collected from roof areas. The site plan by Structural Systems (**Attachment C9**) displays 4,000 litre rainwater tanks to be provided for each dwelling, with 1750L acting as a detention tank and the remaining 2,250 litres used for retention, satisfying Principle 159.

In general terms, the environmental performance of the dwelling is considered to be reasonable.

Summary

The Medium Density Policy Area is intended to accommodate a greater range of dwelling types, at a higher density than the general Residential Zone. The proposed two-storey residential built form is consistent with Principle 7 of the Medium Density Policy Area.

From a design response, the architectural approach is considered to be reasonably compatible and complementary in relation to other residential development within the locality.

The proposed development fails to meet the minimum quantitative provisions of the Development Plan with respect to visitor car parking, the width of the carriageway along the length of the community driveway, the maximum height of combined fencing and retaining walls and fails to meet setback requirements for portions of the dwellings at ground floor and upper floor.

In terms of the qualitative provisions of the Development Plan, the applications provide good solar orientation of the internal living areas and the private open space areas for dwellings, with a reasonable level of landscaping which assists to offset the central paved driveway and provide a high residential amenity, despite the compact allotment size. While the extent of hard paved surfaces is considered to be a negative aspect of the proposal, with this form of development at the density allowed within the Medium Density Policy Area, it is largely unavoidable.

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

RECOMMENDATION 1

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/C067/19 by Mr G Yu to undertake a Community Title Land Division (Creating six Community Lots) at 28&30 Gwynne Street, Firlie.

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:

- Community Title Plan of Division (Reference Number GB2855DACP Revision 4 Dated 27/10/2020) prepared by Bartlett Drafting & Development.

SCAP Conditions of Consent

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0092211)

SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek writing agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

2. Payment of \$38,080.00 into the Planning and Development Fund 5 allotment/s @ \$7,616.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.

3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

Council Conditions

Nil

Council 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 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 24 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.

RECOMMENDATION 2

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/829/19 by Mr G Yu for the Construction of two, two-storey residential flat buildings each containing three dwellings, associated retaining walls, fencing and landscaping, subject to the following conditions:

Relevant Plans

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

- Plans and elevations (Project Number 21.2019) prepared by SPECTRATECTVS (Sheet No. 03, 04, 05, 06, 07 and 08) dated 29 April 2021
- Site Plan by STRUCTURAL SYSTEMS (Job No. DT 201010 Dwg 01 Issue 2) dated 22/02/21

Council Conditions

1. A sign with a minimum area of 0.2m² shall be installed within the first 10 metres of the common driveway area measured from Gwynne Street, directing visitors to parking at the rear of the site, to the reasonable satisfaction of the Assessment Manager.
2. The portion of the 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 (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).
3. Details of balcony screening are to be provided to the reasonable satisfaction of the Assessment Manager, prior to the issuing of Development Approval.
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 either the adjacent street kerb & water table or a Council underground pipe drainage system.
5. A Stormwater Management Plan shall be provided for the development. Calculations are required to demonstrate detention storage meets the minimum requirements of Council. The detention requirements for the site are to detain the post development 1 in 100 year ARI storm event, with discharge being at the pre development 1 in 5 year ARI rate. The Stormwater Management Plan is to conform to the Council's Urban Services requirements, prior to the granting of Development Approval.
6. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.

Council Notes to Applicant

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

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

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

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

Mr Boulton addressed the Council Assessment Panel from 9:43pm until 9:48pm
Mr Heynen addressed the Council Assessment Panel from 9:49pm until 9:50pm

**MOTION 1
MOVED**

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/C067/19 by Mr G Yu to undertake a Community Title Land Division (Creating six Community Lots) at 28&30 Gwynne Street, Firlie.*

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:

- *Community Title Plan of Division (Reference Number GB2855DACP Revision 4 Dated 27/10/2020) prepared by Bartlett Drafting & Development.*

SCAP Conditions of Consent

1. *The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0092211)*

SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek writing agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

2. *Payment of \$38,080.00 into the Planning and Development Fund 5 allotment/s @ \$7,616.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and*

Infrastructure marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.

3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

Council Conditions

Nil

Council 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 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 24 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.

Seconded and Carried

**MOTION 2
MOVED**

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/829/19 by Mr G Yu for the Construction of two, two-storey residential flat

buildings each containing three dwellings, associated retaining walls, fencing and landscaping, subject to the following conditions:

Relevant Plans

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

- Plans and elevations (Project Number 21.2019) prepared by SPECTRATECTVS (Sheet No. 03, 04, 05, 06, 07 and 08) dated 29 April 2021
- Site Plan by STRUCTURAL SYSTEMS (Job No. DT 201010 Dwg 01 Issue 2) dated 22/02/21

Council Conditions

1. A sign with a minimum area of 0.2m² shall be installed within the first 10 metres of the common driveway area measured from Gwynne Street, directing visitors to parking at the rear of the site, to the reasonable satisfaction of the Assessment Manager.
2. The portion of the 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 (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).
3. Details of balcony screening are to be provided to the reasonable satisfaction of the Assessment Manager, prior to the issuing of Development Approval.
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 either the adjacent street kerb & water table or a Council underground pipe drainage system.
5. A Stormwater Management Plan shall be provided for the development. Calculations are required to demonstrate detention storage meets the minimum requirements of Council. The detention requirements for the site are to detain the post development 1 in 100 year ARI storm event, with discharge being at the pre development 1 in 5 year ARI rate. The Stormwater Management Plan is to conform to the Council's Urban Services requirements, prior to the granting of Development Approval.
6. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.
7. Casual surveillance be provided to the central driveway from the upper level habitable areas to the reasonable satisfaction of the Council or its delegate.
8. The landscaping plan is amended with increase soft landscaping to common areas.

Council 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 24 months of the date of this notice unless full Development Approval has been obtained.*
7. *The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

Seconded and Carried

2. STAFF REPORTS

2.4 DEVELOPMENT APPLICATION 155/374/2020 – MR M COOPER – 92A OSMOND TERRACE, NORWOOD

DEVELOPMENT APPLICATION:	155/374/2020
APPLICANT:	Mr M Cooper
SUBJECT SITE:	92A Osmond Terrace, Norwood (Certificate of Title Volume: 6207 Folio: 360)
DESCRIPTION OF DEVELOPMENT:	Construction of a two-storey residential flat building (comprising two dwellings) with associated basement car parking and two inground swimming pools
ZONE:	Residential Character (Norwood) Zone – Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
PUBLIC NOTIFICATION CATEGORY:	Category 2

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application involving the construction of a two-storey residential flat building (comprising two dwellings) with associated basement car parking and two inground swimming pools.

Staff do not have delegated authority to determine application, as it was subject to Category 2 public notification a representation was received, in opposition to the application with the representors wishing to be heard in support of their representation.

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:	20.8 metres
Depth:	61.26 metres
Area:	1,051m ²
Existing Structures:	vacant land
Existing vegetation:	a small concentration of small trees and vegetation within the north-western section of the land situated behind the existing front masonry boundary wall.

A Community Title Land Division (Application No. 155/C047/20) was lodged on 30 September 2020 and granted Approval of 6 November 2020. The land division resulted in the creation of two (2) Community Lots fronting Osmond Terrace.

Locality Attributes

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

Osmond Terrace is characterised predominately by large detached dwellings on spacious allotments, with established street trees and a wide centrally-located landscaped boulevard. The locality is characterised by a wide range of dwelling types and styles, including several original detached dwellings with heritage significance, later detached dwellings of various age and style and medium density infill in the form of residential flat buildings.

To the south of the subject land (92 Osmond Terrace) is a large single-level asymmetrical Late-Victorian dwelling with gable roof elements with a front return verandah. The building is a Local Heritage Place (LHP) and was originally constructed between 1885 – 1887 as a dwelling with eight rooms, gardens and a paddock. A substantial two – three addition has been undertaken recently to the rear of the LHP. An original bluestone masonry front wall spans across the property frontage of the subject land the neighbouring LHP. In addition to 92 Osmond Terrace, there are several dwellings that are Local Heritage Places situated on the eastern side of Osmond Terrace between The Parade and Kensington Road including 88-90, 94-96, 112, 114A and 124 Osmond Terrace.

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

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

Proposal in Detail

The Applicant is seeking consent to construct a two-storey residential flat building (comprising two dwellings) with associated basement car parking. In addition to this, each dwelling is proposed to have an inground swimming pool.

At ground level, each of the two dwellings comprise an open plan living/dining/kitchen area, a separate living area, a study, laundry, a bathroom and an alfresco area. At the upper level, each dwelling comprises three bedrooms, bathrooms areas and a “theatre room”. A seven vehicle basement car parking garage is situated beneath the ground level of both dwellings. In addition to a 1.0 metre wide pedestrian opening for the northernmost dwelling, a 4.4 metre wide opening is proposed to be created in the existing bluestone masonry front wall in order to enable vehicular access and egress to the basement garage. The basement area is to contain storage areas for each of the two dwellings.

The residential flat building has a rectilinear design appearance with an overall horizontal massing that is broken up by a combination of vertically proportioned windows to the outer sections of the front facade and recessed balcony areas along with framed-out feature facade elements, vertical sunshade elements with concealed roof areas. The residential flat building is to have a combination of face brickwork (“Bowral Blue”), timber cladding (charred ash or similar) and rendered external walls (colours Dulux “Natural White” and Colorbond “Woodland Grey”).

The proposal also includes an inground swimming pool for each dwelling and a landscaping scheme for the front yard areas of both dwellings.

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 (northernmost dwelling)	Dwelling 2 (southernmost dwelling)	Development Plan Merit Assessment Quantitative Guideline
Site Area	474m ²	508m ²	No minimum
Site Width		20.8m	18m (total development site frontage)
Site Depth		61.26m	N/A
External Wall Height*		8.2m	N/A
Maximum Overall Height (to roof apex)*		8.2m	Two-storey
Floor Area (total)	361m ²	364m ²	Dwellings - 100m ² minimum internal living
Site Coverage		40%	N/A
Private Open Space	106m ² or 22% of the site.	106m ² or 21% of the site.	20% of the site
Street Set-back	15m	17.1m	N/A
Side Set-back Ground Level (southern side)	1.5 – 2.7m	1.5 – 2.7m	N/A
Side Set-back Upper Level (northern side)	1.5 – 2.8m	1.5 – 2.8m	N/A
Rear Set-back	12.8m to ground level 12.8m to upper level	11m to ground level 11m to upper level	4.0m (single-storey) 6.0m (two-storey)
Car Parking Provision	3 spaces	4 spaces	Residential - 2 spaces per dwelling plus 1 visitor space for every 2 dwellings for a development of up to 10 dwellings

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

Notification

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

Two (2) representations were received (both opposed). The key issues raised by the representors are, in summary:

- inappropriate two-storey streetscape response;
- insufficient setback from the northern side boundary;
- the heritage masonry front fence should not be demolished to the extent proposed; and
- the undercroft is an inappropriate streetscape response to Osmond Terrace.

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

Both representors, Michael Mifsud and Bernadette Metcalfe, desire to be heard personally by the Panel in support of their representations.

The Applicant, Mr Matthew Cooper, has responded to the representations received and a copy of his response is contained in **Attachment D**.

State Agency Consultation

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

Discussion

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

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

Land Use

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

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

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

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

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

And

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

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

In this instance, the subject land has a frontage width of 20.8 metres, consistent with Principle 10.

Zone Principle of Development Control 11 states that dwellings contained within a residential flat building with three or more bedrooms, should have a minimum floor area per dwelling of 100m². Both dwellings have four bedrooms with the proposed floor areas ranging between 361 - 364m².

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

Streetscape/bulk/scale/height/character

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

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

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

Unlike dwellings on sites identified on Concept Plan Fig RC(N)/1, which are required to have a single storey presentation to the street, as the subject land is not a site identified on Concept Plan Fig RC(N)/1, it is able to be developed with dwellings which present an outwardly two storey appearance to the street.

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

“The design of buildings will be innovative and contemporary”

The Desired Character Statement goes on to state:

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

While the proposed dwellings have large areas of glass facing the street, particularly at the upper level, vertical steel sun shades are proposed in front of a large portion of the glass, thereby ensuring it is not 'unbroken'.

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

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

Whilst the provision of an undercroft garage is at odds with Principle 18, the impact on the streetscape is minimised through the retention of the heritage masonry bluestone front wall. The proposed opening in the wall is minimised (being 4.4m), so that views of the undercroft garaging would be limited to directly in front of that small section of the frontage.

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

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

Heritage

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

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

The subject land is situated between two Local Heritage Places located at 88-90 Osmond Terrace (Federation Bungalow Dwelling) and 92 Osmond Terrace (a Late Victorian Bluestone Dwelling).

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

City Wide Principle of Development Control 359 states:

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

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

City Wide Principle of Development Control 361 states:

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

The Application was referred to the Council's Heritage Advisor, David Brown, for comment. Mr Brown is of the view that the contemporary design approach of the building has some regard to its context, and that the proposal is generally acceptable in terms of its impact on the two adjacent Local Heritage Places. In particular, the main complementary elements of the proposed design include the choice of materials (including bluestone blade walls to the front elevation to match the existing masonry bluestone front fence), vertically proportioned window and door openings to street elevation and an overall height that matches the ridge line of the directly adjacent Local Heritage Place at 92 Osmond Terrace.

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

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

One of the representors made reference to the existing front masonry wall and that it should not be demolished to the extent that is proposed. Whilst the original bluestone masonry wall is not specifically listed as a Local Heritage Place in its own right, the wall is covered by the listing of the property as a whole. A total of two (2) openings (ie. a 1.1 metre wide opening for pedestrian access to the northernmost dwelling and a 4.4 metre wide opening for the shared driveway) are proposed in the existing front masonry wall. A conventional approach could have been to create two pedestrian openings and two driveway openings for each dwelling within the existing masonry wall. In this context, this aspect of the proposed development is considered to be a positive response in that impact upon the original bluestone wall is minimised.

Setbacks and Site Coverage

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

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

The Residential Character (Norwood) Zone does not specify minimum front setbacks.

City Wide Principle of Development Control 359(b) and 205 state respectively:

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

(b) width of frontage and boundary setback patterns;”

and

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

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

The adjacent original form of the single-storey Local Heritage Place at 92 Osmond Terrace has a 19.7 metre setback to the main facade. The adjacent two-storey Local Heritage Place to the north at 88 – 90 Osmond Terrace has a front setback of between 10.5 – 13.5 metres to the main facade.

The proposed building is set back from the Osmond Terrace property boundary ranging from 15 – 17.1 metres. The proposed setback is based on advice which was provided by the Council (via its Heritage Advisor, David Brown) to prospective purchasers of the land when it was being offered for sale. In particular, a diagram was provided, showing a notional setback arc between the two adjacent Local Heritage Places.

The proposed staggered front setback of the two-storey building is considered to be compatible with the setbacks of the directly adjacent local heritage places, consistent with the siting design considerations detailed in part (b) of Principle 359.

With respect to Principle 205 and in particular, applying part (c), the setback of the residential flat building should be 19.7 metres given that the dwelling at 92 Osmond Terrace is single-storey. Being less than the required 19.7 metres is a negative aspect of the proposal.

However, the proposed staggered front setback of the residential flat building is considered acceptable for the following reasons;

- the proposed side boundary setbacks create space between the proposed building and the two Local Heritage Places (ie. 5.6 metres to the northern building and 2.9 metres to the southern building);
- other buildings along the eastern side of Osmond Terrace, located between The Parade and William Street have highly varied setbacks and the large setback of 92 Osmond Terrace is an anomaly

For the ground level and the second-storey, the side setback from the northern side and southern side boundaries ranges from 1.5 – 2.8 metres.

At the closest point to the northern elevation of the newly constructed dwelling addition at 92 Osmond Terrace, there are two windows including a bedroom and a window to the associated walk-in-robe. Set further back from this neighbouring dwelling's northern side boundary, is a covered alfresco area thereby limiting the outlook from the north facing windows of the open plan living/kitchen/dining area that directly look onto the proposed residential flat building.

In terms of the neighbouring dwelling to the north at 88 – 90 Osmond Terrace, this property has an attached carport situated on its southern side boundary with a driveway area beyond this towards the east leading to a freestanding garage situated in the south-eastern corner of this property. In this context, the occupiers of 88-90 Osmond Avenue will have a relatively peripheral outlook from their internal living areas onto the subject land and the proposed two-storey building.

The proposed ground level and the second-storey are set back from the eastern (rear) boundary by between 11 and 12.8 metres. Residential Character (Norwood) Zone Principle of Development Control 12 prescribes that the minimum setback from a rear boundary for single-storey and two-storey development should be 4.0 metres and 6.0 metres respectively. The proposal is consistent with these criteria.

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

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

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

Private open space

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

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

City Wide Principle of Development Control 225 states:

“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;”*

The proposed dwellings each include approximately 106m² of private open space, with the proposed areas of private open space equating to 21 and 22% of the southernmost and northernmost dwellings site areas respectively which in turn satisfy the minimum provision of 20%, prescribed by Principle 225(a).

The private open space area includes an open covered alfresco areas, which are situated to the rear of dwelling. Due to the east-west orientation of the subject land, the private open space areas are relatively compromised in their orientation for access to northern sunlight. In terms of links to the proposed internal ground level living areas of each dwelling, the links to the outdoor areas are considered functional and as such, this is a positive aspect of the proposal.

Overshadowing/Overlooking

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

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

City Wide Principle of Development Control 196 states:

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

The Applicant has provided shadowing diagrams to demonstrate the extent of overshadowing that would result from the proposed development during the winter solstice. In relation to 92 Osmond Terrace, which is directly south of the subject land, the shadowing analysis demonstrates that the property will experience some shadowing to its open rear yard during both the morning to midday period and to a greater extent in the late afternoon period. That said, the ground floor yard area of 92 Osmond Terrace will continue to receive direct sunlight to their private open space area as prescribed by Principle 196.

In terms of visual privacy from the proposed dwellings, all of the south, east and north facing upper level windows and balcony areas incorporate a combination of 1.8 – 2.1 metre high sill levels and privacy screening respectively above the internal upper floor level. The proposed privacy measures are consistent with City Wide Principle of Development Control 235, which seeks privacy treatment to a height of 1.7 metres. In any event, if the Panel determine to approve the proposed development, it is recommended that a condition be imposed reiterating these screening measures for the windows areas.

Car parking/access/manoeuvring

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

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

Table NPSP/8

City Wide Principle of Development Control 120 states that development should include on-site car parking in accordance with the rates prescribed in Table NPSP/8. In relation to residential flat buildings, Table NPSP/8 states that three (3) on-site car parking spaces should be provided for each four (4) or more bedroom dwelling, of which at least two (2) should be covered. In addition, one (1) visitor space should be provided for every two (2) dwellings up to ten (10) dwellings.

The northernmost dwelling is proposed to have three (3) car parks within the basement car park whereas the southernmost dwelling is provided with four (4) car parks resulting in a total of seven (7) spaces as part of the proposal.

The two (2) dwellings result in a demand of six (6) spaces, plus a demand of (1) visitor space. Applying the requirements prescribed in Table NPSP/8, the proposed development satisfies the overall required number of car parking spaces albeit the required visitor space would be located within the designated parking area associated with the southernmost dwelling's garage area and only accessible to visitors visiting the occupiers of this dwelling. On balance, although the development results in the visitor space not being accessible to visitors of both dwellings, this shortcoming is not considered fatal to the Application.

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

“driveways should:

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

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

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

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

Trees (significant, mature & street) and landscaping

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

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

The subject land currently contains several small non-descript trees adjacent the front western and northern side property boundaries, none of which are regulated.

The Applicant has provided a landscaping plan and schedule, which specifies a range of ornamental trees (ornamental pear), hedge plantings (Murraya Min a Min), shrubs (Phormium Dwarf Burgundy Flax and Salvia nemorosa 'Blauhugel Blue Hills') and lawn turf types.

In addition to this, the two regulated palm trees that were originally part of the garden of the adjacent Local Heritage Place at 92 Osmond Terrace are proposed to be relocated to the front of the yard areas of the two new dwellings.

In combination with the two (2) relocated regulated palm trees, the proposed landscaping is considered to enhance the amenity of the proposed residential flat building, particularly given the extent of hard paving required for the driveway area. In this context, the provision of landscaping is considered to be acceptable and will complement the development.

Finished floor levels/flooding/retaining

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

City Wide Objectives:	v42, 43 & 44.
City Wide PDC’s:	147, 148, 149, 151, 154, 155, 157, 160 & 161.

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

Stormwater disposal from the roof area and the surrounding ground surface area can be disposed of to the Osmond Terrace street water table by gravity. The ground runoff from the driveway area is to be collected by a sump located in the front of the basement garaging and pumped back to the street water table. In this context, stormwater disposal is considered to be acceptable.

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

Environmental Sustainability

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

City Wide Objectives: 23 & 42.
City Wide PDC's: 67-72, 147, 148, 151, 154, 159 & 160.

Having regard to the east-west orientation of the subject land it is considered that the siting of the residential flat building and the proposed floor and private open space layouts, the proposal will only optimise exposure to natural light for the northernmost dwelling, which is inconsistent with City Wide Principles 67 and 68.

With regard to Principle 69, which seeks that development minimises energy consumption by incorporating, where practicable, energy efficient building design elements, it is noted that the northern elevations of the northernmost dwelling has a combination of minimal horizontally and vertically proportioned window areas which in turn minimises the extent of direct sunlight (ie. heat loading) to these windows. In terms of the western facing windows, the ground level windows are recessed beneath the upper levels whereas the upper level windows are recessed under the roof areas and also incorporate vertically fixed steel sunshades to at least half of the street-facing balcony areas. In this context, the western facing windows will experience minimal heat loading in the summer months which in turn is considered to be a positive aspect of the proposal.

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

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

Summary

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

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

The Zone anticipates development up to two-storeys in height. The two-storey building height is consistent with this policy.

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

A minor shortcoming of the proposal is a lack of a shared visitor car parking space between both dwellings. In terms of the qualitative provisions of the Development Plan, only the northernmost dwelling has good orientation of internal living areas and private open space areas for solar access.

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

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application Number 155/374/20 by Mr M Cooper to undertake the construction of a two-storey residential flat building (comprising two dwellings) with associated basement car parking and two inground swimming pools, on the land located at 92A Osmond Terrace, Norwood, subject to the imposition of the following conditions and notes:

Relevant Plans

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

- plans and elevations (Drawing Numbers 3334.02 Revision 12; 3334.03 Revision 12; 3334.04 Revision 12; 3334.05 Revision 12; 3334.06 Revision 12; 3334.07 Revision 12; 3334.08 Revision 12; and 3334.09 Revision 120 prepared by Flightpath Architects Pty Ltd.

Conditions

1. A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land being maintained at pre-development levels and includes investigation of the possible use of the stormwater easement to the east of the land to avoid reliance on pumps. On-site detention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.
2. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the final landscaping plan and schedule, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.
3. Each dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres), or alternatively, an four kilolitre (4000 litres) communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m² of its roof catchment area to the communal tank and in either case, water shall be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.
4. 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.
5. 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.
6. 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.

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

Notes to Applicant

1. The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

2. The granting of this 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 requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission available at www.lsc.sa.gov.au. Alternatively a hard copy can be mailed to you on request by contact the Planning Department on 8366 4530 or 8366 4508.

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

3. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Development Officer, Building, prior to any works being undertaken. Further information may be obtained by contacting the Council's Urban Services Department on 8366 4576.

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

4. This Development Plan Consent will lapse within 24 months of the date of this notice unless full Development Approval has been obtained.
5. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate. It is recommended that a building identification survey plan be obtained by a licensed surveyor prior to the development being undertaken, so as to avoid any encroachment onto adjoining land, Building Code compliance issues, and to ensure the development is sited in accordance with this consent/approval.

Mr Mosel declared a conflict of interest for item 2.4

Mr Mosel asked The Panel to elect an Acting Presiding Member to chair item 2.4

Motion was put that Mr Smith act as Presiding Member for item 2.4

Seconded and Carried

Mr Mosel left the meeting at 10:25pm

Ms Metcalfe addressed the Council Assessment Panel from 10:26pm until 10:35pm

Mr Cooper addressed the Council Assessment Panel from 10:36pm until 10:41pm

MOVED

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application Number 155/374/20 by Mr M Cooper to undertake the construction of a two-storey residential flat building (comprising two dwellings) with associated basement car parking and two inground swimming pools, on the land located at 92A Osmond Terrace, Norwood, subject to the imposition of the following conditions and notes:

Relevant Plans

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

- plans and elevations (Drawing Numbers 3334.02 Revision 12; 3334.03 Revision 12; 3334.04 Revision 12; 3334.05 Revision 12; 3334.06 Revision 12; 3334.07 Revision 12; 3334.08 Revision 12; and 3334.09 Revision 120 prepared by Flightpath Architects Pty Ltd.

Conditions

1. A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land being maintained at pre-development levels and includes investigation of the possible use of the stormwater easement to the east of the land to avoid reliance on pumps. On-site detention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.
2. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the final landscaping plan and schedule, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.
3. Each dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres), or alternatively, an four kilolitre (4000 litres) communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m² of its roof catchment area to the communal tank and in either case, water shall be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.
4. 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.

5. *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.*
6. *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.*
7. *The portion of the upper floor windows and balcony on the northern, eastern and southern sides, less than 1.7 metres above the floor levels, shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person from the balcony to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, wing walls, solid or translucent panels or perforated panels or metal trellises which have a maximum of 24% openings).*
8. *An intercom system shall be installed within the driveway area so that visitors can contact an occupier within the southernmost dwelling in order to achieve remote access to the visitor car parking space within the basement garage. Details of the chosen system shall be provided to the reasonable satisfaction of the Council or its delegate prior to the granting of Development Approval.*

Notes to Applicant

1. *The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.*

2. *The granting of this 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 requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission available at www.lsc.sa.gov.au. Alternatively a hard copy can be mailed to you on request by contact the Planning Department on 8366 4530 or 8366 4508.

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

3. *The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Development Officer, Building, prior to any works being undertaken. Further information may be obtained by contacting the Council's Urban Services Department on 8366 4576.*

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

4. *This Development Plan Consent will lapse within 24 months of the date of this notice unless full Development Approval has been obtained.*

5. *The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate. It is recommended that a building identification survey plan be obtained by a licensed surveyor prior to*

the development being undertaken, so as to avoid any encroachment onto adjoining land, Building Code compliance issues, and to ensure the development is sited in accordance with this consent/approval.

Seconded and Carried

Mr Mosel returned to the meeting at 11:03pm

2. STAFF REPORTS

2.5 DEVELOPMENT APPLICATION 155/860/2020 – MR BRETT ANTHONY – 57-61 PORTRUSH ROAD, PAYNEHAM

DEVELOPMENT APPLICATION:	155/860/2020
APPLICANT:	Mr Brett Anthony
SUBJECT SITE:	57-61 Portrush Road Payneham (Certificates of Title: Volume: 5338, Folio: 399 Volume: 5338, Folio: 400)
DESCRIPTION OF DEVELOPMENT:	Alterations and additions to a funeral home
ZONE:	Mixed Use Historic (Conservation) Zone – Portrush Road Policy Area, Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for alterations and additions to a funeral home located at 57-61 Portrush Road, Payneham.

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	43.74 metres to Portrush Road
Depth:	41 metres to Albert Street
Area:	1789.6m ²
Topography:	level ground surrounding the proposed addition
Existing Structures:	single storey building used as a funeral home with car parking
Existing Vegetation:	established gardens including several mature trees

The subject land is located on the north-eastern corner of Portrush Road and Albert Street, and comprises two titles with a total frontage to Portrush Road of 43.74 metres, and a secondary frontage to Albert Street of 41 metres.

The subject land contains a double fronted stone building listed as a Local Heritage Place, which was constructed in the late 1880's for use as a commercial building. It is located on the primary street boundary, and in close proximity to the secondary street frontage (Albert Street), and features a non-original single storey addition to the rear (west). The original land-use was as a commercial premises before being converted to an undertakers in the late 1890's, and has continued use as a funeral parlour since then.

Areas to the side (south) and rear (west) of the building feature fenced landscaped areas, with a parking area beyond providing thirty (30) parking spaces. The car parking area is accessed from both Portrush Road and Albert Street.

Locality Attributes

Land uses: mix of residential and commercial
Building heights (storeys): range of heights up to two (2) storeys

The subject land is bounded to the south by single storey office buildings at 63 and 65 Portrush Road, and to the west by residential properties fronting Albert Street. Residential properties are also located opposite the subject land on the eastern side of Portrush Road. The locality is mostly single storey, with the dwelling to the west of the subject land the only two storey building within the immediate locality.

The Mixed Use Historic (Conservation Zone) Portrush Road Policy Area encompasses 11 properties fronting Portrush Road, which are located to the north and the south of the subject site.

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

Proposal in Detail

The Applicant seeks consent to undertake Alterations and additions to a funeral home at 57-61 Portrush Road Payneham.

The existing single storey flat roofed addition is to be removed and is to be replaced by a new building footprint of 102m² which features a larger chapel to seat up to 80 persons, toilets and associated floor area. The proposal features a skillion roof, and is of lightweight construction, clad in corrugated Iron (cream colour) to match the existing building, with expanses of glazing addressing the Albert Street frontage.

A new verandah is also to be constructed on the southern side of the building between the existing kitchen and coffin display area.

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

Notification

The proposal has been identified and processed as a Category 3 form of development. No representations were received in response to the notification.

State Agency Consultation

No state agency referrals were required by Schedule 8 of the Development Regulations for the Application.

Discussion

The subject land is located within the Mixed Use Historic (Conservation) Zone of the Norwood, Payneham and St Peters (City) Development Plan within the Portrush Road Policy 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

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

City Wide Objective 113

Mixed Use Historic (Conservation) Zone Desired Character Statement

Mixed Use Historic (Conservation) Zone Objective 3

Mixed Use Historic (Conservation) Zone Principle of Development Control 4 & 9

Objective 3 of the Mixed Use Historic Conservation Zone states:

“Development within the zone should restore and rehabilitate existing heritage places and Contributory Items and may incorporate compact extensions to buildings of a scale, bulk and external appearance which is sympathetic to the historic character of the building and the policy area.”

The addition is located at the rear of the building, and is of a similar bulk and scale, consistent with Objective 3 of the zone.

City Wide Objective 113 states:

“The continued use, or adaptive reuse, of State and Local Heritage Places that supports their ongoing retention and conservation.”

The proposed development expands on the existing lawful use of the site, to create additional functionality within the funeral parlour, by providing a larger chapel. The applicant has advised that the existing chapel (located within the original portion of the building) is no longer large enough to cater for their needs. The application is for an additional 102m² of floor area, for a total floor area of 314.3m². The proposal is considered to assist with the ongoing retention and conservation of the building, consistent with Objective 113.

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:

Mixed Use Historic (Conservation) Zone Desired Character Statement

Mixed Use Historic (Conservation) Zone Objective: 1

Mixed Use Historic (Conservation) Zone Principle of Development Control: 1, 3, 5, 6, 11

City Wide Objective: 18, 19, 20, 62, 63, 64, 65,

City Wide Principles of Development Control: 28, 30, 32, 33, 35, 37, 45, 260, 262, 263, 265 & 267

The Desired Character Statement for the Mixed Use Historic (Conservation) Zone states:

“Extensions and additions to heritage places and contributory items, where possible, will be undertaken at the rear of a building and preferably not be visible from the primary street frontage. They will be in a style which reflects the form and detailing of the original sections of the building and will be similar in scale to the original building.”

Principle of Development Control 6 of the Mixed Use Historic (Conservation) Zone states:

“Development in the Mixed Use Historic (Conservation) Zone should:

- (a) ensure coherence at street level and compatibility with adjacent buildings in the treatment of signage, canopies, shopfronts and level of visual interest (based on the consideration of the composition of the buildings and overhanging fabric such as cornices);*
- (b) be compatible with street frontage of adjacent buildings and the desired street frontage in the area;*
- (c) establish horizontal and vertical subdivisions and upper level setbacks compatible with the form and context of adjacent buildings;*
- (d) be of a high-quality, contemporary design that reinforces the siting and alignment patterns prevailing in the streetscape;*
- (e) be designed to be of a bulk, scale and visual interest at least equal to that of the adjacent buildings in the streetscape, where:*
 - (i) the development is situated on land in a strategic or prominent location, such as a corner;*
 - (ii) the development is at the termination of a vista; or*

- (iii) a strong street presence is desirable; and for each of the above, the heritage value or historic character of the locality is not diminished;*
- (f) locate car parking to the rear of buildings;*
- (g) be undertaken to street alignment with, where appropriate, verandahs constructed over the footpath on main-street frontages.”*

The proposed addition is located to the rear of the building, and features a skillion roof of a similar height to the original building’s parapet, while the verandah is proposed to be constructed on the southern side of the building. Both of these additions are considered to satisfy Objective 1 and Principle 6 of the Zone.

The built form is a distinctly contemporary, featuring expansive areas of glazing to the Albert Street façade, with the height of the addition similar to that of the Local Heritage Place.

The application was referred to the Council’s Heritage Advisor, David Brown, for advice on the heritage implications of the application. In summary, Mr Brown has advised:

“The proposal is for a large addition to the rear of the existing building. A similar application was lodged back in 2009 and was supported from a heritage perspective.

This proposal is to rework the existing lean-to rear addition to the corner site and extend it further back. It is a relatively economical design response being constructed of light weight walls with corrugated metal cladding.

As the addition is at the rear and does not physically impact the original building and its side addition, it is generally acceptable. There is some impact on the streetscape to Albert Street, but this is not the primary façade, and the proposed new work is relatively simple and understated. The side addition of the vergola roof will not be seen from the street, and is readily removed, so is also acceptable. “

A copy of the advice received from Mr Brown is contained in **Attachment C**.

Having regard to Mr Brown’s advice, it is considered that the proposal accords with the policies contained within the Development Plan which apply to development on the site of a Local Heritage Place.

Setbacks and Landscaping

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

Mixed Use Historic (Conservation) Zone Principle of Development Control: 10

City Wide Objective 24

City Wide Principles of Development Control: 50, 51, 73, 74, 76 & 77

The Desired Character Statement for the Portrush Road policy area states:

“The Portrush Road Policy Area will continue to provide a mix of residential and commercial uses, such as offices and consulting rooms, in adapted historic dwellings, without altering the streetscape character of the heritage place or contributory item. In particular, the Policy area will protect the historically significant Funeral Parlour, located at 59 Portrush Road, Payneham.

New development will reflect the existing pattern of development and the consistent setbacks, and will ensure that the original elements of the built form are retained, such as verandahs, original openings (ie doors and windows) in external walls, and façade treatments..”

Principle 10 of the Mixed Use Historic Conservation Zone, states:

“Frontage and side boundary set-backs of development should be similar to the predominant pattern established by heritage places and contributory items in the immediate locality, with particular regard to adjacent heritage places and contributory items.”

The proposed building is set back the same distance from Albert Road as the façade of the Local Heritage Place on the subject land. Therefore, the proposal is consistent with Principle 10 of the zone. The proposal is also separated from residential allotments to the rear by the existing carpark.

The application does propose some additional landscaping behind boundary fencing along the Albert Street frontage. Existing mature trees on the subject site are also shown to be retained despite the proximity to the new addition. The Council's City Arborist has reviewed the application and advised that the trees are not Regulated Trees. Given the constraints of the site (no front setback) and existing parking areas to be maintained, there is limited ability to provide additional landscaping on site. The amount of landscaping that is provided is similar to other commercial sites contained within the locality and as such, the provision of landscaping is considered to be acceptable.

Carparking/access/manoeuvring

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

Mixed Use Historic (Conservation) Zone Desired Character Statement

Mixed Use Historic (Conservation) Zone Principle of Development Control: 17

City Wide Objective: 34

City Wide Principles of Development Control: 98, 102, 113, 115, 118, 119, 120, 122, 123, 124, 130 & 134

City Wide Principle 122 states;

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

- (a) development includes affordable housing or student accommodation; or*
- (b) sites are located within 200 metres walking distance of a convenient and frequent service fixed public transport stop; or*
- (c) mixed use development including residential and non-residential development has respective peak demands for parking occurring at different times; or*
- (d) the proposed development is on or adjacent to the site of a heritage place, or includes retention of a desired traditional building and its features, which hinders the provision of on-site parking or the most effective use of the spaces within the site; or*
- (e) the parking shortfall is met by contribution to a Car Parking Fund (where one is available); or*
- (f) the development qualifies for certification under the Green Energy rating program, or similar program; or*
- (g) where it can be demonstrated that it would not result"*

The application maintains the existing access and parking arrangements on the subject site, which provides 30 parking spaces at the rear and side of the site.

Table NPSP/9 of the Council's Development Plan provides off street vehicle parking requirements for non-residential land uses, however no rate is provided for a funeral home.

The Aurecon report *Guideline for Greater Adelaide: Parking Spaces for Urban Places* lists a recommended rate of 0.3 parking spaces per patron for a funeral home. The application details that the chapel will accommodate up to 80 persons, with 3 on site staff, creating a total demand of 25 parking spaces (rounded up), which can be accommodated within the existing car park.

It is not considered necessary to impose a condition limiting the number of patrons within the chapel, as the floor area will largely dictate its capacity and in any event, the number of car parking spaces available exceeds the demand created by the capacity.

It is noted that a vacant space has not been provided adjacent to the accessible parking space in accordance with AS2890.1. The provision of the required space will result in the loss of 1 vehicle space, however the application still satisfies the parking requirements set out above.

On balance, the amount of car parking proposed is considered appropriate.

Summary

The proposal is to demolish existing non-original additions to a Local Heritage Place, and to construct a new larger contemporary addition which assists to ensure the continued use of the building, which in turn supports its ongoing retention and conservation. Due to a previous over-supply of parking spaces, the existing parking arrangement satisfies the relevant parking criteria to accommodate the additional floor area and patron numbers.

From an appearance perspective, the skillion roof addition is sited behind the Local Heritage Place and as such does not impact the Portrush Road streetscape, while being of a similar scale to that of the Local Heritage Place façade along the Albert Street Frontage.

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 155/860/2020 by Mr Brett Anthony to undertake alterations and additions to a funeral home on the land located at 57-61 Portrush Road Payneham subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans by Anthony & Associates (Job No 1313 No. 1-5), dated 04 February 2021.

Conditions

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

MOVED

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/860/2020 by Mr Brett Anthony to undertake alterations and additions to a funeral home on the land located at 57-61 Portrush Road Payneham subject to the following requirements, conditions and notes:*

Relevant Plans

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

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Conditions

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

Seconded and Carried

2. STAFF REPORTS

2.6 DEVELOPMENT APPLICATION 155/595/2020 – LARES HOMES – 2 FIFTH AVENUE, ST PETERS

DEVELOPMENT APPLICATION:	155/595/2020
APPLICANT:	Lares Homes
SUBJECT SITE:	2 Fifth Avenue, St Peters (Certificate of Title: Volume 5536 Folio 749)
DESCRIPTION OF DEVELOPMENT:	Construction of a two storey detached dwelling, an inground swimming pool, masonry and metal infill front fencing and fencing and retaining walls to side and rear boundaries
ZONE:	Residential Historic (Conservation) Zone –St Peters Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a two storey detached dwelling, an inground swimming pool, masonry and metal infill front fencing and boundary fencing and retaining walls to side and rear boundaries.

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

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

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

Subject Land Attributes

Shape:	irregular
Frontage width:	19.48 metres (frontage to Harrow Road)
Depth:	22.79 – 25.66 metres
Area:	571m ²
Topography:	sloping in parts given that a portion of the original alignment of Second Creek is situated within the subject land
Existing Structures:	Two-storey dwelling, carport and an inground swimming pool
Existing Vegetation:	several mature trees (including Palms, Elms and Conifers) along with well-landscaped areas. There are no regulated trees on the subject land.

The subject land is an irregular shaped allotment located on the north-western corner of Fifth Avenue and Harrow Road, St Peters. The allotment was approved in April 2020 via Land Division Application 155/D007/20, with the site areas and frontages of the two allotments resulting from the land division ostensibly achieving the relevant criteria of 300m² and 13m respectively. A copy of the approved plan of division is contained in **Attachment A2**.

An existing crossover services the subject land via Fifth Avenue.

Locality Attributes

Land uses: residential
Building heights (storeys): predominantly single-storey with some two-storey dwellings

The locality is considered to be confined to the dwellings fronting both sides of Harrow Road, between Fourth Avenue and Sixth Avenue Road and halfway along Fifth Avenue (ie. up to 4 and 7 Fifth Avenue), and is characterised by single-storey detached dwellings.

Most of the dwellings within the locality are Contributory Items, with single fronted cottages, double fronted cottages and villas the most common architectural styles. The only notable exception to this are a single-storey residential flat building located directly to the south (54 Harrow Road) and three two-storey detached dwellings (at 21A, 21B and 21C Sixth Avenue), which was likely constructed in the 1960's/1970's

A plan of the subject land and its surrounds is contained in **Attachment A – A1**.

Proposal in Detail

The Applicant seeks consent to construct a two-storey detached dwelling and an inground swimming pool. In addition, proposal includes the construction of masonry and metal infill front fencing as well as boundary fencing and retaining walls.

The proposed dwelling has a hipped roof pitched at 35 degrees over a front single-storey pavilion. The two-storey portion of the dwelling is set back behind the roof area of the single-storey pavilion and is outwardly rectilinear in form and appearance.

The relative traditional design of the single-storey component of the proposed dwelling utilises traditional building materials such as natural limestone, rendered masonry, timber doors and traditionally proportioned window frames, with corrugated sheet metal roofing. The proposed colour scheme includes both Tamala Limestone 500mm x 245mm cut blocks and acrylic texture coated render (colour Porter's "Rubble" (half strength) to both the single-storey pavilion and to the upper level along with "Monument" corrugated profile roof sheeting. The proposed front verandah is to be constructed with a 150mm steel parallel flange channel frame painted "Monument".

Internally, the proposed dwelling comprises a combined kitchen/dining/living room, a separate living room, a study, a master bedroom (with an ensuite and walk-in-robe), a WC and a laundry at ground level; with three bedrooms, a living area and a bathroom at the first floor level. A two (2) vehicle garage is integrated into the north-western side of the dwelling with vehicular access/egress from Harrow Road.

A contemporary masonry and metal infill front fence is proposed across the front (Harrow Road) property boundary that returns approximately 4.8 metres along the Fifth Avenue frontage. The remaining section of the Fifth Avenue secondary frontage is to have 1.8 metre high Colorbond corrugated "Good Neighbour" (colour "Monument") fencing. The Colorbond corrugated "Good Neighbour" fencing is replicated on the north-western side boundary. Along the north-eastern rear property boundary, vertical timber paling fencing is proposed in order to replace and match the existing timber failing fencing that has been erected by the owner of 2A Fifth Avenue (ie. approved as part of Development Application 155/799/2018).

The proposed inground swimming pool is to be situated adjacent the south-eastern boundary (ie. adjacent the Fifth Avenue frontage).

A landscaping plan has been submitted with the Application. The proposed landscaping includes a range of ornamental trees, shrubs and ground covers.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	571m ²	300m ² – St Peters Policy Area PDC 5
Allotment Width	19.48m (including corner cut-off)	13.0m – St Peters Policy Area PDC 7
Allotment Depth	22.79 – 25.66m	N/A
External Wall Height*	3.1m - garage walls 3.6 – 7.0m - dwelling walls	N/A
Maximum Overall Height (to roof apex)*	6.7m (single-storey component) 7.0m (two-storey component)	Single-storey – St Peters Policy Area PDC 4
Floor Areas	265.31m ² - footprint 366.74m ² - total floor area	N/A
Site Coverage	46%	50% - St Peters Policy Area PDC 6
Private Open Space	188m ² (33%)	20% - City Wide PDC 225(a)
Harrow Road Set-back	4.4 – 5.0m – verandah 5.0 – 7.0m – facade 5.6 – 6.7m – garage 10 – 11.5m – upper level	Reflect the pattern in the locality and no nearer to the street than any adjacent LHP or CI – St Peters Policy Area PDC 8
Side Set-back	<u>Fifth Avenue frontage</u> 2.0 – 5.0m – ground level 7.3m – upper level <u>North-western side</u> 1.0m – garage 2.9m – ground level 2.0m – upper level	Reflect the established pattern – St Peters Policy Area PDC 8
Rear Set-back	3.9m – ground level of dwelling at closest point 3.4m – alfresco at closest point 6.7 – 8.1m – upper level	N/A
Car Parking Provision	2 undercover and 2 visitor	2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage -Table NPSP/8

* 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 proposed development has been identified and processed as a Category 1 form of development.

The two-storey detached dwelling is Category 1, pursuant to Schedule 9, Part 1, 2 (a) of the *Development Regulations 2008*. The swimming pool, fencing and retaining are also Category 1 development, pursuant to Schedule 9, Part 1, 2 (d) of the *Development Regulations 2008*.

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

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

Land Use and Density

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

St Peters Policy Area Desired Character Statement

St Peters Policy Area Objectives: 1
St Peters Policy Area PDC's: 2, 3, 5 & 7

Residential Historic (Conservation) Zone Desired Character Statement

RH(C)Z Objectives: 2, 4, 6
RH(C)Z PDC's: 7, 8, 30

City Wide Objectives: 1, 2, 7, 8, 10 & 55-57

City Wide PDC's: 1, 2, 3 & 4

St Peters Policy Area Principle of Development Control 2 states:

“Development should comprise the erection, construction, conversion, alteration of, or addition to, buildings of the following kinds:

*Detached Dwelling
Semi-detached Dwelling”*

The construction of a detached dwelling, with an ancillary swimming pool is consistent with Principle of Development Control 2 of the St Peters Policy Area.

St Peters Policy Area Principle of Development Control 3 and the Desired Character Statement (in part) state respectively:

“A new dwelling should only be constructed where it replaces an existing building or feature, which does not contribute to the historic character of the St Peters Policy Area, with a more sympathetic style of development.”

and

“Due to the well established and preserved housing stock and pattern of development, limited opportunity exists for redevelopment in the St Peters Policy Area. New dwellings will be limited to the replacement of non-contributory items.”

As the subject land is currently occupied by a dwelling that does not contribute to the historic character of the policy area, the proposed dwelling is consistent with Principle of Development Control 3 and the Desired Character Statement of the Policy Area.

Streetscape/bulk/scale/height/character

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

St Peters Policy Area Desired Character Statement

St Peters Policy Area Objectives: 1
St Peters Policy Area PDC's: 1, 3 & 4

Residential Historic (Conservation) Zone Desired Character Statement

Residential H(C)Z Objectives: 1, 3 & 5
Residential H(C)Z PDC's: 1, 2, 3, 13-19, 22, 23, 25 & 26

City Wide Objectives: 18, 19 & 20
City Wide PDC's: 28-32, 37, 39, 41, 191 & 209-216

As the dwelling is located within the Residential Historic (Conservation) Zone, the Application was referred to the Council's Heritage Advisor, David Brown. Mr Brown has concluded that the proposed dwelling will result in a suitable response within the existing streetscape given the scale and overall proportions along with the material palate.

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

In terms of a Harrow Road streetscape context, the proposed dwelling predominantly presents as a simplified villa presenting as a simple single-storey hipped roof house. The proposed dwelling design displays a relatively conservative approach to a new house in an Historic Conservation Zone with minimal applied detail, which is considered to result in a design which complements, without competing with, surrounding character homes.

In terms of scale, St Peters Policy Area Principle of Development Control 4 states:

"Development in the St Peters Policy Area should not be more than one (1) storey above natural ground level."

The predominant height of dwellings in the locality is single-storey, consistent with St Peters Policy Area Principle of Development Control 4. Whilst the proposed dwelling is at odds with Principle 4, the upper level has been set back 10 – 11.5 metres from Harrow Road so as to reduce its prominence when viewed from Harrow Road, such that it presents as a mostly single-storey dwelling when viewed from the street.

Residential Historic (Conservation) Zone Principle of Development Control 17 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 overshadow or impact on the privacy of neighbouring properties;*
 - (iii) should not compromise the heritage value of the building or the view of the building from the street; and*
 - (iv) the total width of second storey windows should not exceed 30 percent of the total roof width along each elevation and be designed so as to not overlook the private open space of adjoining dwellings."*

The proposed dwelling includes a second-storey component that is located towards the rear of the dwelling, consistent with part (b) of Principle 17.

The proposed dwelling has wall heights, an overall scale and roof form that is compatible with existing single-storey development in the zone when viewed from the street. The proposed dwelling will not unreasonably overshadow or cause overlooking of adjacent properties (this will be discussed in further detail under the relevant heading later in the report); and the dwelling will retain a generally single storey appearance from the street. With respect to the part (iv) of this principle, the three (3) window areas on the north-eastern elevation exceed the 30% (ie. by 8%) of the total roof width criteria, however, they are to have sill heights of 2.0 metres which in turn reduces the window surface area. In this context, the proposed dwelling design is also consistent with part (c) of Residential Historic (Conservation) Zone Principle of Development Control 17.

That said, the walls of the upper level are proposed to be painted in half strength Porters "rubble" which is an off-white colour. This would present as a stark contrast to the roof and draw attention to the upper level when viewed from the street and adjacent properties. As such, if the Panel determines to grant consent to the application, it is recommended that a condition be imposed, requiring the upper level walls to be painted in a dark colour to match the roof.

Whilst it is considered that most aspects of the proposed dwelling are compatible with the design of existing historic buildings within the locality, the proximity of the garage to the facade and the extent to which the garage is integrated with the dwelling is uncharacteristic of historic buildings in the locality. Residential Historic (Conservation) Zone Principle of Development Control 31 and City Wide Principle of Development Control 211 provide the most guidance regarding the development of garages within the zone and state:

"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; and*
- (c) be set back no less than 5.5 metres from the primary street frontage, to allow for vehicle parking."*

The width of the garage and its setback from the adjacent facade (ie. 1.1 metres) is consistent with City Wide Principle 211. The roof over the garage is also lower than the height of the roof over the principle dwelling, consistent with part (c) of Residential Historic (Conservation) Zone Principle 31. Although uncharacteristic of historic dwellings in the locality, the garage design is consistent with the clearly specified provisions of the Development Plan and therefore considered acceptable.

It is considered that the two-storey form of the proposal is acceptable and accords with City Wide Principles of Development Control 29 and 30, which seek new buildings with a visual bulk and architectural scale that

is complementary to the established character of the locality. On balance, the proposal is considered to be acceptable from a streetscape heritage and character perspective.

Setbacks and Site Coverage

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

St Peters Policy Area PDC's:	6 & 8
Residential H(C)Z PDC's:	10, 11 & 12
City Wide PDC's:	50, 204-206, 208 & 218

The facade of the dwelling is proposed to be set back between 5.0 - 7.0 metres to the facade from the Harrow Road property boundary, with the verandah element extending to 4.4 - 5.0 metres from the street boundary.

St Peters Policy Area Principle of Development Control 8 states:

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

The directly adjacent allotment to the northwest (ie. noted as “vacant” on **Attachment B9**) was created as part of Land Division Approval 155/D007/20. The same Applicant currently has a separate Development Application (155/97/21) that is currently under assessment for the construction of a single-storey detached dwelling on this neighbouring allotment. Further to the northwest, the single-storey dwelling at 49 Harrow Road (a Contributory Item) is set back in the order of 4.8 metres (at the closest point) from Harrow Road. To the southwest at 47A Harrow Road (ie. junction of Harrow Road and Fifth Avenue) is a former shop building identified as Local Heritage Place that is built to the Harrow Road frontage with the front verandah extending over the adjacent footpath area.

When measured at the closest point, the proposed dwelling has a greater front setback than both the adjacent Contributory Item at 49 Harrow Road and the Local Heritage Place at 47 Harrow Road and in this context, the proposed front setback is consistent with St Peters Policy Area Principle of Development Control 8.

On the north-western side, the proposed dwelling is to have side setbacks ranging from 1.0 – 2.9 metres at ground level and 2.0 metres at the upper level. On the south-eastern side (ie. Fifth Avenue frontage), the proposed dwelling is to have side setbacks ranging from 2.0 – 5.0 metres at ground level and 7.3 metres at the upper level.

In terms of the neighbouring dwelling at 2A Fifth Avenue, the proposed upper level set back of 6.7 – 8.1 metres is likely to have some impact on the visual outlook of the occupants of this dwelling. This is particularly relevant, since dwellings should be single storey within The Avenues Policy Area pursuant to Principle of Development Control 4.

Although this is a negative aspect of the proposal, the well vegetated front garden area of 2A Fifth Avenue containing well-established mature trees is expected to lessen to a reasonable extent, the two-storey portion of the proposed dwelling and as such is not expected to have a significant impact on the amenity, either by way of visual outlook or overshadowing. Furthermore, the dwelling at 2A Fifth Avenue has its existing living areas as well as a recently approved dwelling addition (Development Application 155/176/21), including main private open space area, focused towards the northwest – northeast. In this context, views of the proposed two-storey component of the new dwelling would be more peripheral for the occupiers at 2A Fifth Avenue.

In this regard, it is considered that the proposed north-eastern and south-eastern rear and side setback of the upper level is sufficiently in accordance with City Wide Principle of Development Control 206, which requires that side and rear setbacks should be progressively increased as the height of the building increases in order to minimise such impacts.

Overall, it is considered that the proposed setbacks and the potential visual impact of the proposed two-storey dwelling on the occupiers of adjacent land are acceptable in the context of the existing locality.

In terms of site coverage, St Peters Policy Area Principle of Development Control 6 states that “*buildings should not cover more than 50 percent of the total area of the site.*” The proposed dwelling has an overall site coverage of 46% which is consistent with Principle 6.

Overshadowing/overlooking

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

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

Given that that the subject land is on the northern side of the junction of Harrow Road and Fifth Avenue, the most significant shadowing will occur across the subject land itself and across both Harrow Road and Fifth Avenue and not on adjacent land.

In terms of visual privacy from the proposed dwelling, all of the upper level windows incorporate 2.0 metre high sill levels above the internal upper floor level. The proposed first floor window treatment exceeds the requirements specified in City Wide Principle of Development Control 235, which seeks privacy treatment to a height of 1.7 metres.

In any event, if the Panel determine to approve the proposed development, it is recommended that a condition be imposed reiterating that the upper floor dwelling windows be fixed and obscured.

Private open space

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

City Wide PDC's: 222-225, 227 & 229

The proposed dwelling includes approximately 188m² of private open space. The private open space area includes a covered area terrace/alfresco area, which is situated under the main roof of the dwelling. The private open space area is well oriented for access to northern sunlight and has good links with the living areas of the dwelling.

The proposed area of private open space equates to 33% of the dwelling's proposed site area, therefore satisfying the minimum provision of 20%, prescribed by City Wide PDC 225(a).

Carparking/access/manoeuvring

Residential H(C)Z PDC's: 32

City Wide Objectives: 34

City Wide PDC's: 98, 101, 104, 118, 120, 181, 198 & 219

Table NPSP/8

Table NPSP/8 prescribes that the proposed detached dwelling should be provided with two (2) on-site car parking spaces, of which at least one should be covered. The proposed dwelling can accommodate two (2) undercover cars and two (2) visitor parks in the driveway, which exceeds the requirements specified in Table NPSP/8.

City Wide Principle of Development Control 212 prescribes that a two vehicle garage should have an internal dimension of 5.8 metres x 6.0 metres. The proposed garage has internal dimensions of 6.2 metres x 6.1 metres. In this regard, Principle 212 is satisfied.

In order to provide access and egress to the proposed garage, the development involves the creation of a new crossover. In order to accommodate the new crossover, the Applicant is intending to relocate an existing stobie pole situated on the Harrow Road verge area. Access to and from the driveway and garage area has been determined to be safe and convenient.

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 PDC's: 53-58, 79, 164, 167-171

The subject land is within a recognised flood plain given (ie. the 1 in 20 year Average Recurrence Interval floodplain) that the original alignment of Second Creek runs through a portion of the rear north-eastern section of the subject land.

Based on the advice that was received via the Council's Urban Services Department, the Applicant was asked to amend the proposed finished floor level of the new dwelling to RL100.29 in order to provide sufficient freeboard in the event of a flood event. By comparison, the finished floor level of the existing dwelling on the subject land has a finished floor level of RL100.28.

The finished floor level of the proposed dwelling will range between 60 millimetres to 1.17 metres above the surrounding relative natural ground level compared to 340 to 540 millimetres above the adjacent top-of-kerb of Harrow Road and 220 to 470 millimetres above the adjacent top-of-kerb of Fifth Avenue. When viewed within a streetscape context, the proposed finished floor level is considered appropriate, as the level of 'build-up' is considered to be consistent with traditional character homes within the locality.

In terms of stormwater disposal, a gravity fed system is proposed that directs stormwater to the Harrow Road water table.

Retaining walls are required along both the north-western side and north-eastern rear boundaries of the land. Along the north-western side boundary, retaining will vary in height between 230mm and 1.2 metres. Along the north-eastern rear boundary, retaining will vary in height between 340mm and 1.84 metres. The Applicant has proposed 1.8 metre high fencing, the combined height of retaining walls and fencing will range between 2.03 and 3.0 metres on the north-western side boundary and 2.14 and 3.64 metres north-eastern rear boundary. At the highest points, the resulting combined retaining wall and fencing heights exceed the criteria details in City Wide Principle of Development Control 58, which states:

"The combined height of a fence and a retaining wall should not exceed 2.4 metres (measured from the lower of the two adjoining natural ground levels)."

Attachment B6 details both the existing fencing along the northern-eastern rear boundary when viewed from the front yard area of 2A Fifth Avenue as well the proposed fencing along this boundary. The existing timber paling fencing along this boundary that was erected by the owner of 2A Fifth Avenue as part of Development Application 155/799/18 follows the topography of the land and in particular, the old Second Creek alignment and varies in height between 1.0 and 2.3 metres in height. In addition to this, an older timber paling fence is situated within the subject land and adjacent the north-eastern rear boundary.

When viewed from the front yard area of 2A Fifth Avenue, the combined overall height of the new timber paling fence and the older timer paling fence varies between 2.2 and 3.2 metres and spans a length of 4.8 metres when measured from the Fifth Avenue property boundary. Directly adjacent to the older timber paling fence is timber latticing that spans a length of 5.1 metres and when viewed from the neighbouring front yard of 2A Fifth Avenue has a combined overall height in conjunction with the newer timber paling fence of 2.8 and 3.1 metres.

The Applicant is proposing to replace the existing fencing with a new timber paling fencing that will vary in height between 2.14 and 3.64 metres that is to be situated in front of the proposed retaining along the north-eastern rear boundary. Given that the front yard area of 2A Fifth Avenue is relatively well vegetated with a number of established trees which in turn will assist in “breaking up” the visual outlook onto the new fencing and combined with the fact that the overall fencing height is akin to the existing combined height of newer and older paling fencing along this boundary, the overall height of the proposed fencing is not considered to be unreasonable in this instance.

Trees (regulated, mature & street) and landscaping

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

Residential H(C)Z PDC's:	36 & 37
City Wide Objectives:	24, 98, 117, 118 & 119
City Wide PDC's:	220, 221, 396, 398- 400

There are no regulated or mature trees on the subject land or adjacent land that would be affected by the proposed development.

In terms of landscaping, the Applicant has provided a landscaping plan and schedule, which identifies a range of small trees that will enhance the garden setting of the proposed dwelling, which is a characteristic of the locality. A copy of the landscaping plan and schedule is contained in **Attachment B9**.

The proposed landscaping is considered to complement the development and the locality and is considered to be consistent with City Wide Objective 24, which anticipates development enhanced with appropriate landscaping.

Environmental Sustainability

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

City Wide Objectives:	23 & 42
City Wide PDC's:	67-72, 147, 148, 151 & 159

The private open space area is located on the north-eastern side of the proposed dwelling (ie. to the rear of the ground floor portion of the dwelling). Whilst solar access to the private open space will be compromised during the late afternoon, the private open space will receive direct solar access throughout the morning and within the early afternoon.

City Wide Principle of Development Control 159 prescribes that new dwellings should be provided with a 2,000-litre rain water tank in order to maximise the use of stormwater collected from roof areas. The civil plan contained in **Attachment B10** indicates that a 2,000-litre rain water tank is to be provided as part of the proposal which is consistent with the minimum capacity requirements stipulated in City Wide Principle of Development Control 159.

In general terms, the environmental performance of the dwelling is considered to be reasonable.

Summary

The proposed detached dwelling is an anticipated type of development within the Residential Historic (Conservation) Zone.

The proposed dwelling displays a predominantly single-storey appearance that is sympathetic to the basic scale and proportions of existing single-storey character dwellings within the locality. The dwelling demonstrates a compatible visual relationship with buildings that contribute to the historic character of the St Peters Policy Area by way of integrating a two-storey design component within the single-storey footprint of

the building. Furthermore, the architectural design approach is considered to complement the historic building stock, without replicating the original dwellings within the locality.

In addition, the proposed dwelling has consistent and complementary setbacks with other detached dwellings, uses a traditional roof form over the single-storey pavilion, incorporates well-proportioned front windows, has a front verandah element and has compatible masonry materials and finishes to the facade.

On balance, the proposed dwelling will fit comfortably into the existing streetscape, will not compromise the rhythm of front setbacks in the locality and will not unreasonably impact on adjacent residential properties.

The provision of private open space and the resulting site coverage are considered to be acceptable. The provision of on-site car parking and vehicular access from Harrow is considered to be safe and convenient.

The proposal results in the internal and outdoor living areas of the proposed dwelling having compromised access to northern sunlight in the late afternoon, given the orientation of the subject land and the dwelling's subsequent configuration. Solar access throughout the remainder of the day is reasonable.

The proposal is not considered to be seriously at variance with the Development Plan and is considered to be sufficiently in accordance with the provisions of the Development Plan to warrant Development Plan Consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/595/20 by Lares Homes, to construct a two storey detached dwelling, an inground swimming pool, masonry and metal infill front fencing and boundary fencing and retaining walls to side and rear boundaries, on the land located at 2 Fifth Avenue, St Peters, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans and elevations (Job Number LH 153) prepared by Lares Homes; and
- civil and drainage plan (Drawing Number 20137-C01) prepared by Gama Consulting.

Conditions

1. The rendered upper level walling shall be painted in 'colorbond monument' to match the roof colour, or a similar dark colour to the reasonable satisfaction of the Assessment Manager.
2. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.
3. The portion of all upper floor windows less than 1.7 metres above the internal floor level shall be treated prior to occupation of the dwelling 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.)

4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
5. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
6. The north-westernmost street tree located on the verge area adjacent to Harrow Road has been calculated to have a Structural Root Zone of 2.77 metres in radius when measured from the centre of the street tree.

The new crossover nor any stormwater infrastructure shall not encroach within the calculated Structural Root Zone and the final location of the crossover and stormwater infrastructure shall be provided with the Building Rules Consent documentation, having regard to the above structural root zone, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

1. The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

2. The granting of this 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 requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission available at www.lsc.sa.gov.au. Alternatively a hard copy can be mailed to you on request by contact the Planning Department on 8366 4530 or 8366 4508.

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

3. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Development Officer, Building, prior to any works being undertaken. Further information may be obtained by contacting the Council's Urban Services Department on 8366 4576.

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

4. This Development Plan Consent will lapse within 24 months of the date of this notice unless full Development Approval has been obtained.

5. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate. It is recommended that a building identification survey plan be obtained by a licensed surveyor prior to the development being undertaken, so as to avoid any encroachment onto adjoining land, Building Code compliance issues, and to ensure the development is sited in accordance with this consent/approval.

MOVED

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/595/20 by Lares Homes, to construct a two storey detached dwelling, an inground swimming pool, masonry and metal infill front fencing and boundary fencing and retaining walls to side and rear boundaries, on the land located at 2 Fifth Avenue, St Peters, subject to the following requirements, conditions and notes:*

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Seconded and Carried

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 11:15pm

Terry Mosel
PRESIDING MEMBER

Mark Thomson
MANAGER DEVELOPMENT ASSESSMENT