

Council Assessment Panel Minutes

21 June 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.*

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

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



City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7:00pm

PRESENT

Panel Members Mr Terry Mosel
Mr Phil Smith
Ms Jenny Newman
Ms Fleur Bowden
Mr Carlo Dottore

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

APOLOGIES Mr John Minney

ABSENT

**1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 17 MAY 2021**

Seconded and Carried

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/889/2020 – LARES HOMES – 12 MAESBURY STREET, KENSINGTON

DEVELOPMENT APPLICATION:	155/889/2020
APPLICANT:	Lares Homes
SUBJECT SITE:	12 Maesbury Street Kensington (Certificate of Title: Volume 5562 Folio 341)
DESCRIPTION OF DEVELOPMENT:	Construction of a two-storey detached dwelling, a swimming pool, a masonry and metal infill front fence and associated retaining walls and fencing
ZONE:	Residential Historic (Conservation) Zone – Kensington 1 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, a swimming pool, a masonry and metal infill front fence and associated retaining walls and fencing.

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:	regular
Frontage width:	15.64 metres
Depth:	63.55 metres
Area:	992.7m ²
Topography:	Incline from front to rear, and crossfall from south-west to north-east
Existing Structures:	single-storey detached dwelling and outbuildings and masonry fencing (along front boundary)
Existing Vegetation:	mature trees and shrubs within front and rear yards and turf to rear yard areas

The subject land is a regular shaped fronting Maesbury Street. The subject land is occupied by a single-storey triple fronted 1960's era dwelling with a detached garage and small outbuildings/structures located within the rear yard area. A young street tree is located on the Council verge area adjacent frontage of the subject land.

Locality Attributes

Land uses: predominantly residential
Building heights (storeys): a mixture of single-storey and two-storey buildings

Several buildings (dwellings) within close proximity to the subject land are heritage listed properties, with Contributory Items located at 8a, 18, 20 and 21 Maesbury Street, and Local Heritage Places located at 23 and 24 Maesbury Street. The locality is considered to include dwellings fronting Maesbury Street, from the intersection of Hill Street to 27 Maesbury Street, with single-storey detached dwellings and two storey residential flat buildings the predominant building form. The allotment sizes are typically small to medium sized allotments, with the subject site the exception within the immediate locality.

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 detached dwelling, an inground swimming pool and a basketball court at the rear of the site. The application includes retaining works (including fencing) to facilitate the development.

The proposed dwelling has a simple hipped roof over a front single-storey pavilion, with a double garage set down under a hipped roof form. The two-storey portion of the dwelling is set back behind the single-storey pavilion, and is set in from side boundaries. Access to the double garage is provided via a new single width crossover from Maesbury Street

The proposed dwelling is to be constructed of traditional building materials such as rendered Masonry (colour 'Portens Rubble Half'), solid sandstone feature walling, black aluminium window frames, Western Red Cedar front door and custom orb colorbond roof (colour 'Monument'). A front verandah is to be situated over the front pavilion of the dwelling.

A 1.4-1.7 metre masonry and metal infill front fence is proposed along the Maesbury Street frontage, which includes a metal sliding gate, and is constructed of rendered blockwork with black metal infill with the colour to match the proposed dwelling.

Side and rear boundary fencing comprises corrugated fencing on top of a 250mm plinth, with internal retaining walls provided to facilitate the cutting of the site in order to provide a flat bench level for the dwelling and swimming pool. Retaining and fencing are up to a combined height of 2.7 metres, while a basket-ball court is located towards the rear in the southern corner of the site, which has a 3.6 metre chain-link fence structure located inside the property boundaries.

The proposed inground swimming pool is to be situated within the internal yard area adjacent the south western side boundary.

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	992.7m ²	400m ² – St Peters Policy Area PDC 5
Allotment Width	15.64m	N/A
Allotment Depth	63.55m	N/A
External Wall Height*	3.6 – 5.8m	N/A

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Maximum Overall Height (to roof apex)*	5.7m (single-storey component) 8.6m (two-storey component)	Two-storey – Kensington Policy Area PDC 3
Floor Areas	383m ² - footprint 467m ² - total floor area	N/A
Site Coverage	38.6%	N/A
Private Open Space	523m ² (52.7%) of which 88% is uncovered	20% - City Wide PDC 225(a) 50% open to the sky – City Wide PDC 229
Street Set-back	3.2m – verandah 5.2m – facade 14.8m – upper level	N/A
Side Set-back	<u>North- eastern</u> 1.4m – ground level 2.3 - 3m – upper level <u>South-western</u> 1.1m – ground level 3.1-4m – upper level	N/A
Rear Set-back	29.5m – ground level 35.5m – upper level	N/A
Car Parking Provision	2 undercover	2 on-site parking spaces per dwelling (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, masonry fencing, retaining walls and fencing 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 Kensington 1 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:

Kensington 1 Policy Area Desired Character Statement

Kensington 1 Policy Area Objective: 1
Kensington 1 Policy Area PDC's: 1, 2 & 4

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

Kensington 1 Policy Area Principle of Development Control 2 states:

“Development should provide a range of types and forms of residential accommodation, offering a wide range of housing choice.”

The construction of a detached dwelling, with an ancillary swimming pool is consistent with Principle of Development Control 2 of the Kensington 1 Policy Area.

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

*“The introduction of new dwellings in the zone should only occur where:
(b) it replaces a building or use of land which does not contribute significantly to the heritage value, historic character and the desired character of the zone;”*

As the subject land is occupied by a dwelling (ie. constructed in the 1960's) that does not contribute to the significantly to the heritage value, historic character or the desired character of the zone, the proposed dwelling is consistent with Principle 8(b) of the Residential Historic (Conservation) 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:

Kensington 1 Policy Area Desired Character Statement

Kensington 1 Policy Area Objective: 1
Kensington 1 Policy Area PDC's: 1 & 3

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 contextually acceptable design response, in that the new dwelling incorporates simple roof forms, sympathetic materials and an overall articulated form.

A copy of Mr Brown's report is contained in **Attachment C1-C2**.

The proposed dwelling appears as a simple single-storey symmetrical hipped roof dwelling from the streetscape, due to the compact front setback and height of the front of the dwelling, and the 14.8 metre setback of the upper level.

The proposed dwelling design is a relatively conservative approach to a new dwelling in an Historic (Conservation) Zone, with minimal detailing, which is considered to result in a design which complements, without competing with, surrounding character buildings, in particular the neighbouring Contributory Items located at 8a, 18, 20 and 21 Maesbury Street, and Local Heritage Places located at 23 and 24 Maesbury Street.

In terms of scale, Kensington 1 Policy Area Principle of Development Control 3 states:

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

The proposed dwelling is two-storey in height and as such, is consistent with Principle 3.

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 two-storey component of the proposed dwelling is located towards the rear of the dwelling, consistent with part (b) of Principle 17.

In terms of the single-storey component, 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 result in a generally single-storey appearance from the primary street frontage, as called for by Principle 17. With respect to the part (iv) of this principle, 3 out of four upper level elevations exceed the 30% roof width criteria; 36% north-eastern elevation/48 south-western and 47% rear elevation, however, they are to have sill heights of 1.8 metres which in turn reduces the window surface area. In this context, the proposed dwelling design is considered to be generally consistent with part (c) of Residential Historic (Conservation) Zone Principle of Development Control 17.

The Applicant has prepared a streetscape perspective of the proposed dwelling, which provides a reasonable illustration of the bulk and scale of the proposed dwelling and its relationship with the dwellings, including the Contributory Item at 8A Maesbury Street. The streetscape perspective is contained in **Attachment B7**.

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 new dwelling is considered to be acceptable from a streetscape heritage and character perspective.

Residential Historic (Conservation) Zone Desired Character Statement states (in part):

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

The proposed 1.4-1.7 metre high front fence consists of vertical black infill blades and solid masonry pillars and plinths. Of the 15.64 metre frontage, the fence spans 10.8 metres with the remaining portion consisting of a sliding gate with the same design as the fence metal infill. The fence results in a predominantly 'open' front fencing design and is considered to be a positive design approach as the front of the dwelling and the front yard areas have the ability to "link the dwelling into the streetscape" as called for by the Desired Character Statement as well as enable casual surveillance to occur from both the private and public realm and as accordingly the proposed fence is not considered to have a detrimental impact within the streetscape.

Setbacks and Site Coverage

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

Residential H(C)Z PDC's:	10, 11 & 12
City Wide PDC's:	50, 204-206, 208 & 218

Residential Historic (Conservation) Zone Principle of Development Control 10 states:

"Dwellings should be setback 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; or*
- (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."*

The facade of the new dwelling is proposed to be set back 5.2 metres from the Maesbury Street property boundary, while the adjacent dwelling at 10 Maesbury Street has a front setback of 5 metres, and the residential flat building at 14-16 Maesbury Street has a front setback of 15.3 metres. Applying Principle 10 (b) would require a setback of 8.6 metres, which the current proposal fails by 3.4 metres.

The adjacent residential flat building at 14-16 Maesbury Street has existing structures (carports) located in front of the building, with setbacks of between 4.2 and 6.8 metres from the front property boundary. The front setback of the proposed dwelling slightly behind that of 10 Maesbury Street (200mm) and with the garage setback 6.6 metres, it is of a similar setback to the adjacent carport structures and is therefore considered acceptable in this context, despite the departure from Principle 10.

The proposed dwelling is setback from the north-eastern side boundary 1.4 metres at ground level and varies between 2.3 and 3 metres at the upper level. The adjacent dwelling at 10 Maesbury Street features its driveway and a boundary garage on this side boundary, which while the proposed dwelling would be visible from portions of private open space when looking south, it is not within the direct outlook and as a result is not expected to have a significant impact on amenity, either by way of visual outlook or overshadowing.

In terms of the south-western side boundary, the dwelling is setback 1.1 metres at ground level and 3.1-4 metres at upper level. The two storey dwelling within the residential flat building at 1/14-16 Maesbury Street has limited outlook onto the dwelling from internal areas, as it only has a single window on the ground floor. Its private open space areas are located to the front and to the rear of the dwelling and are relatively compact, whereby there would be limited views of the upper level form of the proposed adjacent dwelling.

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, the proposed dwelling covers 39% of the site area.

There are no quantitative site coverage guidelines within the Kensington 1 Policy Area or the Residential Historic (Conservation) Zone. In terms of qualitative guidance, Residential Historic (Conservation) Zone Principle of Development Control 12 states:

"The site coverage of buildings resulting from the erection or alteration of, or addition to, a building, should be compatible with the site coverage of those buildings in the locality which contribute significantly to the historic character."

The existing Contributory Items and Local Heritage Places within the immediate area which are located at 8a, 18, 20 and 21 Maesbury Street, and Local Heritage Places located at 23 and 24 Maesbury Street, cover approximately 52%, 52%, 48%, 51%, 46% and 55% of their sites respectively.

In this context, the site coverage of the proposed dwelling is considered to be compatible with the site coverage of other buildings in the locality which contribute significantly to the historic character consistent with Residential Historic (Conservation) Zone Principle of Development Control 12.

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

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 buildings receives direct sunlight for a minimum of two hours between 9.00am and 3.00pm on 21 June. Development should not increase the overshadowed area in cases where overshadowing already exceeds these requirements.”

The Applicant has provided shadow diagrams that illustrate the proposed levels of overshadowing for 9.00am, 12 pm and 3.00pm on 21 June (the winter solstice). The shadow diagrams illustrate that the adjacent units (1, 2 and 3) at 14-16 Maesbury Street will experience varying degrees of overshadowing as follows:

- all units private open space will be completely overshadowed at 9am with the exception of the rear portion of Unit 3, which attains approximately 50% sunlight to its surface during this period.
- unit 1 experiences overshadowing to 53% of private open spaces at 12pm, while units 2 and 3 are not impacted.
- no units are impacted by overshadowing by 3 pm.

The shadow diagrams demonstrate that the extent of shadowing does not offend Principle 196, insofar as at least 50% of the private open space areas for residential units 2 and 3 will receive at least 2 hours of direct sunlight on 21 June, while there is a marginal deviance from this principle for Unit 1. The overshadowing diagrams do not take into account the existing fences surrounding the private open spaces, nor the existing overshadowing from the 2 storey residential flat buildings built form. As such, the degree of overshadowing caused by the proposed dwelling is considered to not have an unreasonable further impact on adjacent dwellings or their occupants.

A copy of the shadowing illustration is contained in **Attachment B8-B10**.

In terms of visual privacy from the proposed dwelling, all of the upper level windows either incorporate high sill levels in excess of 1.7 metres or contain fixed obscure glazing to all portions of the windows below 1.7 metres above the internal upper floor level. The proposed first floor window treatment accords with 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 523m² of private open space set over two levels within the rear yard, which includes an undercover alfresco area.

The proposed area of private open space equates to 53% of the dwelling's proposed site area, therefore satisfying the minimum provision of 20%, prescribed by City Wide PDC 225(a).

Car parking/access/manoeuvring

Residential H(C)Z PDC's:	32
City Wide Objectives:	34
City Wide PDC's:	98, 101, 104, 113, 117, 118, 120, 181, 198 & 217

Table NPSP/8

Table NPSP/8 prescribes that the proposed dwelling should be provided with two (2) on-site car parking spaces, of which at least one should be covered.

The proposed dwelling includes two undercover car parks within the garage, with access/egress via a new crossover. This crossover detail has been amended to a single width, to provide adequate clearance from the adjacent street tree in line with City Wide Principle of Development Control 118(c). Access to the garage spaces via the single width crossover has been confirmed by analysis in Autoturn software to be functional and convenient in accordance with City Wide Principle 113 and 117.

City Wide Principle of Development Control 211 States:

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

- (a) be of a width that is minimised relative to the width of the dwelling frontage and in any case, should be designed with a maximum width (including the total width of any support structure) of 6.5 metres or 50 per cent (or 40 per cent in a Residential Historic (Conservation) Zone) of the allotment or building site frontage width, whichever is the lesser distance;"*

The garage is set under a lower hipped roof than the main dwelling, and has a width of 6.2 metres wide (39.6%), satisfying the requirements of City Wide Principle of Development Control 211. The garages feature two garage doors and have been stepped, in line with City Wide Principle of Development Control 215.

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 metres x 11.2-11.8 metres. In this regard, Principle 212 is satisfied.

The proposal satisfies the parking provision of the Development Plan with relation to parking, access and manoeuvring.

Finished floor levels/flooding/retaining/fencing

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

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

City Wide Principle of Development Control 171 states:

"The finished ground floor level of all habitable spaces should not be less than 300 millimetres above the 1 in 100 year Average Recurrence Interval floodplain."

The subject land is impacted by flooding, and features a slope from front to back, and crossfall from south-west to north-east. The floodwaters enter the property from overflows in Hipsters Road and Bishops place to the east.

The application was referred to Urban Services as part of a flood referral, to confirm if the proposed levels provided sufficient freeboard mitigate the risk of flooding.

The referral confirmed that the proposed floor levels are suitable, provided that either;

1. Paving levels at rear and down each side of the proposed residence at 12 Maesbury are kept 150 mm below finished floor level. This should cater for the small amount of flow that seems to enter the property, or if this cannot be achieved;
2. Construct a concrete (or similar) plinth along the side boundary (to the units at 14 Maesbury Street) which is at least 250 mm above the ground level in 14 Maesbury Street, to prevent flows entering into the site at 12 Maesbury Street.

The plans have been amended to include a 250mm plinth along the south western side of the site, in order to satisfy the above requirements and resolve the flooding concerns on site. While the finished floor level departs from the clearly worded requirement of Principle 171, in that a 300mm freeboard is not provided, the alternative solution of providing a 250mm plinth effectively removes the property from any flooding impact such that Principle 171 is no longer applicable.

With regard to levels, the application seeks to cut into the rear of the site, and fill the front of the site to create a single bench level for the dwelling, while a further retaining wall is to be provided behind the swimming pool, with the remaining yard area behind that to maintain natural grade.

The finished floor level of the existing dwelling is RL101.03 whereas the proposed finished floor level of the new dwelling is to be RL100.9, which ranges between 380 millimetres above and 190mm below the relative natural ground level and 860 millimetres above the adjacent mid top-of-kerb of Maesbury Street.

Retaining walls are required along north-eastern and south-western side boundaries of the land, to retain 900mm of cutting of the site, which when including the 250mm plinth above to alleviate flooding, results in retaining walls up to 1.15 metres high. The application includes corrugated fencing to side boundaries, which will not exceed 1.8 metres from the adjacent (higher) ground level, creating a combined height of retaining and fencing of up to 2.7 metres, which is a clear departure from 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).”

Given the cutting of the site is an internal impact to the occupier of the residence, the external impacts to adjoining properties is minimal which given the size of the allotment and private open space areas, and the configuration of landscaping, it is not considered to have a significant impact on occupier amenity, and as such the departure from Principle 58 is considered acceptable.

The application also includes a fencing structure around the basketball court located at the rear of the site set in from allotment boundaries, which is 3.6 metres high, and constructed of Cyclone fencing which provides a high degree of visual permeability. The location of the structure is within close proximity to adjacent built form, such that there is minimal outlook from adjacent properties.

For clarification, a small set down area is also provided on the ground level of the main dwelling, under the main staircase which is set down 338 millimetres in order to provide additional clearance for storage access. This is noted as a cellar on the plans, however does not relate to an underground cellar.

A copy of the siteworks plan is included as **Attachment B4**.

An elevation of the fencing and retaining is included as **Attachment B6**.

A copy of flooding referral is included as **Attachment D**.

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 B7**.

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 situated to the rear of the dwelling, which due to its size has good solar access, providing direct solar access throughout all times of the year.

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 Application has included a 2000 litre rainwater tank as part of the proposed development, satisfying Principle 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 single-storey facade to the street frontage 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 Kensington 1 Policy Area by way of integrating a two-storey design component within the single-storey footprint of the building. Furthermore, the contemporary 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 setbacks with other detached dwellings, uses a traditional roof forms, incorporates well-proportioned front windows, has a contemporary front verandah element and has complementary masonry materials and finishes to the facade.

On balance, the proposed dwelling will not unreasonably impact upon the living amenity of occupiers of 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 is adequate for a detached dwelling and is considered to be safe and convenient.

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 155/889/2020 by Lares Homes for the Construction of a two-storey detached dwelling, a swimming pool, a masonry and metal infill front fence and associated retaining walls and fencing on the land located at 12 Maesbury Street Kensington, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Site Plan, Floor Plans and Elevations (Job No: LH166) prepared by Lares homes
- Site Plan by Gamma Consulting (DWG No. 201057/C01)
- Landscaping plan (including schedule of colours and materials) by Lares Homes

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 kerb & water table or a Council underground pipe drainage system.
2. 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.)
3. A 2,000 Litre rainwater tank shall be plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
4. That the associated filter pump be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
6. 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.

Notes to Applicant

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

MOVED

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/889/2020 by Lares Homes for the Construction of a two-storey detached dwelling, a swimming pool, a masonry and metal infill front fence and associated retaining walls and fencing on the land located at 12 Maesbury Street Kensington, subject to the following requirements, conditions and notes:*

Relevant Plans

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

- Site Plan, Floor Plans and Elevations (Job No: LH166) prepared by Lares homes
- Site Plan by Gamma Consulting (DWG No. 201057/C01)
- Landscaping plan (including schedule of colours and materials) by Lares Homes

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 kerb & water table or a Council underground pipe drainage system.*
2. *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.)*
3. *A 2,000 Litre rainwater tank shall be plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.*
4. *That the associated filter pump be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.*
5. *All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.*
6. *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.*

Notes to Applicant

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

5. *The Applicant is advised that the property is located within an Historic (Conservation) Area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including fencing).*
6. *This Development Plan Consent will lapse within 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

2.2 DEVELOPMENT APPLICATION 155/97/2021 – LARES HOMES – 2 FIFTH AVENUE, ST PETERS

DEVELOPMENT APPLICATION:	155/97/21
APPLICANT:	Lares Homes
SUBJECT SITE:	2 Fifth Avenue, St Peters (Certificate of Title: Volume 5536 Folio 749)
DESCRIPTION OF DEVELOPMENT:	Construction of a single-storey detached dwelling, 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 single-storey detached dwelling, 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:	19.61 metres (frontage to Harrow Road)
Depth:	22.48 – 25.66 metres
Area:	570m 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 south-eastern corner of Sixth Lane 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 comprise the area occupied by 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 single-storey detached dwelling. In addition, proposal includes the construction of masonry and metal infill front fencing and side and rear boundary fencing and retaining walls.

The proposed dwelling has a hipped roof pitched at 30 degrees and is to be constructed using marble cladding, rendered masonry, timber doors and traditionally proportioned window frames, with corrugated sheet metal roofing. The proposed colour scheme includes both "Sahara Cream" marble cladding, acrylic texture coated render (colour Porter's "Rubble" (half strength) with "Windspary" corrugated profile roof sheeting. The proposed front verandah is to be constructed with a 150mm steel parallel flange channel which is to be lined with western red cedar to the underside.

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

A contemporary masonry and metal infill front fence is proposed across the front (Harrow Road) property boundary that returns approximately 5.3 metres along the Sixth Lane frontage. The remaining section of the Sixth Lane secondary frontage (ie. up to the garage) is to have 1.8 metre high rendered lightweight panel fencing (colour Porter's "Rubble" (half strength). Colorbond corrugated profile "Good Neighbour" 2.1 metre high Colorbond corrugated (colour "Monument") fencing is replicated on the south-eastern side boundary and along the north-eastern rear property boundaries.

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	570m ²	300m ² – St Peters Policy Area PDC 5
Allotment Width	19.61m (including corner cut-off)	13.0m – St Peters Policy Area PDC 7
Allotment Depth	22.48 – 25.66m	N/A
External Wall Height*	2.8 – 3.5m	N/A

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Maximum Overall Height (to roof apex)*	5.6m	Single-storey – St Peters Policy Area PDC 4
Floor Areas	329m ² - footprint/total floor area	N/A
Site Coverage	57%	50% - St Peters Policy Area PDC 6
Private Open Space	122m ² (21%)	20% - City Wide PDC 225(a)
Harrow Road Set-back	3.7 – 4.5m – verandah 5.0 – 7.1m – facade	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>Sixth Lane frontage</u> NIL – garage 1.8 - 2.5m - dwelling <u>South-eastern side</u> 1.0m - dwelling 2.3m - alfresco	Reflect the established pattern – St Peters Policy Area PDC 8
Rear Set-back	4.6 – 6.1m –dwelling at closest point 800mm – 1.6m – alfresco at closest point	N/A
Car Parking Provision	2 undercover	2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage -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 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 development application 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

The locality is considered to have a high level of residential amenity and heritage value. The proposed dwelling has been designed in the context of the historic nature of dwellings in the locality, including the use of pitched corrugated roof form, a front verandah element and vertically proportioned window openings in the front facade. The front facade incorporates stone veneer cladding above the base rendered banding and rendered corners. Stone and rendered masonry are traditional building materials, which have been typically used in the construction of historic dwellings in the locality.

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

“New development will complement and reinforce the traditional colours and materials such as stone, brick and rendered masonry. It will be set in a sympathetic landscaped setting and will emulate the general scale and form of traditional building elements such as fences, verandahs and hipped and gabled roofs, instead of attempting to reproduce the finer architectural detail of the historic building stock.”

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 new dwelling displays a sympathetic form and uses compatible building materials such that it results in an appropriate design response when assessed against the heritage provisions of the Development Plan.

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

The proposed dwelling has wall heights, an overall scale and roof form that are reasonably compatible with existing villas (ie. predominant dwelling styles in the immediate area) when viewed from the street as is evidenced in the streetscape elevation of the proposed dwelling, which provides a reasonable illustration of the bulk and scale of the proposed dwelling and the relationship with the two directly adjacent dwellings. The streetscape elevation is contained in **Attachment B6**.

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 - 7.1 metres to the facade from the Harrow Road property boundary, with the verandah element extending to 3.7 – 4.5 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 southwest (ie. noted as “adjoining residence” on **Attachment B**) was created as part of Land Division Approval 155/D007/20. The same Applicant has had Planning Consent granted by the Panel at its 17 May 2021 Meeting to a separate Development Application (155/595/20) for the construction of a two-storey detached dwelling on this neighbouring allotment. The Harrow Road front setback of this recently approved dwelling varied between 5.0 – 7.0 metres to the facade. 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 – 2.5 metres with the garage being built to the Sixth Lane boundary. On the south-eastern side the proposed dwelling is to have a side setback of 1.0 metre.

In terms of the neighbouring dwelling at 2A Fifth Avenue, the proposed alfresco area is set back in the order of 800mm – 1.6 metres with the rear elevation of the dwelling setback between 4.6 – 6.1 metres. Whilst the proposed rear setback is likely to have some impact on the visual outlook of the occupants of this dwelling, the relatively well vegetated side garden area of 2A Fifth Avenue containing well-established mature trees is expected to lessen to a reasonable extent, the proposed built form and as such is not expected to have a significant impact on the amenity, by way of visual outlook of these neighbouring occupiers. 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 new dwelling would be more peripheral for the occupiers at 2A Fifth Avenue.

Overall, it is considered that the proposed setbacks and the potential visual impact of the proposed 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 57%, which is inconsistent with this policy. The dwelling includes a covered outdoor living area, such that there is unlikely to be a future need for further development on the site. Furthermore, there are examples of detached dwellings within the locality that have site coverage greater than 50%, notably properties located at 43, 45A, 45B and 60 Harrow Road. In this context, the proposed extent of site coverage is considered acceptable.

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

The proposed dwelling will not result in excessive overlooking or overshadowing to the occupiers of the adjacent properties, due to the single-storey nature of the dwelling combined with the relatively flat nature of the land adjacent the rear north-eastern boundary and the setbacks from the side boundaries of the subject land.

As such, the proposal is considered to be consistent with City Wide Principles of Development Control 11 and 31.

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 122m² of private open space. The private open space area includes a covered alfresco/terrace 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 21% of the dwelling's proposed site area, therefore satisfying the minimum provision of 20%, prescribed by City Wide PDC 225(a).

Car-parking/access/manoeuvring

Residential H(C)Z PDC's:	32
City Wide Objectives:	34
City Wide PDC's:	98, 101, 104, 118, 120, 181, 198, 218 & 219

Table NPSP/8

Table NPSP/8 prescribes that detached dwellings should be provided with two (2) on-site car parking spaces per dwelling, of which at least one (1) is covered. The proposed garaging at the north-western side of the dwelling will provide two (2) undercover car parking spaces. The provision of on-site car parking is considered to be acceptable.

In terms of manoeuvring, the proposed garage is to be built to the Sixth Lane side boundary and incorporates a 5.3 metre wide panel lift door which in turn is wider than a standard width double door of 4.8 metres. Sixth Lane is approximately 4.2 metres wide adjacent to the subject land.

City Wide Principle of Development Control 237 states:

“Unless otherwise stated in the relevant Zone or Policy Area, garages and carports fronting a laneway should be set back from the laneway the distance required to provide a width of 6 metres from the opposite side of the laneway to the opening of the garage/carport, to allow for appropriate vehicular manoeuvring in and out of the garage/carport. A lesser set back may be considered in circumstances where an alternative design (such as a wider opening to the garage/carport) demonstrates safe and efficient access.”

The wider than standard garage door opening will allow for convenient manoeuvring to and from the lane which is consistent with the alternative design approach detailed in Principle 237.

The proposed finished floor level of the garage (RL99.71) is approximately between below and/or 80mm above the adjacent ground level next to Sixth Lane, which will enable convenient access and egress without the need for any substantial grade transition, in accordance with City Wide Principle of Development Control 219. Should the Panel determine to approve the proposed development, it is recommended that a condition of consent be imposed requiring that appropriate design level be provided and submitted to the Council prior to Development Approval with the design levels matching the highest and lowest adjacent Sixth Lane levels.

The provision of on-site car parking, vehicle access and manoeuvring are considered to be acceptable.

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
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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 RL99.90 (ie. an increase of 200mm) 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 whereas the recently approved dwelling directly to the southeast has a finished floor level of RL100.090.

The finished floor level of the proposed dwelling will range between being marginally below to 860mm above the surrounding relative natural ground level compared to 250 to 380 millimetres above the adjacent top-of-kerb of Harrow Road. When viewed within a streetscape context, the proposed finished floor level is considered appropriate, as the level of 'build-up' is considered to be compatible 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 south-eastern side and north-eastern rear boundaries of the land. Along the internal south-eastern 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 420 – 500mm combined with 2.1 metre high fencing, the combined height of retaining walls and fencing will range between 2.52 and 2.6 metres on the 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).”

Both the side and front yard area of 2A Fifth Avenue are relatively well vegetated with a number of established trees which in turn will assist in “breaking up” the visual outlook onto the new retaining and fencing. Furthermore, the living areas and main private open space area, are focused towards the northwest – northeast for this neighbouring property. In this context, 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 B6**.

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. 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 B7** 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 dwelling is an appropriate form of development in the Residential Historic (Conservation) Zone. The dwelling design reflects the essential scale and proportions of existing historic character dwellings within the locality. In addition, the proposed dwelling demonstrates a compatible visual relationship with buildings that contribute to the historic character of locality, through consistent setbacks with the majority of other dwellings and the incorporation of a traditional roof form, a front verandah element and a combination of stone clad and rendered external masonry walls.

On balance, the proposed dwelling will fit comfortably into the existing streetscape and will not unreasonably impact on adjacent residential properties.

The provision of private open space and the resulting site coverage (albeit exceeding the prescribed quantum by 7%) are considered to be acceptable.

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 155/97/20 by Lares Homes, to construct a single-storey detached dwelling, 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 154) prepared by Lares Homes; and
- civil and drainage plan (Drawing Number 20137-C01, Revision B) prepared by Gama Consulting.

Conditions

1. A garage design level should be included on the civil and drainage plan prepared by Gama Consulting and submitted to the Council prior to Development Approval. The design levels should match the highest and lowest adjacent Sixth Lane levels.
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. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
4. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

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 Pagnozzi was invited to address the Council Assessment Panel from 7:19pm to 7:22pm

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 155/97/20 by Lares Homes, to construct a single-storey detached dwelling, 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 154) prepared by Lares Homes; and
- civil and drainage plan (Drawing Number 20137-C01, Revision B) prepared by Gama Consulting.

Conditions

1. *A garage design level should be included on the civil and drainage plan prepared by Gama Consulting and submitted to the Council prior to Development Approval. The design levels should match the highest and lowest adjacent Sixth Lane levels.*
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. *All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.*
4. *All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.*
5. *The eave of the garage that is encroaching on the laneway shall be removed, such that the roof terminates at the property boundary, with the final details to 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.

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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

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 7.30pm.

Terry Mosel
PRESIDING MEMBER

Mark Thomson
MANAGER DEVELOPMENT ASSESSMENT