

Council Assessment Panel Minutes

18 March 2019

Our Vision

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

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

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City of
Norwood
Payneham
& St Peters

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VENUE Mayors Parlour, Norwood Town Hall

HOUR 7pm

PRESENT

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

Staff Mark Thomson Manager Development Assessment
Ellen de Souza Development Officer Planning
Kathryn Clausen Senior Urban Planner
Adam Bowey Acting Senior Urban Planner

APOLOGIES Nil

ABSENT Nil

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

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

Seconded and carried

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/83/2019 – UXBRIDGE CAPITAL PTY LTD – 14 COLLIVER STREET, NORWOOD

DEVELOPMENT APPLICATION:	155/83/2019
APPLICANT:	Uxbridge Capital Pty Ltd
SUBJECT SITE:	14 Colliver Street, Norwood (Certificate of Title Volume: 6169 Folio: 138)
DESCRIPTION OF DEVELOPMENT:	Construction of three (3) two-storey dwellings and associated retaining walls, fencing and landscaping
ZONE:	Residential Historic (Conservation) Zone Norwood 5 Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of three (3) two-storey dwellings and associated retaining walls, fencing and landscaping.

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

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

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

Subject Land Attributes

Shape:	regular (with corner cut-off)
Total frontage width:	13.65 metres (Colliver Street)
Total depth:	30.02 metres (Threlfall Street)
Total area:	657m ²
Topography:	fall of 1.86m (approx.) from south to north
Existing Structures:	single storey dwelling and numerous outbuildings
Existing Vegetation:	shrubs and grassed areas

The subject land is located on the southern corner of Colliver and Threlfall Streets.

A vacant inter-war dwelling and numerous outbuildings, retaining walls and fencing - all in a poor state of repair - are located on the subject land. A single-width driveway on the western boundary of the subject land provides vehicular access from Threlfall Street.

Locality Attributes

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

The locality is predominantly residential, comprising a mix of dwelling types and allotment sizes which characterise Colliver, Threlfall and Benson Streets. Along Colliver Street, single-storey, single and double fronted cottages (mostly constructed prior to 1920) contribute to the heritage character of the Norwood 5 Policy Area. The southern portion of Threlfall Street is essentially a laneway which provides rear access to properties fronting William Street, with the exception of one two-storey (non-contributory) dwelling which fronts the street. This part of Threlfall Street through to Charles Street has no footpaths and provides no opportunity for on-street parking other than for three (3) spaces opposite the subject land. Benson Street is dominated by boundary fencing/walls and a group of three-storey residential flat buildings located on the corner of Benson and Charles Streets.

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

Proposal in Detail

The Applicant seeks consent to construct three (3) two-storey detached dwellings, (2) fronting Colliver Street and one fronting Threlfall Street. A land division creating three (3) Torrens Title allotments for the subject land was recently approved by staff under delegation, as the proposed allotments met the minimum frontage width and site area requirements of the Norwood 5 Policy Area.

Dwellings 1 and 2 have total floor areas of 190.4m² and 212.2m² respectively, comprising at ground level, the main living/dining/kitchen area, master bedroom, laundry, toilet, and alfresco. Dwelling 1 has a single-width flat-roofed carport set back 5.5m from Colliver Street and Dwelling 2 has a double garage set back 3m from Threlfall Street. The upper levels of Dwellings 1 and 2 each comprise 2 bedrooms, a bathroom and an activity room. The dwellings have hipped roof, single-storey front sections, with flat-roofed two-storey components set back behind the front sections.

Architectural elements include:

- 35° Colorbond custom orb roof deck (basalt),
- 3.4m eave heights to the front portions of the dwellings, with vertically proportioned painted timber windows and contemporary canopies to the front facades.
- A mix of random ashlar cut face stone, shadow line wall cladding (basalt), timber and off-white render finish to the facades
- A timber finish panel lift door to the garage of Dwelling 2.

Dwelling 3 has a total floor area of 221.3m², comprising at ground level, the main living/dining/kitchen area, media room, laundry, toilet and alfresco. A double garage is set back 5.5m from Threlfall Street. The dwelling has a contemporary, outwardly two-storey appearance.

Architectural elements include:

- Flat-roofed contemporary styling;
- Protruding powder coated window surrounds
- A mix of random ashlar cut face stone, shadow line wall cladding (basalt), timber and off-white render finish to the facades
- Timber finish panel lift door to the garage.

The proposed front fence to Dwellings 1 and 2 comprises simple rendered pillars (off-white) with black metal infill.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed Dwelling 1	Proposed Dwelling 2	Proposed Dwelling 3	Development Plan Merit Assessment Quantitative Guideline
Site Area	220m ²	230m ²	207m ²	Not less than 200m ²
Allotment Width	9.0m	4.65m (to corner cut)	11.00m	N/A
Allotment Depth	24.43m	19.02m - 24.47m	18.72m	N/A
External Wall Height*	6.73m	6.73m	7.0m	N/A
Maximum Overall Height (to roof apex)*	6.73m	6.73m	7.0m	N/A
Floor Area (footprint, all buildings)	190.4m ²	212.2m ²	221.3m ²	N/A
Site Coverage	58%	65%	56%	Compatible with site coverage in the locality
Private Open Space				20% of site area
Street Set-back	4.96m to main wall 4.62m to canopy 5.5m to carport 11.3m to upper level	3.86m to main wall 3.2m to canopy 11.5m to upper level	3m to main wall 4m to upper level 5.5m to garage	Equal to or greater than the adjoining contributory item
Side Set-back	910mm (eastern ground and upper level) 910mm (western)	nil-910mm (eastern ground) 910mm (eastern upper) 1.2m-2.76m (secondary street ground) 2.3m-4m (secondary street upper) 3m to garage	910mm (northern ground) 910mm-1.83m (northern upper) nil-1m (southern ground) 1m (southern upper)	Reflect pattern established by adjoining dwellings
Rear Set-back	1.6m-4.1m (rear ground) 4m (rear upper)	nil (rear ground) 1.7m (rear upper)	900mm-3.3m (rear ground) 3.3m(rear upper)	N/A
Car Parking Provision	1 undercover and 1 uncovered	2 undercover	2 undercover and 2 uncovered	2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage

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

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

Notification

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

As such, no public notification was undertaken.

State Agency Consultation

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

Discussion

The subject land is located within the Norwood 5 Policy Area of the Residential Historic (Conservation) Zone of the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

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

Land Use

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

Norwood 5 Policy Area Objectives: 1
Norwood 5 Policy Area Desired Character Statement
Norwood 5 Policy Area Principles of Development Control: 2, 3, 5

RH(C)Z Desired Character Statement
RH(C)Z Objectives: 1, 4
RH(C)Z PDCs: 7 & 8.

City Wide Objectives: 1, 2, 7 & 10.
City Wide PDCs: 1, 2, 3, 4 & 19.

Norwood 5 Policy Area 3 states that *'buildings originally constructed prior to 1920 which contribute to the desired character of the zone or policy area should not be demolished'*. The subject dwelling was constructed after 1920 and was approved for demolition through a previous Development Application.

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

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

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

The proposal is consistent with part (b) of Principle 8, in that the proposed dwellings are to replace a building which does not contribute significantly to the heritage value, historic character or desired character of the zone.

The proposed use of the land for detached dwellings is consistent with Norwood 5 Policy Area PDC 2 which provides for the development of a *'...range of types and forms of residential accommodation, offering a wide range of housing choice'*.

With regard to density, the site area of the subject allotments are 220m², 230m² and 207m² respectively. They were approved by staff under delegation through a previous land division application, as the site areas exceeded the minimum site area requirement of the Norwood 5 Policy Area, being not less than 250m² except where the site of the development does not contribute positively to the historic character of the Policy Area, in which case the site area should not be less than 200m². Density within the locality is varied and displays a range of allotment sizes and frontage widths and in this regard the proposed allotment sizes and frontage widths - particularly as they present to Colliver Street - are considered to be consistent with the range of allotments found within the locality.

streetscape/bulk/scale/height/character/heritage

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

Norwood 5 Policy Area Objective: 1	
Norwood 5 Desired Character Statement	
Norwood 5 Policy Area Principles of Development Control: 1, 4	
Residential H(C)Z Desired Character Statement	
Residential H(C)Z Objectives:	1, 5 & 6
Residential H(C)Z PDCs:	1, 2, 13-19, 22, 23, 25 & 26.
City Wide Objectives:	18, 19 & 20.
City Wide PDCs:	28-35, 41.

Principle of Development Control 4 of the Norwood 5 Policy Area states:

“Development in the Norwood 5 Policy Area should not exceed two storeys in height above natural ground level.”

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

Where two storey development is anticipated, Principle of Development Control 17 of the Residential Historic (Conservation) Zone provides guidance on the streetscape appearance of two storey dwellings:

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

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

Dwellings in Colliver Street are entirely single storey, therefore (in accordance with PDC 17), new development should maintain a single storey streetscape appearance. In this regard, the upper levels of Dwellings 1 and 2 are proposed to be set back behind the single-storey front sections of the dwellings. The generous wall height and steeper roof pitch of the front portion of the dwellings should mostly conceal the two-storey components, when viewed from Colliver Street. Overall, it is considered that the second storey components are sufficiently set back and visibly separate from the front sections of the dwellings so as to maintain a mostly single-storey streetscape appearance along Colliver Street.

As the subject land is on a corner, the two storey portion of Dwelling 2 and the proposed outwardly two-storey built form of Dwelling 3 would be highly visible from Threlfall and Benson Streets. As discussed previously regarding the locality, this section of Threlfall Street and Benson Street is characterised mostly by rear fences and garages. Except for a single-storey dwelling at 1 Benson Street, other dwellings fronting Benson Street and the southern part of Threlfall Street are two (2) and three (3) storey residential buildings. As such, the outwardly two-storey presentation of Dwellings 2 and 3 to these streets is considered to be acceptable.

Dwelling 1 has a single-width flat-roofed carport fronting Colliver Street, whilst Dwellings 2 and 3 have double garages facing Threlfall Street. Principle of Development Control 31 of the Residential Historic (Conservation) Zone states:

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

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

The proposed introduction of a vehicle crossover for Dwelling 1 will have some impact on the existing streetscape, however, the narrow width of the opening and the proposal to have a simple, low, open carport set back from the main face of the dwelling, should assist in minimising this impact. Should the Panel determine to approve the Application, it is recommended that a condition of approval be included to require that the carport remains open and is not enclosed with a roller door (or like).

The use of the secondary street for garaging and driveway access for Dwelling 2 is a positive aspect of the proposal as it utilises the existing crossover and does not impact any further on the existing streetscape of Colliver Street. The relatively generous set-back from the secondary street (3.29m) and the proposed design of the upper level whereby it protrudes above the garage should also assist in reducing the dominance of the garage.

With regard to the proposed garage for Dwelling 3, 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; and*
- (b) be set back at least 0.5 metres behind the main face of the associated dwelling, unless the main face incorporates projecting elements such as a portico or verandah, in which case the garage or carport may be in line with the main face of the associated dwelling (Refer to Figure 8); and*
- (c) be set back no less than 5.5 metres from the primary street frontage, to allow for vehicle parking.”*

The proposed garage is 5.44m in width (as viewed from Threlfall Street), which is not consistent with part (a) of the above PDC, as it exceeds the 40% maximum width guidance (being 49%). Whilst this is a negative aspect of the proposal, it is not considered to be fatal, given that the streetscape character of this section of Threlfall Street is considered to be relatively low. It is further noted that the upper level protrudes above the garage, which would assist in minimising the scale and appearance of the garage.

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

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

bulk and scale;

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

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

“The proposed houses facing on to Colliver Street present as a single level contemporary hipped roof dwellings in a similar manner to other newer houses in Historic Conservation Zones. The single fronted type dwellings suit the tighter streetscape and more intimate context of Colliver Street.”

With regard to Dwelling 3, Mr Brown considers that the outwardly two-storey design is acceptable in the context of the existing built form in Threlfall Street.

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

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

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

The proposed front fence for Dwellings 1 and 2 is a simple contemporary design with 1200mm rendered pillars and metal infill, and for Dwelling 2, will extend around the corner cut-off into Threlfall Street. Dwelling 3 proposes a similar style of front fence, except with 1800mm high pillars.

Along the Threlfall Street frontage, the proposed secondary street fencing for Dwelling 2 comprises a rendered wall which is between 1.91m and 2.55m in height. An open style sliding gate is proposed across the driveway entrance. Whilst at its highest point, the fence would be higher than the 2.4m maximum guidance of City Wide PDC 58, it is considered acceptable given the slope of Threlfall Street and the need to provide privacy for the occupants.

The proposed height and style of the front fencing along Colliver Street is consistent with the above section of the Desired Character Statement and has the support of the Council’s Heritage Advisor.

Setbacks and Site Coverage

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

RH(C)Z PDCs:	9, 10, 11, 20
City Wide PDCs:	35, 50, 52, 204 - 207.

PDCs 9 and 10 of the Residential Historic (Conservation) Zone state respectively:

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

and

“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 existing dwellings along the southern side of Colliver Street establish a relatively consistent pattern of front and side set-backs. The site of the proposed dwelling is also located adjacent to a pre-1920s ‘contributory’ dwelling located at 12 Colliver Street, which is set back 2.9m to the verandah and 4.6m to the main wall. Due to the unusual corner siting, there is no adjoining dwelling on the other side for the purpose of comparing front set-backs in accordance with PDC 10.

The proposed front set-back of Dwelling 1 is 4.62m to the canopy and 4.96m to the main wall, which would result in the main wall of new dwelling being set-back slightly further than the main wall of the adjoining ‘contributory’ dwelling. The proposed front set-back of Dwelling 2 is 3.2m to the canopy and 3.86m to the main wall. Whilst the main wall of Dwelling 2 is closer to the street than Dwelling 1 and the main wall of the ‘contributory’ dwelling at 12 Colliver Street, importantly, its canopy does not project beyond the verandah of the ‘contributory’ dwelling and overall, is considered to be reasonably reflective of the pattern established by adjoining dwellings.

With regard to side set-backs, Dwelling 1 has a 910mm set-back from the eastern boundary of the subject land, which is considered to provide sufficient separation between the adjacent ‘contributory’ dwelling and the new dwelling. Small side set-backs between Dwellings 1 and 2 continue this pattern.

Dwellings 1 and 2 both propose garages with boundary walls on their respective southern boundaries and in the case of Dwelling 2, also on the eastern boundary. The overshadowing impact of these walls is discussed in the following section of this report.

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

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

In this instance, the development does not involve the retention of a heritage place so the proposal for boundary walls on the side and rear boundaries of the subject land is not in accordance with this provision. Whilst this is a negative aspect of the proposal, the boundary walls are not likely to have any real streetscape impact, nor are they likely to have any unreasonable visual or overshadowing impact on the occupiers of the adjacent land.

With respect to site coverage, the proposed dwellings cover 58%, 65% and 56% of their respective sites, which includes covered alfresco areas. The Norwood 5 Policy Area does not prescribe site coverage, however PDC 12 of the Residential Historic (Conservation) Zone seeks that site coverage should be compatible with the site coverage of those buildings in the locality which contribute significantly to the historic character. Site coverage in the locality is varied but is observed to be generally in the order of 60% or greater. In this context, the proposed level of site coverage is considered to be acceptable.

Overshadowing/overlooking

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

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

The Applicant has provided shadow diagrams, which demonstrate the expected level of overshadowing during the winter solstice (**Attachment D**). The main impact would be the extent of overshadowing from Dwelling 3 on the neighbouring land to the south. Dwelling 3 proposes a garage wall on the southern boundary of the subject land (being 6.2m long and 3m high) with the upper level wall being set back 1m from

the southern boundary. The neighbouring land to the south of the subject land is a large allotment comprising a residential flat building fronting William Street. There is approximately 28m of 'backyard' between the units and the subject land, therefore the level of overshadowing would not affect the windows of the dwellings in the units, nor would it exceed the guidance provided by PDC 196 which states:

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

It is noted that Dwellings 1 and 2 would have some impact on the northern aspect of Dwelling 3. This would be mitigated to some extent by the change in levels, whereby Dwelling 3 sits higher than Dwellings 1 and 2 (up to 900mm higher). It is also noted that Dwelling 3 has only 2 small windows on its northern elevation, with most of its outlook to the east. The shadow diagrams indicate that a portion of the private open space area of Dwelling 3 would receive winter sunlight during the morning.

With regard to overlooking, Dwellings 1 and 3 both have either high level windows or fixed obscure glazing to a height of 1.7m above the floor level, for all upper level windows on the eastern elevations and for Dwelling 3, also on the southern elevation, which is in accordance with PDC 235. It is noted that Dwelling 1 has upper level windows on the southern elevation (bedroom 3 and the toilet), which are not shown in elevation. Whilst it is assumed that the toilet window would be obscure and that the bedroom window would be high level, it is not clear, therefore if the Panel determines to approve the Application a condition of approval should be included to require privacy treatment to both windows.

Both Dwellings 2 and 3 include upper level windows on the western elevation, fronting Threlfall Street. Whilst the windows of Dwelling 2 are unlikely to cause any unreasonable overlooking into the rear private open space areas of neighbouring dwellings, it is considered that the upper level windows of Dwelling 3 could allow a level of overlooking that may be considered unreasonable. Should the Panel determine to approve the Application, it is recommended that a condition of approval be imposed to require these windows to have privacy treatment. The Applicant could seek to have the need for privacy treatment reviewed during the construction of the dwelling.

Private open space

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

City Wide PDCs: 222 – 225.

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

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

- (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;*

Dwellings 1 and 2 each include 36m² of private open space, comprising a ground level alfresco and open yard area to the rear of Dwelling 1 and a ground level alfresco and yard area to the eastern side of Dwelling 2. Dwelling 3 includes 37m² of private open space, comprising a ground level alfresco and yard area to the rear of the Dwelling. The private open space areas are all directly accessible for the main living areas of the dwellings.

Car parking/access/manoeuvring

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

City Wide Objectives:	34
City Wide PDCs:	101, 117, 120, 123.

Table NPSP/8.

Table NPSP/8 requires that detached dwellings provide a minimum of two (2) on-site vehicle parking spaces, with at least one of those spaces being covered.

In this regard, Dwelling 1 proposes a single-width carport and driveway, accessed via a new single-width crossover on Colliver Street. The proposed 5.5m set-back of the carport would allow sufficient space for another vehicle. The location of the proposed crossover close to the corner of Threlfall and Colliver Streets has been considered by the Council's Governance and Community Affairs Department, who have advised that it is acceptable in this instance and is likely to improve the current situation whereby vehicles are able to park closer to the corner and can impede vehicle movement around the corner. The location of the proposed driveway also provides sufficient clearance to the adjacent street tree in Colliver Street.

Dwelling 2 proposes to utilise the existing driveway crossover in Threlfall Street, with a double garage providing undercover space for 2 vehicles.

Dwelling 3 proposes a double-width garage and driveway, accessed via a new double-width crossover on Threlfall Street. The proposed 5.5m set-back of the garage from Threlfall Street would also provide sufficient space for additional vehicle parking. It is noted that the internal width of the proposed garage for Dwelling 3 is only 5.5m, which is 200mm less than the Australian Standard, insofar as it does not provide sufficient additional width to allow for door opening where there would be adjacent obstructions (i.e. the garage walls). Whilst this is a negative aspect of the proposal, particularly if it were to result in the garage only practically functioning as a single-width garage, the proposal would still satisfy the 2 space on-site requirement of Table NPSP/8.

Due to the narrow width of Threlfall Street, the construction of the proposed vehicle access for Dwelling 3 would result in the loss of three (3) existing on-street visitor parking spaces on the western side of Threlfall Street, which is not in accordance with City Wide PDC 101 which states:

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

The loss of three (3) on-street car parking spaces is a negative aspect of the proposal, however, the Council's Governance and Community Affairs Department has advised that in this instance, it supports the removal of all three (3) spaces for the following reasons:

- the spaces are not specifically allocated for residential parking and the nearby dwellings have off-street parking;
- they appear to be only used by casual parkers and visitors to the area; and
- the narrow width of Threlfall Street is not wide enough in accordance with the relevant Australian standards to accommodate on-street parking and allow one way through traffic.

In this regard, the possible loss of all three (3) on-street parking spaces does not offend PDC 101, because in this instance, it is not considered appropriate to require the maintenance or provision of on-street parking, where it is not able to meet the minimum standards for on-street parking.

Finished floor levels/flooding/retaining/fencing

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

City Wide PDCs: 57, 58, 140, 148, 164 & 171.

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

The site has a slope of nearly 2m from the rear (southern boundary) of the subject land down to Colliver Street. There are a number of existing retaining walls on the subject land, most notably through the middle of the site and along the boundary with Threlfall Street.

The proposed bench and finished floor levels generally reflect the current levels of the subject land and include a new retaining wall of up to 1.25m along the boundary between the rear of Dwellings 1 and 2 and the side boundary of Dwelling 3.

Dwellings 1 and 2 propose finished floor levels of up to 650mm above the top of kerb level in Colliver Street, which is consistent with the finished floor level of the existing dwelling on the subject land and appears to be similar to the finished floor level of the adjoining dwelling at 12 Colliver Street. From a streetscape perspective the proposed finished floor levels are consistent with other dwellings in Colliver Street and will allow for gravity-fed drainage to Colliver Street.

The proposed finished floor level of Dwelling 3 is between 900mm and 1.05m above the proposed finished floor level of Dwellings 1 and 2 and between 180mm below and 610mm above the Threlfall Street water table.

Retaining walls are proposed at the boundary between Dwelling 3 and Dwellings 1 and 2 (with the garage wall of Dwelling 2 also acting as a retaining wall) and also along the southern boundary of Dwelling 1 and along the Threlfall Street frontage, where existing retaining walls are proposed to be replaced and form part of the new fencing.

Overall, the proposed finished floor levels and retaining walls are considered to be appropriate in the context of the existing ground levels and provide a reasonable built form transition across the site.

Trees (significant, mature & street) and landscaping

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

Residential H(C)Z PDCs: 36 & 37.
City Wide Objectives: 24, 120, 121
City Wide PDCs: 73, 220, 221, 409 & 410.

There are no regulated trees on the subject land. The proposed driveway crossover for Dwelling 1 has been designed to provide 2m clearance to an adjacent street tree in Colliver Street and should not have any unreasonable impact on the health or structure of the tree.

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

Environmental Sustainability

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

City Wide Objectives: 23 & 42.
City Wide PDCs: 67, 68, 69, 147, 148, 153, 159.

Dwelling 1 is designed with the main living area and private open space on the southern side of the site, which would limit access to northern sunlight. Notwithstanding this, the dwelling does include windows to the dining and kitchen area and large sliding doors from the living to alfresco areas which would provide a reasonable amount of natural light. Whilst the rear yard would be somewhat enclosed by the boundary fencing and retaining wall on the southern boundary and the garage wall located on the western boundary, the space is considered to be usable and should provide some outdoor amenity for the occupants.

Dwelling 2 is designed with the main living areas and private open space area having a western aspect. The alfresco roof should provide summer shading to main living area doors and window surrounds should provide some shading to upper level windows on the western elevation.

Dwelling 3 is designed with the main living and private open space areas having reasonable access to northern sunlight. Upper level western facing windows include window surrounds for summer shading and the lower level window includes a canopy facing the street which would also provide summer shading.

A drainage plan has been provided, which indicates that Dwelling 3 has been designed with a 3500 litre retention/detention rainwater tank for controlled release of stormwater to Threlfall Street. The Panel should note that the land division approval for the subject land includes a condition requiring that a new stormwater drainage pipe be constructed in Threlfall Street for the discharge of stormwater from this site prior to the Council providing section 51 clearance for the land division. This condition was imposed because there is no existing underground drainage along this section of Threlfall Street and it was considered important that any future development of land within this section of Threlfall Street has access to an adequate stormwater disposal system.

It is noted that the proposal does not include provision for rain water tanks to Dwellings 1 and 2, therefore if the Panel determines to approve the Application, then a condition of approval should be included to require the installation of rainwater tanks in accordance with City Wide PDC 159.

Summary

The proposal for detached dwellings on the subject land is consistent with the land use objectives of the Residential Historic (Conservation) Zone and Norwood 5 Policy Area.

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

On balance, it is considered that the design of Dwellings 1 and 2 complement the scale of contributory dwellings in the locality by way of incorporating a single storey element at the front, similar roof pitch, a verandah and the sympathetic use of materials and finishes. Whilst Dwelling 3 has an outwardly two storey appearance, it is considered that the design will not detract from the historic streetscape character in the immediate or broader locality.

The loss of three (3) onsite car parking spaces in Threlfall Street is considered to be a negative aspect of the proposal, however, the Council's Governance and Community Affairs Department has considered the issues and is supportive in this instance for the following reasons:

- the spaces are not specifically allocated for residential parking and the nearby dwellings have off-street parking;
- they appear to be used by casual parkers and visitors to the area; and
- the narrow width of Threlfall Street is not wide enough in accordance with the relevant standards to accommodate on-street parking and allow one way through traffic.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/83/2019 by Uxbridge Capital Pty Ltd, to construct three (3) two storey detached dwellings and associated retaining walls and front fencing, on the land located at 14 Colliver Street, Norwood, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Site plan, floor plans and elevations prepared by D'Andrea and Associates (Revision A dated 5 March 2019) and received by the Council on 7 March 2019.
- Site and engineering plan prepared by Zafiris and Associates Pty Ltd dated 6 March 2019 and received by the Council on 7 March 2019.

Conditions

1. That the carport associated with Dwelling 1 shall not be enclosed at any time with a roller door (or like).
2. That the upper level windows of Dwelling 3 shall incorporate privacy treatment to a height of 1.7m above the finished floor level prior to the occupation of the dwelling and to the reasonable satisfaction of the Council or its delegate.
3. All stormwater from buildings and paved areas shall be directed to the existing Council drain located on the north-west corner of Benson and Threlfall Streets and 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.
4. A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres) shall be installed for Dwellings 1 and 2 herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
5. All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

3. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.
4. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development is likely to be at the Applicant's cost.
5. The Applicant is advised that the property is located within an Historic (Conservation) Area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including fencing).
6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
7. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

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 155/83/2019 by Uxbridge Capital Pty Ltd, to construct three (3) two storey detached dwellings and associated retaining walls and front fencing, on the land located at 14 Colliver Street, Norwood, subject to the following requirements, conditions and notes:*

Relevant Plans

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

- *Site plan, floor plans and elevations prepared by D'Andrea and Associates (Revision A dated 5 March 2019) and received by the Council on 7 March 2019.*
- *Site and engineering plan prepared by Zafiris and Associates Pty Ltd dated 6 March 2019 and received by the Council on 7 March 2019.*

Conditions

1. *That the carport associated with Dwelling 1 shall not be enclosed at any time with a roller door (or like).*
2. *That the upper level windows other than the northern and western windows of Dwelling 1 shall incorporate privacy treatment to a height of 1.7m above the finished floor level prior to the occupation of the dwelling and be maintained at all times to the reasonable satisfaction of the Council or its delegate.*

3. *All stormwater from buildings and paved areas shall be directed to the existing Council drain located on the north-west corner of Benson and Threlfall Streets and 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.*
4. *A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres) shall be installed for Dwellings 1 and 2 herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.*
5. *All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.*
6. *That the boundary wall treatment to Dwelling 2 fronting Colliver Street be extended onto Threlfall Street to align with the southern wall of the ground floor ensuite.*

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

Seconded and carried

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 7:35pm

Terry Mosel
Presiding Member

Mark Thomson
Manager Development Assessment