

Council Assessment Panel Minutes

15 October 2018

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 7 pm

PRESENT

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

Staff Carlos Buzzetti - General Manager Urban Planning and Environment
Nenad Milasinovic - Senior Urban Planner
Kathryn Clausen – Senior Urban Planner
Ellen de Souza - Development Officer, Planning

APOLOGIES

ABSENT

**1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 17 SEPTEMBER 2018**

*Motion was put that the minutes of the Meeting of the Council Assessment Panel, held on 17
September 2018 be taken as read and confirmed.*

Seconded and carried

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/490/2018 – UNITI WIRELESS – 249-251 MAGILL ROAD, MAYLANDS

DEVELOPMENT APPLICATION:	155/490/18
APPLICANT:	Uniti Wireless
SUBJECT SITE:	249-251 Magill Road, Maylands (Certificate of Title Volume: 6145 Folio: 257)
DESCRIPTION OF DEVELOPMENT:	Extend the height of an existing wireless antennae located above the roof of the Cecere's Music building, from 5 metres to 12 metres.
ZONE:	Norwood, Payneham and St Peters (City) Development Plan (dated)
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application to extend the height of an existing wireless antennae located above the roof of the Cecere's Music building, from 5 metres to 12 metres.

Staff do not have delegated authority to determine the Application, as it underwent Category 3 public notification. As such, the Application is referred to the Panel for determination.

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

Subject Land Attributes

Shape:	irregular
Frontage width:	43 metres
Depth:	95 metres
Area:	2488m ²
Topography:	essentially flat
Existing Structures:	two storey retail showroom and warehouse
Existing Vegetation:	Nil

The subject land is a very large, irregular shaped allotment, located on the northern side of Magill Road, approximately 60 metres west of Portrush Road. It contains a two storey musical instrument showroom (Cecere's Music) close to the Magill Road frontage and a warehouse located further back on the site, set back approximately 50 metres from Magill Road. Vehicular access to the site is via a driveway which extends from Magill Road to the rear of the site. The Cecere's Music building is located west of the driveway and the warehouse is located east of the driveway.

There are two existing antennae mounted on the Cecere's Music building. One is 2.4m high located near the northern end (rear) of the roof and the other is 5m high located near the southern end (front) of the roof. It is the latter which is proposed to be extended to 12m high.

Locality Attributes

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

A two storey building containing a fitness centre (Anytime Fitness), is located immediately east of the subject land, facing Magill Road and has rights of way over the driveway on the subject land. East of the fitness centre is a single storey child care centre located on the corner of Magill Road and Portrush Road.

A single storey service trade premises (Solver Paints) is located immediately west of the subject land, facing Magill Road, on the corner of Adelaide Street. Further west, on the other side of Adelaide Street, is a two storey office building.

Immediately to the north of the site of the Cecere's Music building, is a residential property at 1 Adelaide Street, Maylands, beyond which are further residential properties along Adelaide Street. This area is zoned Residential Character Zone.

On the southern side of Magill Road is zoned Business Zone and contains a mix of commercial uses, including a two storey retail showroom, a funeral home (up to two storeys), a single storey petrol filling station and a single storey office building.

The subject land is located directly adjacent to the point at which Prosser Avenue joins Magill Road. Prosser Avenue is a local residential street within the Residential Historic (Conservation) Zone.

The locality is considered to have a reasonably high level of visual amenity. Buildings with a traditional single storey character such as the Solver building, child care centre and funeral home, are interspersed with more contemporary two storey buildings. Several large trees in the locality feature in the skyline.

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

Proposal in Detail

The Applicant seeks consent to extend the height of an existing wireless antennae located above the roof of the Cecere's Music building, from 5 metres to 12 metres.

The antennae comprises a telescopic telemast, supported by three sets of 5mm thick steel galvanised wires. The diameter of the mast ranges from 60mm at the base to 27mm at the top. At the top of the mast is eight 'Ubiquiti Prism Station 5AC' sectors, each measuring 175mm x 175mm x 184mm.

The antennae is currently only partially raised, to a height of 5 metres, which is the height at which development approval is not required, pursuant to the federal Telecommunications (Low-impact Facilities) Determination 2018.

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

The Applicant has provided photographs of a mast of the same type and height as that which has been proposed, in a different location. The photographs are contained in **Attachments B7-B9**.

Notification

The proposal has been identified and processed as a Category 3 form of development.

One (1) representation was received in response to this notification, from Ms Karen and Mr Peter Ory. A copy of the representation is attached (**Attachment C**). The representor is concerned with the appearance of the antennae, as viewed from their rear yard.

Mr and Mrs Ory desire to be heard personally by the Council Assessment Panel (CAP).

The Applicant has responded to the representations received and a copy of their response is attached (**Attachment D**).

In their response, the Applicant has made an assumption that Mr and Mrs Ory's concerns relate to the existing antennae located at the northern end (rear) of the roof, rather than the proposed height extension of the southern antennae. It is not clear why that assumption has been made.

Based on that assumption, the Applicant has advised that they would be willing to relocate the existing northern antennae, if Mr and Mrs Ory were to 'consent' to the proposed height extension of the southern antennae. Even if the applicant was correct in their assumption of the nature of Mr and Mrs Ory's concern, clearly this is a misunderstanding of process on behalf of the Applicant. The Panel is required to assess the application as proposed.

The Applicant has advised that the objective in raising the antennae height from 5m to 12m is to enable Super-Fast broadband internet services to be delivered to more residents and businesses in the vicinity of the site.

State Agency Consultation

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

Discussion

The subject land is located within the Local Commercial Zone of the Norwood, Payneham and St Peters (City) Development Plan. 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

A Ministerial Plan Amendment Report (PAR), effective since September 2000, sought to encourage the location of telecommunication facilities in localities considered to be most appropriate ie, industrial, commercial and centre zones. These zones were considered most appropriate as they usually comprise development of a bulkier scale and lower visual amenity than other areas.

It is acknowledged that in some situations it may not be possible to locate facilities in these preferred locations, however the following areas are identified (through the PAR) to be avoided:

- areas of environmental conservation significance;
- main focal points including significant vistas and ridgelines; and
- State and Local Heritage Places and areas of heritage conservation significance.

There are no areas of environmental conservation significance affected by the proposal. The proposed site is not a ridgeline and there are no notable vistas (eg. the Adelaide Hills) which would be affected. The subject land does not contain, nor is it located adjacent to a State Heritage Place or Local Heritage Place.

The objective of the Local Commercial Zone is:

Objective 1: A zone primarily accommodating local service activities which are compatible with the amenity of the locality.

The proposed telecommunications facility will not prevent the attainment of the above objective in any way. The siting of the facility on the roof of the building, would not significantly hinder future redevelopment opportunities for the site.

Whilst the zoning does not explicitly encourage telecommunications facilities, it is considered that the proposed use is suitable within the zone. The types of uses that are encouraged within the zone, such as warehouses and industry, generally have associated large, bulky buildings. In this built form context, telecommunications facilities are considered to be appropriate.

Appearance/streetscape/bulk/scale/character

The following Development Plan Objectives and Principles of Development Control are relevant when assessing telecommunication facilities;

Objective 123: Telecommunications facilities provided to meet the needs of the community.

The applicant has stated that there is a high usage and demand for mobile communications technology in the vicinity of the subject land.

Objective 124: Telecommunications facilities located and designed to minimise visual impact on the amenity of the local environment.

Principles of Development Control:

PDC 417 Telecommunications facilities should:

- (a) be located and designed to meet the communication needs of the community;*
- (b) utilise materials and finishes that minimise visual impact;*
- (c) have antennae located as close as practical to the support structure;*
- (d) primarily be located in industrial, commercial, business, office, centre, and rural zones;*
- (e) incorporate landscaping to screen the development, in particular equipment shelters and huts; and*
- (f) be designed and sited to minimise the visual impact on the character and amenity of the local environment, in particular visually prominent areas, main focal points or significant vistas.*

PDC 418 Where technically feasible, co-location of telecommunications facilities should primarily occur in industrial, commercial, business, office, centre and rural zones.

PDC 419 Telecommunications facilities in areas of high visitation and community use should utilise, where possible, innovative design techniques, such as sculpture and art, where the facilities would contribute to the character of the area.

At 12 metres overall height above the roof, the total height of the mast would be approximately 20 metres above ground level, which is considerably higher than existing buildings and structures within the locality.

The existing 5m high mast which is proposed to be extended, is visible along Magill Road both east and west of the subject land. It is also visible from Prosser Avenue. The photographs below show the visibility of the existing mast.



Photograph 1. View from Magill Road, approximately 80 metres west of the subject land



Photograph 2. View from Magill Road, approximately 45 metres east of the subject land



Photograph 3. View from Prosser Avenue, approximately 50 metres south of the subject land

The mast is considered to be appropriately located such that it would be visible from only a few isolated residential locations within the locality. It is likely that the extended mast would be visible from some residential properties in Adelaide Street, including 1 and 3 Adelaide Street, however due to the orientation of the rear yards of those properties, any such view would be peripheral. Therefore, the proposal is not considered likely to have a substantial impact on the amenity of occupants of those properties.

As stated in Objective 124, the location and design of facilities should minimise visual impact on the amenity of the local environment. In this proposal, the design of the facility is considered to have minimised its visual impact to an acceptable degree, given that the mast is very slender and supported by three sets of wire. The location of the facility is also considered acceptable in that it is within a zone that contains and allows for warehouses and light industrial buildings.

Summary

It is considered that the visual intrusion of the proposed telecommunication facility is suitably minimised, through the proposed slimline design. Whilst it is located near adjacent existing residential properties, the siting of the mast close to Magill Road ensures it's visibility from those properties is minimised.

In turn, this means that the mast is relatively visible from Magill Road east and west of the subject land, as well as from Prosser Avenue. However, the relevant Development Plan policies for the assessment of telecommunication facilities place importance on visually prominent areas, main focal points or significant vistas. The proposal is not considered to offend those policies.

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 merit 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 155/490/18 by Unity Wireless to extend the height of an existing wireless antennae located above the roof of the Cecere's Music building, from 5 metres to 12 metres on the land located at 249-251 Magill Road, Norwood, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Plans by Unity Wireless, dated July 2018, Drawing Numbers S1 – S7, Revision P1

Conditions

Nil

Notes to Applicant

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

The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
2. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.

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 155/490/18 by Unity Wireless to extend the height of an existing wireless antennae located above the roof of the Cecere's Music building, from 5 metres to 12 metres on the land located at 249-251 Magill Road, Maylands, subject to the following requirements, conditions and notes:*

Relevant Plans

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

- *Plans by Uniti Wireless, dated July 2018, Drawing Numbers S1 – S7, Revision P1*

Conditions

Nil

Notes to Applicant

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

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

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

Seconded and carried

2. STAFF REPORTS

**2.2 DEVELOPMENT APPLICATION 155/451/2018 – UXBRIDGE CAPITAL PTY LTD –
14 COLLIVER STREET, NORWOOD**

DEVELOPMENT APPLICATION:	155/451/2018
APPLICANT:	Uxbridge Capital Pty Ltd
SUBJECT SITE:	14 Colliver Street, Norwood (Certificate of Title Volume: 6169 Folio: 138)
DESCRIPTION OF DEVELOPMENT:	Construction of two (2) 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 two (2) 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 - 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 the 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 two (2) two-storey detached dwellings – one fronting Colliver Street (Dwelling 1) and one fronting Threlfall Street (Dwelling 2). A land division creating two (2) Torrens Title allotments for the subject land was recently approved by staff under delegation, as the proposed allotment met the minimum frontage width and site area requirements of the Norwood 5 Policy Area.

Dwelling 1 has a total floor area of 242m², comprising at ground level, the main living/dining/kitchen area, master bedroom, laundry, toilet, double garage and alfresco. The upper level comprises 2 bedrooms, bathroom and activity room. The dwelling is designed to have a mostly single-storey streetscape appearance from Colliver Street, with the upper level set back behind the single storey component. The double garage is accessed from Threlfall Street via a modified existing crossover. Architectural elements include:

- 30° Colorbond custom orb roof deck (shale grey)
- 3.5m wall heights to the front portion of the dwelling, including a sandstone facing and off-white render finish and contemporary steel canopy
- Panel lift garage door.

Dwelling 2 has a total floor area of 276.4m², comprising at ground level, the main living/dining/kitchen area, master bedroom, laundry, toilet, double garage and alfresco. The upper level comprises three (3) bedrooms (one with an ensuite), bathroom and activity room. The dwelling has an outwardly two-storey design. The double garage is accessed from a new driveway crossover and is set back 5.53m from Threlfall Street, providing space for additional uncovered parking in front. Architectural elements include:

- 22° Colorbond custom orb roof deck (shale grey),
- Off-white render
- Woodland grey render surround to garage with Surfmist roller door

The proposed front fence 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	Development Plan Merit Assessment Quantitative Guideline
Site Area	345m ²	312m ²	300m ²
Allotment Width	13.65m	16.69m	15.0m
Allotment Depth	13.33-18.99m	18.72-18.92m	N/A

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

Consideration	Proposed	Proposed	Development Plan Merit
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	Dwelling 1	Dwelling 2	Assessment Quantitative Guideline
External Wall Height*	6.3m	6.4m	N/A
Maximum Overall Height (to roof apex)*	8.4m	8.4m	N/A
Floor Area (footprint, all buildings)	183.8m ²	175.6m ²	N/A
Site Coverage	53%	56%	Compatible with site coverage in the locality
Private Open Space	76m ² or 17% including side yard	56.2m ² or 18% excluding front yard	20% of site area
Street Set-back	4.34m to main wall 3-3.2m to canopy	3.09-4.2m to main wall 5.53m to garage	Equal to or greater than the adjoining contributory item
Side Set-back	nil-1.08m (eastern) 2.85-3.29m (western)	nil-1m (southern) 0.9m (northern)	Reflect pattern established by adjoining dwellings
Rear Set-back	nil-6m (southern)	1m (eastern)	N/A
Car Parking Provision	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 dwelling is 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 345m² and 312m² 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. Notwithstanding that density within the locality is varied and displays a range of allotment sizes and frontage widths, importantly, the frontage to Colliver Street remains unchanged by the proposal.

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

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. It states:

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

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

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 level of Dwelling 1 is proposed to be set back behind the single storey front section of the dwelling. The generous wall height and steeper roof pitch of the front portion of Dwelling 1 should mostly conceal the two storey component, when viewed from Colliver Street. Overall, it is considered that the second storey component is sufficiently set back and visibly separate from the front section of the dwelling so as to maintain a mostly single storey streetscape appearance along Colliver Street.

As the subject land is on a corner, the two storey portion of Dwelling 1 and the proposed outwardly two storey built form of Dwelling 2 would be highly visible from Threlfall and Benson Streets. As discussed in the Locality section of this report, this section of Threlfall Street and Benson Street are 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 1 and 2 to these streets is considered to be acceptable.

Both proposed dwellings have double garages facing Threlfall Street, being the secondary frontage for Dwelling 1 and the primary frontage for Dwelling 2. 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 use of the secondary street for garaging and driveway access for Dwelling 1 is a positive aspect of the proposal as it utilises the existing crossover and assists in preserving the existing streetscape of Colliver Street. The relatively generous set-back from the secondary street (3.29m) should also ensure that the garage does not dominate the secondary frontage.

With regard to the proposed garage for Dwelling 2, 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 consistent with the above policy, as the garage width is 37% of the allotment frontage width, the front of the garage is set back more than 500mm from the dwelling facade and 5.5 metres from the street.

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

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

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

Given that the subject land is located within a Historic (Conservation) Zone, advice was sought from the Council's Heritage Advisor, Mr David Brown, regarding the heritage aspects of the proposal. Mr Brown has advised that in regard to Dwelling 1, the overall scale, proportions and proposed materials and finishes are appropriate, noting that the *'scale of the single level portion appears to take its cues from the adjacent cottage to the east, and while bigger, would appear to be a good infill building for the corner site.'*

Mr Brown considers that the outwardly two storey form of Dwelling 2 would be a *'little out of character with the immediate context'* but notes that there are other two level houses in the street (Threlfall Street) and considers that the simple colour scheme, hipped roofs and modulated forms are acceptable in this context.

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 is a simple contemporary design with low rendered pillars and metal infill, and will be located along the Colliver and Threlfall Street frontages. The proposed height and style of the fencing is consistent with the above section of the Desired Character Statement. As the fence was a later addition to the proposal, Mr Brown has separately reviewed the fence design and has verbally advised that he supports the proposed height and style of the front fence.

It is noted that the elevation of the fence does not indicate the slope of the site and the existence of retaining walls along the boundary with Threlfall Street. As such, if the Panel determines to approve the Application then it is recommended that a condition of approval be included to require the Applicant to provide full details of the fencing in conjunction with any retaining walls as part of the Building Rules Consent. This will ensure that staff and the Council's Heritage Advisor can re-assess the appearance of the fencing from a streetscape and heritage perspective. For example, a typical modular concrete sleeper retaining wall under any fencing along the street is unlikely to be acceptable from a streetscape perspective.

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:	194, 204, 205 & 206.

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 character 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 3.1m to the verandah and 4.34m to the main wall. Although the main wall is very slightly forward of the main wall of the adjacent dwelling, the front façade is stepped back to 5m at the eastern end and is set back from the side boundary. Importantly, the front verandah of the proposed dwelling does not project forward of the front verandah of the adjacent dwelling. Overall, the front set-back is considered to be reasonably reflective of the pattern established by adjoining dwellings.

With regard to side set-backs, Dwelling 1 has a small section of boundary wall on the eastern boundary of the subject land, which is set-back 3.5m from the front façade. The adjacent dwelling is sited close to the same boundary and has no windows or doors on this elevation other than a small bathroom window. Whilst there may be some loss of light to this window, it is not a habitable room and as such does not offend City Wide PDC 194, which states:

"All habitable rooms should have at least one window with a minimum horizontal distance, between any facing building and the face of the wall containing the window (i.e. the distance between the eaves, fascias or gutters), of no less than 900 millimetres which is clear to the sky."

to approve the Application, the Applicant would 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:

- (a) *a dwelling with a site area of 250 square metres or greater, 20 per cent of the site area should be private open space, of which one portion should be equal to or greater than 10 per cent of the site area and have a minimum dimension of 4 metres; or*
- (b) *a dwelling with a site area of less than 250 square metres, a minimum of 35 square metres should be private open space, of which one portion should have an area of 16 square metres and a minimum dimension of 4 metres; and*

Dwelling 1 proposes 59m² of private open space (equating to 17% of the total site area), comprising a ground level alfresco and open yard area, which is accessed off the main living area. Dwelling 2 proposes 58m² (equating to 19% of the total site area) comprising a ground level alfresco and open yard area, which is also accessed off the main living area.

The small shortfall in the amount of private open space required by PDC 225 (20% of the total site area), is considered to be minor, and not fatal to the application, particularly as the proposed yard areas are reasonably orientated and dimensioned (i.e. they comprise one larger area rather than being made up of several smaller areas) and include covered and uncovered spaces.

Car parking/access/manoeuvring

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

RH(C)Z PDCs: 32
City Wide Objectives: 34.
City Wide PDCs: 101, 117, 123.

Table NPSP/8.

Principle of Development Control 32 of the Residential Historic (Conservation) Zone states:

“Vehicle access to sites should be via minor streets and/or existing crossovers where possible. Where rear lanes exist, vehicle access and garaging should be located at the rear of the allotment.”

The subject land has frontages to Colliver and Threlfall Street. As Colliver Street is the primary frontage for Dwelling 1, the proposed vehicle access arrangement utilising Threlfall Street is consistent with PDC 32.

Dwelling 1 proposes 2 undercover vehicle parking spaces, which is in accordance with the minimum requirement set out in Table NPSP/8. Dwelling 2 proposes capacity for 2 vehicles within the garage and 2 within the driveway, exceeding the minimum requirements within Table NPSP/8.

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 and no street trees affected by the proposal.

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 having good access to northern light, notwithstanding the siting of the private open space area in the south-eastern corner of the site. Dwelling 2 is designed with a good northern aspect, with the private open space being located in the north-eastern portion of the site. Whilst there is likely to be some overshadowing of this area by Dwelling 1, the higher bench level of Dwelling 2 and the siting of the upper level of Dwelling 1 would assist in maximising the northern sunlight.

A drainage plan has not been provided, therefore if the Panel determines to approve the Application, it is recommended that a condition of approval be included to require that a drainage system is designed to ensure that all stormwater is directed to the existing Council drainage network located on the north-west corner of Benson and Threlfall Streets. This is in accordance with advice provided by the Council's Urban Services Department.

The proposal does not include provision for rain water tanks, 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.

It is noted that Dwelling 2 has a significant amount of western facing glazing, which has no real protection from the summer sun. This has been brought to the attention of the Applicant's designer who has advised that he has discussed the option of incorporating an alternative glazing system to better address this issue. Details of such treatment should be included with the Building Rules Consent.

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

Summary

The proposal for detached dwellings on the subject land is consistent with the land use objectives of the Residential Historic (Conservation) Zone and Norwood 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 proposal for Dwelling 1 sufficiently reflects and complements 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 2 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 proposed style and height of the proposed fencing is considered appropriate, however, the plans do not factor in the need for retaining walls at the corner of Colliver and Threlfall Streets and along the Threlfall Street frontage, which may impact on the height of the fencing. As such, it is recommended that a condition of approval be included to require the Applicant to provide full details of the fencing in conjunction with retaining walls to the reasonable satisfaction of the Council or its delegate as part of the Building Rules Consent. This will ensure that staff can re-assess the height of the fencing from streetscape and heritage perspective.

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 155/451/2018 by Uxbridge Capital Pty Ltd, to construct two (2) 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 (amendment C dated 28 September 2018) and received by the Council on 28 September 2018.

Conditions

1. 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.
2. A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres) shall be installed for each of the dwellings herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.

3. Final details of the front fencing and associated retaining walls along the Threlfall and Colliver Street frontages shall be provided with the application for Building Rules Consent, to the reasonable satisfaction of the Council or its delegate.
4. 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.
5. Details of the glazing system for the upper level western facing windows of Dwelling 2 should be provided with the application for Building Rule Consent, 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 155/451/2018 by Uxbridge Capital Pty Ltd, to construct two (2) 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:

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2. A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres) shall be installed for each of the dwellings herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
3. Final details of the front fencing and associated retaining walls along the Threlfall and Colliver Street frontages shall be provided with the application for Building Rules Consent, to the reasonable satisfaction of the Council or its delegate.
4. 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.
5. Details of the glazing system for the upper level western facing windows of Dwelling 2 should be provided with the application for Building Rule Consent, 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.*
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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 lost

Moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **refused** to Development Application No 155/451/2018 by Uxbridge Capital Pty Ltd, to construct two (2) two storey detached dwellings and associated retaining walls and front fencing, on the land located at 14 Colliver Street, Norwood, for the following reasons:*

1. *The development is incompatible with the bulk, scale and character provisions of the Residential Historic (Conservation) Zone.*
2. *The development incorporates insufficient side setback from the eastern boundary of dwelling facing Colliver Street*

Seconded and carried

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 7:32pm

Terry Mosel
Presiding Member

Carlos Buzzetti
General Manager Urban Planning and Environment