

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Monday 10 December 2019 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.



**Gary Brinkworth**  
**ASSESSMENT MANAGER**

**Dated 02/12/2019**

**ACKNOWLEDGEMENT**

We would like to acknowledge this land that we meet on today is the traditional lands for the Kurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

**MEMBERS:** Ms Shanti Ditter (Presiding Member),  
Mr Alexander (Sandy) Wilkinson  
Mrs Jennie Boisvert  
Mr Brenton Burman  
Mr Roger Freeman

**APOLOGIES:**

**CONFLICT OF INTEREST:**

**CONFIRMATION OF MINUTES:**

MOVED:

SECONDED:

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 10 December 2019, as printed and circulated, be taken as read and signed as a correct record.

**CITY OF UNLEY**  
**COUNCIL ASSESSMENT PANEL**

**10 December 2019**

**A G E N D A**

Apologies  
Conflict of Interest  
Confirmation

<b>Item No</b>	<b>Development Application</b>	<b>Page</b>
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2.	<a href="#"><u>21 Third Avenue Forestville – 667/2019/C2</u></a>	20-35
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4.	<a href="#"><u>5 Busby Avenue Black Forest – 640/2018/C2</u></a>	44-53
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6.	<a href="#"><u>40 Marlborough Street Malvern – 700/2018/C1</u></a>	79-90
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Any Other Business  
Matters for Council's consideration

**ITEM 1****DEVELOPMENT APPLICATION – 090/427/2019/C2 – 4A MORNINGTON ROAD, UNLEY SA 5061 (UNLEY)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/427/2019/C2
<b>ADDRESS:</b>	4A Mornington Road, Unley SA 5061
<b>DATE OF MEETING:</b>	10 December 2019
<b>AUTHOR:</b>	Brendan Fewster
<b>DEVELOPMENT PROPOSAL:</b>	Construct single storey dwelling with associated garage on common boundary, front masonry fence and retaining and fencing along side and rear boundaries
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	RESIDENTIAL STREETSCAPE (BUILT FORM) ZONE POLICY AREA 8 - COMPACT PRECINCT 8.5 UNLEY (WEST) AND HYDE PARK
<b>APPLICANT:</b>	Vera Repanovic
<b>OWNER:</b>	Vera Repanovic
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (three (3) – 2 oppose & 1 support)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representations
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Built form Streetscape character Residential amenity Boundary wall

**1. PLANNING BACKGROUND**

090/4/2007/CMP – Demolish existing dwelling (approved)

090/21/2007/DIV – Land Division – Torrens Title – create two allotments from one existing (approved)

090/613/2007/C2 – Construct single storey semi-detached dwellings with double garages (Planning Consent Approved)

## **2. DESCRIPTION OF PROPOSAL**

The proposal is for the construction of a single storey detached dwelling and a front masonry fence.

The proposed dwelling is designed with a modern architectural style and form that features a front sandstone clad blade wall and fenestration and a single garage under a pitched roof. External materials and finishes include face brick (Driftwood) and rendered cladding with feature sandstone, aluminium frame windows and doors and colorbond roof sheeting (Surfmist).

The front of the dwelling is setback a minimum of 5.0 metres from the front boundary, with the garage door setback at a distance of 9.0 metres. The side wall of the garage is sited on the southern side boundary for a length of 9.2 metres.

A 1.2 metre high masonry pillar fence (sandstone) with galvanised steel vertical blades is to be constructed along the front boundary, and continued along the northern and southern where located forward of the dwelling façade. Retaining walls and colorbond fence with a maximum combined height of 2.45 metres will be erected along the side and rear boundaries.

## **3. SITE DESCRIPTION**

The subject land is a vacant residential allotment located at 4A Mornington Road, Unley. The allotment is a rectangular shape with an angled frontage of 9.43 metres and site area of approximately 440m<sup>2</sup>.

The land is naturally flat and is devoid of vegetation.

All of the original buildings have been removed from the site.

#### 4. LOCALITY PLAN



#### 5. LOCALITY DESCRIPTION

##### Land Use

The locality comprises a residential area that interfaces with the Unley Shopping Centre to the east. Land on the eastern side Mornington Road is occupied by a series of large commercial buildings and an at-grade bitumen car park. On the western side of Mornington Road is predominantly single storey detached dwellings at relatively low densities.

##### Land Division/Settlement Pattern

The original allotment layout and development pattern has been fragmented in some parts of the locality due to infill development and the size of the adjacent shopping centre. The size of buildings and their setbacks from boundaries vary throughout the locality.

##### Dwelling Type / Style and Number of Storeys

There are several traditional Tudor style dwellings along Mornington Road that are amongst conventional dwellings, duplexes and a two storey residential flat building. Most buildings within Mornington Road and nearby streets are single dwellings.

##### Fencing Styles

Fencing styles and heights are varied and include solid brick, low timber pickets, masonry pillars and brush.

## 6. STATUTORY REFERRALS

No statutory referrals required.

## 7. NON-STATUTORY (INTERNAL) REFERRALS

### Street Tree Protection

The following advice has been provided in relation to the proposed crossover and works adjacent the existing street tree:

- *The subject tree is a mature Lophostemon confertus Queensland Box that currently presents good health and structure. The tree has previously been pruned by SA Power Networks to clear the overhead power lines, but still displays characteristics that are consistent with the current streetscape planting and worthy of preserving*
- *The tree is considered to have a Structural Root Zone (SRZ) equivalent to a circle with a radius of 2.15 metres. The proposed crossover is shown to encroach into this zone and has the potential to significantly impact on its health and structural integrity*
- *Due to the impacts this crossover and driveway will have on the tree, I suggest that the driveway exits the property parallel to the side southern boundary and extends only 3 metres north, creating a single crossover this would provide approximately 2.5 metres clearance from the centre of the tree trunk.*
- *The site plans also identify that the stormwater system will exit the property along the new northern boundary of the allotment. This will be within 2 metres of the tree, and has the potential, during construction, to sever roots. The stormwater system should be installed along the southern side boundary of the property to avoid conflicts with the trees rooting system.*
- *The tree should ideally have a Tree Protection Zone equivalent to a circle with a radius of 5 metres from the centre of the stem. Due to the fragile nature of this genus and species of tree, to root damage, the potential for it to suffer health impacts is high. To ensure the tree is afforded protection, should this crossover and subsequent development be approved, appropriate protection measures should be installed to ensure the long term viability of this tree.*
- *The redesign of the crossover and stormwater system will provide adequate space in which to undertake development, whilst affording the tree a level of protection for its root zone.*

## 8. PUBLIC NOTIFICATION

Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period three (3) representations were received as detailed below.

<b>6 MORNINGTON ROAD, UNLEY (oppose) – 2 REPRESENTATIONS</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Streetscape and amenity impacts as a result of garage wall on the southern boundary	The garage location cannot be changed due to the narrow width of the allotment and the street tree.
Queries regarding the height of retaining walls and fencing.	No response provided
Concerns regarding the removal of a 'No Parking' sign.	No response provided
Queries regarding the location of rubbish bins for collection.	No response provided
<b>43 Hill Street, Parkside (support)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
The proposal is in keeping and is tasteful	No response provided
<b>31 ARTHUR STREET, UNLEY (support/oppose)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Support	No response provided

(\* denotes non-valid planning considerations)

## 9. DEVELOPMENT DATA

<b>Site Characteristics</b>	<b>Description of Development</b>	<b>Development Plan Provision</b>
Total Site Area	440m <sup>2</sup>	Existing Allotment
Frontage	9.43m	Existing Allotment
Depth	50m	Existing Allotment
<b>Building Characteristics</b>		
<b>Floor Area</b>		
Ground Floor	220m <sup>2</sup>	
<b>Site Coverage</b>		
Roofed Buildings	50%	≤50% of site area
<b>Total Impervious Areas</b>	<b>79% approx.</b>	<b>≤70% of site</b>
<b>Total Building Height</b>		
From ground level	5.1m	
<b>Setbacks</b>		
<b>Ground Floor</b>		
Front boundary (east)	5.0m min	8m
Side boundary (north)	1m	1m
Side boundary (south)	<b>On boundary</b>	<b>1m</b>
Rear boundary (west)	8.56m	5m
<b>Wall on Boundary</b>		
Location	Southern boundary	
Length	9.0m	≤9m or ≤50% of the boundary length, whichever is the lesser
Height	3m	≤3m

Private Open Space		
Min Dimension	4m	≥4m minimum
Total Area	90m <sup>2</sup> (20.5%)	≤20%
Car parking and Access		
On-site Car Parking	1 covered 1 visitor	2 per dwelling where less than 4 bedrooms or 250m <sup>2</sup> floor area
Driveway Width	3.14m	3m Single 5m double
Garage Door Width	2.5m	≤6.5m or ≤30% of site width, whichever is the lesser
Colours and Materials		
Roof	Colorbond sheeting (Surfmist)	
Walls	Brick (Driftwood) Sandstone	
Fencing	Masonry with steel infill Colorbond Good Neighbour	

(items in **BOLD** do not satisfy the relevant Principle of Development Control)

## 10. ASSESSMENT

### Zone Desired Character and Principles of Development Control

Residential Streetscape (Built Form) Zone
<p><b>Objective 1:</b> Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</p> <p><b>Objective 2:</b> A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</p> <p><b>Objective 3:</b> Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.</p> <p><b>Objective 4:</b> Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.</p>
Desired Character
<p><b>Streetscape Value</b></p> <p>The Residential Streetscape (Built Form) Zone encompasses much of the living area in inner and western Unley, (excluding the business and commercial corridors and those areas of heritage value). The zone is distinguished by those collective features (termed “streetscape attributes”) making up the variable, but coherent streetscape patterns characterising its various policy areas and precincts. These attributes include the:</p> <p>(a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and</p> <p>(b) allotment and road patterns; and</p>

- (c) *landscape features within the public road verge and also within dwelling sites forward of the building façade; and*
- (d) *scale, proportions and form of buildings and key elements.*

### **Streetscape Attributes**

*It is important to create high quality, well designed buildings of individuality and design integrity that nonetheless respect their streetscape context and contribute positively to the desired character in terms of their:*

- (a) *siting - open style front fences delineate private property but maintain the presence of the dwelling front and its garden setting. Large and grand residences are on large and wide sites with generous front and side setbacks, whilst compact, narrow-fronted cottages are more tightly set on smaller, narrower, sites. Infill dwellings ought to be of proportions appropriate to their sites and maintain the spatial patterns of traditional settlement; and*
- (b) *form - there is a consistent and recognisable pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and forms associated with the various architectural styles. Infill and replacement buildings ought to respect those traditional proportions and building forms; and*
- (c) *key elements - verandahs and pitched roofs, the detailing of facades and the use of traditional materials are important key elements of the desired character. The use of complementary materials, careful composition of facades, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements assist in complementing the desired character.*

*Sites greater than 5000 square metres will be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings, supported accommodation or institutional housing facilities at densities higher than, but compatible with, adjoining residential development.*

*Sites for existing or proposed aged care housing, supported accommodation or institutional housing may include minor ancillary non-residential services providing that the development interface is compatible with adjoining residential development.*

### **Assessment**

The objectives of the Residential Streetscape (Built Form) Zone seek the enhancement of the desired character of the area. The desired character recognizes the importance of maintaining coherent streetscapes with appropriately designed residential development. Development should comprise *“well designed buildings of individuality and design integrity that nonetheless respect their streetscape context and contribute positively to the desired character”*.

The existing streetscape along Mornington Road comprises a mix of dwelling styles that include Tudors, maisonettes with differing carports and materials and conventional dwellings. Dwellings are mostly single storey, with a notable exception being a two storey residential flat building at the southern end of the street. Although the proposed dwelling has limited reference to the style and proportions of the Tudor dwellings on either side, the simple modern design would respond sufficiently to streetscape context which is varied and adversely affected by a tall colorbond fence and car park associated with the shopping centre immediately opposite.

Given the mixed built form character and direct interface with the Unley Shopping Centre, the proposal is considered to be sufficiently maintain the existing streetscape attributes and would generally contribute positively to the desired character of the Residential Streetscape (Built Form) Zone.

Relevant Zone Principles of Development Control	Assessment
<p><b>PDC 2</b>  <i>Development should comprise:</i>            (a) alterations and/or additions to an existing dwelling; and            (b) ancillary domestic-scaled structures and outbuildings; and            (c) the adaptation of, and extension to, a building to accommodate and care for aged and disabled persons, or for a multiple dwelling or residential flat building; and            (d) selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and            (e) replacement of a building or site detracting from the desired character of a precinct with respectful and carefully designed building(s).</p>	<p>The subject land is currently a vacant allotment that was created as part of previous subdivision. The land was formerly occupied by a single dwelling that was demolished and divided into two allotments.</p> <p>PDC 2 of the Residential Streetscape (Built Form) Zone envisages new dwellings on vacant or under-utilised allotments provided the dwellings are 'street-fronting'. The proposed dwelling has been designed to address the road frontage in accordance with PDC 2.</p>
<p><b>PDC 8</b>  <i>Development should comprise street-fronting dwellings exhibiting streetscape attributes consistent with the desired character. In this respect:</i>            (a) sites should not be amalgamated for the purposes of developing residential flat buildings, group dwellings or non street-fronting dwellings unless involving existing large sites occupied by buildings of discordant character where the consolidated site and its replacement dwellings produce a streetscape setting and built forms complementing the desired character; and            (b) "hammerhead" allotment(s) should not be created, nor should a dwelling be located in a rear yard of an existing street-fronting dwelling site where this would detrimentally impact on the established settlement pattern or impose on the characteristic spacious setting of neighbouring dwelling sites, exceed single storey, or impose excessive building bulk.</p>	<p>As considered above, the proposed dwelling is designed to front the adjacent street in a manner that is consistent with the existing development pattern within the locality.</p> <p>PDC 8 also seeks to ensure that "<i>replacement dwellings produce a streetscape setting and built forms complementing the desired character</i>". When this principle is considered in conjunction with PDC 10, it is evident that the provisions for new development support modern building designs provided cues or references to historic styles are incorporated into the design to maintain coherent streetscapes. In this instance, the contextual conditions within the locality are such that there is no recognisable built form character or streetscape qualities. The single storey scale and contemporary form of the proposed dwelling would not be at odds with the prevailing streetscape.</p>
<p><b>PDC 9</b>  <i>Development should present a single storey built scale to the streetscape. Any second storey building elements should be integrated sympathetically into the dwelling design, and be either:</i></p>	<p>PDC 9 encourages single storey buildings. The proposed dwelling is single storey with a wall and ridge height of 3 metres and 5.1 metres respectively.</p> <p>Accordingly, the proposal satisfies PDC 9 of the Residential Streetscape (Built Form) Zone.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>(a) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street; or</i></p> <p><i>(b) set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.</i></p>	
<p><b>PDC 10</b>  <i>Buildings should be of a high quality contemporary design and not replicate historic styles. Buildings should nonetheless suitably reference the contextual conditions of the locality and contribute positively to the desired character, particularly in terms of:</i></p> <p><i>(a) scale and form of buildings relative to their setbacks as well as the overall size of the site; and</i></p> <p><i>(b) characteristic patterns of buildings and spaces (front and side setbacks), and gaps between buildings; and</i></p> <p><i>(c) primarily open front fencing and garden character and the strong presence of buildings fronting the street.</i></p>	<p>The proposed dwelling is of a contemporary style and form that is considered to respond appropriately to the mixed streetscape character.</p> <p>As considered in more detail below, the boundary setbacks would maintain the established development pattern and spatial character in accordance with the desired character for the zone.</p>
<p><b>PDC 14</b>  <i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <p><i>(a) be located to the rear of the dwelling as a freestanding outbuilding; or</i></p> <p><i>(b) where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i></p> <p><i>(i) incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and</i></p> <p><i>(ii) be in the form of a discrete and articulated building element not integrated under the main roof, nor</i></p>	<p>The proposed garage is designed with a single opening and is to be recessed behind the main front wall of the dwelling. The width of the garage door at 2.5 metres would span only 27 percent of the road frontage width and there is sufficient area for landscaping to soften the associated driveway.</p> <p>The siting and design of the garage is such that it would not detract from the appearance of the dwelling or the prevailing streetscape.</p> <p>The proposal is considered to satisfy PDC 14 of the Zone.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>incorporated as part of the front verandah or any other key element of the dwelling design; and</i></p> <p><i>(iii) have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and</i></p> <p><i>(iv) not be sited on a side boundary, except for minor scale carports, and only where the desired building setback from the other side boundary is achieved.</i></p>	

### **Policy Area Desired Character**

<b>Policy Area 8 – Compact</b>
<b>Desired Character</b>
<p><i>This policy area contains five precincts located across the northern parts of City of Unley near the Parklands fringe, from Forestville in the west to Parkside in the east. The desired character and streetscape attributes to be retained and enhanced for each of these precincts is set out below. The table below identifies in detail the differences between the six precincts in terms of the predominant:</i></p> <p><i>(a) allotment widths and sizes; and</i></p> <p><i>(b) front and side building setbacks including the collective side setbacks.</i></p> <p><i>The streetscape attributes include the:</i></p> <p><i>(a) low scale building development;</i></p> <p><i>(b) compact road verges and building setbacks to the street;</i></p> <p><i>(c) building forms and detailing of the predominant cottages and villas; and</i></p> <p><i>(d) varied but coherent rhythm of buildings and spaces along its streets.</i></p> <p><i>Development will:</i></p> <p><i>(a) be of street-fronting dwelling format, primarily detached dwellings, together with semi-detached dwelling and row dwelling types. The conversion or adaptation of a building for a multiple dwelling or residential flat building may also be appropriate; and</i></p> <p><i>(b) maintain or enhance the streetscape attributes comprising:</i></p> <p><i>(i) siting - the regular predominant allotment pattern, including the distinctive narrow-fronted sites associated with the various cottage forms produces an intimate streetscape with a compact building siting and low scale built character with generally low and open style fencing and compact front gardens. Street setbacks are generally of some 6 metres and side setbacks are consistently of 1 metre or greater, other than for narrow, single-fronted and attached cottages producing a regular spacing between neighbouring dwellings of generally 3 to 5 metres (refer table below); and</i></p> <p><i>(ii) form - the consistent and recognisable pattern of traditional building proportions including wall heights and widths of facades, and roof height, volumes and shapes associated with the identified architectural styles in (iii) below; and</i></p> <p><i>(iii) key elements - the defining design features, including the verandahs and pitched roofs, use of wall and roofing materials facades of the predominant architectural styles (Victorian and Turn-of-the-Century double-fronted and single-fronted cottages and villas, and complementary Inter-war bungalows as well as attached cottages).</i></p>

Assessment
<p>The desired character for the policy area seeks to ensure that the streetscape attributes are retained and enhanced. The predominant streetscape attributes within the locality include single dwellings of varying styles and front fences that also vary in height and style.</p> <p>The single storey height, modest scale and simple contemporary design would ensure that the main streetscape attributes are maintained.</p>

### **Relevant Council Wide Objectives and Principles of Development Control**

An assessment has been undertaken against the following Council Wide Provisions:

<b>City-wide Objectives and Principles of Development Control</b>		
<b>Design and Appearance</b>	Objectives	1, 2
	PDCs	1, 2, 3, 9, 10, 12, 13, 14, 19, 20, 21
<b>Energy Efficiency</b>	Objectives	1, 2
	PDCs	1, 2, 3, 4
<b>Form of Development</b>	Objectives	1, 3, 4, 7
	PDCs	1, 2, 3
<b>Interface Between Land Uses</b>	Objectives	1, 2, 3
	PDCs	1, 2, 3
<b>Landscaping</b>	Objectives	1
	PDCs	1, 2
<b>Public Notification</b>	PDCs	1
<b>Residential Development</b>	Objectives	1, 2, 4
	PDCs	1, 5, 6, 7, 13, 14, 15, 16, 17, 19, 20, 23, 24, 32, 33, 34, 35, 36, 37, 40, 41, 42
<b>Transportation (Movement of People and Goods)</b>	Objectives	1, 2, 3, 5, 6
	PDCs	1, 2, 3, 5, 9, 10, 12, 13, 14, 18, 19, 20, 21, 22, 33

The following table includes the Council-wide provisions that warrant further discussion in regards to the proposed development:

Relevant Council Wide Provisions	Assessment
<b>Residential Development</b>	
<b><i>PDC 13 &amp; 14 – Side and Rear Boundary Setbacks</i></b>	<p>Council Wide PDC 13 recommends a minimum setback of one metre from side boundaries for single storey walls. The proposal satisfies the side setback requirements with the exception of the garage wall that is to be located on the southern side boundary.</p> <p>Council Wide PDC 14 provides some allowance for walls on side boundaries provided any associated visual and overshadowing impacts are minimised. From a quantitative perspective, it is noted that PDC 14(c) requires boundary walls to have a maximum height of three metres and a maximum length of nine metres. The proposed garage wall is, for the most part, within these size parameters. It is considered that the visual impacts associated with the boundary wall would not be significant given the modest height of the wall and its positioning immediately adjacent to the driveway of the adjoining property.</p>

Relevant Council Wide Provisions	Assessment
	<p>On balance, the siting and design of the proposed development in relation to the southern side boundary would not significantly detract from the amenity of neighbouring properties and therefore is considered acceptable.</p>
<p><b>PDC 16 &amp; 17 – Site Coverage</b></p>	<p>Council Wide PDC 17 prescribes a total roofed area of 50 percent of the area of the site. The proposed development will result in roofs covering approximately 50 percent of the site, which is acceptable.</p>
<p><b>PDC 19 &amp; 20 – Private Open Space</b></p>	<p>Approximately 90m<sup>2</sup> of private open space will be provided for occupants of the dwelling, which equates to 20% of the site area. The layout, orientation and amount of private open space satisfies Council Wide PDC 20 and is considered suitable for clothes drying, entertaining and other domestic activities.</p>
<p><b>PDC 41 – Overshadowing and Natural Light</b></p>	<p>Given the single storey scale of the proposed dwelling, the shadow cast by the development would not significantly affect the adjoining properties on either side or to the rear.</p> <p>The living room windows and rear yards of neighbouring properties will continue to have adequate access to sunlight in accordance with Council Wide PDC 41.</p>
<p><b>Transportation (Movement of People and Goods)</b></p>	
<p><b>PDC 13 &amp; 20 – Access and Car Parking</b></p>	<p>A new crossover will be provided for the proposed dwelling. The new access is capable of being designed with a 2.5 metre clearance from the centre of the existing street tree, as required by Council’s Arborist.</p> <p>The location and design of the crossover would maintain adequate lines of sight in both directions and would not conflict with any street infrastructure. The proposed vehicular access arrangements are therefore safe and convenient in accordance with Council Wide PDC 13.</p> <p>When assessed against <i>Table Un/5 – Off Street Vehicle Parking Requirements</i>, there is a requirement for at least two car parking spaces, with one space to be covered. The proposal would accommodate one covered space within the garage and one tandem visitor space in front of the garage. The on-site car parking provision satisfies Council Wide PDC 20.</p>

## **11. CONCLUSION**

In summary, the application is not considered to be seriously at variance with the Development Plan and is considered to satisfy the provisions of the Development Plan for the following reasons:

- The proposal is orderly and desirable form of development within the Residential Streetscape (Built Form) Zone, which envisages new dwellings on vacant or under-utilised allotments that address the road frontage and complement the prevailing streetscape;
- The proposed dwelling has been designed with a low roof profile and a simple modern form that would not detract from the prevailing streetscape;
- The design and siting of the proposed dwelling would not adversely impact upon the amenity of neighbouring properties, in terms of visual impact, loss of privacy or access to natural light; and
- Vehicular access is safe and convenient and adequate on-site car parking would be provided.

The application is therefore recommended for Development Plan CONSENT.

## **12. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/427/2019/C2 at 4A Mornington Road, Unley SA 5061 to construct a single storey dwelling with associated garage on common boundary, front masonry fence and retaining and fencing along side and rear boundaries is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

### **DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The vehicle access shall be designed with a minimum clearance of 2.5 metres from the centre of the existing street tree. Prior to the issue of full Development Approval, a final driveway design shall be provided to the satisfaction of Council.
3. Prior to issue of full development approval, an amended Site Works and Drainage plan shall be provided to the satisfaction of Council to demonstrate that all stormwater drainage to the street watertable is to be located along the southern side of the site.
4. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
6. The construction of the new crossing place shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site for the City of Unley Driveway Crossover specifications <https://www.unley.sa.gov.au/forms-and-applications#>

**NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:**

- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.

<b>List of Attachments</b>		<b>Supplied By:</b>
<b>A</b>	<a href="#">Application Documents</a>	Applicant
<b>B</b>	<a href="#">Representations</a>	Administration
<b>C</b>	<a href="#">Response to Representations</a>	Applicant

**ITEM 2****DEVELOPMENT APPLICATION – 090/667/2019/C2 – 21 THIRD AVENUE, FORESTVILLE SA 5035 (GOODWOOD)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/667/2019/C2
<b>ADDRESS:</b>	21 Third Avenue, Forestville SA 5035
<b>DATE OF MEETING:</b>	10 December 2019
<b>AUTHOR:</b>	Harry Stryker
<b>DEVELOPMENT PROPOSAL:</b>	Demolish existing carport and lean-to, carry out alterations and construct additions including verandah, cellar and carport on common boundary
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	12 December 2017
<b>ZONE:</b>	(BUILT FORM) ZONE P 9.2
<b>APPLICANT:</b>	T W Hicks
<b>OWNER:</b>	T W Hicks and A P Hicks
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – 1 (opposed)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representations
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Collective/side setbacks, overshadowing, and streetscape character

**1. PLANNING BACKGROUND**

Development Application 75/2019/CMP to Erect shed on common boundaries  
-Approved

**2. DESCRIPTION OF PROPOSAL**

The proposed development includes the following:

- Demolish existing carport alongside dwelling and rear lean-to additions;
- Carry out alterations including changes to openings, glazing and doors;
- Construct new rear dwelling additions including ground floor and cellar;
- Construct new rear verandah; and
- Erect carport alongside dwelling on side common boundary.

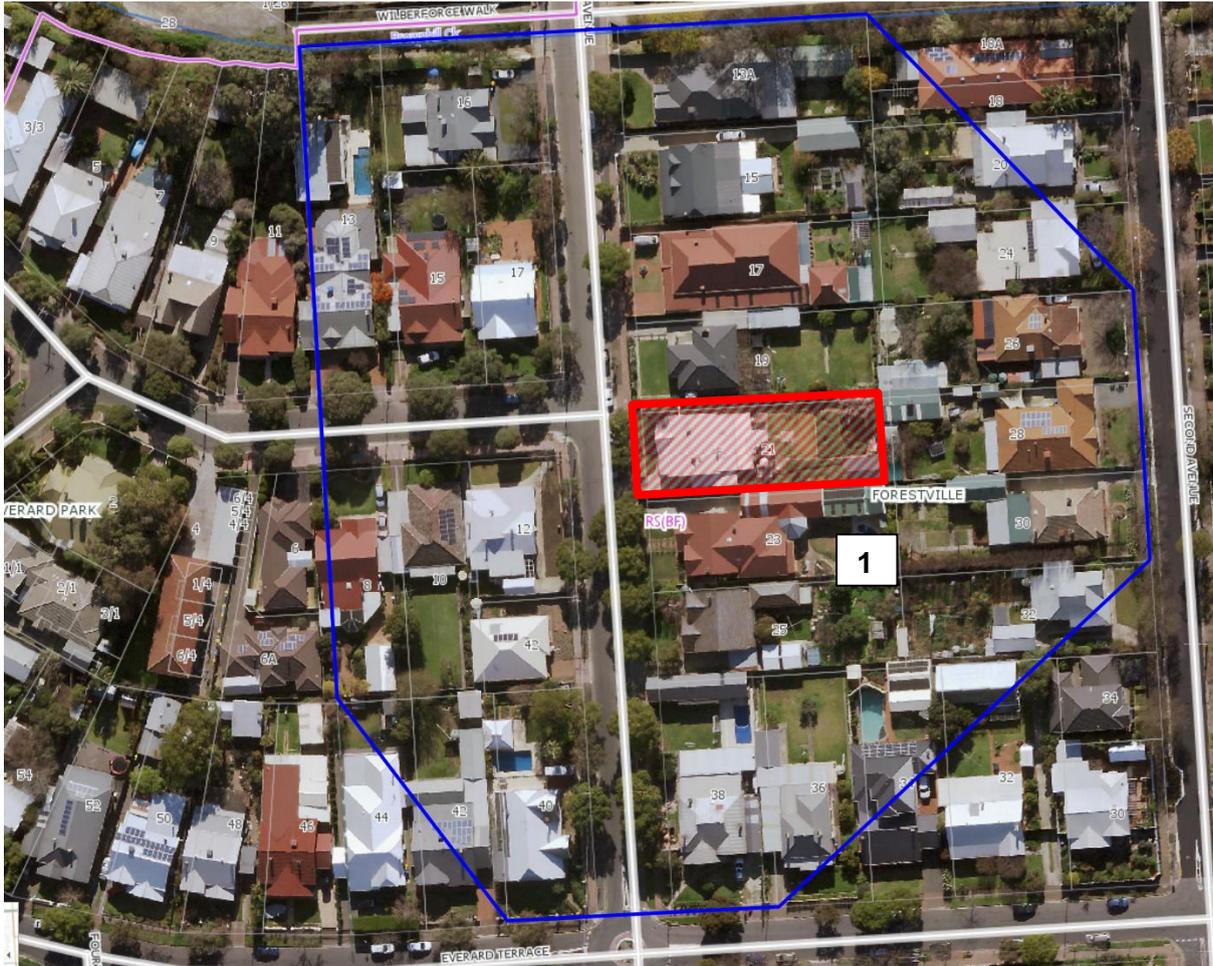
### 3. SITE DESCRIPTION

The site is rectangular with a western frontage to Third Avenue of 18.3 metres and a depth of 50.3 metres. The site has an area of 920 square metres.

Existing structures on the subject site include a single storey detached dwelling and domestic structures.

There are no Regulated trees growing on the subject or directly adjacent sites.

### 4. LOCALITY PLAN



 Subject Site  Locality  Representations

### 5. LOCALITY DESCRIPTION

#### Land Use

The predominant land use within the locality is residential.

## **Land Division/Settlement Pattern**

The pattern of allotments along Third Avenue in the locality is predominantly rectangular allotments of approximately 18 metres in width, oriented westward facing Third Avenue. Along Grove Avenue and Everard Terrace allotments are approximately 15 metres in width, oriented north/south facing the streets. This has produced a streetscape pattern of dwellings setback with front gardens, generally 6-8 metres behind the street boundaries.

## **Dwelling Type / Style and Number of Storeys**

Dwellings within the locality are predominantly single storey and interwar bungalow in architectural style. A large proportion have minor scaled carport or garages alongside the dwelling, generally setback towards the rear. Carports, verandahs and other outbuildings in the locality are generally located on boundaries to the rear of dwellings.

### **6. STATUTORY REFERRALS**

No statutory referrals required.

### **7. NON-STATUTORY (INTERNAL) REFERRALS**

No non-statutory (internal) referrals were undertaken.

### **8. PUBLIC NOTIFICATION**

Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period one (1) representation was received as detailed below.

<b>23 Third Avenue (oppose)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Collective/side setbacks, streetscape character and carport dominance	<p>The proposed addition has been architecturally designed to replicate the main roof form of the existing dwelling, albeit at a lower height and scale...</p> <p>collective side setback is defined as "the distance between the <u>main walls</u> of the neighbouring dwellings"...</p> <p>The main walls of the proposed additions are separated from the main wall of the neighbouring dwelling to the south by approximately 7.4m and to the main wall of the dwelling to the north by approximately 5.1m. Thus, while the roof form to the carport to south abuts the boundary, the main wall of the addition is some 4.0m setback, with the northern wall setback 1.2m from the northern boundary...</p> <p>The carport extending to the southern boundary, is not at odds with the Zone and Policy Area provisions, nor will it result in any detrimental impact on the</p>

	<p>streetscape pattern or rhythm...</p> <p>The roof into which a portion only of the carport is incorporated, is not the main roof of the dwelling. It is well setback from the road frontage and is lower than the main roof height...</p> <p>The proposed addition is of a high architectural standard and design that will complement and maintain the streetscape.</p>
<p>Overshadowing</p>	<p>The proposed addition will not result in any unreasonable overshadowing or loss of access to sunlight at the adjoining dwelling on 23 Third Avenue...</p> <p>it is not the proposed development which results in a limitation on the access to sunlight to 23 First Avenue. A substantial portion of that property's northern boundary is covered by its own structures. Reliance upon clear panelling to sunlight access is directly contrary to Council Wide, Residential Development PDC 42.</p> <p>The proposed development adequately preserves access to sunlight in adopting a flat roof for the western most portion of the carport, having a pitched roof of a limited length at a height lower than that of the main dwelling roof. It is also open on three sides, with no wall on the boundary, enabling natural light through.</p> <p>The primary private open spaces and activity areas on 23 First Avenue are located in the south eastern corner of that property, including the pool and lawned area. The proposed development will have absolutely no impact on those areas.</p> <p>The proposed development will result in very minor overshadowing of small portions of the solar heating system at 23 Third Avenue. Again, the extent of such overshadowing is trivial in the circumstances... the vast majority of that solar system is situated to the east of any additional overshadowing resulting from the proposed development.</p>

(\* denotes non-valid planning considerations)

## 9. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	920m <sup>2</sup>	
Frontage	18.3m	
Depth	15.3m	
<b>Building Characteristics</b>		
<b>Site Coverage</b>		
Roofed Buildings	37%	≤50% of site area
Total Impervious Areas	49%	≤70% of site
<b>Setbacks</b>		
<b>Ground Floor</b>		
Front boundary (west)	8.6m	
Side boundary (north)	1.2m	1m/Nil
Side boundary (south)	4m (wall) Nil (carport)	1m (wall)/ Nil (carport)
Rear boundary (east)	22m	
<b>Development on Boundary</b>		
Location	South	
Length	11.6m (27%)	≤12m or ≤50% of the boundary length, whichever is the lesser
Height	3m (post) 3.3-5m (gable) (for 5.9m length)	≤3m (post) ≤5m (roof)
<b>Car parking and Access</b>		
Garage/Carport Width	4m	≤6.5m or ≤30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	4m x 11.6m	3m x 6m for single 5.8m x 6m for double
<b>Colours and Materials</b>		
Roof	Colorbond "basalt" (medium grey)	
Walls	Recycled red brick & Weatherboard to match	

(items in **BOLD** do not satisfy the relevant Principle of Development Control)

## 10. ASSESSMENT

### Zone Desired Character and Principles of Development Control

#### **RESIDENTIAL STREETSCAPE (BUILT FORM) ZONE**

*Objective 1: Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.*

*Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.*

*Objective 3: Retention and refurbishment of buildings including the sensitive adaptation of*

*large and non-residential buildings as appropriate for supported care or small households.*

*Objective 4: Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.*

### **Desired Character**

*The Residential Streetscape (Built Form) Zone encompasses much of the living area in inner and western Unley, (excluding the business and commercial corridors and those areas of heritage value). The zone is distinguished by those collective features (termed “streetscape attributes”) making up the variable, but coherent streetscape patterns characterising its various policy areas and precincts. These attributes include the:*

- (a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and*
- (b) allotment and road patterns; and*
- (c) landscape features within the public road verge and also within dwelling sites forward of the building façade; and*
- (d) scale, proportions and form of buildings and key elements.*

### **Streetscape Attributes**

*It is important to create high quality, well designed buildings of individuality and design integrity that nonetheless respect their streetscape context and contribute positively to the desired character in terms of their:*

- (a) siting - open style front fences delineate private property but maintain the presence of the dwelling front and its garden setting. Large and grand residences are on large and wide sites with generous front and side setbacks, whilst compact, narrow-fronted cottages are more tightly set on smaller, narrower, sites. Infill dwellings ought to be of proportions appropriate to their sites and maintain the spatial patterns of traditional settlement; and*
- (b) form - there is a consistent and recognisable pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and forms associated with the various architectural styles. Infill and replacement buildings ought to respect those traditional proportions and building forms; and*
- (c) key elements - verandahs and pitched roofs, the detailing of facades and the use of traditional materials are important key elements of the desired character. The use of complementary materials, careful composition of facades, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements assist in complementing the desired character.*

*Sites greater than 5000 square metres will be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings, supported accommodation or institutional housing facilities at densities higher than, but compatible with, adjoining residential development.*

*Sites for existing or proposed aged care housing, supported accommodation or institutional housing may include minor ancillary non-residential services providing that the development interface is compatible with adjoining residential development.*

### Assessment

As discussed in detail below, it is considered that the proposed development would complement the traditional form of the associated building and others within the locality, including the roofing materials and style. The development would adequately maintain spacing between buildings when viewed from the street.

Relevant Zone Principles of Development Control	Assessment
<p><b>PDC1</b> <i>Development should support and enhance the desired character (as expressed for each of the three policy areas, and the respective precincts).</i></p>	<p>The alterations and additions have been architecturally designed to complement both the existing original dwelling building and the desired character for the locality. The new additions are at the rear of the existing building attached via a low flat roofed link section. The main additions would have a wall height and pitched roof form similar to, but of less overall height than that of the main dwelling roof. The roof form maintains the side gable end architectural style typical of the subject bungalow dwelling and others within the locality.</p> <p>The development is considered to adequately comply with this PDC.</p>
<p><b>PDC4</b> <i>Alterations and additions to a building should be located primarily to the rear of the building and not be visible from the street or any public place unless involving the dismantling and replacement of discordant building elements so as to better complement the building's original siting, form and key features.</i></p>	<p>As is discussed above, the alterations and additions are at the rear of the dwelling. A portion of the carport is alongside the original dwelling building for the rear 3.7 metres, 9 metres further back than the existing carport structure.</p> <p>The development is considered to adequately comply with this PDC.</p>
<p><b>PDC14</b> <i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <p><i>(a) be located to the rear of the dwelling as a freestanding outbuilding; or</i></p> <p><i>(b) where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i></p> <p><i>(i) incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and</i></p> <p><i>(ii) be in the form of a discrete and articulated building element not integrated</i></p>	<p>The carport is located at the rear of the dwelling. The portion of the carport which extends alongside the rear of the original dwelling building is a light weight open sided, flat lean-to style structure. The rear portion is incorporated under the roof of the rear additions which are setback 15m behind the front façade and of less overall height than that of the main dwelling roof. Given the above and with regard to the context of the site and locality, the carport is considered a proportionally minor element.</p> <p>The carport structures are sited on the side boundary, however the minimum side and collective setbacks are met and exceeded.</p> <p>The development is considered to adequately comply with this PDC.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>under the main roof, nor incorporated as part of the front verandah or any other key element of the dwelling design; and</i></p> <p><i>(iii) have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and</i></p> <p><i>(iv) not be sited on a side boundary, except for minor scale carports, and only where the desired building setback from the other side boundary is achieved.</i></p>	

### **Policy Area Desired Character**

<b>Policy Area 9 – Spacious</b>
<b>Desired Character</b>
<p><i>The streetscape attributes include the:</i></p> <ul style="list-style-type: none"> <li><i>(a) low scale building development;</i></li> <li><i>(b) spacious road verges and front and side building setbacks from the street;</i></li> <li><i>(c) forms and detailing of the predominant architectural styles (variously Victorian and Turn-of-the-Century double-fronted cottages and villas, and Inter-War era housing, primarily bungalow but also tudor and art deco and complementary styles); and</i></li> <li><i>(d) varied but coherent rhythm of buildings and spaces along its streets.</i></li> </ul> <p><i>Development will:</i></p> <ul style="list-style-type: none"> <li><i>(a) be of a street-front dwelling format, primarily detached dwellings; and</i></li> <li><i>(b) maintain or enhance the streetscape attributes comprising:</i> <ul style="list-style-type: none"> <li><i>(i) siting - the regular predominant subdivision and allotment pattern, including the distinctive narrow-fronted sites associated with the various cottage forms (found only in the Unley (North) and Wayville Precincts). This produces a streetscape pattern of buildings and gardens spaces set behind generally open fenced front boundaries. Street setbacks are generally 6 to 8 metres and side setbacks consistently no less than 1 metre and most often greater, other than for narrow fronted cottages. Such patterns produce a regular spacing between neighbouring dwellings of generally between 5 metres and 7 metres (refer table below); and</i></li> <li><i>(ii) form - the consistent and recognisable pattern of traditional building proportions, including the wall heights and widths of facades and roof heights, volumes and shapes associated with the architectural styles identified in the table below; and</i></li> <li><i>(iii) key elements - the iconic and defining design features including, in particular the detailed composition and use of materials on facades and roofing of the predominant architectural styles identified in the table below.</i></li> </ul> </li> </ul>

### Assessment

As discussed above, it is considered that the proposed development would complement the traditional form of the associated building and others within the locality, including the roofing materials and style. The development would adequately maintain spacing between buildings when viewed from the street.

### Relevant Council Wide Objectives and Principles of Development Control

An assessment has been undertaken against the following Council Wide Provisions:

City-wide Objectives and Principles of Development Control		
Residential Development	Objectives	1, 2, 3, 4, 5
	PDCs	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62

The following table includes the Council-wide provisions that warrant further discussion in regards to the proposed development:

Relevant Zone Principles of Development Control	Assessment
<b>Residential Development</b>	
<b>Side and Rear Boundaries</b> <i>Garages, carports, verandahs, pergolas, outbuildings and like structures</i>	
<p><b>PDC15</b> <i>Garages, carports, verandahs, pergolas, outbuildings and like structures should be sited and designed to be ancillary to the dwelling and not visually dominate the locality and should:</i></p> <p><i>(a) site any solid wall at least 600 millimetres off the boundary or on the boundary</i></p> <p><i>(b) site boundary walls immediately abutting other adjacent walls and have the same or lesser length and height</i></p> <p><i>(c) have a minimum setback of 1.8 metres for solid walls or a minimum setback of 0.9 metres for an open sided structure to a habitable room window of an adjacent dwelling</i></p> <p><i>(d) have a minimum distance of 3 metres to any other attributable walls on the boundary</i></p> <p><i>(e) be sited clear of easements and the canopy of significant trees, where practicable.</i></p>	<p>As discussed above, the carport structures are located at the rear of the dwelling and are designed in a complementary form, yet subservient proportions. The carport would not include any walls on boundaries and would be located well in excess of the Development Plan guidelines for minimum setbacks from adjoining habitable windows.</p> <p>The development is considered to adequately comply with this PDC.</p>

Relevant Zone Principles of Development Control	Assessment
<b>Building Form, Scale, Mass and Height</b> <i>General</i>	
<b>PDC23</b> <i>Building form, scale, mass and height should be compatible with development in the locality and in particular the desired character and built form parameters for the zone or policy area.</i>	As discussed above, the development is considered to complement the dwelling and desired streetscape character for the locality.
<b>PDC24</b> <i>Development should be sited and designed to minimize negative visual impacts on existing and potential future land uses that are considered appropriate in the locality.</i>	It is considered the development appropriately minimises negative visual impacts.
<b>Building Form, Scale, Mass and Height</b> <i>Garages and carports</i>	
<p><b>PDC29</b> <i>Garages and carports facing the street (excluding public lanes) should reinforce the prominence of the associated dwelling in the streetscape, and be compatible with the prevailing built form within the zone and locality, and in any case:</i></p> <p><i>(a) have a roof form that visually distinguishes between the garage/carport and the main dwelling and should not be in the form of an extension to the main roof line of the associated dwelling;</i></p> <p><i>(b) be compatible with, but substantially subservient in scale, mass and height to, the associated dwelling and adjacent dwellings;</i></p> <p><i>(c) have a width of no greater than 30 percent of the site width or a maximum garage or carport width of 6.5 metres, whichever is the lesser amount;</i></p> <p><i>(d) reduce the scale of wide garages by the adoption of one or more of the following design measures:</i></p> <p><i>(i) single width doors horizontally separated by no less than 300 millimetres;</i></p> <p><i>(ii) limiting double width garage openings to no wider than 5 metres;</i></p> <p><i>(iii) increased setback behind the main façade of the associated dwelling or sited and designed to be obscured or partially</i></p>	As discussed above, the carport would be incorporated underneath the rear additions roof form. The additions would be located well behind the front façade and main dwelling roof form. The carport would be single width and would be proportionately minor to the main dwelling streetscape element, including with regard to height, volume and would measure no more than 4 metres wide or 22% of the site width.

Relevant Zone Principles of Development Control	Assessment
<i>obscured from the streetscape.</i>	
<p><b>PDC30</b> <i>Outbuildings and like structures should be sited and designed to be ancillary to the dwelling and not visually dominate the locality by having:</i></p> <p><i>(a) a maximum wall height of 3 metres and roof height of 5 metres (sited at least 2 metres from the side boundary) above ground level;</i></p> <p><i>(b) a maximum wall length of 8 metres for solid walls and 12 metres for open-sided structures (including all other boundary walls) or no longer than 50 percent of the boundary length behind the front face of the dwelling, whichever is the lesser amount;</i></p> <p><i>(c) a total floor area not exceeding 80 square metres or 10 percent of the site, whichever is the lesser amount.</i></p>	<p>The carport structures would be open sided with post heights of approximately 3 metres, and an overall gable end height of approximately 5 metres. The gable end element would be located on the side boundary for a length 5.9 metres and adjoin a roofed structure on the adjoining land. The length on boundary of 11.9 metres and floor area of 47.6 square metres would be less than the Development Plan maximum guidelines.</p> <p>Given the proposed distance from the street and setback behind the associated dwelling, it is considered the carport would appear subservient to the dwelling and not be visually dominating within the locality.</p>
<b>Roof Form and Pitch</b>	
<p><b>PDC33</b> <i>Buildings should be designed to incorporate well designed roofs that:</i></p> <p><i>(a) reinforce the desired character of the locality, as expressed in the relevant zone or policy area;</i></p> <p><i>(b) protect reasonable skyline and local views;</i></p> <p><i>(c) contribute to the architectural quality of the building;</i></p> <p><i>(d) are articulated into smaller roof elements where there would otherwise be excessive roof volume and mass, particularly on large buildings;</i></p> <p><i>(e) create minimal glare;</i></p> <p><i>(f) facilitate discrete solar energy collection; and</i></p> <p><i>(g) provide opportunities for roof top gardens and/or communal open space in higher density developments.</i></p>	<p>As discussed above, it is considered that the addition's roof form would complement the architectural style of the subject bungalow dwelling and others within the locality. The additions would be constructed as a separate element to the main original dwelling and roof form, set well back and with a lesser overall height.</p>
<p><b>PDC34</b> <i>Where prevailing roof forms in the locality are consistent with the desired character of the zone or policy area, new</i></p>	<p>As discussed above, it is considered the proposed new addition's roof form is adequately consistent with prevailing roof</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>roof forms should complement the form and pitch of such roofs. In these circumstances, flat roofs or monopitch roofs may be inappropriate.</i></p>	<p>forms and the desired character of the locality. The flat roof link and carport elements have been designed as discreet subservient elements to perform functionally whilst not detracting from the prominent building and roof from elements.</p>
<p><b>Overshadowing and Natural Light</b></p>	
<p><b>PDC41</b> <i>Development should allow direct winter sunlight access to adjacent residential properties and minimise the overshadowing of:</i></p> <p>(a) <i>living room windows, wherever practicable;</i></p> <p>(b) <i>the majority of private open space areas, communal open space and upper level balconies that provide the primary open space provision;</i></p> <p>(c) <i>roof areas, preferably north facing and suitable for the siting of at least 4 solar panels on any dwelling;</i></p> <p><i>or where such affected areas are already shaded, the additional impact should not significantly worsen the available sunlight access.</i></p>	<p>The development includes a carport of 3 metres in height with a gable end element of approximately 5 metres in height and 5.9 metres in length on the southern side boundary adjoining 23 Third Avenue. The area affected at 23 Third Avenue includes a driveway and associated carport structure which adjoins the same boundary. Despite the carport including two skylight sheet sections, the carport is considered to substantially shade the area. It is considered that the proposed development at the subject site would not significantly worsen the available sunlight access at 23 Third Avenue.</p>

## 11. CONCLUSION

In summary, the application is not considered to be seriously at variance with the Development Plan and is considered to satisfy the provisions of the Development Plan for the following reasons:

- The proposed development is considered to adequately comply with relevant city wide, zone and policy area principles of development control, including with regard to boundary development;
- It is considered that the development is of domestic scale and ancillary to and would facilitate the better use of the existing residential use of the land and buildings;
- The development would be located to the rear of the dwelling and not readily visible from the street or any public road;
- The proposed development would be sited and designed to adequately minimize negative visual impacts and not significantly worsen the available sunlight access to neighbouring properties; and
- The scale, form and materials of the development would not be incongruous with the setting and would not unreasonably impact upon the streetscape character of the associated original dwelling nor the desired character for the locality.

The application is therefore recommended for Development Plan CONSENT.

## 12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/667/2019/C2 at 21 Third Avenue, Forestville SA 5035 to 'Demolish existing carport and lean-to, carry out alterations and construct additions including verandah, cellar and carport on common boundary', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

### DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.  
(2kL retention and 1kL detention)

### NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).

List of Attachments		Supplied By:
A	<a href="#">Application Documents</a>	Applicant
B	<a href="#">Representations</a>	Administration
C	<a href="#">Response to Representations</a>	Applicant

**ITEM 3****DEVELOPMENT APPLICATION – 090/662/2019/C2 – 9 KATHERINE STREET, FULLARTON 5063 (PARKSIDE)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/662/2019/C2
<b>ADDRESS:</b>	9 Katherine Street, Fullarton 5063
<b>DATE OF MEETING:</b>	10 <sup>th</sup> December 2019
<b>AUTHOR:</b>	Amy Barratt
<b>DEVELOPMENT PROPOSAL:</b>	Carry out alterations and construct single storey addition on common boundary, and erect verandah
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential (300) Zone PA12.1
<b>APPLICANT:</b>	D Menner
<b>OWNER:</b>	Hsueh-Wen Louis Chen and Pin-Hua Ann Chen
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (One oppose)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representation
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Wall on boundary

**1. PLANNING BACKGROUND**

No relevant Planning Background.

**2. DESCRIPTION OF PROPOSAL**

The applicant proposes to construct a single storey addition to the eastern boundary, and construct a replacement verandah at 9 Katherine Street Fullarton.

**3. SITE DESCRIPTION**

The subject site is located within the Residential Zone, Infill Policy Area 12.1. The site is located on the southern side of Katherine Street between Moore Street and Glen Osmond Road.

The land is regular in shape having a frontage of 15.24m, a depth of 30.48m and an overall site area of 464.5m<sup>2</sup>.

The land is currently occupied by a single storey detached dwelling with associated carport and outbuilding on the eastern boundary.

#### 4. LOCALITY PLAN



#### 5. LOCALITY DESCRIPTION

##### Land Use

The predominant land use within the locality is residential.

##### Land Division/Settlement Pattern

The immediate locality includes predominantly detached and semi-detached dwellings.

Allotment sizes are regular and reflect the associated dwelling type (larger for detached, and subdivided for semi-detached infill).

#### 6. STATUTORY REFERRALS

No statutory referrals required.

## 7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

## 8. PUBLIC NOTIFICATION

Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period one representation was received as detailed below.

<b>7 Katherine Street Fullarton (oppose)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
<p>The boundary development will negatively impact on;</p> <ul style="list-style-type: none"> <li>• my garden along the boundary</li> <li>• habitable windows facing south (reduced light)</li> <li>• visual amenity – consistency in fencing type</li> </ul>	<p>The length of the extension wall on the boundary has been reduced to 4.4m.</p> <p>The boundary wall material has been amended and nominated to be colorbond or lightweight cladding (whichever the neighbours preference will be).</p> <p>Unfortunately due to the property layout we are unable to shift the proposed bedroom to the western boundary or other as suggested.</p>

(\* denotes non-valid planning considerations)

## 9. DEVELOPMENT DATA

<b>Site Characteristics</b>	<b>Addition</b>	<b>Development Plan Provision</b>
Total Site Area	464.5m <sup>2</sup>	
Frontage	15.24m	
Depth	30.48m	
<b>Building Characteristics</b>		
<b>Floor Area</b>		
Ground Floor	22m <sup>2</sup> addition 13.8m <sup>2</sup> verandah	
<b>Site Coverage</b>		
Roofed Buildings	50.8% (235.8m <sup>2</sup> )	≤50% of site area
Total Impervious Areas	68%	≤70% of site
<b>Total Building Height</b>		
From ground level	2.76m	7m max
<b>Setbacks</b>		
<b>Ground Floor</b>		
Front boundary (North)	21m	
Side boundary (East)	On boundary	
Side boundary (West)	9.9m (adjacent verandah)	
Rear boundary (South)	4.6m	
<b>Wall on Boundary</b>		
Location	Eastern	

Length	4.4m	≤9m or ≤50% of the boundary length, whichever is the lesser
Height	2.76m	≤3m
<b>Private Open Space</b>		
Min Dimension	>4m	≥4m minimum
Total Area	19%	≥20% OR 35m <sup>2</sup> OR 20m <sup>2</sup>
<b>Colours and Materials</b>		
Roof	Colorbond roof 5 degree pitch	
Walls	Colorbond or lightweight cladding to boundary per neighbours preference (Brick to match existing other)	

(items in **BOLD** do not satisfy the relevant Principle of Development Control)

## 10. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<p><b>Residential Zone</b></p> <p><i>Objective 1: A residential zone comprising a range of dwelling types of up to two storeys.</i></p> <p><i>Objective 2: Dwellings at low to medium densities including new housing opportunities created through sensitive infill development of individual allotments and amalgamation of allotments and coordinated development particularly in close proximity to centres, public transport stops and public open spaces.</i></p> <p><i>Objective 3: The siting and design of development driven by contextual design considerations and environmentally sustainable outcomes.</i></p> <p><i>Objective 4: Development that contributes to the desired character of the zone.</i></p>
<p><b>Desired Character</b></p> <p><i>The Residential Zone covers various areas of the council including Wayville, Parkside, Fullarton, Malvern and Myrtle Bank. These residential areas consist of a wide range of housing eras and land division patterns. Pockets of pre-1940's character housing are interspersed with homes built since 1950 and mainly comprise conventional detached housing, but also provide examples of other dwelling types including group dwellings, residential flat buildings and supported accommodation. The zone will continue to display a diversity of different building eras with pre-1940's character housing interspersed with sympathetic contemporary dwellings. Design responses may vary but are underpinned by local area context characterised by the rhythm and patterns of sites and buildings, particularly where sites adjoin lower density residential zones.</i></p> <p><i>The character of the Residential Zone will gradually evolve as sensitive infill re-development of existing sites occurs, complementing surrounding dwelling types and forms and having particular regard to the design and siting of built form. Whilst the dominant character is expected to be detached low density housing, smaller sites will also encourage other housing types, particularly semi-detached dwellings and small scale group dwellings. Medium density housing comprising residential flat buildings of up to 2 storeys in height is appropriate on larger sites and preferably in close proximity to centres, public transport and public open space.</i></p>

Relevant Zone Principles of Development Control	Assessment
1 The following forms of development are envisaged in the zone: Dwelling addition	The proposed development is not at variance with the Residential Zone.  The existing dwelling contributes positively to the Desired Character of the Zone. Further, a dwelling addition is an envisaged form of development.

### **Relevant Council Wide Objectives and Principles of Development Control**

An assessment has been undertaken against the following Council Wide Provisions:

City-wide Objectives and Principles of Development Control		
Residential Development	Objectives	1, 2, 3, 4, 5
	PDCs	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62

The following table includes the Council-wide provisions that warrant further discussion in regards to the proposed development:

Relevant Council Wide Provisions	Assessment
<b>Residential Development PDC 14</b>	
The relevant Council Wide PDC states that  <i>“Dwellings sited on side boundaries should be located and limited in length to maintain visual amenity and allow adequate provision of natural light to adjacent properties (habitable room windows and private open space) and should be in accordance with the following parameters;</i>	
a) <i>The same or lesser length and height dimension of any abutting boundary wall;</i>	Not applicable.  There is no boundary wall abutting the location of the proposed development.
b) <i>Setback at least 1 metre behind the main face of the associated dwelling and the nearest adjoining dwellings;</i>	Satisfied.  The proposed development is located to the rear of the allotment (approximately 4.6m from the rear boundary).
c) <i>Up to 3 metres above ground level and a maximum length of 9 metres (including all other attributable boundary walls) or 50 percent of the boundary length that is not forward of the dwelling, whichever is the lesser amount;</i>	Satisfied.  The additions are less than 3.0 metres in height and the combined length of boundary walls along the eastern boundary would equate to 9m (29%).
d) <i>Development along one side of the boundary only with the other side setback of no less than 1 metre or as prescribed;</i>	Not satisfied.  The existing site circumstances include an ensuite addition located on the western boundary.
e) <i>Not within 0.9 metres of a habitable room window of an adjacent dwelling.</i>	Satisfied.  The location of the proposed boundary

	development is adjacent to an existing verandah structure (open space).
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**11. CONCLUSION**

In summary, the application is not considered to be seriously at variance with the Development Plan and is considered to satisfy the provisions of the Development Plan for the following reasons:

- The proposed development is not at variance with the Desired Character and related Principles of Development Control for the Residential Zone;
- The proposed boundary development is limited in length and height to maintain visual amenity and allow adequate provision of natural light to adjacent properties habitable room and private open space.

The application is therefore recommended for Development Plan CONSENT.

**12. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/662/2019/C2 at 9 Katherine Street, Fullarton 5063 to ‘Carry out alterations and construct single storey addition on common boundary, erect verandah’ is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

**DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

**NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:**

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a ‘Notice of Intention’ must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).

List of Attachments		Supplied By:
A	<a href="#">Application Documents</a>	Applicant
B	<a href="#">Representation</a>	Administration

**ITEM 4****DEVELOPMENT APPLICATION – 090/640/2019/C2 – 5 BUSBY AVENUE, BLACK FOREST SA 5035 (CLARENCE PARK)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/640/2019/C2
<b>ADDRESS:</b>	5 Busby Avenue, Black Forest SA 5035
<b>DATE OF MEETING:</b>	10 December 2019
<b>AUTHOR:</b>	Harry Stryker
<b>DEVELOPMENT PROPOSAL:</b>	Erect carport forward of dwelling
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential B350
<b>APPLICANT:</b>	Pergolas of Distinction
<b>OWNER:</b>	Stephen Jonathon Parr
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – 4 supportive
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Recommendation for refusal
<b>RECOMMENDATION:</b>	Refusal
<b>KEY PLANNING ISSUES:</b>	Carport forwards of dwelling

**1. PLANNING BACKGROUND**

No relevant Planning Background.

**2. DESCRIPTION OF PROPOSAL**

The proposed development is to erect an open cantilevered carport forwards of the dwelling in the north western (front) corner of the land.

**3. SITE DESCRIPTION**

The site is rectangular with a western primary frontage to Busby Avenue of 15 metres and a depth of 40.8 metres. The site has an area of 613 square metres.

Existing structures on the subject site include a single storey detached dwelling including single garage and outbuildings.

There are no Regulated trees growing on the subject or directly adjacent sites.

#### 4. LOCALITY PLAN



#### 5. LOCALITY DESCRIPTION

The Busby Avenue locality is residential with rectangular allotments facing east/west to the street. Dwellings are predominantly detached, single storey and sited on allotments of approximately 15 metres in width and 600 square metres in area. The southern end of Busby Avenue between Dunrobin Street has been developed with single and two storey residential buildings. Buildings are setback from the street. Front yards are generally open and landscaped with low and open style front fencing.

## 6. STATUTORY REFERRALS

No statutory referrals required.

## 7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

## 8. PUBLIC NOTIFICATION

Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period four (4) representations were received as detailed below.

<b>4 Busby Avenue, Black Forest</b> -support (did not wish to be heard)
<b>3 Busby Avenue, Black Forest</b> -support (did not wish to be heard)
<b>7 Busby Avenue, Black Forest</b> -support (did not wish to be heard)
<b>8 Busby Avenue, Black Forest</b> -support (did not wish to be heard)

## 9. ADMINISTRATION NEGOTIATIONS

27 February 2018, Preliminary Development Application PRE/9/2018 to Erect carport forward of dwelling, Council advised support of a structure forwards of the dwelling would be unlikely.

9 October 2019, Council advised due to open nature of the locality, existing garage, and relevant Development Plan guidelines, a structure forwards of the dwelling cannot be supported, and that should they wish Council to proceed to assessment, the application would go to the Council Assessment Panel for a decision with a recommendation for refusal

21 October 2019, applicant advised they wish the application to be determined by the Council Assessment Panel.

## 10. DEVELOPMENT DATA

<b>Site Characteristics</b>	<b>Description of Development</b>	<b>Development Plan Provision</b>
Total Site Area	613m <sup>2</sup>	
Frontage	15m	
Depth	40.8m	
<b>Building Characteristics</b>		
<b>Outbuildings</b>		
Wall Height	2.4m (post)	≤3m
Total Height	2.9m	≤5m
Total Floor Area	20.8m <sup>2</sup>	≤80m <sup>2</sup> or 10% of the site, whichever is the lesser

Garage/Carport Width	3.3m	≤6.5m or ≤30% of site width, whichever is the lesser	
Garage/ Carport Internal Dimensions	3.3m x 6.3m	3m x 6m for single	
<b>Colours and Materials</b>			
Roof	Colorbond "Surfmist" (white)		
Walls	(open)		
<b>Setbacks</b>			
Front boundary (west)	<b>900mm 6.3m forwards of dwelling</b>	Not forwards of dwelling	
Side boundary (north)	600mm	600mm/Nil	
Side boundary (south)	11.1m	600mm/Nil	
Rear boundary (east)	n/a		
<b>Car parking and Access</b>			
On-site Car Parking	Existing	Proposed	2 per dwelling where less than 4 bedrooms or 250m <sup>2</sup> floor area
	2	2	
Covered on-site parking	1	2	≥1 car parking space

(items in **BOLD** do not satisfy the relevant Principle of Development Control)

## 11. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<b>RESIDENTIAL B350 ZONE</b>
<i>Objective 1: Provision for a range of dwelling types of up to two storeys compatible in form, scale and design with the existing positive elements of the character of the area.</i>
<b>Desired Character</b>
<i>This Zone is intended to continue as an attractive and established living area with limited infill development. All types of single storey and two-storey housing development in this Zone should ensure that the character and levels of amenity of the locality enjoyed by existing residents is substantially maintained.</i>
<b>Housing Types</b>
<i>Given the extended period over which areas of the Residential B350 Zone developed a wide range of housing types is evident in the Zone. These include single fronted detached dwellings on small allotments to larger villas and bungalows on larger allotments. Residential flat buildings constructed in the 1960's and 1970's are also scattered throughout the Zone. Development should reflect the character and improve the amenity of the immediate area in which it is proposed having particular regard to wall height, roof form, external materials, siting and front and side boundary set-backs.</i>
<i>Allotment sizes vary but are generally between 500 and 700 square metres with sound buildings, thus limiting individual site infill redevelopment opportunities. As such infill development is envisaged through aggregation of larger sites or the replacement of unsound dwellings. Areas formed by the older buildings in the zone, close to railway stations may offer better opportunities for new higher density development.</i>
<b>Streetscape</b>
<i>A wide variety of mature vegetation in private gardens and in street reserves is evident in the Zone. Landscaping associated with development should complement and enhance</i>

existing planting thereby improving the established character of the area.

**Assessment**

As is discussed in greater detail below, it is considered the proposed carport siting and design does not adequately reflect, nor improve the existing positive elements of the character of the area, including with regard to amenity and front setbacks.

Relevant Zone Principles of Development Control	Assessment
<i>PDC1 Development should be primarily for dwellings of up to two storeys compatible in form, scale and design with existing positive elements of the character of the area.</i>	As discussed in more detail below, it is considered the proposed carport would not be compatible in form and design with existing positive elements of the character of the area.

**Relevant Council Wide Objectives and Principles of Development Control**

An assessment has been undertaken against the following Council Wide Provisions:

City-wide Objectives and Principles of Development Control		
Residential Development	Objectives	1, 2, 3, 4, 5
	PDCs	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62

The following table includes the Council-wide provisions that warrant further discussion in regards to the proposed development:

Relevant Zone Principles of Development Control	Assessment
<b>Residential Development</b>	
<b>Design and Appearance</b>	
<i>PDC1 The design and appearance of buildings and their surrounds should respect the contextual qualities of the locality and be consistent with the desired character for the zone or policy area and therefore should have regard to: ...</i>  <i>(b) street and boundary setbacks; ...</i>	The carport has been designed with an open cantilevered design, which is considered to assist in minimising its streetscape presence. Due to the proposed location forwards of the dwelling together with a setback of 900mm from the street boundary however, it is considered the carport would be a significantly prominent streetscape element, and would detract from the prominence of dwellings and open landscaped character of the area, which is reinforced by consistent setbacks of buildings from street, and carports/garage being located alongside or behind dwelling facades.  As such, the proposal fails to adequately comply with this PDC.

Relevant Zone Principles of Development Control	Assessment
<b>Public Road Setbacks</b> <i>Garages, carports and outbuildings</i>	
<p><b>PDC8</b> <i>A garage, carport or outbuilding should be setback from the primary street frontage:</i></p> <p><i>(a) at least 1.0 metres further than the setback of the associated dwelling;</i></p> <p><i>(b) no closer than the front alignment of walls of the associated dwelling if the dwelling incorporates street facing attached verandahs, porticos and similar structures;</i></p> <p><i>(c) at least 5.5 metres where a car parking space is required within the driveway.</i></p>	<p>The proposed carport would be entirely located forwards of the dwelling.</p> <p>As such, the proposal fails to adequately comply with this PDC.</p>
<p><b>PDC9</b> <i>A carport only, may be located forward of the dwelling where the existing exceptional site circumstances prevent the practical undertaking of its construction at the rear of the site or behind the front dwelling wall, providing it does not unreasonably diminish the streetscape presence of the dwelling and the following parameters are met:</i></p> <p><i>(a) a single width and permanently open on all sides;</i></p> <p><i>(b) setback no less than half the setback of the nearest adjacent dwelling.</i></p>	<p>The existing dwelling and site circumstances provide for two off-street car parking spaces, one within the garage alongside the dwelling, with internal dimensions consistent with relevant Development Plan guidelines.</p> <p>The carport would be substantially forwards of the associated and adjoining dwellings and as discussed above, would unreasonably diminish the streetscape presence of the dwelling.</p> <p>As such, the proposal fails to adequately comply with this PDC.</p>
<b>Side and Rear Boundaries</b> <i>Garages, carports, verandahs, pergolas, outbuildings and like structures</i>	
<p><b>PDC15</b> <i>Garages, carports, verandahs, pergolas, outbuildings and like structures should be sited and designed to be ancillary to the dwelling and not visually dominate the locality and should: ...</i></p>	<p>As discussed above, the prominent location forwards of the dwelling and minimal setback from street would result in the carport being a visually dominant element within the locality.</p> <p>As such, the proposal fails to adequately comply with this PDC.</p>
<b>Building Form, Scale, Mass and Height</b> <i>General</i>	
<p><b>PDC24</b> <i>Development should be sited and designed to minimize negative visual impacts on existing and potential future land uses that are considered appropriate in the locality.</i></p>	<p>The proposed carport is not sited to minimize negative visual impacts.</p> <p>As such, the proposal fails to adequately comply with this PDC.</p>

Relevant Zone Principles of Development Control	Assessment		
<b>Access and Car Parking</b> <i>Car Parking</i>			
<p><b>PDC45</b> <i>The number of car parking spaces should be provided in accordance with Table Un/5.</i></p> <p><b>Table Un/5</b>  <i>Detached, Semi-detached or Row Dwelling</i></p> <table border="1" data-bbox="213 584 786 757"> <tr> <td data-bbox="213 584 786 645"> <i>(a) less than 4 bedrooms or 250m<sup>2</sup> floor area</i> </td> </tr> <tr> <td data-bbox="213 645 786 757"> <i>2 on-site spaces – one of which is covered (the second space may be tandem)</i> </td> </tr> </table>	<i>(a) less than 4 bedrooms or 250m<sup>2</sup> floor area</i>	<i>2 on-site spaces – one of which is covered (the second space may be tandem)</i>	<p>As discussed above, the existing dwelling and site circumstances provide for two off-street car parking spaces, one within the garage alongside the dwelling, with internal dimensions consistent with relevant Development Plan guidelines.</p> <p>Additional covered car spaces are not justified.</p>
<i>(a) less than 4 bedrooms or 250m<sup>2</sup> floor area</i>			
<i>2 on-site spaces – one of which is covered (the second space may be tandem)</i>			

## 12. CONCLUSION

In summary, the application is considered to be at variance with the Development Plan and is not considered to satisfy the provisions of the Development Plan for the following reasons:

- The proposed carport would not appear adequately subservient to the dwelling and would visually dominate the locality;
- The proposed carport would adversely affect the open landscaped character of the locality;
- The proposal fails to adequately comply with relevant Development Plan guidelines;
- The scale and form of the development is incongruous with the setting of the locality and would unreasonably impact upon the amenity of the surrounding area.

The application is therefore recommended for REFUSAL.

## 13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/640/2019/C2 at 5 Busby Avenue, Black Forest SA 5035 to 'Erect carport forward of dwelling', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

### Reasons for refusal:

1. The proposed carport would not appear adequately subservient to the dwelling and would visually dominate the locality;
2. The proposed carport would adversely affect the open landscaped character of the locality;
3. The proposal fails to adequately comply with relevant Development Plan guidelines;
4. The scale and form of the development is incongruous with the setting of the locality and would unreasonably impact upon the amenity of the surrounding area

<b>List of Attachments</b>		<b>Supplied By:</b>
<b>A</b>	<a href="#">Application Documents</a>	Applicant
<b>B</b>	<a href="#">Representations</a>	Administration

**ITEM 5****DEVELOPMENT APPLICATION – 090/475/2019/C2 – 400 FULLARTON ROAD, MYRTLE BANK SA 5064 (FULLARTON)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/475/2019/C2
<b>ADDRESS:</b>	400 Fullarton Road, Myrtle Bank SA 5064
<b>DATE OF MEETING:</b>	10 <sup>th</sup> December 2019
<b>AUTHOR:</b>	Amy Barratt
<b>DEVELOPMENT PROPOSAL:</b>	Construct a three storey residential flat building containing thirteen (13) dwellings, and remove Significant tree (Fiddlewood)
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential Regeneration Zone, Major Roads Policy Area 14
<b>APPLICANT:</b>	Huida Land and Development Australia Pty Ltd
<b>OWNER:</b>	Juwen Zhang
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (Two oppose)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representations Removal of a Significant Tree
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Building bulk / mass Significant Tree

**1. PLANNING BACKGROUND**

No relevant Planning Background.

**2. DESCRIPTION OF PROPOSAL**

The applicant proposes to construct a three-storey residential flat building containing thirteen (13) dwellings as detailed below.

Ground level:

- The entrance 'lobby' and pedestrian access to the residential flat building presents to Fullarton Road;
- A one bedroom dwelling (unit 1) is located at the ground level. A proposed fence provides privacy to the dwelling's private open space which is located within the Fullarton Road frontage;
- Vehicle access is located adjacent to the southern boundary of the land;
- On site vehicle parking (8 visitor and 15 residents) and storage for 16 bikes are located at ground level (behind the lobby and dwelling1).
- A feature canopy is located above the vehicle entry, on the southern boundary

Second storey;

- The second storey is centrally located on the allotment and provides for seven (7) dwellings (units 2 – 8);
- Each dwelling includes two (2) bedrooms and a private balcony (11m<sup>2</sup> or 13m<sup>2</sup>);
- Air-conditioning units servicing a number of units are located on the north-eastern portion of the roof

Third storey;

- The third storey provides for five (5) dwellings,
- The dwellings include four (4) two-bedroom and one (1) three-bedroom;
- Each dwelling includes a private balcony (11m<sup>2</sup> – 13m<sup>2</sup>);
- Air-conditioning units and solar panel provisions are located on the north-western portion of the roof

The application proposes the removal of a Significant Tree (*Citharexylum spinosum* Fiddlewood) located in the front portion of the site.

### **3. SITE DESCRIPTION**

The subject site is located within the Residential Regeneration Zone, Major Roads Policy Area 14.

The site is located on the eastern side of Fullarton Road, between Fisher Street and Culross Avenue. The site is regular in shape, having a frontage to Fullarton Road of 23.77m, a depth of 57.9m and an overall site area of 1376.6m<sup>2</sup>. The land demonstrates a gentle slope, with the highest point being the south-eastern corner, and lowest point at the north-western corner of the allotment.

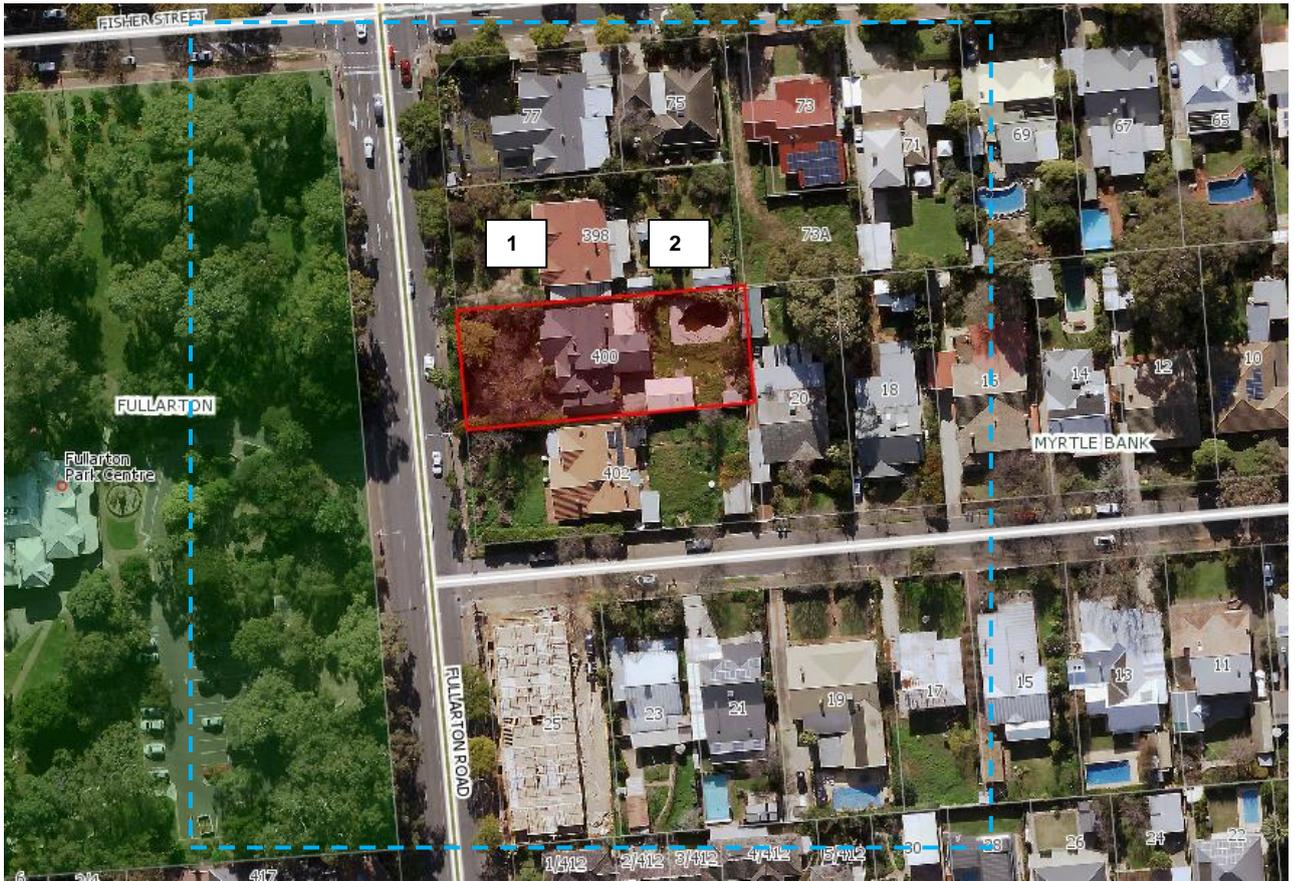
The site is currently occupied by a two-storey detached dwelling, and ancillary structures. The demolition of the existing structures will be subject to a separate application.

A Significant Tree (*Citharexylum spinosum* Fiddlewood) is located within the front portion of the site and is proposed to be removed.

Existing vehicle access is gained via a crossover adjacent the southern boundary. The applicant proposes to widen the existing crossover, requiring the relocation of an existing sign.

Two street trees are located in front of the subject site, and a 'stobie' pole is located in line with the southern boundary.

#### 4. LOCALITY PLAN



#### 5. LOCALITY DESCRIPTION

##### Land Use

The eastern side of Fullarton Road is located within the Residential Regeneration Zone, and includes predominantly residential land uses with the exception of the petrol station located on the corner of Fisher and Fullarton Road.

The rear (eastern) boundary of the subject land abuts the Residential Streetscape (Landscape) Built Form Zone, which accommodates low scale residential dwellings.

The western side of Fullarton Road is located within the Residential Historic Conservation Zone whereby the Fullarton Park Community Centre is located directly opposite the subject land.

Figure 1 below demonstrates the subject site highlighted in red, and the Zone boundaries as described above, highlighted in pink.

**Figure 1: Zone Boundaries**



**Land Division/Settlement Pattern**

The eastern side of Fullarton Road has undergone change and does not demonstrate a consistent settlement pattern.

- Presently, the subject land, and the northern adjoining property, have not undergone land division

North of the subject allotment;

- The allotment on the corner of Fisher Street and Fullarton Road has undergone subdivision (two from one);
- Fisher Street demonstrates recent subdivision and infill, as well as higher density unit development

South of the subject allotment;

- The southern adjoining property has Development Approval to divide the land into seven (7) allotments, accommodating seven (7) two-storey dwellings fronting Culross Avenue;
- A two-storey residential flat building comprising seven (7) dwellings is currently under construction at number 25 Culross Avenue;
- Eleven single storey units are located at 412 Fullarton Road;
- Further south of the subject land, a Planning Consent has been granted to construct a three-storey residential flat building containing nine (9) dwellings

The Residential Streetscape (Landscape) Built Form Zone, located east of the subject allotment demonstrates a consistent settlement pattern including rectangular shaped allotments of similar dimensions and housing predominately single storey detached dwellings.

## 6. STATUTORY REFERRALS

The subject application was referred to the Department of Planning, Transport and Infrastructure (Schedule 8 referral).

The Department does not object in principle to the proposed development subject to conditions (applied below). Refer to Attachment D for full response.

## 7. NON-STATUTORY (INTERNAL) REFERRALS

A number of internal referrals were undertaken as outlined below.

The application was referred to Council's Strategic Assets Department who did not raise concerns regarding the proposed stormwater management. No concerns were raised regarding the crossover alteration other than that exposed aggregate is not supported, the applicant has been informed as such.

The application was referred to Council's Arboricultural Department who advise as follows;

- *The street tree adjacent the site is a semi-mature Jacaranda mimosifolia (Brazilian Rosewood) that is worthy of retention.*
- *A distance between any future vehicle crossover and the subject tree must be maintained at no less than 1.50 metres.*
- *A Significant Citharexylum spinosum (Fiddlewood) is identified on the subject site and displays attributes that deem it worthy of preservation.*

The applicant has provided an Arboricultural Report (refer Attachment A) with regard to the identified Significant Fiddlewood. Further assessment is made below, however the Report indicates that the proposed development would result in 'major' encroachment and alternative designs are considered unreasonable, as such the tree should be removed.

The application was referred to Council's Traffic Department (refer Attachment E) who advised that the following are matters of concern should the development proceed:

- *The applicant shall provide additional turning path diagrams to demonstrate safe access throughout the development site, including accessway near the waste bin storage area and accessing parking spaces for Units 6, 7, 10 and for visitor parking spaces 9 and 10;*
- *Visitor parking spaces shall be co-located at the front of the carparking area*

In response to the above, the applicant provides an updated report from Frank Siow and Associates. In summary;

- *The applicant has adopted Council's suggestion to shift all of the visitor parking closest to the entrance to highlight the spaces for visitors.*
- *The proposal is a residential land use with little traffic generated and very low turnover of car parking spaces. We are of the opinion that the proposed design would fully comply with the requirements of AS/NZS 2890.1-2004.*
- *...Our opinion is that the driveway design complies with the parking standard, however it may be possible to install a 'give-way' line marking to 'control' the entry vehicle adjacent to the bin storage room. Entering vehicles would be able to sight exiting traffic from the car park to give-way or continue to the car park.*

The above advice has been reflected on amended drawings (refer Attachment A).

## 8. PUBLIC NOTIFICATION

Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period 2 representations were received from the northern adjoining property as summarised below.

<b>398 Fullarton Road (oppose)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Concern that the southern side of our property will be overshadowed by the proposed development due to its overall height and proximity	It is clear from the sun study that the proposed building will not cause a single shadow over the adjoining property to the north of the site between the hours of 9.00am and 3:00pm on the winter solstice.
Privacy concerns (development will overlook our property)	All balustrades and exposed window frames on the northern side of the first and second floor levels of the proposed building will be fitted with fixed and obscure glass to a height of 1.7 metres above finished floor levels.

(\* denotes non-valid planning considerations)

## 9. DEVELOPMENT DATA

<b>Site Characteristics</b>	<b>Development</b>	<b>Development Plan Provision</b>
Total Site Area	1376.6m <sup>2</sup>	
Frontage	23.77m	
Depth	57.9m	
<b>Dwelling Parameters – Major Roads Policy Area 14</b>		
Dwelling type 'residential flat building'		
Frontage	23.77m	20m
Number of dwellings	13	
Site area per dwelling	105.9m <sup>2</sup>	100 minimum (average) 230 maximum (average)
Average net density	94 dwellings per hectare	Between 40 to 120 dwellings per hectare
Maximum site coverage	53.8% (740.8 m <sup>2</sup> )	60% of site area
Maximum wall height (from ground level)	10m – <b>11.6m</b> from natural ground	10.5 metres (three storeys)
Minimum setback from primary street boundary	6m	6 metres
<b>Building Characteristics</b>		
Private Open Space		
Dwelling 1	36.7m <sup>2</sup> 6m by 6.2m	Minimum dimensions ground level 4m
Dwelling 2, 5, 6, 7, 9, 11, & 12	<b>11m<sup>2</sup></b> Various dimension but all are >2m minimum	Minimum dimensions 2m (balcony) and 35m <sup>2</sup> minimum area (sites <300m <sup>2</sup> )
Dwelling 3, 4, 8 & 10	<b>13m<sup>2</sup></b> Various dimension but all are >2m minimum	
Dwelling 13	<b>12.4m<sup>2</sup></b> Various dimension but all are >2m minimum	
Site Coverage Other		

Total Impervious Areas	933 m <sup>2</sup> 67.8%	70%	
<b>Miscellaneous</b>			
Bin store	8 collected at any one time (kerbside)		
Bike store	16		
<b>Dwellings</b>	<b>Floor Area (+ storage)</b>	<b>No. Bedroom</b>	
Dwelling 1	49.7 m <sup>2</sup> + (9.2 m <sup>3</sup> )	1 bedroom	Dwellings should provide a covered storage area of not less than 8 cubic metres
Dwelling 2	74.7 m <sup>2</sup> + (10.2 m <sup>3</sup> )	2 bedroom	
Dwelling 3	72.6 m <sup>2</sup> + (9.6m <sup>3</sup> )	2 bedroom	
Dwelling 4	73.1 m <sup>2</sup> + (9.6 m <sup>3</sup> )	2 bedroom	
Dwelling 5	62.1 m <sup>2</sup> + (12.7 m <sup>3</sup> )	2 bedroom	
Dwelling 6	64.1 m <sup>2</sup> + (9.6 m <sup>3</sup> )	2 bedroom	
Dwelling 7	63.8 m <sup>2</sup> + (9.6 m <sup>3</sup> )	2 bedroom	
Dwelling 8	96.3 m <sup>2</sup> + (8.9 m <sup>3</sup> )	2 bedroom	
Dwelling 9	71.9 m <sup>2</sup> + (9.7 m <sup>3</sup> )	2 bedroom	
Dwelling 10	72.8 m <sup>2</sup> + (9.4 m <sup>3</sup> )	2 bedroom	
Dwelling 11	61.3 m <sup>2</sup> + (12.7 m <sup>3</sup> )	2 bedroom	
Dwelling 12	63.7 m <sup>2</sup> + (9.4 m <sup>3</sup> )	2 bedroom	
Dwelling 13	105 m <sup>2</sup> + (12.6 m <sup>3</sup> )	3 bedroom	
<b>Deep Soil Zone</b>			
Adjacent Southern boundary	8.4% 4m	7% minimum dimension of 3m	
<b>Height (from natural ground)</b>			
Ground level	2.4m – 3.9m		
First Floor	6m – 7.2m		
Second Floor	10m - 10.5m (11.6 to top of roof element)	Maximum wall height 10.5m (three storeys)	
<b>Setbacks</b>			
<b>Ground Floor</b>			
Front boundary (west)	6m	6m	
Side boundary (north)	1.6m	1m	
Side boundary (south)	Pergola structure on boundary 7.7m to ground floor building 5m to car park/roof overhang	1m	
Rear boundary (east)	7.3m	5m	
<b>First Floor</b>			
Front boundary (west)	6m – 7m	6m	

Side boundary (north)	<b>2.29m</b>	3m
Side boundary (south)	5m	3m
Rear boundary (east)	<b>7.3m</b>	8m
<b>Second Floor</b>		
Front boundary (west)	6m – 6.875m	6m
Side boundary (north)	<b>2.29m</b>	>4m
Side boundary (south)	5m – 11.255m	>4m
Rear boundary (east)	13.115m	>8m
<b>Car parking and Access</b>		
On-site Car Parking	23 total (8 visitor, 15 resident)	<u>Total 20.5</u> (based on total floor area)  <u>Total 26</u> (based on number bedrooms)
<b>Materials and Other</b>		
Walls	Power panel with paint finish 'wayward grey' and 'white duck quarter' or similar  Echo Ridge Southern Ledge stone front façade feature	
Fencing	Colorbond Stratco Goodneighbour fence with paint finish 'stepney w' or similar Revolution roofing stockade screen slat fence with timber look (dwelling 1)	

(items in **BOLD** do not satisfy the relevant Principle of Development Control)

## 10. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<b>Residential Regeneration Zone</b>
<p><b>Objective 2:</b> Provision of medium to high dwelling densities of up to 3 to 5 storeys within designated policy areas achieved through the re-development of under utilised or aggregated land and land in close proximity to centres, public transport stops and public open spaces.</p> <p><b>Objective 3:</b> Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing, available to cater for changing demographics, particularly smaller household sizes and supported accommodation</p> <p><b>Objective 4:</b> Increased dwelling densities and population</p> <p><b>Objective 5:</b> Sustainable development outcomes through the provision of water sensitive design, energy efficiency, waste minimisation and urban landscaping and biodiversity.</p> <p><b>Objective 6:</b> High quality urban design where buildings are sited, composed and scaled to mitigate visual and amenity impacts on residential neighbours in adjoining residential zones.</p> <p><b>Objective 7:</b> Development that contributes to the desired character of the zone.</p>
<b>Desired Character</b>
<p>Existing traditional suburban allotments offer potential for substantial intensification of dwelling development within the zone. Opportunities are available to increase dwelling</p>

numbers on existing and amalgamated sites. To promote the delivery of housing growth and diversity, incentives are prescribed in relation to site area, frontage and building height. Minimum and maximum site areas are also designated within the policy areas to target specific densities for growth.

Policy Areas are envisaged to support predominantly apartment style living at higher densities with building heights from 3 to 5 storeys. The design and siting of multi-storey development is to be underpinned by good design principles and contextual considerations. Car parking is to be provided to the rear of the site or underneath buildings in the form of underground parking.

#### **Major Roads Policy Area 14**

**Objective 1:** Medium to high density residential development is to be achieved through the development of multiple level buildings of distinctive and high urban design quality with an emphasis on vertical proportions whilst maintaining a strong and enclosed streetscape.

#### **Desired Character**

*The policy area is envisaged to contain residential development of a scale that is commensurate with its exposure to major transport corridors. Medium density residential living of up to three storeys along Fullarton Road is envisaged. Modest front and side setbacks are proposed to reinforce this sense of enclosure. Transition and integration of development towards adjacent lower density residential zones is to occur with progressive setbacks as height increases and substantial open areas located behind the built form for open space, car parking and landscaping.*

*Residential development on main transport corridors will need to be designed to provide protection to living areas from traffic noise. The desired configuration of buildings is to provide an almost continuous building form with small but notable gaps between buildings that provides a sense of enclosure to the major road, locates sensitive areas away from major noise sources and incorporates solid building materials and window treatments to minimise the impacts of traffic noise.*

*Sustainable forms of development that support energy and water conservation are encouraged. Roof top gardens, living walls, balconies, courtyards and rear yards will provide 'soft' landscape areas for water harvesting and urban landscaping and biodiversity in addition to public open spaces.*

*Large scale development located close to the street boundary will also need to make a positive contribution to the streetscape in terms of amenity and how it interfaces with the public space.*

*Car parking is to be internalised and accommodated underground or sensitively designed behind the buildings to avoid unreasonable impacts to the street or to adjacent lower density housing. Access will be shared for multiple dwellings and restricted in number onto main roads and designed to allow for forward access and egress from the sites.*

#### **Assessment**

##### Nature of Development

The proposed development demonstrates high-density apartment-style living, in a building 3 storeys in height. The development provides for an increase in dwelling density and population (catering for changing demographics), and includes a dwelling type (residential flat building) that is not currently prevalent in the locality.

### Density

The proposed development satisfies the relevant Principles of Development Control within the Major Roads Policy Area 14 in that it includes a residential flat building achieving an average net density of between 40 to 120 dwellings per hectare and is no greater than three storeys in height.

The proposal will replace an existing detached dwelling which is a dwelling type no longer envisaged for the Policy area. As such, the proposal substantially intensifies the dwelling development as sought within the Residential Regeneration Zone Desired Character.

The intensification of the subject land is further supported by the Zone Objectives, as the land is located within close proximity of shops, public open spaces and public transport.

### Environmental

Sustainable forms of development that support energy and water conservation are encouraged within the Policy Area. The proposed development includes the following positive environmental considerations;

- A roof design that enables the provision of future photovoltaic cells;
- Capturing and reusing stormwater to irrigate the landscaped curtilage of the building;
- Appropriately sized deep soil zone and permeable site area

### Appearance

Objective 1 of the Policy Area seeks multi-levelled medium to high density development of distinctive and high urban design quality. Emphasis is placed on the vertical proportions, whilst maintaining a strong and enclosed streetscape. The continuous building form, modest front and side setbacks of the proposed development reinforce the sense of enclosure desired.

All facades of the proposed building are well articulated and include recessed balconies, a well balanced glazing to wall ratio, and the inclusion of feature panels. Further, the windows and balconies provide variation of light and shadow and contribute to a sense of depth in the building façade.

### Location of car parking and access

Off-street car parking is provided to the rear of the main façade, beneath the first floor level. Landscaped areas are provided around the perimeter of the car park area including a deep soil zone along the southern boundary. The location of the landscaping will mitigate impacts to the adjacent lower density housing.

Permeable pavers are used where appropriate and the entrance to the car park is aesthetically designed to include a landscaped entrance canopy (Wisteria vine).

Vehicle access to the site is shared and is designed to allow for forward entry and exist from the site, as desired in the Policy Area.

Overall, the proposal is consistent with the Desired Character of the Residential Regeneration Zone, Major Roads Policy Area 14.

## **Relevant Council Wide Objectives and Principles of Development Control**

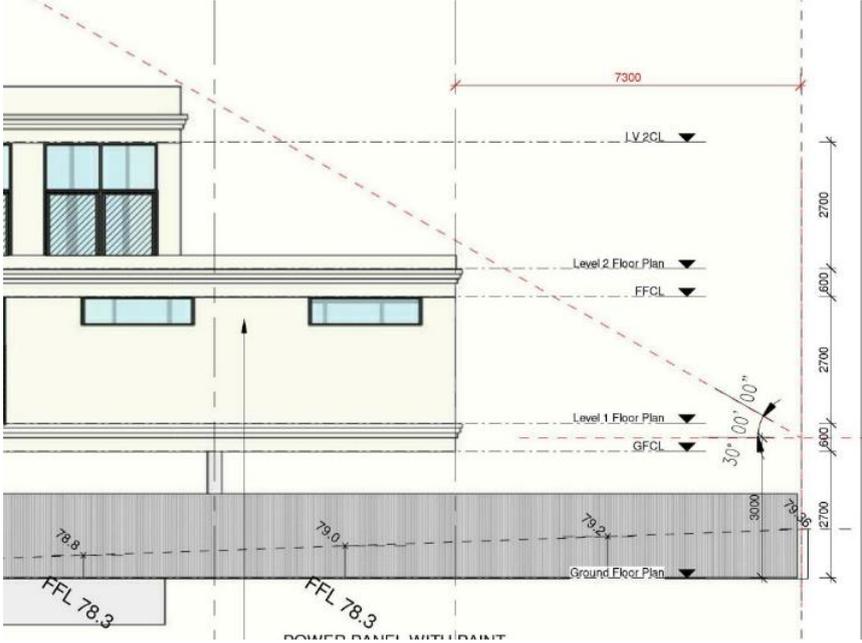
An assessment has been undertaken against the following Council Wide Provisions:

<b>City-wide Objectives and Principles of Development Control</b>		
<b>Design and Appearance</b>	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23
<b>Energy Efficiency</b>	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4
<b>Form of Development</b>	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
<b>Landscaping</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
<b>Medium and High Rise Development (3 or More Storeys)</b>	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29
<b>Natural Resources</b>	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
<b>Residential Development</b>	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62
<b>Transportation (Movement of People and Goods)</b>	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33
<b>Waste</b>	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
<b>Regulated and Significant Trees</b>	<i>Objectives</i>	1, 2, 3
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

The following table includes the Council-wide provisions that warrant further discussion in regards to the proposed development:

<b>Relevant Council Wide Provisions</b>	<b>Assessment</b>
<b>Medium and High Rise Development</b>	
<b>PDC 25, 26 and 27 Site facilities and storage</b>	<u>Dwelling Storage</u> The proposed development provides for no less than eight cubic metres of covered storage per dwelling as sought by the relevant Principle of Development Control (through dwelling storage and cage storage).
	<u>Waste</u> PDC 26 states that where the number of bins to be collected is 10 or

<b>Relevant Council Wide Provisions</b>	<b>Assessment</b>
	<p>more at any one time, provision should be made for on-site collection. The proposal indicates that the maximum number of bins required for collection at one time will not exceed 8.</p> <p>The waste enclosure is located at ground floor and will be concealed from the public.</p> <p>The proposal includes a Waste Management Plan (WMP) prepared by Dr Chris Colby (dated 2 July 2019). The plan identifies the following;</p> <ul style="list-style-type: none"> <li>• The number of bins recommend are as follows – <ul style="list-style-type: none"> <li>○ 4 general waste/rubbish to be collected weekly;</li> <li>○ 4 dry recycling bins to be collected fortnightly</li> <li>○ 2 food organic bins to be collected fortnightly</li> </ul> </li> <li>• Residents transfer their waste via the corridors and or lift to dispose of their waste and recycling to (shared) bins located in the ground level on-site bin storage area;</li> <li>• On Council kerbside collection days, the Strata/Community Corporation would organise (via a Property Manager or the like) for collection to occur, retrieve and return the bins</li> </ul>
<b>Residential Development</b>	
<p><b>Front setback Zone PDC 7</b></p> <p><b>Side and rear setbacks PDC 13</b></p> <p><b>Building Form, Scale, Mass and Height PDC 23-28</b></p> <p><b>Overshadowing and Natural Light PDC 41 &amp; 42</b></p>	<p>The proposal is considered to satisfy the minimum front setback for the Policy Area.</p> <ul style="list-style-type: none"> <li>• The proposed building is designed such that the ground floor is located 6m from the primary street frontage. The first and second floor facades are setback a minimum of 6m from the primary frontage. The central component of the building is recessed more than 6m from the primary street façade, providing façade articulation. The dwellings also present to the primary street with a balcony component.</li> </ul> <p>Council Wide Residential PDCs states that side and rear boundary setbacks should be progressively increased as the height of the building increases to minimise massing and overshadowing impacts to adjoining properties. The proposed development is at variance with the recommended setbacks in relation to the first and second floors northern side setback (refer to Data Table above). The first floor demonstrates a minor deviation, while the second floor side setback provides for 2.29m in lieu of the recommended setback of 7.5m.</p> <p>The northern adjoining land presents a detached dwelling with ancillary carport and outbuildings, which are located adjacent the common boundary. As such, the adjoining land will experience a change in visual amenity when viewing the subject land from the rear open space/rear of the dwelling. However, this is to be expected given the nature of the development envisaged by the Zone and Policy Area. No habitable room windows or private open space will be impacted upon by overshadowing by the proposed development as the subject development is located to the south of the adjoining residence.</p> <p>With the exception of a minor numerical departure (of 700mm) in the rear boundary setback for the first floor, the proposal satisfies the recommended southern side setbacks, and western rear setbacks.</p>

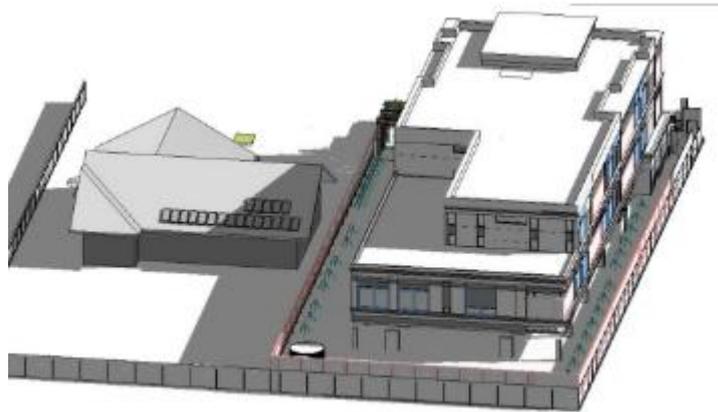
Relevant Council Wide Provisions	Assessment
	<p>It is appropriate to assess the proposal against PDC 25 'Figure 1' of the Development Plan. 'Figure 1' is applied to buildings of 3 or more storeys as an example of a way to minimise the developments impacts at the interface with lower scale sensitive development (i.e the eastern adjoining property).</p> <p>'Figure 1' is appropriate in this instance and the proposed development demonstrates that building (refer below) would be constructed within a building envelope provided by a 30-degree plane, measured from a height of 3 metres above ground level at the Zone boundary.</p>  <p>It is noted that the the south-eastern corner of the allotment provides a finished floor level less than the existing natural ground, which will aid in reducing the perceived bulk and mass of the building when viewed from the adjoining properties.</p> <p>The ground floor and first floor of the development will be highly visible to the adjoining southern and eastern residential properties (viewed from private open space).</p> <p>The second floor will be visible from adjoining land, however, the visual impacts are reduced by a combination of the proposed setback (&gt;13m-27m from the rear boundary), siting and obscured angle of view from adjoining private open space.</p> <p>PDC 41 advises that <i>development should allow direct winter sunlight access to adjacent residential properties and minimise the overshadowing of:</i></p> <ol style="list-style-type: none"> <li>a) <i>Living room windows, wherever practicable;</i></li> <li>b) <i>The majority of private open space areas, communal open space and upper level balconies that provide the primary open space provision;</i></li> </ol>

Relevant Council Wide Provisions	Assessment
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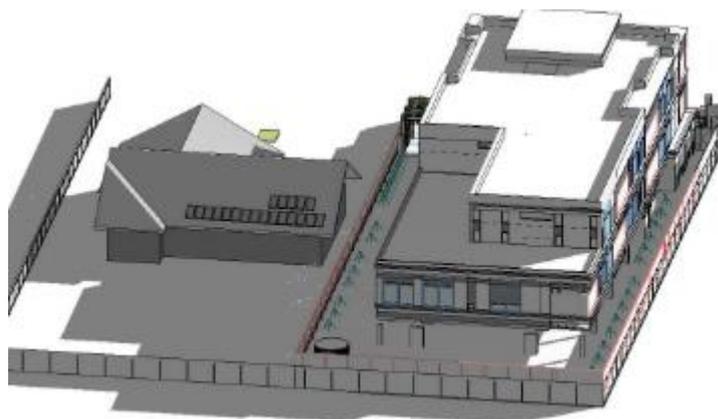
c) *Roof areas, preferably north facing and suitable for the siting of at least 4 solar panels on any dwelling;*

*or where such affected areas are already shaded, the additional impact should not significantly worsen the available sunlight access.*

Development of the southern adjoining land (402 Fullarton Road) is currently underway. The design of the approved townhouses orients the dwellings north-south and include rear courtyard private open space. The ground floor of the dwellings are setback 4.79m, and the upper floor 6m from the common boundary. The northern elevation will include living areas on both the ground and upper floor. As such, shadowing of the southern adjoining dwellings (private open space and habitable rooms) will occur throughout the day during the winter solstice as demonstrated by the accompanying Sun Study.



5 1PM BACK VIEW - 21/06 revision:



7 3PM BACK VIEW - 21/06

The sun study diagram demonstrates minimal shadowing of the eastern adjoining property.

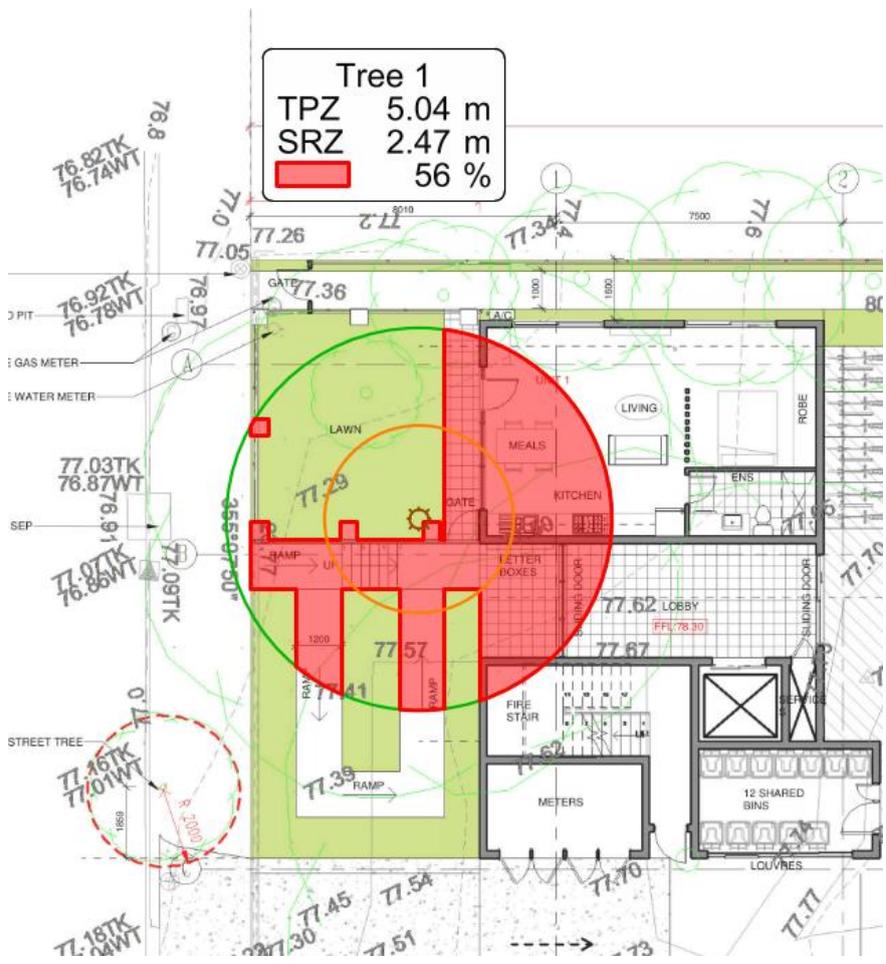
Despite meeting the recommended site setbacks, the southern adjoining property will experience an increase in the amount of

<b>Relevant Council Wide Provisions</b>	<b>Assessment</b>
	<p>shadowing because of the proposed development.</p> <p><u>Summary</u> (PDC 7, 13, 23, 28, 41 &amp; 42)  On balance, the proposed development satisfies the relevant Principles of Development Control in relation to siting and mass (including shadowing and visual impact).</p>
<b>Site Coverage PDC 16 – 18 &amp; Policy Area PDC 7</b>	<p>The proposal meets the recommended site coverage as described in the Policy Area, and the Council Wide recommended total impervious surfaces.</p>
<b>Private Open Space PDC 19 and 20</b>	<p>The general provisions relating to private open space recommend a minimum of 35 square metres for dwelling sites &lt;300 square metres. No provision is provided specifically for residential flat buildings of medium to high density.</p> <p>The proposed balconies equate to 11m<sup>2</sup> – 13m<sup>2</sup>, having a minimum width &gt;2m.</p> <p>While the balcony areas provided as part of the proposed development do not meet the general residential provisions pertaining to private open space, the balconies are nonetheless; private in nature; of sufficient area to be functional; are directly accessible from living spaces; provide outdoor living areas for each dwelling and do allow reasonable entry of natural light.</p> <p>The proposed private open space is considered to be reasonably proportioned with the associated dwelling sizes.</p>
<b>Overlooking PDC 38 and 39</b>	<p>With the exception of the street fronting elevation, the proposed development includes obscure glass treatment to balconies and windows up to 1700mm above floor level to which they relate.</p> <p>The proposed privacy treatment adequately minimises direct overlooking from habitable room windows and balconies to habitable room windows and usable private open space of neighbouring dwellings.</p>
<b>Transportation PDC 20</b>	<p>The proposed off-street car parking area is appropriately located at the rear, and setback from common boundaries.</p> <p>The car parking arrangement provides for safe and convenient pedestrian access, traffic circulation and adequate provision for manoeuvring into and out of parking bays. Vehicle access points are minimised and allow concurrent entry and exit movements to occur in a forward direction. Secure on-site bicycle parking is provided for sixteen (16) bicycles.</p> <p>PDC 20 states that off-street vehicle parking should be in accordance with Table Un/5 Off Street Vehicle Parking Requirements. Table Un/5 provides average spaces required per dwelling based on the number of bedrooms provided per dwelling, or the size of the dwelling floor area.</p>

Relevant Council Wide Provisions	Assessment
	<p>A total of twenty-three (23) car park spaces are provided as part of the proposal and are all located at the rear of the site, at ground level.</p> <p>The application is accompanied with a Traffic and Parking Assessment prepared by Frank Siow and Associates. In summary, the report;</p> <ul style="list-style-type: none"> <li>• <i>Provides an assessment which applies the 'dwelling floor area' when calculating the required off street car parking requirement, resulting in a total of 21 spaces required (i.e. the proposed 23 spaces exceed this requirement);</i></li> <li>• <i>If the higher parking rate, based on the number of bedrooms, were to be used for the assessment, having regard to the location of the subject site, its' proximity to bus services, and the availability of on-street parking, we are of the opinion that the parking provision for the development would be satisfactory.</i></li> </ul> <p>The application was referred to Council's Traffic Department who considers the proposed 23 off-street parking spaces to be acceptable in this instance.</p>
<p><b>Significant Trees PDC 4-8</b></p>	<p>A Significant Fiddlewood tree is located within the front yard of the subject land.</p>  <p>The application is accompanied with an arborist report prepared by Arborman Tree Solutions (dated 29 October 2019). The report identifies that, in the proposed location, the development would result in an adverse effect on the health of the tree and recommends that the tree be removed to accommodate the redevelopment of the site.</p> <p>A summary of the findings are provided below:</p> <ul style="list-style-type: none"> <li>• <i>The encroachment for the subject tree is substantial with more than 50% of the tree's Tree Protection Zone (TPZ) area impacted.</i></li> <li>• <i>The proposal also intersects the tree's trunk and Structural Root Zone (SRZ). This is classified as a 'major' encroachment as defined within the AS4970-2009</i></li> </ul>

Relevant Council Wide Provisions	Assessment
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- *The development cannot be undertaken if the subject tree remains as this tree is in direct conflict with the proposal. This also means that low impact methodologies are not available for the tree. The only option to retain the tree is therefore redesigning the proposal to reduce the identified impacts to the subject tree.*
- *The tree is an exotic specimen with no habitat value.*
- *This tree is not visible from adjacent streets and does not make a significant contribution to the character of the area*



It is considered that the proposed redevelopment of the site is encouraged by the Policy Area and the proposal meets the related recommended density, form and setbacks. The existing use of the site is no longer envisaged, of note, a detached dwelling is identified as a non-complying form of development. As such, a re-design of the development to retain the tree would result in a potential to underutilise the land and as such alternative development options are not reasonable in this circumstance.

Notwithstanding the above, as an exotic species which does not contribute significantly to the streetscape, it is also arguable that the Fiddlewood does not demonstrate attributes worthy of retention when assessed against PDC 6.

## **11. DISCUSSION**

Administration are satisfied that the proposed development is a form that aligns with the intent of the Residential Regeneration Zone in that it proposes high-density apartment-style living, in a building 3 storeys in height.

The overall built form, scale and design align with the Desired Character of the Policy Area in that the building is well articulated and appropriately sited. Further, the proposal provides progressive setbacks to the rear, providing transition and integration of development towards the adjacent lower density residential zone.

## **12. CONCLUSION**

In summary, the application is not considered to be seriously at variance with the Development Plan and is considered to satisfy the provisions of the Development Plan for the following reasons:

- The nature of the proposed development supports the intent of the Desired Character for the Residential Regeneration Zone and Major Roads Policy Area 14;
- The overall built form, scale and design aligns with the Desired Character of the Residential Regenerations Zone and Major Roads Policy Area 14;
- The proposal includes transition and integration of development towards the adjacent lower density residential zone;
- The proposal adequately satisfies the design parameters with respect to site coverage, private open space, dwelling storage, waste management, pedestrian access and vehicle access;
- The proposal minimises direct overlooking of the habitable rooms and private open spaces of adjoining dwellings;
- The proposal demonstrates adequate on-site car parking

The application is therefore recommended for Development Plan CONSENT.

## **13. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/475/2019/C2 at 400 Fullarton Road, Myrtle Bank SA 5064 to 'Construct a three storey residential flat building containing thirteen (13) dwellings, and remove Significant tree (Fiddlewood)' is not seriously at variance with the provisions of the City of Unley Development Plan and should be Planning Consent subject to the following conditions:

### **DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The access shall be designed and constructed in general accordance with the site plan produced by Yogo Design & Consulting Pty Ltd, Drawing No. A002, Amendment E, dated 3 June 2019.
3. All vehicles must enter and exit Fullarton Road in a forward direction.
4. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
5. The relocation of the road sign shall be undertaken at the applicant's expense and to the satisfaction of DPTI and Council. The applicant shall contact Ms Teresa Xavier,

Network Planning Engineer, Traffic Services Section, DPTI on telephone 8226 8389 or via email at [Teresa.Xavier@sa.gov.au](mailto:Teresa.Xavier@sa.gov.au), to discuss any sign relocation prior to undertaking any work.

6. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Fullarton Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.
7. Payment of \$268.50 for Significant Tree removal is required to be paid into the Council's Urban Trees Fund within 30 days of the date of the development approval (an invoice will be attached to the development approval).
8. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
9. That the upper floor windows and balconies (excluding western elevation) be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
10. The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site for the City of Unley Driveway Crossover specifications <https://www.unley.sa.gov.au/forms-and-applications#>
11. The approved landscaping shall be established prior to the occupation of the development and shall be irrigated, maintained and nurtured at all times with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.
12. A minimum clearance of 1.5 metres between the driveway crossover and the existing street tree is to be provided.

#### **NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:**

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.

<b>List of Attachments</b>		<b>Supplied By:</b>
<b>A</b>	<a href="#">Application Documents</a>	Applicant
<b>B</b>	<a href="#">Representations</a>	Administration
<b>C</b>	<a href="#">Response to Representations</a>	Applicant
<b>D</b>	<a href="#">DPTI referral response</a>	Administration
<b>E</b>	<a href="#">Council referral responses</a>	Administration

## **ITEM 6**

### **DEVELOPMENT APPLICATION – 090/700/2018/C1 – 40 MARLBOROUGH STREET, MALVERN 5061 (UNLEY PARK)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/700/2018/C1
<b>ADDRESS:</b>	40 Marlborough Street, Malvern 5061
<b>DATE OF MEETING:</b>	10 December 2019
<b>AUTHOR:</b>	Brendan Fewster/ Chelsea Spangler
<b>DEVELOPMENT PROPOSAL:</b>	Remove significant tree - <i>Ginko biloba</i> (Maidenhair)
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential Historic (Conservation) Zone Policy Area 6 – Spacious Unley and Malvern Trimmer Estate
<b>APPLICANT:</b>	S Kaldis and G Theodorakakos
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 1
<b>REPRESENTATIONS RECEIVED:</b>	N/A
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Recommendation for Refusal

## **1. PLANNING BACKGROUND**

### Previous Applications

090/689/2013/C2 - Carry out alterations and construct new additions to side and rear including garage to common boundary, inground swimming pool, 2.4m high screen wall to pool, 2.3m high canopy to rear common boundary, 2.2m high wall to western side common boundary, 2.4m high rear and side boundary fencing and new 1.8m high front fence – **Approved by DAP at January 2014 meeting**

090/870/2017/C2 - Variation to application 689/2013 - Change location of pool and increase size of alfresco area – **Development Approval granted 3 April 2018**

### Current Application

The subject application was listed on the 22 January 2019 Council Assessment Panel (CAP) agenda for consideration. The applicant however requested that the application be withdrawn from this agenda as they wished to supply further information to support the removal. Additional documentation was provided to Council on 18 November 2019. Council Administration has now reviewed this documentation in regards to the Development Plan and have updated the original CAP report in consideration of this additional information.

## **2. DESCRIPTION OF PROPOSAL**

The application is seeking the removal of one (1) Significant tree – *Ginko biloba* (Maidenhair). The subject tree is identified on the Significant Tree List in Table Un/9 of Council's Development Plan. As defined by *the Development Regulations 2008*, the proposal constitutes a "tree damaging activity".

The subject tree is located in the front yard of the subject land between the primary façade of the existing dwelling and the road boundary. The tree location is identified on the locality plan.

The applicant is proposing to remove the tree on the basis that the tree is causing or threatening to cause substantial damage to the existing dwelling.

### 3. SITE DESCRIPTION

The subject land is a residential allotment located at 40 Marlborough Street, Malvern. The land is approximately 50 metres east of the intersection with Cambridge Terrace.

The land is a rectangular shape allotment with a frontage of 22.5 metres and total site area of approximately 1098m<sup>2</sup>. The land is relatively flat.

Occupying the land is a single storey detached dwelling that is identified as a Contributory Item. There is a significant tree (Maidenhair) in the front yard that is approximately five metres from the road boundary.

### 4. LOCALITY PLAN



Subject Site



Significant Tree



Locality

### 5. LOCALITY DESCRIPTION

The locality comprises an established residential area that is characterised by single storey detached dwellings built in the late 19<sup>th</sup> and early 20<sup>th</sup> Century. The historic

dwelling styles, large allotments and landscape gardens are important elements that contribute to the historic character and amenity of the locality.

Mature street trees are also notable features that contribute positively to the amenity of the existing streetscape.

## **6. PUBLIC NOTIFICATION**

The proposal has been assigned to Category 1 for public notification purposes pursuant to Schedule 9, Part 1, 13 of the *Development Regulations 2008*. Public notification was not required.

## **7. VISUAL TREE ASSESSMENT**

A visual inspection of the subject tree has been undertaken by Council administration to determine whether the tree makes an important contribution to the visual amenity of the locality.

The subject tree is a mature Maidenhair species that is approximately 14.5 metres tall and 1.91 metres in trunk circumference when measured at one metre above ground level. The tree has a single upright stem and a compact crown that exhibits good shape and form. There are wounds on the lower trunk, which are showing good woundwood.

The tree is visible in both directions along Marlborough Street, although the canopies of the adjacent street trees have a tendency to filter views of the tree at road level. The tree is readily visible from the front yards of adjoining and adjacent properties.

The location, size and canopy spread/shape of the subject tree is such that the tree is considered to be a notable visual element within local area that contributes significantly to the visual character and amenity of the locality.

## **8. ARBORICULTURAL ASSESSMENT**

The applicant has provided a Tree Assessment & Report prepared by Calypso Tree Co, which is a qualified arboricultural consultancy. The key report findings and recommendations are summarised as follows:

- The subject tree is identified as a *Ginkgo biloba* (Maidenhair) which is not indigenous to the local area;
- Although having a circumference of only 1.9 metres, the specimen is listed on the City of Unley's Significant Tree Register;
- All major branch junctions appear sound and well structured;
- There is no history of major limb failure and the canopy is almost void of major deadwood;
- The tree is located 3 metres from the dwelling and has caused substantial cracking and movement to the slate pathway and to an external and internal wall of the dwelling;
- Root barrier installation is not a suitable option to address property movement as it would result in severing over 50 percent of the structural roots thus causing rapid decline and tree death;
- There are no development options or design solutions available that could effectively mitigate the property damage; and
- Complete removal of the tree is the only viable option.

Council's independent arborist, Treevolution Arboricultural Consultants, has conducted a visual assessment of the tree and reviewed the report prepared by Calypso Tree Co. In summary, the tree is considered to be in good overall health, is within acceptable risk levels and in the absence of a detailed structural investigation, there is considered to be insufficient justification to support the removal of the tree. Council's Arboricultural Officer concurs with the recommendation to not remove the tree.

These matters are considered below in more detail.

## 9. DEVELOPMENT PLAN ASSESSMENT

### SIGNIFICANT TREE ASSESSMENT

<b>Council Wide Objective 3 - Significant Trees</b>
<i>The preservation of significant trees in The City of Unley which provide important aesthetic and environmental benefit.</i>
<i>Trees are a highly valued part of the Metropolitan Adelaide and Unley environment and are important for a number of reasons including high aesthetic value, preservation of bio-diversity, provision of habitat for fauna, and preservation of original and remnant vegetation.</i>
<i>While indiscriminate and inappropriate significant tree removal should be generally prevented, the preservation of significant trees should occur in balance with achieving appropriate development.</i>
<b>SIGNIFICANT TREES</b>
Other provisions within the City of Unley Development Plan relating to the assessment of Significant Trees include Principles of Development Control 4, 5, 6, 7, 8, 9, 10, 11, and 12. The planning assessment against the relevant principles is detailed in the table below:

Principles of Development Control	Administration Comments
<b>6</b>	<i>Where a significant tree or significant tree grouping:</i>
<b>(a)</b>	<i>makes an important contribution to the character or amenity of the local area; or</i> Yes – refer to assessment below
<b>(b)</b>	<i>forms a notable visual element to the landscape of the local area; or</i> Yes – refer to assessment below
<b>(c)</b>	<i>Contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor.</i> Yes - The tree contributes to the habitat value of the area.
	<i>Development should be designed and undertaken to retain and protect such significant trees and to preserve these elements</i>

The tree is worthy of retention as it is considered to make an important contribution to the character and amenity of the locality. Given the height, good canopy shape and form and close proximity of the tree to a public road, the tree is considered to form a notable visual element within the local area and therefore satisfy Council Wide PDC 6.

An assessment of the proposal against Council Wide PDC 8 has been undertaken, as detailed below.

Principles of Development Control	Administration Comments
<b>8</b>	<i>Significant trees should be preserved and tree-damaging activity should not be undertaken unless:</i>
<b>(a)</b>	<i>In the case of tree removal:</i>
<b>(i)</b>	<i>The tree is diseased and its life expectancy is short; or</i>
<b>(ii)</b>	<i>The tree represents an unacceptable risk to public or private safety; or</i>
<b>(iii)</b>	<i>The tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value and all other reasonable remedial treatments and measures have been demonstrated to be ineffective; or</i>
<b>(iv)</b>	<i>It is demonstrated that reasonable alternative development options and design solutions in accord with Council-wide, Zone and Area provisions have been considered to minimise inappropriate tree-damaging activity occurring.</i>

## 10. **DISCUSSION**

### ***Does the tree make an important contribution to the character or amenity of the local area?***

The subject tree has been inspected within the context of its locality and is considered to form a notable visual element that contributes significantly to the visual character and amenity of the local area. This is reinforced by the listing of the tree on the Significant Tree List (Table Un/9) under Section 23(4A)(i) of the *Development Act 1993*.

As the tree exhibits the attributes outlined in Council Wide Objective 2 and PDC 6 (Regulated and Significant Trees), the tree should be preserved. The proposal to remove the tree is therefore at variance to these Development Plan provisions.

### ***Is the tree diseased and its life expectancy short?***

Council's independent arborist considers the subject tree to be in good overall health and displaying a useful life expectancy. While there is evidence of large wounds on the lower trunk, the formation of woundwood is indicative of good health. There are no signs to indicate any

health decline or environmental stress.

The proposal is therefore at variance to Council Wide PDC 8(a)(i) (Regulated and Significant Trees).

**Does the tree represent an unacceptable risk to public or private safety?**

Council’s independent arborist has conducted Tree Risk Assessment to determine the likelihood of tree failure and the subsequent risks to property and public safety.

Due to the fair branching structure and relatively wide spreading nature of the crown, the probability of the tree to drop branches under normal conditions is considered low. The crown of the tree is also showing no signs of branch tip dieback or structural defect. The Tree Risk Assessment concluded that the tree has a Probability of Failure Rating of seven (7), which is a low hazard rating. The overall risk to both public and private safety is therefore considered low.

QUANTIFIED TREE RISK ASSESSMENT – HUMAN OCCUPATION		
RATING		DESCRIPTION
TARGET EVALUATION	3	The tree is located within the front garden area of the property with the branching structure overhanging a low use area that supports an estimated occupancy rating of between 2 minutes to 14 minutes per day.
SIZE OF PART	4	Small diameter secondary and lateral branches, with an average size of approximately 50mm diameter that overhang the garden area which fits within the size category of between 25mm to 100mm diameter.
PROBABILITY OF FAILURE	7	The tree was showing no form of defect at the time of inspection to suggest it had the potential to shed the branches identified within the size of part section of the assessment. The rating allocated was benchmarked at the lowest probability rating, which in this instance was deemed to be a reasonable approach allocating a probability of failure between 1/1,000,000 and 1/10,000,000.
		<b>TOTAL</b> >1/1,000,000
<small>This results in a risk assessment calculation that is within the broadly acceptable category of risk that deems it to be posing a level of risk that is considered to be acceptable for the period of inspection [12 months].</small>		

**Extract from report prepared by Trevolution Arboricultural Consultants**

As the tree does not represent an unacceptable risk to public or private safety, the proposal is at variance to Council Wide PDC 8(a)(ii) (Regulated and Significant Trees).

**Is the tree causing damage to a building or causing or threatening to cause substantial damage to a substantial building or structure of value?**

The applicant has provided a Structural Engineers’ Inspection Report prepared by Zafiris & Associates, and the following observations were included as part of that report:

- *The building has obviously undergone some movement, especially the walling at the front in close proximity to this tree.*
- *Generally the cracks in the walls vary between hairline cracks to substantial cracks (5mm) the larger cracks located on the front wall of the house, within the zone of root influence of this tree;*
- *The ceiling cornice on this side of the house has deformed and cracked;*
- *A new addition, built recently, abutting the side of the house has rotated about 20-30mm away from the existing house, no doubt due to soil settlement caused by the tree roots drying the soil under the addition;*
- *Based on our investigations to date, the distress now evident is attributed to differential soil moisture conditions, which lead to vertical movements in the soil profile. These are in turn transferred into the footings and walls.*
- *There are many factors which effect the moisture variations in the soil, and those which may be appropriate to this site, and which possibly contribute to the problems currently occurring are as follows:*

- *Trees and large shrubs are close to the building. As a general guide, trees and shrubs can cause drying out of the soils within a radius equal to their height or more, and resulting in shrinkage to the soil.*
- *Trees and large shrubs require substantial amounts of water, and if soil near the trees dries out, the roots will extend in search of soil moisture.*
- *Considering the highly reactive clays that are prevalent in the area it is important to maintain moisture balance under the footings. To achieve this, the following should be done:*
  - *All roof down pipes must be connected to an underground system and discharged to the street or well away from the building. This appears to be the case.*
  - *The front tree is too close to the wall and in our opinion, it must be removed and its roots grubbed to stop their penetration and influence under the house.*

Firstly, it is noted that a dwelling is considered to be a substantial building and that damage in the way of movement in the footings and walls has occurred to this building.

However it is not overly clear that the subject tree is the cause of damage as there are a number of trees and shrubs located near the south western corner of the site (see aerial image below).



Furthermore, possible remedial measures, other than invasive root barriers, have not been considered. For example as loss of soil moisture is the reason for the movement, it is thought that increasing the moisture content would remediate this issue.

The proposal is therefore considered to be at variance to Council Wide PDC 8(a)(iii) (Regulated and Significant Trees).

## **11. CONCLUSION**

In summary, the application for removal of one (1) significant tree is considered to be at variance with the Development Plan for the following reasons:

- the tree makes an important contribution to the character or amenity of the local area;

- the tree is in good health and exhibits a useful life expectancy;
- the tree does not represent an unacceptable risk to public or private safety; and
- Insufficient evidence has been provided to clearly demonstrate that the subject tree is causing damage to a building or causing or threatening to cause substantial damage to a substantial building or structure of value;
- Insufficient evidence has been provided that demonstrates that all alternative measures have been considered to prevent damage to the building.

It is therefore recommended that the application be REFUSED.

## 12. **RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/700/2018/C1 at 40 Marlborough Street, Malvern 5061 to remove one significant tree - *Ginkgo biloba* (Maidenhair) is not seriously at variance with the provisions of the City of Unley Development Plan. The application should be REFUSED Planning Consent for the following reasons:

1. The tree makes an important contribution to the character and amenity of the local area and forms a notable visual element to the landscape of the local area.
2. The tree is in good health and structure and has a useful life expectancy.
3. The tree does not represent an unacceptable risk to public or private safety.
4. Insufficient evidence has been provided to clearly demonstrate that the subject tree is causing damage to a building or causing or threatening to cause substantial damage to a substantial building or structure of value;
5. Insufficient evidence has been provided that demonstrates that all alternative measures have been considered to prevent damage to the building.
6. The proposal is at variance to the following provisions of the Unley Development Plan:
  - Council Wide Objective 3 of the Regulated and Significant Tree Section; and
  - Council Wide Principle of Development Control 4, 5, 6, 7 and 8 of the Regulated and Significant Tree Section.

<b>List of Attachments</b>		<b>Supplied By:</b>
<b>A</b>	<a href="#">Application Documents</a>	Applicant
<b>B</b>	<a href="#">Council Arborist Referral Comments</a>	Administration
<b>C</b>	<a href="#">Additional Documents inc Engineering Report</a>	Applicant

**ITEM 7****DEVELOPMENT APPLICATION – 090/483/2019/C1 – 59 GEORGE STREET, CLARENCE PARK SA 5034 (CLARENCE PARK)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/483/2019/C1
<b>ADDRESS:</b>	59 George Street, Clarence Park SA 5034
<b>DATE OF MEETING:</b>	10 December 2019
<b>AUTHOR:</b>	Chelsea Spangler
<b>DEVELOPMENT PROPOSAL:</b>	Remove regulated tree - <i>Corymbia citriodora</i> (Lemon-Scented Gum)
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential Streetscape (Built Form) Zone Policy Area 9 – Spacious Precinct 9.1 – Clarence Park
<b>APPLICANT:</b>	Timothy Maxwell Campbell
<b>OWNER:</b>	Timothy Maxwell Campbell and Judith Anne Campbell
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 1
<b>REPRESENTATIONS RECEIVED:</b>	N/A
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Recommendation for Refusal

**1. PLANNING BACKGROUND**

No relevant planning background.

**2. DESCRIPTION OF PROPOSAL**

The applicant is seeking to remove a regulated tree identified as a *Corymbia citriodora* (Lemon scented Gum). The tree has a circumference of 2.28 metres at one metre above ground level and is located more than ten (10) metres from the nearest dwelling and/ or swimming pool.

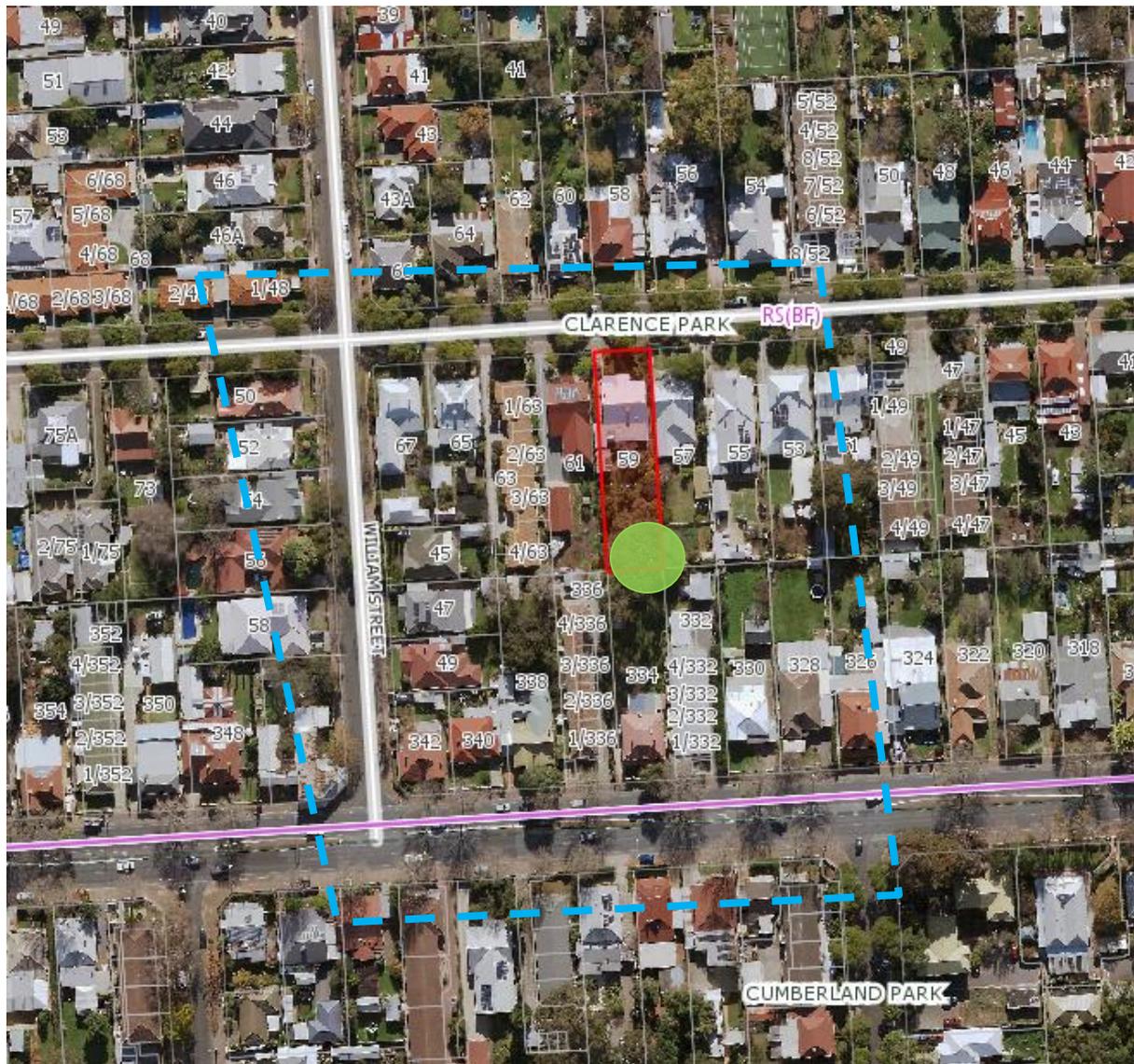
**3. SITE DESCRIPTION**

The tree is located in the south eastern corner of 59 George Street, Clarence Park, 2.5 metres from the eastern common boundary and 6 metres from the southern common boundary. The tree is also located more than 27 metres from the dwelling located on the property.

The tree is in close proximity to:

- Boundary fencing;
- Other fencing and screening;
- Outbuildings;
- Established landscaping including other mature trees;
- Two large 'Eucalypt' trees within the backyard of 334 Cross Road.

#### 4. LOCALITY PLAN



Subject Site



Significant Tree



Locality

#### 5. PUBLIC NOTIFICATION

No notification was undertaken in accordance with Schedule 9(13) of the *Development Regulations 2008* as the application is assigned Category 1.

#### 6. VISUAL TREE ASSESSMENT

An inspection of the tree within the locality was undertaken by Council Administration. The tree was particularly notable from William Street, Cross Road, and George Street as per the following photos:



*Taken in front of 65 George Street, facing south east.*

*Taken from the intersection of William And George Streets, facing south east*





*Taken in front of  
54 William  
Street, facing  
east south east*



*Taken in front  
of 336 Cross  
Road, facing  
north east*



*Taken in front of 55  
George St, facing  
south west*

#### Other observations

- The tree is grouped with two other tall trees though the subject Lemon Scented Gum has the tallest and most widespread canopy. At certain points it was difficult to ascertain as to which tree was the most dominant within the viewshed;
- No photos were taken from Churchill Avenue as only intermittent glimpses of the tree were seen due to the location of buildings and street trees;
- Street trees often screened the tree from the street however it was noted that those street trees were either Jacarandas or Plane Trees, both of which are deciduous species. It is expected that as these street trees lose their leaves coming into winter, the subject Lemon Scented Gum will be much more visible within the skyline;
- Other large gum trees were visible in the skyline, scattered around the area.

### **7. ARBORICULTURAL ASSESSMENT**

No arboriculture report was provided by the applicant, however the following reasons were provided to support the removal of the subject tree:

- The tree is damaging the neighbour's fence (photos included as part of Attachment A);
- The tree drops branches;
- The removal of the tree will not adversely affect the amenity of the locality due to other existing trees.

Council's Consultant Arborist undertook an inspection of the tree and provided the following comments:

- The tree is a large and dominant specimen that is considered to form an important part of the character and visual amenity of the local area;
- The tree exhibits good health and form, developing a single stem that supports a large framework of primary branches;
- This specimen presents a structure and form that is typical of the species;
- The primary branch on the western side of the stem appears to have suffered a small branch failure event creating a large tear in the remaining branch structure. This has little overall impact on the structure of the tree;
- There is evidence of minor compacted bark within the small primary branch on the northern side of the stem, which has little overall impact on the structure of the tree;

- The minor branch failure evidences during the site visit is insufficient justification to either support the removal of the tree or draw the conclusion that it will continue to drop branches;
- A risk assessment was undertaken using the Quantified Tree Risk Assessment methodology, which concluded that the tree was categorised within the broadly acceptable level of risk;

A copy of these comments are included as part of Attachment B.

A summary of these comments were also provided to the applicant for consideration and in response the applicant supplied the following additional information:

- There are a number of other trees, native plants and vegetables including 4 mature eucalypts growing within the backyard;
- The Corymbia is too large and is dominating over the backyard;
- The subject tree is inhibiting the growth of other trees and vegetables;
- The owner wants children to utilise the backyard;
- The tree draws a large amount of moisture from the soil within the backyard;
- Clarence Park has a good spread of large trees and therefore the amenity of the area would not be greatly affected by the removal of this tree;
- The visual amenity would also not be greatly affected due to the large number of trees in the area;
- It contributes to the character or visual amenity of the locality but not significantly because of the near presence of other regulated trees;
- It does not provide important environmental benefit due to its dominance of the environment to the detriment of other trees and plants;
- Already the tree is crowding out the other trees and plants which almost can't compete with the size and dominance of the Corymbia;
- This tree demonstrates a material risk to the safety of people occupying the backyard. It is established in the case of *Prestige Wholesale Pty Ltd v City of Burnside* [2005] SAERDC 12 (2 March 2005) that this type of tree is known for dropping branches. A copy of this judgment is provided for reference.

All information submitted by the applicant is included within Attachment A.

## 8. DEVELOPMENT PLAN ASSESSMENT

### REGULATED TREE ASSESSMENT

<b>Council Wide Objective 1 - Regulated Trees</b>	
<i>The conservation of regulated trees that provide important aesthetic and/ or environmental benefit.</i>	
<b>REGULATED TREES</b>	
Provisions within the City of Unley Development Plan relating to the assessment of regulated trees include Council Wide Objective 2 and Principle of Development Control 1, 2 and 3. The planning assessment against the relevant principles is detailed in the table below:	

<b>Council Wide Objective 2</b>	<b>Administration Comments</b>
<b>2</b>	<i>Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:</i>
<b>(a)</b>	<i>Significantly contributes to the character or visual amenity of the locality;</i>
	Yes – Upon inspection of the locality, the tree is clearly visible from George and William Streets as well as Cross Road. Along these public roads, the tree is prominent, and its loss will be noticeable in the skyline. Furthermore,

		<p>the tree will be prominent when viewed from the backyards of the adjacent properties and it is therefore considered that the tree significantly contributes to the visual amenity of the locality.</p> <p>Council's Consultant Arborist also advises that the subject tree is a notable part of the George Street landscape and provides visual softening and amenity within the area. The tree is both mature and native and this ensures a level of environmental value to the community.</p>
(b)	<i>Indigenous to the locality;</i>	No
(c)	<i>A rare or endangered species; or</i>	No
(d)	<i>An important habitat for native fauna.</i>	<p>Yes – Upon an inspection of the tree, it was not evident that native fauna utilised the tree however the tree was inspected during the warmest part of the day.</p> <p>The Council Consultant Arborist however advised that the tree is a native specimen that provides important roosting and feeding opportunities to native fauna and is an essential part of the local wildlife corridor used by native birds.</p>

<b>Principles of Development Control</b>		<b>Administration Comments</b>
<b>2</b>	<i>A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:</i>	
(a)	<i>the tree is diseased and its life expectancy is short;</i>	No – No evidence has been provided to demonstrate that the tree is diseased and its life expectancy is short. Rather Council's Arborist has advised that the tree exhibits good health and form.
(b)	<i>the tree represents a material risk to public or private safety;</i>	<p>No – No conclusive evidence has been provided that demonstrates that the tree represents a material risk to private safety. The risk has been calculated based on the likelihood of large branches falling upon a person or habitable building that is regularly occupied. The tree is located in an area of the property (and where it overhangs the adjacent properties) that would be infrequently occupied and is well away from any habitable buildings. It is considered that any risk to safety would be minimal.</p> <p>Furthermore, the Council Arborist has undertaken a risk assessment and the tree was categorised as being within the broadly acceptable level of risk.</p>
(c)	<i>the tree is causing damage to a building;</i>	No – Refer to Section 9 – Discussion for comments.

(d)	<i>Development that is reasonable and expected would not otherwise be possible;</i>	N/A
(e)	<i>The work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.</i>	N/A

## 9. DISCUSSION

The applicant has submitted that the subject tree is causing damage to a neighbour's fence. Photographic evidence was provided showing a panel of a boundary fence had lifted and had started coming away from the abutting fence panel.

Upon inspection, it was evident that the eastern boundary fence had been lifted, likely due to the incursion of roots into the neighbour's yard. This boundary fence is located only 2.5 metres from the tree and remains upright with privacy and security between the properties maintained.

The other fence that appears to be damaged is not a boundary fence and only appears to act as a screen or separation between the backyard and a storage area.



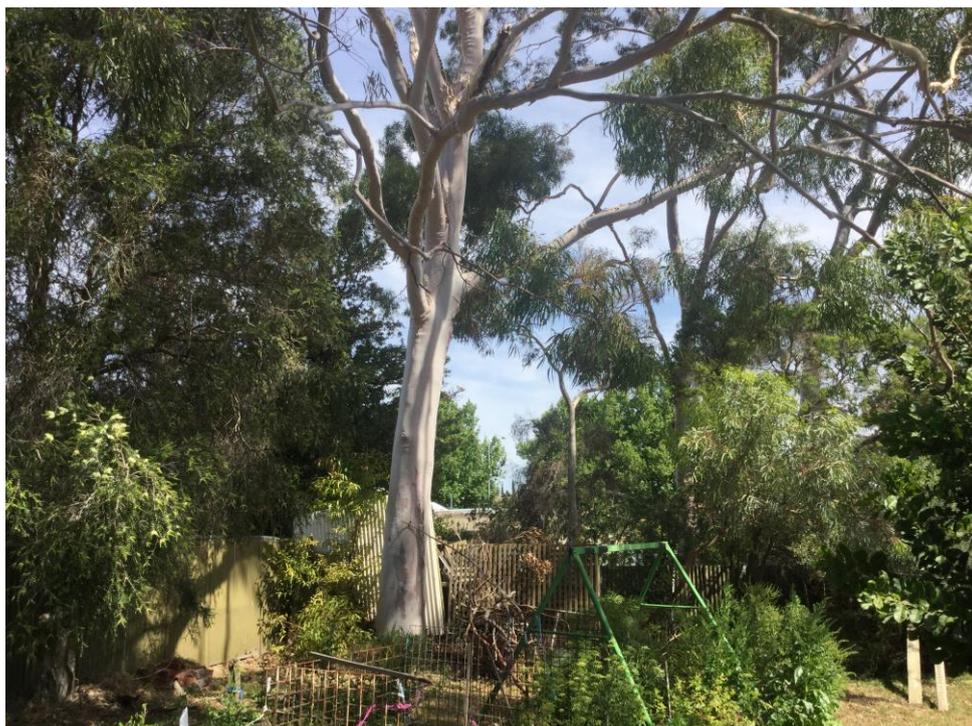
*Within  
backyard of 59  
George St,  
facing east*

Taken facing  
south east



Firstly, *Development Act 1993* broadly defines a fence as a 'structure' which is also included within the definition of a 'building'. These are defined as carrying out 'building work' is a form of development. The object of the *Development Act 1993* is to provide for proper, orderly and efficient planning and development. However, in accordance Schedule 3 of the *Development Regulations 2008*, fences are not defined as development in this Zone unless they exceed 2.1m in height. Furthermore, the fence is located in an area that would be susceptible to tree damage and it was not evident that measures had been incorporated into the siting and design of the fence to prevent such damage.

Given the above, it is considered that the damage to the fence is minor and is not sufficient justification to remove a tree that provides significant amenity to the locality.



## **10. CONCLUSION**

In summary, the application for removal of the regulated tree is considered to be at variance with the Development Plan and is not considered to satisfy the provisions of the Development Plan for the following reasons:

- The tree is considered to make a significant contribution to the visual amenity of the locality as per Council Wide Regulated Trees Objective 2(a);
- The tree is considered to satisfy Council Wide Regulated Trees Objective 2(d) as it is an important habitat for native fauna;
- The tree is not diseased nor has a short life expectancy and therefore removal cannot be justified under Council Wide Regulated Trees Principle of Development Control 2(a);
- No conclusive evidence has been provided to demonstrate that the tree represents a material risk to public or private safety therefore removal cannot be justified under Council Wide Regulated Trees Principle of Development Control 2(b);
- No evidence has been provided to demonstrate that the tree is causing damage to a building therefore removal cannot be justified under Council Wide Regulated Trees Principle of Development Control 2(c);
- The tree does not demonstrate any of the criteria for removal under Council Wide Regulated Trees Principle of Development Control 2 and therefore the tree should not be removed or damaged.

The application is therefore recommended for Development Plan REFUSAL.

## **11. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/483/2019/C1 at 59 George Street, Clarence Park SA 5034 to 'Remove regulated tree - *Corymbia citriodora* (Lemon-Scented Gum)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The tree is considered to make a significant contribution to the visual amenity of the locality as per Council Wide Regulated Trees Objective 2(a);
- The tree is considered to satisfy Council Wide Regulated Trees Objective 2(d) as it is an important habitat for native fauna;
- The tree is not diseased nor has a short life expectancy and therefore removal cannot be justified under Council Wide Regulated Trees Principle of Development Control 2(a);
- No conclusive evidence has been provided to demonstrate that the tree represents a material risk to public or private safety therefore removal cannot be justified under Council Wide Regulated Trees Principle of Development Control 2(b);
- No conclusive evidence has been provided to demonstrate that the tree is causing damage to a building therefore removal cannot be justified under Council Wide Regulated Trees Principle of Development Control 2(c);
- The tree does not demonstrate any of the criteria for removal under Council Wide Regulated Trees Principle of Development Control 2 and therefore the tree should not be removed or damaged.

<b>List of Attachments</b>		<b>Supplied By:</b>
<b>A</b>	<a href="#">Application Documents</a>	Applicant
<b>B</b>	<a href="#">Council Arborist Referral Comments</a>	Administration

**ITEM 8****DEVELOPMENT APPLICATION – 090/46/2019/NC – 262B-264 GLEN OSMOND ROAD, FULLARTON SA 5063 (PARKSIDE)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/46/2019/NC
<b>ADDRESS:</b>	262B-264 Glen Osmond Road, Fullarton SA 5063
<b>DATE OF MEETING:</b>	10 December 2019
<b>AUTHOR:</b>	Brendan Fewster
<b>DEVELOPMENT PROPOSAL:</b>	Demolish existing buildings and construct new motor repair station with mezzanine level and associated signage, car parking and landscaping
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Office 1
<b>APPLICANT:</b>	D'Andrea Architects
<b>OWNER:</b>	KASGLEN 2 PTY LTD
<b>APPLICATION TYPE:</b>	Non-complying
<b>PUBLIC NOTIFICATION:</b>	Category 3
<b>REPRESENTATIONS RECEIVED:</b>	Nil
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Non-Complying development
<b>RECOMMENDATION:</b>	Grant Development Plan Consent subject to the concurrence of the State Commission Assessment Panel
<b>KEY PLANNING ISSUES:</b>	Land use Building appearance, siting and scale Amenity and interface Access, traffic and car parking

**1. PLANNING BACKGROUND**

This non-complying application was presented to the Council Assessment Panel (CAP) at its meeting on 16 April 2019 to determine whether to proceed to a full assessment of the application. The CAP resolved the following:

*“That Development Application 090/46/2019/NC at 262B-264 Glen Osmond Road, Fullarton SA 5063 for the demolition of existing buildings and construction of a new single storey motor repair station with associated car parking and landscaping is not seriously at variance with the provisions of the City of Unley Development Plan and that Council should PROCEED with a full assessment of the non-complying application”*

090/653/2018/NC - Demolish existing buildings construct new motor repair station and remove a street tree – Refused (non-supply of information)

090/728/2001/DX - Carport associated with an existing crash repair business – Approved

090/671/1994/DN - Convert used car yard for use in association with existing vehicle crash repair - Approved

## **2. DESCRIPTION OF PROPOSAL**

The application is seeking to demolish existing buildings on the site and construct a new single storey building to be used as a motor repair workshop with associated car parking and landscaping. The following is a summary of the proposal:

- Demolition of a single storey brick building and a galvanised iron shed and office building;
- Construction of a single storey commercial building that is designed with simple facades comprising of precast concrete cladding (white acratex finish), an entrance with aluminium frame windows and doors and commercial roller doors. The building would be setback a minimum of 12 metres from the Glen Osmond Road boundary and would be sited on the Aragon Street boundary for a length of 21 metres. The height of the building is 6.6 metres;
- The proposed building will have a gross leasable floor area of approximately 305m<sup>2</sup> comprising a workshop area of 233m<sup>2</sup>, a showroom of 23m<sup>2</sup> and a small office and staff amenities;
- Operating hours of between 8.00am and 5.00pm Monday to Friday and 8.00am to 1.00pm on Saturdays;
- A total of 13 on-site car parking spaces would be provided for customers and staff. Two tandem spaces for staff are to be located at the rear of the workshop building;
- Landscaping in the form of low shrubs and several trees are to be provided adjacent Glen Osmond Road and a small section of Aragon Street; and
- Signage on the building fascia displaying information relating to the business.

## **3. SITE DESCRIPTION**

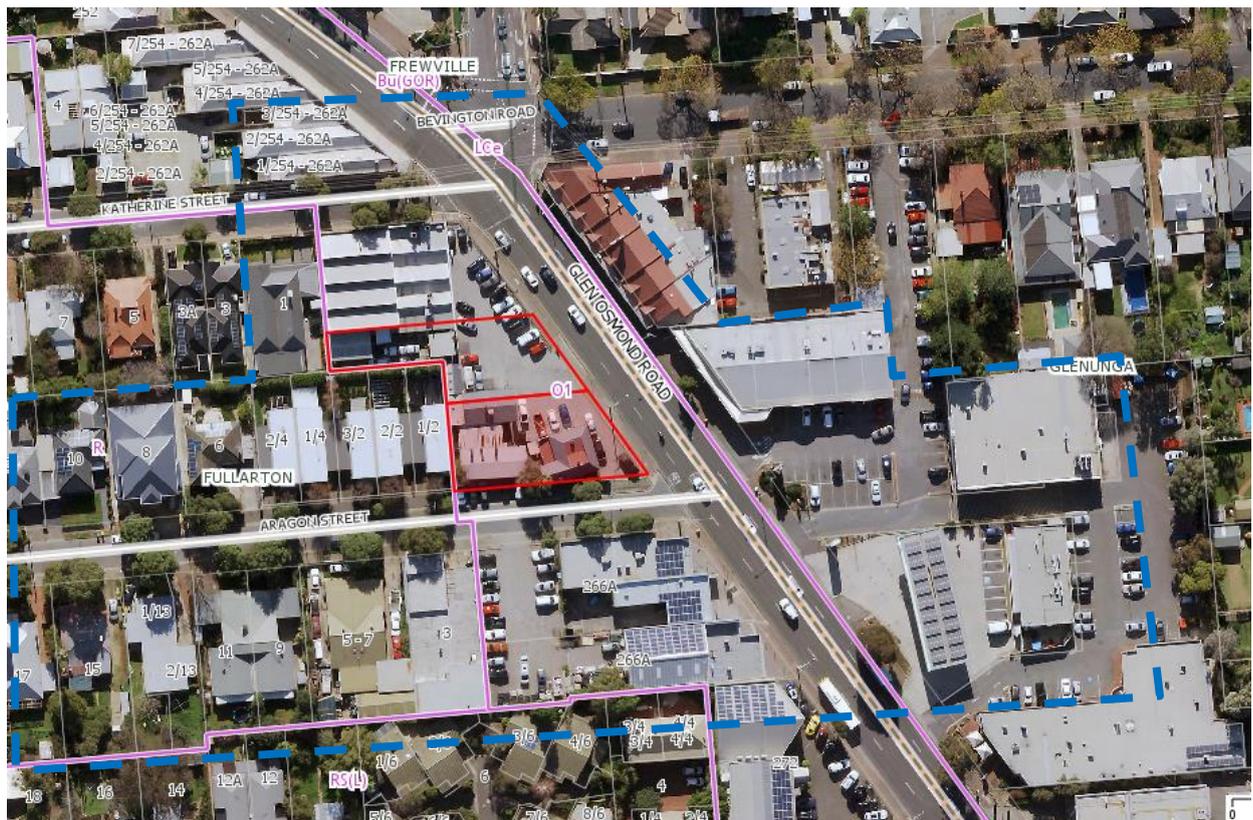
The subject land is located at the corner of Glen Osmond Road and Aragon Street in Fullarton. The land is mostly regular in shape with an angled frontage to Glen Osmond Road that is 22.94 metres wide and a frontage of 42.39 metres to Aragon Street. The total site area is approximately 720m<sup>2</sup>.

The subject land comprises a single allotment that is formally described as Allotment 80 in Filed Plan 15590, Certificate of Title Volume 6134 Folio 244. It is noted there are no easements, encumbrances or Land Management Agreements on the Certificate of Title.

Currently occupying the site is a single storey brick building fronting Glen Osmond Road and a galvanised iron shed and office building toward the rear of the site. The site is accessed from a shared access point on Glen Osmond Road and a wide crossover on Aragon Street. There is low fencing erected along the Aragon Street frontage.

There are no regulated or significant trees on the site or on adjoining land that would be affected by the proposed development.

#### 4. LOCALITY PLAN



#### 5. LOCALITY DESCRIPTION

##### Land Use

Commercial development dominates both sides Glen Osmond Road. On the eastern side of Glen Osmond Road uses include shops, restaurants and a petrol filling station. On the western side there are several car yards, a mechanical repair station, consulting rooms and offices. The subject land interfaces with residential development immediately to the west along Aragon Street.

##### Development Pattern and Streetscape Character

Development along Glen Osmond Road generally comprises buildings that address the road frontage, however there are some car parking areas located between the buildings and the road frontage.

Residential development along Aragon Street comprises mostly of detached dwellings at low densities. There is a series of two storey dwellings immediately adjacent to the subject land that are on smaller size allotments.

##### Building Type and Styles

Commercial buildings are typically single storey with some taller roof elements and signage. Residential development along Aragon Street is up to two storeys in height and includes a mix of dwelling styles.

## 6. STATUTORY REFERRALS

### Department of Planning, Transport and Infrastructure

- Access to the development is proposed via Aragon Street only which is in keeping with DPTI's policy to minimise access points onto arterial roads in the interest of road safety and is thereby supported.
- It is noted that signage is proposed on the site and it is unclear if the sign will be illuminated. Signage should not contain any LED or LCD display or any element that flashes, scrolls or moves.
- DPTI supports the proposal and advises Council to attached conditions to any approval – the conditions have been included within the recommended.

## 7. NON-STATUTORY (INTERNAL) REFERRALS

### Natural Assets

- The subject street tree is a mature Queensland Box presenting fair health with excellent form and structure. While it is disappointing to lose a mature street tree, if the development is approved and proceeds, the applicant will incur the costs associated with the loss of amenity, removal and replacement of the tree. A cost of \$3,382.50 must be paid prior to removal of the tree.

### Traffic

- The proposal will provide 13 parking spaces. However, the proposed two staff parking spaces may not be sufficient to cater for the demand if more than 2 staff are working on site. This could potentially impact residents on Aragon Street who rely on on-street parking; and
- The proposal does not provide clear indication on how delivery and waste collection vehicles will be accessed to the site safely and efficiently. There are concerns over the ability of large vehicles to manoeuvre within the site.

These matters are considered in more detail below.

## 8. PUBLIC NOTIFICATION

Category 3 notification was undertaken in accordance with the Development Act 1993 and Development Regulations 2008. During the ten (10) business day notification period, three (3) representations were received. Following discussions with the applicant, all three of the representations have since been withdrawn.

## 9. DEVELOPMENT DATA

Site Characteristics	Two storey building	Development Plan Provision
Total Site Area	720m <sup>2</sup>	
Frontage	22.94m	
Depth	42.39m	
<b>Building Characteristics</b>		
Floor Area Ground		
Gross Floor Area	305m <sup>2</sup>	Not specified
Site Coverage		
Roofed Buildings	43%	Not specified
Total Building Height		

From ground level	6.6m	2 Storey
<b>Setbacks</b>		
<b>Ground Floor</b>		
Front boundary (E)	12m	Not specified
Side boundary (N)	On boundary	Not specified
Side boundary (S)	On boundary	Not specified
Rear boundary (W)	0m-3m	Not specified
<b>Car parking and Access</b>		
On-site Car Parking	13 spaces	12 spaces
<b>Materials</b>		
<ul style="list-style-type: none"> <li>• Precast concrete walls (white)</li> <li>• Aluminium frame windows and doors (anodised)</li> <li>• Aluminium roller doors</li> <li>• Steel verandah beam (galv)</li> </ul>		

(items in **BOLD** do not satisfy the relevant Principle of Development Control)

## 10. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<b>Office 1 Zone</b>
<p><b>Objective 1:</b> Accommodation of offices, consulting rooms and bank development of up to 450 square metres total floor area, per individual building, and residential development of up to two storeys at medium densities.</p> <p><b>Objective 2:</b> Development along Glen Osmond Road reflecting the role of the road as a principal gateway to the City of Adelaide.</p> <p><b>Objective 3:</b> Development along King William Road providing a transition in scale, bulk and form between Greenhill Road and Young Street.</p>
<b>Assessment</b>
<p>The subject land is situated within the Office 1 Zone of Council's Development Plan and is currently occupied by buildings that were previously used for mechanical repairs and/or panel beating with associated office facilities. It appears also that the site has in the past operated in conjunction with the adjoining crash repair business. While there is some uncertainty in relation to the existing rights for the subject land, it is evident that the subject land has longstanding use rights for industrial-based activities such as mechanical repairs and panel beating.</p> <p>The proposal comprises a complete redevelopment of the site. A new single storey building will be constructed for use as motor repair station (i.e. mechanical repairs), with the main activities to include the fitting of tyres. 'Bridgestone' will be the business operated.</p> <p>Objective 1 and Principle of Development Control 1 of the Office 1 Zone envisage offices, consulting rooms and bank development, with the potential for medium density residential development in some areas. While a motor repair station is not an envisaged land use, and is listed as a non-complying form of development, the suitability of the proposed use needs to be balanced against the existing lawful use of the land, the local area context and the overall intent of the zone.</p> <p>While there is a preference for small-scale commercial activities such as offices and consulting rooms, the subject land enjoys existing use rights for mechanical repairs, and possibly some panel beating. It is also important to observe that the land adjoins a crash repair business to the north along Glen Osmond Road and offices and car yards to the south. The western side of Glen Osmond Road between Katherine Street to the north and Wattle Street to the south is therefore characterised by land uses that primarily involve the sale and/or repair of motor</p>

vehicles. These uses have been entrenched within the locality for some time and co-exist with existing residential development to the west. As the proposal will redevelop the site with a similar land use and replace existing dated buildings with a new purpose-built workshop that would enhance the appearance of the site, the proposal is considered appropriate in this instance from a land use and general built form perspective.

Furthermore, the modest floor area of the building, which would accommodate only four bays within the workshop is considered small-scale and in keeping with the general intent of the zone.

For all of the above reasons, the proposed development would not entrench an incompatible land use within the locality or undermine the Objectives of the Office 1 Zone as an area for small-scale commercial development. On balance, the proposal is considered to be an orderly and appropriate form of development.

Relevant Zone Principles of Development Control	Assessment
<b><i>PDC 1 - Development should be, primarily, office, consulting room and bank development, and residential development at medium densities.</i></b>	While the proposed motor repair workshop is not an envisaged form of development within the zone, the subject land has longstanding use rights for industrial-based activities such as mechanical repairs and panel beating. It is also noted that land within the immediate locality is used for the sale and/or repair of motor vehicles. The proposal is compatible with existing development along Glen Osmond Road and therefore would not undermine existing or future development within this part of the Office 1 Zone.
<b><i>PDC 2 - Development should not exceed two storeys in height, excluding any excavated under-building car parking areas.</i></b>	The proposed building will have a maximum height of 6.6 metres above ground level, which is lower than a typical two-storey building.  PDC 2 of the Office 1 Zone is therefore satisfied.
<b><i>PDC 5 - Development should result in low traffic generation and direct vehicular access to arterial roads should be limited.</i></b>	The proposed development is likely to generate only a small amount of additional traffic as the use and floor area of the new building would not be dissimilar to the existing buildings on the land. Any additional traffic would not cause any traffic capacity issues along Glen Osmond Road as the traffic volumes would be well within the capabilities of this arterial road.  There will be no vehicle access from the subject land onto Glen Osmond Road. A new access on Aragon Street will be provided, which is a no-through road. It is noted that the Department of Planning, Transport and Infrastructure is supportive of the development.
<b><i>PDC 7 - Development should present substantial landscaped frontage to the</i></b>	A comprehensive landscaping scheme has been prepared that includes a variety of trees

Relevant Zone Principles of Development Control	Assessment
<i>street and separation between development sites, with car parking screened by landscaping or located behind buildings.</i>	and shrubs adjacent to the road frontages and car parking spaces. The amount and mix of plantings would sufficiently soften and enhance the street appearance of the development and contribute positively to the amenity of the area.
<b>PDC 8 - Within the Glen Osmond Road Office 1 Zone:</b>  <b>(c) Development between Gladstone Street and Fisher Street, should preserve and enhance the predominantly residential scale and appearance by the utilization of existing residential building stock or by new development being of compatible scale, form, bulk and design, with second storeys incorporated within pitched roofs.</b>	The proposal will replace existing outdated buildings with a new purpose-built workshop. The workshop building is designed with simple facades comprising of precast concrete cladding (white acratex finish), an entrance with aluminium frame windows and doors and commercial roller doors. The building would enhance the appearance of the site and the modest height of 6.6 metres would ensure the building scale is compatible with adjacent residential development.

### **Relevant Council Wide Objectives and Principles of Development Control**

An assessment has been undertaken against the following Council Wide Provisions:

<b>City-wide Objectives and Principles of Development Control</b>		
<b>Commercial and Industrial Development</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 3, 4
<b>Crime Prevention</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
<b>Design and Appearance</b>	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23
<b>Form of Development</b>	<i>Objectives</i>	1, 2, 3, 4, 7
	<i>PDCs</i>	1, 2, 3, 4, 12, 13
<b>Interface Between Land Uses</b>	<i>Objectives</i>	1, 2, 3
	<i>PDCs</i>	1, 2, 3, 6, 7
<b>Landscaping</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
<b>Outdoor Advertisements</b>	<i>Objectives</i>	1, 2, 3
	<i>PDCs</i>	1, 2, 4, 5, 6
<b>Transportation (Movement of People and Goods)</b>	<i>Objectives</i>	1, 2, 3, 5, 6, 7, 9, 10, 11, 12, 13
	<i>PDCs</i>	1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33
<b>Waste</b>	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5, 6

The following table includes the Council-wide provisions that warrant further discussion in regards to the proposed development:

Relevant Council Wide Provisions	Assessment
<b>Design and Appearance</b>	
<b>PDC 1, 2, 3, 14 &amp; 15 - Building Design</b>	<p>Council Wide PDC 1 seeks to ensure that new development is designed in a manner that <i>“reflects the desired character of the locality while incorporating contemporary designs”</i>.</p> <p>The proposed building is of a typical commercial design comprising a front entrance with a steel canopy, glass doors and windows and a flat roof set behind parapet walls. The material palette is simple and robust with precast concrete walls and aluminium roller doors. The building appearance is of a satisfactory standard and the building height and scale would provide a suitable transition between Glen Osmond Road and the adjacent residential area to the west.</p> <p>The front entrance to the building, although well setback from the Glen Osmond Road frontage, would be readily visible from the road in accordance with PDC 15.</p> <p>The southern side of the proposed building would be located on the Aragon Street boundary for a length of approximately 21 metres. While there would be visual impacts associated with the siting of a blank wall of this size on the street boundary, in this instance, the siting of the building would have benefits for the amenity of the immediate area. The solid boundary wall would ensure that all workshop activities can be contained within the site, as all door and window openings would be located away from the side and rear boundaries. This would improve upon the existing business operations which comprise a workshop with large doors that open directly onto Aragon Street. The ‘hard edge’ along the secondary street would also be consistent with the building immediately opposite, which has a large blank wall along the street frontage.</p> <p>While the proposal would not strictly satisfy PDC 2 and 14, on balance, the siting and design of the building is considered acceptable given the site and locality characteristics.</p>
<b>Interface Between Land Uses</b>	
<b>PDC 1 &amp; 2 – Interface and Amenity</b>	<p>The subject land is situated within a predominantly commercial area that interfaces with a residential development to the west. Existing development to the north and south and opposite Glen Osmond Road to the east consists of non-sensitive land uses.</p> <p>As the site of the proposed development is adjacent to a Residential Zone, Council Wide PDC 1 and 2 seek to ensure that new development is designed and operated in a manner that 'minimises' adverse amenity impacts. While it is anticipated that the proposal would generate some noise and traffic movements, the amount of noise and disturbance is not expected to be significant in the context of the site and the surrounding area, which is exposed to high volumes and frequency of traffic on Glen Osmond Road.</p>

Relevant Council Wide Provisions	Assessment
	<p>An Environmental Noise Assessment (ENA) for the development has been prepared by Sonus. The report provides an analysis of the existing acoustic environment and the predicted noise levels against Environment Protection Authority (EPA) noise criteria. The assessment recommends a number of acoustic treatments and operational restrictions in order for the development to meet the goal noise levels of the <i>Environment Protection (Noise) Policy 2007</i>. These acoustic measures include:</p> <ul style="list-style-type: none"> <li>• Construction of a minimum 2.1 metre high 0.42 BMT sheet steel fence along the rear boundary adjacent to the service yard. The fence is to be sealed airtight at all junctions;</li> <li>• Waste collection to take place between the hours of 9.00am and 7.00pm on a Sunday or public holiday and between 7.00am and 7.00pm on any other day; and</li> <li>• Mechanical plant to be located above the office and showroom.</li> </ul> <p>With the recommended acoustic measures in place, the proposed development is considered achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.</p> <p>While the proposal is likely to generate more traffic than is currently the case, the location of the access point and car park near Glen Osmond Road would minimise noise and disturbance to residential properties along Aragon Street. There is also sufficient on-site car parking as well as capacity on the adjacent road network.</p> <p>From an operational perspective, the operating hours of between 8.00am and 5.00pm Monday to Friday and 8.00am to 1.00pm on Saturdays are consistent with core business hours and would have sufficient regard for the occupants of adjacent residential properties.</p> <p>For the above reasons, it is considered that the proposal would not detrimentally affect the amenity of the locality by way of noise, dust, fumes, traffic or vibration. The proposal therefore satisfies Council Wide PDC 1 and 2.</p>
<b>Transportation (Movement of People and Goods)</b>	
<b>PDC 13 - Vehicular Access</b>	<p>A new vehicle access is to be provided on Aragon Street that would facilitate simultaneous two-way vehicle movements. The access point would be designed and located to achieve adequate sight lines and to accommodate the anticipated traffic volumes. Council's Traffic Department is satisfied that the access meets the requirements of AS 2890.1:2004.</p> <p>There will be no vehicle access from the subject land onto Osmond Road. It is noted that the Department of Planning,</p>

Relevant Council Wide Provisions	Assessment
	<p>Transport and Infrastructure is supportive of the development.</p> <p>The proposed access arrangements are considered to be safe and convenient and therefore satisfy PDC 13.</p>
<p><b>PDC 20 - Car Parking</b></p>	<p>The proposal includes an at-grade bitumen car park for 11 vehicles and a separate tandem parking area at the rear of the building for two staff vehicles.</p> <p>For a motor repair workshop, <i>Table Un/5 - Off Street Vehicle Parking Requirements</i> prescribes a car parking rate of 3 spaces for each vehicle service bay. As the workshop would comprise four vehicle service bays, there is a theoretical demand for at least 12 car parking spaces. There is no additional car parking requirement for staff.</p> <p>Council's Traffic Department is satisfied with the design of the car parking spaces, and while concerns were originally raised regarding a shortfall of car parking for staff, it should be noted that the car parking standard within Development Plan is for both customers and staff.</p> <p>It is considered that the proposal would sufficiently meet the anticipated car parking demand generated by the development during peak periods and therefore would not lead to conditions detrimental to the free flow and safety of pedestrian and vehicular traffic on the surrounding road network.</p>
<p><b>Waste</b></p>	
<p><b>PDC 1, 2, 5 &amp; 6 – Waste Management</b></p>	<p>A Waste Management Plan for the development has been prepared by Colby Phillips Advisory. The Waste Management Plan confirms the following waste management arrangements for the development:</p> <ul style="list-style-type: none"> <li>• Provision of 2 x 1100L bins for general waste and recyclables to be stored within the workshop building</li> <li>• Tyre storage for 100 tyres within a rear service yard;</li> <li>• Collection of bins and tyres to take place twice weekly by a private contractor between 7.00am and 7.00pm Monday to Saturday and between 9.00am and 7.00pm on Sunday;</li> <li>• Contractor vehicle to reverse onto the site from Aragon Street and collect bins front in front of the roller door; and</li> <li>• Hard waste collection would be infrequent.</li> </ul> <p>It is acknowledged that the contractor vehicle reversing onto the site may result in some minor inconvenience to road users however the waste collection arrangements are considered satisfactory given infrequent nature and short</p>

Relevant Council Wide Provisions	Assessment
	duration of the waste collection and the small number of properties within Aragon Street.

## 11. CONCLUSION

In summary, the application is not considered to be seriously at variance with the Development Plan and is considered to satisfy the provisions of the Development Plan for the following reasons:

- The proposal is orderly and appropriate given the lawful use of the land, the land use and built form characteristics of the locality and the small-scale nature of the proposed development;
- The proposed building is of a contemporary design and high commercial standard that would contribute positively to the prevailing streetscapes and the character and amenity of the locality;
- The proposal would include appropriate noise attenuation measures and also limit traffic movements on nearby residential streets so as to minimise any impacts upon the amenity of surrounding residential properties;
- There is sufficient on-site car parking provided and the scale and operational conditions are such that the capacity and safety of the adjacent road and pedestrian network would not be adversely impacted upon; and
- The proposal incorporates appropriate measures for passive and active surveillance in order to achieve a safe and pleasant public environment.

The application is therefore recommended for Development Plan Consent subject to the concurrence of the State Commission Assessment Panel.

## 12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/46/2019/NC at 262B-264 Glen Osmond Road, Fullarton SA 5063 to demolish existing buildings and construct new motor repair station with mezzanine level and associated signage, car parking and landscaping is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the CONCURRENCE of the State Commission Assessment Panel and subject to the following conditions:

### **DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the existing crossover shall be closed and reinstated with kerb and water table in accordance with Council requirements and at the applicant's expense, prior to occupation of the development.

3. The landscaping approved herein shall be planted prior to occupation/operation of the development and any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping and replace any plants which may become diseased or die within the next available planting season.
4. The hours of operation of the premises shall be between 8.00am and 5.00pm Monday to Friday and between 8.00am and 1.00pm on Saturdays;
5. That the approved waste management facilities outlined in the Waste Management Plan prepared by Colby Phillips Advisory dated 20 June 2019 shall be installed and operative prior to occupation/operation of the development.
6. Waste collection and general delivery vehicles shall only access the site between the hours of 7.00am and 7.00pm Monday to Saturday and 9.00am and 7.00pm on Sunday;
7. No goods, materials or equipment associated with the approved development shall be stored outside of the workshop building or designated storage areas.
8. The development approved herein shall incorporate the recommendations outlined in the Environmental Noise Assessment (June 2019) prepared by Sonus to the satisfaction of Council prior to occupation/operation of the development.
9. Floodlighting within car park and around the building shall be restricted to that necessary for access and security purposes only and be directed and shielded in such a manner as to cause no light overspill nuisance of nearby properties.
10. All car parking areas shall be line marked to delineate the parking spaces prior to the occupation of the development.
11. The advertising displays shall not contain any elements that flash, scroll or move.
12. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
13. All surface water from carparking and hardstand areas is to be directed to a proprietary pollutant treatment device capable of removing oils, silts, greases, and gross pollutants to Council and EPA satisfaction prior to discharge to Council stormwater system or street water table.

Department of Planning, Transport and Infrastructure Conditions:

14. All vehicular access shall be gained via in general accordance with the Proposed Site Plan produced by D'Andrea Architects, Sheet 01, Rev E, dated 16 September 2019.
15. All vehicular access shall enter and exit the site via Aragon Street only.
16. Access to/from the proposed development along Aragon Street shall comply with AS/NZS 2890.1:2004, Figure 3.1 'Prohibited Locations of Access Driveways'.

17. All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2001 and AS/NZA 2890.6:2009.
18. Signage shall be consistent with DPTI's 'Advertising Signs Assessment Guidelines for Road Safety' publication.
19. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Glen Osmond Road. Any alterations to the road drainage infrastructure required to facilitate this site shall be at the applicant's cost.

**NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:**

- The Metropolitan Adelaide Road Widening Plan currently shows that a strip of land up to 2.13 metres in width may be required from the Glen Osmond Road frontage of this site, together with a possible 4.5 x 4.5 metre cut-off at the Glen Osmond Road/Aragon Street corner, for future road purposes. The consent of the Commissioner of Highways under the *Metropolitan Adelaide Road Widening Plan Act 1972* is required to all building works on or within 6.0 metres of the possible requirements.

The department has identified that some improvements may be required along Glen Osmond in the vicinity of this site, however the exact timing and nature of any improvements is currently unknown and currently unfunded. In view of this and that the proposed building works do not encroach within the existing requirements, no objection is raised.

- The applicant shall contact Council's Infrastructure Section on 8372 5460 to arrange for the removal of the street tree. The work shall be carried out by Council at full cost to the **applicant**.
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

List of Attachments		Supplied By:
A	<a href="#">Application Documents</a>	Applicant
B	<a href="#">Department of Planning, Transport and Infrastructure</a>	Administration
C	<a href="#">Internal Referral Responses</a>	Administration

**ITEM 9**

**COUNCIL ASSESSMENT PANEL PROPOSED MEETING DATES FOR 2020**

**Andrew Raeburn – Acting Team Leader  
Planning  
2 December 2019**

**Community Direction 3 – Natural and Built  
Environment  
Community Goal 3.1  
Ensure that Urban Development and  
Infrastructure meet the changing needs of the  
community whilst maintaining the City's  
heritage, amenity and character.**

Under the Council Assessment Panel's 'Meeting Procedures', the Panel sets its own meeting dates. For the past twelve months, the Council Assessment Panel has met on the third Tuesday of each month, and that meeting time has been compatible with other commitments of Panel Members. It is recommended that this practice continues.

**RECOMMENDATION**

MOVED:

SECONDED:

That the Council Assessment Panel (CAP) in 2020 meet on the third Tuesday of every month at 7.00pm in the Council Chambers, 181 Unley Road, Unley, in accordance with the meeting schedule outlined below (with the exception of January and December 2020):

Tuesday 21 January 2019 (fourth Tuesday)  
Tuesday 18 February 2019  
Tuesday 17 March 2019  
Tuesday 21 April 2019  
Tuesday 19 May 2019  
Tuesday 16 June 2019  
Tuesday 21 July 2019  
Tuesday 18 August 2019  
Tuesday 15 September 2019  
Tuesday 20 October 2019  
Tuesday 17 November 2019  
Tuesday 15 December 2019 (second Tuesday)