

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 15 October 2019 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.



Gary Brinkworth
ASSESSMENT MANAGER

Dated 04/10/2019

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 24 September 2019, as printed and circulated, be taken as read and signed as a correct record.

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

15 October 2019

A G E N D A

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Conflict of Interest
Confirmation

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Any Other Business
Matters for Council's consideration

ITEM 1**DEVELOPMENT APPLICATION – 090/573/2019/C2 – 2 BELGRAVE COURT, PARKSIDE 5063 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/573/2019/C2
ADDRESS:	2 Belgrave Court, Parkside 5063
DATE OF MEETING:	15 October 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Construct two, two storey dwellings including garages and verandahs
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Urban Corridor Zone High Street (Unley Road) Policy Area 20
APPLICANT:	Spiro Papaemanouil
OWNER:	Merit
APPLICATION TYPE:	Category 2
PUBLIC NOTIFICATION:	Nil
REPRESENTATIONS RECEIVED:	YES – (Four (4) oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Building bulk / mass Length of wall on boundary Interface Height Envelope

1. PLANNING BACKGROUND

090/671/2018/C2 – 'Construct 2 x two storey detached dwellings with garages and verandahs on common boundaries and the removal of one (1) street tree'.

The above application was refused by CAP at its meeting held 16 April 2019. The applicant subsequently appealed the decision through the Environment, Resource and Development Court (ERDC). The applicant submitted a compromised proposal which was presented, in confidence, to CAP at its meeting held 20 August 2019. CAP resolved that the Environment Resources and Development Court be advised that they support the compromise, subject to conditions.

Prior to the compromised application being presented to CAP, one of the representors wrote to Council advising that they will be lodging an application to join the appeal. The ERDC advised of the joinder application on 22 August 2019 and a second joinder application was also subsequently received on 26 August 2019. The two joinder applications were heard by Commissioner Nolan who allowed one of the applicants to join the appeal proceedings. The appeal is currently adjourned until the 14 January 2020 to allow time for the new application to

be assessed and decided and/ or to reach a compromise with the joinder.

The original April 2019 CAP Report and proposal plans have been included within Attachment D. The August 2019 CAP Report has been included as Attachment E.

090/949/2018/DIV – Land Division Consent has been granted under delegation for the creation of '2 *Torrens Title allotments from 1 existing*'. This land division supports the built form proposed under this subject application.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to construct 2 x two storey dwellings that include verandahs, balconies and garages. A new double crossover that will result in a removal of one (1) street tree is also proposed.

It is noted that the proposal plans are identical to the compromised plans supported by the Panel on 20 August 2019. The applicant has submitted this new application to provide an alternative option to the adjourned appeal matter.

3. SITE DESCRIPTION

The subject site is located to the northern side of Belgrave Court, a short, dead end street that is accessed via Unley Road to the west. The site is rectangular in shape with a frontage of 9.14 metres and an overall site area of 275m².

The allotment has free and unrestricted rights over Allotment 138 on FP 14656, a small strip of land that is 1.3m wide and located along part of the eastern common boundary.

The site has historically been utilised for residential purposes with a single storey detached dwelling currently existing with a double crossover to the eastern side of the property.

The verge to the front of the property includes a street tree, light pole, a 'no standing' traffic sign and a variety of service pits. There is no on-street parking allowed along the northern side of Belgrave Court.

There are no regulated trees on or directly adjacent the subject site.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The subject site is located within the Urban Corridor Zone that desires a mix of land uses. This is evident within the locality with a mix of commercial uses including offices, shops, restaurants, service industries located along Unley Road and to the western and southern side of the subject site.

The subject site abuts land within the Residential Streetscape (Built Form) Zone to the east and this zone is predominantly for residential land use. The site is therefore adjacent to a variety of dwellings to the north and east.

Land Division/Settlement Pattern

The allotment pattern within the locality is rather varied. There are a mix of allotments sizes, depths and frontages. There is also a mix of Torrens Title allotments and Strata/ Community Title arrangements.

Dwelling Type / Style and Number of Storeys

The dwelling types and styles within the locality are also rather varied. The locality includes detached, semi-detached and group dwellings as well as a residential flat building. There are a

number of character style dwellings within the locality (addressed to Dunks Street to the north) however none of these character dwellings are protected through being Contributory, Local Heritage or State Heritage Places. The heights of the dwellings within the locality do not exceed two storeys.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The previous built form application (090/671/2018/C2) was referred to following internal Council departments for comment:

- Assets;
- Traffic;
- Arborist

As the context for the referrals has not been altered for the subject application, the previous comments remain relevant.

Assets

- *From a civil assets perspective I can see no issues with the proposed new crossover location, subject to the approval of the street tree removal;*
- *Note there is currently a concrete crossover with service utility pits in the concerted, which seems to service 4 Belgrave Court and as a driveway access as well. I believe any changes to this may require consultation between the two parties and further discussion between assets and planning.*

Upon further discussion with the Assets Officer, he noted that the verge in front of the property has a number of service pits etc. Upon an inspection of the verge it was noted that the existing covers were broken and will need to be replaced. It is also noted that the crossover will be located over one service pit (labelled as electricity). This pit will need to be provided with a trafficable lid. It has previously been recommended that the applicant contacts the relevant Service Providers for further information in regards to requirements/ costs.

Traffic

- *A new 5m crossover is proposed. This area is currently a No Stopping Zone. It is not indicated whether the existing crossover along the eastern property boundary will be closed. Closing this crossover would not result in an additional on-street parking space. The existing crossover also assists vehicles to turn around at the dead end. Therefore there is no benefit (rather than potentially aesthetic or drainage) to return this crossover to kerb.*
- *There are five on-street parking spaces in a 1 hour parking zone (9am-5pm, Monday to Friday, and 9am-12 noon Saturdays). These are generally moderately occupied. During one site visit there were two cars parked on-street. However historical aerial images suggest that it is frequently 100% occupied. As there are five residential properties and three commercial properties on the street, it is likely that these parking spaces are in high demand both on weekdays and on weekends.*
- *Residential Development - Principle of Development Control 45 states that the number of car parking spaces should be provided in accordance with Table Un/5. Table Un/5 indicates that detached dwellings with less than four bedrooms and less than 250m² of floor area should provide two off-street parking spaces (the second space may be in tandem). This indicates that each dwelling should provide two parking spaces. As each dwelling provides two covered parking spaces, this requirement is satisfied by the development.*

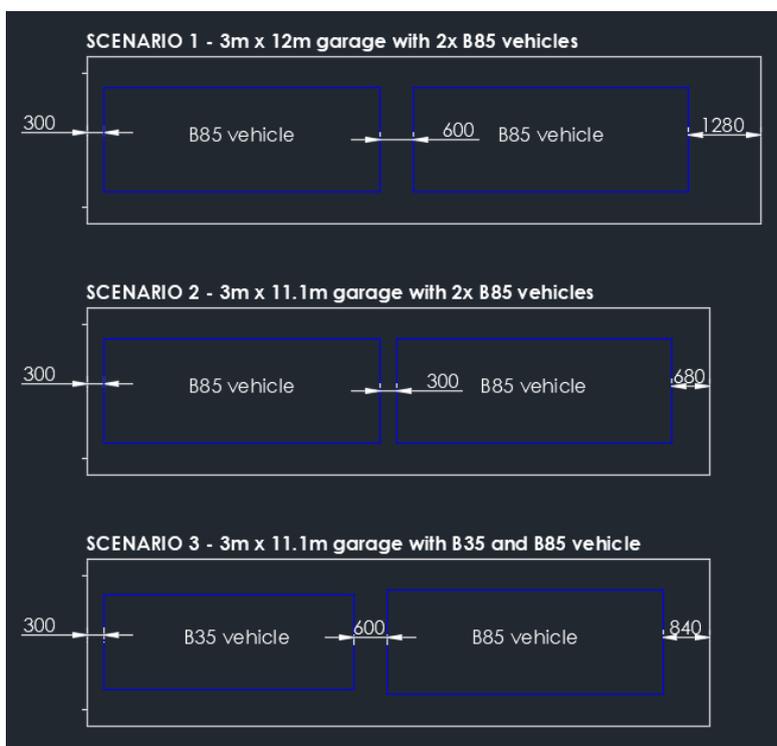
- *Residential Development - Principle of Development Control 47 indicates that two-vehicle garages should have minimum internal dimensions of 5.8m width x 6m length and single vehicle garages 3x6m. This is to ensure that there is adequate space to accommodate a large passenger vehicle (B85 vehicle used in residential development design) and to allow room for a resident to walk around the garage.*

A two-vehicle tandem garage is not a typical design and no specific dimensions are provided in the Development Plan. However if the 3x6m single garage was scaled to two vehicles it would suggest that a 3x12m garage would be appropriate. This would enable two B85 vehicles to park, residents to walk around the vehicles, and also provide some flexibility for storage in the garage (see scenario 1 overleaf).

With the proposed garage length of 11.1m, if two B85 vehicles were to park (scenario 2), it would mean that two vehicles could physically be accommodated. However, a greater level of parking precision would be required (300mm clearance at front and back of rear vehicle), the driver of the rear vehicle would need to walk around the front vehicle (in dwelling 1), and there would be little to no space for any other items in the garage.

However if a resident had two vehicles, they are more likely to have one larger vehicle (B85) and one smaller vehicle (B35 vehicle, representing the 35th percentile vehicle (hatchback for example)). This would result in scenario 3, which would provide adequate space to walk around the front of both vehicles. As with scenario 2, there would still be limited space for additional use of the garage, such as for storage.

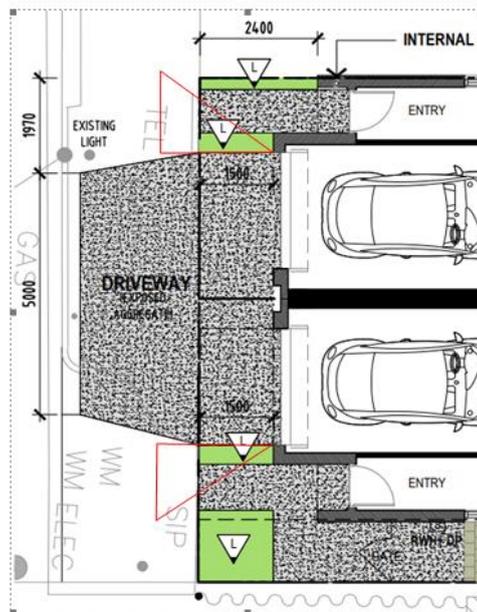
This suggests that the proposed garage allows sufficient space for two vehicles and for residents to access these vehicles.



- *Maneuverability in and out of the garages has been checked with a B85 vehicle, which represents the likely size of passenger vehicles used in a residential property. Maneuverability in and out of the dwelling 2 (eastern) garage is adequate. However three movements will be required to enter the dwelling 1 (western) garage if vehicles are parked on the southern side of Belgrave Court, which will occur frequently. In addition to this, the exit maneuver will be difficult and potentially require three to five movements.*

This is mainly due to the constrained road width (6.7m) and the existing light post. This is not considered a major concern but the developer must accept that there will be some level of difficulty experienced, particularly for the resident of dwelling 1. Council will not make changes to on-street parking to improve access to the property following construction if difficulty is experienced.

- Access to the dwellings is via a new 5m crossover. This width is appropriate to ensure access to the garages.
- Adequate sight distance to/from motorists on the frontage road shall be provided. AS2890.1 – Parking facilities – Off-street car parking, Figure 3.2 ‘Sight distance requirements at access driveways’ indicates that for a domestic driveway on a 40km/h road, visibility must be provided to a point 30m down the road from a point 2.5m back from the kerb face. As the footpath is 2.7m in width, this sight distance is provided.
- Adequate sight distance to/from pedestrians on the footpath shall be provided. In order to provide this, AS2890.1 specifies a 2x2.5m sight triangle that is to be kept clear of obstructions to visibility. This sight distance to pedestrians can be maintained if there is no fence in the red sight triangles shown overleaf. However, it is noted that foot traffic along this street is low so risk of conflict with pedestrians is very low.



Arboricultural

- I have visited the tree and site at 2 Belgrave Court, Parkside with respect to the proposed plans that require the removal of the street tree to facilitate the site's vehicle crossovers.
- I support the removal and replacement of the street tree providing the applicant cover the costs associated with works including but not limited to tree removal, stump removal, specimen purchase, tree replacement, site preparation, all of which totals \$2,221.85.
- The fee should be highlighted to the applicant prior to any development approvals to ensure it is not an unexpected and unwelcomed cost later in the development process.

The above tree removal and replacement costs were provided to the applicant on 7 December 2018. The applicant had however already requested that these costs be conditioned accordingly.

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 briefly detailed below.

1. 4 Belgrave Crt, Parkside (oppose – wishes to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
Despite the history of applications, this application must be considered afresh, with the benefit of submissions, and with regard only to proper planning considerations.	<p>The applicant has provided a summary regarding the history of the application processes and appeal.</p> <p>It was highlighted that the Development Plan ought to be interpreted and applied as per Telstra Corporation Ltd v Corporation of the City of Mitcham [2001] SASC 166.</p>
<p>The application does not adequately address the reasons for refusal as per the minutes of the April 2019 CAP, including:</p> <ul style="list-style-type: none"> - The proposal remains in gross violation of the Interface Height Provision (PDC 13) by envisaging a building envelope with a 72-degree plane. - Garage dominance remains - Boundary wall height and length remain in violation of the Development Plan; - No changes have been made to the crossover, setback or any other aspect of the design to resolve vehicle movement concerns - The application continues to call for allotments of a mere 4.5m in width. 	<p>The compromise proposal was amended in DA 090/671/2018 by reducing the overall height of the building, reducing the number of bedrooms and increasing the upper level setback to the boundary to the east. There was also variation to the colours and materials which adds visual interest.</p> <p>The garage doors reflect the appearance of the upper level windows and the upper storey balcony will aid in minimising the visual impact.</p> <p>The eastern boundary wall was amended through the compromise process and now has an appropriate height in keeping with the wall heights envisaged by the Development Plan.</p> <p>The proposal satisfies on site parking requirements and the turning circles have been determined to be appropriate by Council's Traffic engineers.</p> <p>The Land division has been granted approval by Council administration and therefore the dwellings reflect the approved frontage.</p>
Short front and non-existent side setbacks would result in a highly inappropriate visual impact to the existing residences, particularly 4 Belgrave Crt	There is a 1.3m right of way which adds separation between the subject land and the adjoining residential properties the east, and the ground level of the adjoining residential properties to the east are 0.4-0.5m higher than the ngl of the subject land.

	<p>It is noted that the relevant setbacks of the Development Plan should apply to buildings of 3 storey or more.</p> <p>The Zone envisages development up to 5 storeys which would result in a greater visual impact when viewed from the adjoining properties the east</p>
2. 6 Pine St, Parkside (oppose – does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
East wall windows overlooking rear yards of adjacent properties. Will need to install frosted glass to east wall windows	The applicant has not provided a specific response however Council Administration notes that a condition has been recommended to ensure that overlooking is minimised in accordance with Council Wide Residential Development 39.
6 Pine St is significantly affected by upper floor building mass encroachment. This could be overcome by reduction of upper storey floor area and modified design.	The proposal has been amended from the original application by reducing the overall height of the building, reducing the number of bedrooms and increasing the upper level setback to the boundary to the east.
3. 39 Dunks St, Parkside (oppose – wishes to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
Overlooking of residential property at 39 Dunks St from upstairs windows on north elevation. Concerns would be overcome by compliance with PDC 39 of the Unley Development Plan	We are happy for a condition to be applied that the rear windows be obscured to 1.7m in height.
4. 8 Pine St, Parkside (oppose – wishes to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>The new development proposal still does not meet the criteria set out in the Council's Development Plan or fully addresses the original refusal reasons set out by CAP at its April 2019 meeting, including:</p> <ul style="list-style-type: none"> - The proposal remains in gross violation of the Interface Height Provision (PDC 13) by envisaging a building envelope with a 72-degree plane. - Garaging remains a dominant feature of the building - The proposed boundary walls remains in violation of the Plans' provisions - The application continues to call for allotments of a mere 4.5m in width 	<p>The compromise proposal was amended in DA 090/671/2018 by reducing the overall height of the building, reducing the number of bedrooms and increasing the upper level setback to the boundary to the east. There was also variation to the colours and materials which adds visual interest.</p> <p>The garage doors reflect the appearance of the upper level windows and the upper storey balcony will aid in minimising the visual impact.</p> <p>The eastern boundary wall was amended through the compromise process and now has an appropriate height in keeping with the wall heights envisaged by the Development Plan.</p>

	The Land division has been granted approval by Council administration and therefore the dwellings reflect the approved frontage.
Minimal front and non-existent side setbacks would result in a highly visible, visually jarring and 'boxing in' of adjoining properties. 8 Pine St is already surrounded by storey properties to the north and south so the proposal will further dwarf and box in our property	<p>There is a 1.3m right of way which adds separation between the subject land and the adjoining residential properties the east, and the ground level of the adjoining residential properties to the east are 0.4-0.5m higher than the ngl of the subject land.</p> <p>It is noted that the relevant setbacks of the Development Plan should apply to buildings of 3 storey or more.</p> <p>The Zone envisages development up to 5 storeys which would result in a greater visual impact when viewed from the adjoining properties the east</p>
8 Pine St will be significantly impacted by overshadowing from the proposed development as well as access to available sunlight	The shadow diagrams provided demonstrate that the proposal will not result in any unacceptable overshadowing of the adjoining properties private open space or habitable room windows.
Overlooking – we expect windows to be opaque to minimise overlooking into property	The applicant has not provided a specific response however Council Administration notes that a condition has been recommended to ensure that overlooking is minimised in accordance with Council Wide Residential Development 39.

(* denotes non-valid planning considerations)

For a copy of each of the representation and the applicant's response please refer to the Attachments.

9. **ADMINISTRATION NEGOTIATIONS**

Firstly, it is noted that no amendments to the plans have occurred since the subject application was lodged. As per Section 1 of this report however, the proposal does have a history with the Panel. The subject proposal plans are identical to those plans that received support at Panel on the 20 August 2019. These plans only differ to the plans that were refused at Panel 16 April 2019, as the following amendments were made:

- The entire upper storey of Dwelling 2 has been setback 1.0 metre from the eastern side boundary. The ground floor remains on the eastern boundary however the boundary wall is only 3 metres in height;

- The setback to rear boundary has been increased for both dwellings. This has resulted in an increase in the area of private open space as well as a reduction in the overall length of walls located along the side boundaries;
- The internal floor area of Dwelling 2 (both levels) has been altered to accommodate the reduction in overall floor area due to an increase in setbacks. This includes the removal of the third bedroom and the addition of windows along the upper floor eastern facade;
- External materials and finishes have been altered for both dwellings. This includes the colour of the brickwork and both the garage and front door.

10. DEVELOPMENT DATA

Site Characteristics	Residence 1 (west)	Residence 2 (east)	Development Plan Provision
Total Site Area	137m ²	137m ²	As per associated land division approval (Ref:090/949/2018)
Frontage	4.57m	4.57m	
Depth	30.07m	30.07m	
Building Characteristics			
Floor Area			
Ground Floor	112.86m ²	112.86m ²	
Upper Floor	94.2m ² (83.4% of ground floor)	73.9 m ² (65.5% of ground floor)	
Site Coverage			
Roofed Buildings	83.6%	83.6%	≤50% of site area (Council Wide)
Total Impervious Areas	88.4%	88.4%	≤70% of site (Council Wide)
Total Building Height			
From ground level	6.85m (max)	6.8m (max)	Min 3 storeys (11.5m) - Max 5 storeys and up to 18.5m (Policy Area)
From ground level of the adjoining affected land	6.85m	4.9m - 6.7m	
Setbacks			
Ground Floor			
Front boundary (south)	1.5m	1.5m	No minimum (Policy Area)
Side boundary (east)	0m	0m	0m (Policy Area)
Side boundary (west)	0m	0m	0m (Policy Area)
Rear boundary (north)	4.2m	4.2m	3m (Policy Area)
Upper Floor			
Front boundary (south)	1.5m	1.5m	No minimum (Policy Area)
Side boundary (east)	0m	1m	0m (Policy Area)
Side boundary (west)	0m	0m	0m (Policy Area)
Rear boundary (north)	7.2m	7.2m	3m (Policy Area)
Wall on Boundary			
Location	West boundary	East boundary	
Length	23.6m (78%)	23.6m (78%)	≤9m or ≤50% of the boundary length, whichever is the lesser (Council Wide)
Height	6.3m (max)	3m (max)	≤3m (Zone)
Private Open Space			
Min Dimension	4.2m x 4.57m	4.2m x 4.57m	≥4m minimum (Council Wide)
Total Area	19.2m²	19.2m²	20m ² (Council Wide)

Car parking and Access			
On-site Car Parking	2	2	2 per dwelling where less than 4 bedrooms or 250m ² floor area (Council Wide)
Covered on-site parking	2	2	≥1 car parking space (Council Wide)
On-street Parking	0 as existing	0 as existing	0.5 per dwelling (Council Wide)
Driveway Width	5m		5m double (Council Wide)
Garage/Carport Width	3m (65.6%)		≤6.5m or ≤30% of site width, whichever is the lesser (Council Wide)
Garage/ Carport Internal Dimensions	3m x 11.1m		3m x 6m for single (Council Wide)
Colours and Materials			
Roof	Colorbond corrugated roof (Surfmist)		
Walls	Brick Veneer (Charcoal colour with black mortar), feature rendered finishes (surfmist)		

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

Urban Corridor Zone
<p>Objective 1: A mixed use zone accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor.</p> <p>Objective 2: Integrated, mixed use, medium and high rise buildings with ground floor uses that create active and vibrant streets with residential development above.</p> <p>Objective 3: A mix of land uses that enable people to work, shop and access a range of services close to home.</p> <p>Objective 4: Adaptable and flexible building designs that can accommodate changes in land use and respond to changing economic and social conditions.</p> <p>Objective 5: A built form that provides a transition down in scale and intensity at the zone boundary to maintain the amenity of residential properties located within adjoining zones.</p> <p>Objective 6: A safe, comfortable and appealing street environment for pedestrians that is sheltered from weather extremes, is of a pedestrian scale and optimises views or any outlook onto spaces of interest.</p> <p>Objective 7: Noise and air quality impacts mitigated through appropriate building design and orientation.</p> <p>Objective 8: Development that contributes to the desired character of the zone.</p>
Desired Character
<p>This zone supports mixed use development on major road corridors and comprises non-residential development in association with medium to high density residential living, including more than 15 percent of dwellings as affordable housing. Development will create a linear corridor that will focus and frame the main road and create active street frontages. Buildings of 3 or more storeys will be the predominant built form, with key strategic sites developed with landmark buildings that will feature prominent, attractive and activating road facades.</p> <p>The siting and design of buildings will achieve high quality urban design outcomes. Development will be undertaken within defined building envelopes. Buildings at the periphery of the zone will have an appropriate transition that relates to development in adjacent zones</p>

of a lower scale and intensity. Contextual qualities, including the setting and juxtaposition of heritage places/character items with new or refurbished development, will be respected.

The urban corridor roads function as major metropolitan transport movement systems as well as for local movement, access and parking. Restricted and consolidated vehicle access points will be available and access will be mainly from secondary road frontages, limited rear access lanes and through-site integrated and shared rights-of-way. Controlled pedestrian and cycle crossing points will be focused and consolidated at key locations. Development design and function will be people orientated with safe and convenient accessibility to and through buildings from roads and parking.

Parking areas will be consolidated and shared and screened from public view. Access and parking are to be sited and designed to minimise negative impacts on adjoining residential areas, including appropriate separation and screen and buffer landscaping. Road treatments are to be provided at the interface of the zone that correspond with the likely associated uses and discourage non-related traffic in residential streets.

A high amenity pedestrian environment will be established that provides integrated linkages to adjacent centres, public transport stops and public spaces. Access for people with disabilities, signage, seating and street lighting will be provided along key walking routes between public transport stops and major activity nodes. Cycle routes will be visible, safe, accessible, well signed and connected with key local destinations and the Parkland fringe.

Overlooking, overshadowing and emission impacts will be moderated through good design and mitigation techniques, however, it is noted noise and air amenity cannot be expected to be equivalent to a purely residential area. Impacts on adjoining zones will be minimised through appropriate land uses, building envelopes, transition of building heights, design and location of on-site activities/windows/balconies, and use of landscaping.

Well-designed landscaping will assist to visually soften large building façades, screen and buffer parking/service areas/zone interface areas, and provide amenity, biodiversity and micro-climate benefits.

Water sensitive urban design (WSUD) for the harvest, treatment, storage and reuse of stormwater, and environmentally sustainable design (ESD) for reduction in energy consumption through passive design, construction and operation is envisaged with development. Green (vegetated) places will assist urban heat island effects and roof top gardens will provide opportunities for private and communal open space.

Given the distinctly different land use mixes, urban design features and street character intended for the various sites to which the zone is applied, four different policy areas have been designated as follows:

(b) High Street Policy Area - where more moderate scaled buildings of mixed use are intended along Unley Road with predominantly small scale shops, mixed business services and hospitality uses at ground and low building levels and upper level comprising residential apartments.

Detailed concept plans are prepared for distinct sections of the roads, detailing matters including desired accessways/road links, excluded property frontage access, variations to prescribed building heights, consolidated sites, heritage sites and any particular intended urban design element or feature.

Assessment

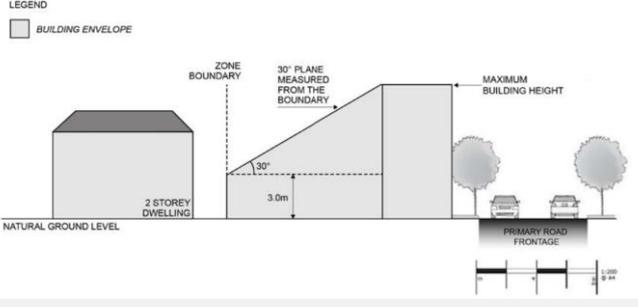
It is understood that the Zone supports mixed-use development including non-residential development in association with medium to high-density residential development. This is

evident with a mix of commercial and residential uses existing within the locality of the subject. It is noted however that the residential uses in the area are primarily associated with the adjacent Residential Streetscape (Built Form) Zone.

The subject development application proposes two dwellings with no other uses to be included. The site is however located on the boundary of the Urban Corridor Zone and is adjacent to the Residential Streetscape (Built Form) Zone. The design of the dwellings attempts to provide an appropriate transition between the largely compact, commercial nature of the Urban Corridor Zone and the adjacent residential zone. It is noted that part of the proposed development does not sit within the building envelope defined by the Urban Corridor Zone and Objective 5, specifically that described by the Interface Height provisions.

As the subject land use development is for residential purposes, car parking areas, vehicle and pedestrian access, noise, emissions etc. will not be of a commercial nature and therefore will have limited impacts on the adjacent residential zone as per Objective 7. The dwellings however have been designed to consider overshadowing and overlooking impacts. The dwellings however are to be located on narrow allotments and present garaging as a dominant feature to the street. There is limited landscaping provided to the front of the site.

Relevant Zone Principles of Development Control		Assessment									
<p>PDC 4 - Form & Character <i>Development should be in accordance with Concept Plan Maps Un/1 to 7 and 11.</i></p>		The subject site is not located on any of the associated Concept Plans and therefore this provision and any other reference to the Concept Plans are not relevant.									
<p>PDC 5 - Form & Character <i>Residential development should achieve a minimum net residential site density in accordance with the following:</i></p> <table border="1"> <thead> <tr> <th>Policy Area</th> <th>Minimum net residential site density</th> </tr> </thead> <tbody> <tr> <td>Boulevard (Greenhill Road) Policy Area 19</td> <td>75 dwellings per hectare net (except within the southern half of the Annesley Campus Area fronting Rose Terrace 35 dwellings per hectare net)</td> </tr> <tr> <td>High Street (Unley Road) Policy Area 20</td> <td>60 dwellings per hectare net</td> </tr> </tbody> </table>		Policy Area	Minimum net residential site density	Boulevard (Greenhill Road) Policy Area 19	75 dwellings per hectare net (except within the southern half of the Annesley Campus Area fronting Rose Terrace 35 dwellings per hectare net)	High Street (Unley Road) Policy Area 20	60 dwellings per hectare net	<p>The proposal includes two dwellings over a site that is 275m² in area. This equates to net residential density 72.7 dwellings per hectare net. Currently the site has a net residential density of 36.4 dwellings per hectare net.</p> <p>The proposed development therefore achieves the intent to increase the density of the zone.</p>			
Policy Area	Minimum net residential site density										
Boulevard (Greenhill Road) Policy Area 19	75 dwellings per hectare net (except within the southern half of the Annesley Campus Area fronting Rose Terrace 35 dwellings per hectare net)										
High Street (Unley Road) Policy Area 20	60 dwellings per hectare net										
<p>PDC 12 – Building Height <i>Except where airport building height restrictions prevail, the interface height provisions require a lesser height, or an alternative maximum building height is shown on Concept Plan Maps Un/1 to 7 and 11, building heights (excluding any rooftop mechanical plant or equipment) should be consistent with the following parameters:</i></p> <table border="1"> <thead> <tr> <th>Policy area</th> <th>Minimum building height</th> <th>Maximum building height</th> </tr> </thead> <tbody> <tr> <td>Boulevard (Greenhill Road) Policy Area 19</td> <td>3 storeys (11.5 metres), or 4 storeys (15 metres) for land that is directly adjacent to or facing the Adelaide Park Lands.</td> <td>7 storeys and up to 25.5 metres</td> </tr> <tr> <td>High Street (Unley Road) Policy Area 20</td> <td>3 storeys (11.5 metres)</td> <td>5 storeys and up to 18.5 metres</td> </tr> </tbody> </table>		Policy area	Minimum building height	Maximum building height	Boulevard (Greenhill Road) Policy Area 19	3 storeys (11.5 metres), or 4 storeys (15 metres) for land that is directly adjacent to or facing the Adelaide Park Lands.	7 storeys and up to 25.5 metres	High Street (Unley Road) Policy Area 20	3 storeys (11.5 metres)	5 storeys and up to 18.5 metres	<p>The dwellings are proposed to be two storeys in height (max height of 6.8m from natural ground level). This is below the minimum of 3 storeys (11.5 metres). It is noted however that due to the site abutting land located in a different zone, the interface height provisions will require a lesser height. The proposed 2 storey development however exceeds the interface height provisions (discussed further below). It is considered that two storeys is compatible with the adjacent two storey residential dwellings and is of a much less impact than anything 3 to 5 storeys would offer.</p>
Policy area	Minimum building height	Maximum building height									
Boulevard (Greenhill Road) Policy Area 19	3 storeys (11.5 metres), or 4 storeys (15 metres) for land that is directly adjacent to or facing the Adelaide Park Lands.	7 storeys and up to 25.5 metres									
High Street (Unley Road) Policy Area 20	3 storeys (11.5 metres)	5 storeys and up to 18.5 metres									

Relevant Zone Principles of Development Control	Assessment						
<p>PDC 13 – Interface Height Provisions <i>To minimise building massing at the interface with development outside of the zone, buildings should be constructed within a building envelope provided by a 30 degree plane, measured from a height of 3 metres above natural ground level at the zone boundary (except where this boundary is a primary road frontage, as illustrated in Figure 1).</i></p> <p>Figure 1</p> 	<p>Refer to Section 12 – Discussion, for the assessment.</p>						
<p>PDC 14 – Setbacks from road frontages <i>Buildings (excluding verandahs, porticos and the like) should be set back from the primary road frontage (exclusive of any land required under the Metropolitan Road Widening Act) in accordance with the following parameters</i></p>	<p>The forward most wall of the proposed development is the garage, which is setback 1.5 metres from the front boundary to Belgrave Court. The upper floor balcony does project forward of the garage to the front boundary.</p>						
<table border="1"> <thead> <tr> <th data-bbox="197 1167 408 1205">Policy area</th> <th data-bbox="408 1167 895 1205">Minimum setback from the primary road frontage</th> </tr> </thead> <tbody> <tr> <td data-bbox="197 1205 408 1243">Boulevard Policy Area</td> <td data-bbox="408 1205 895 1243">6 metres</td> </tr> <tr> <td data-bbox="197 1243 408 1301">High Street Policy Area</td> <td data-bbox="408 1243 895 1301">No minimum (3 metre maximum setback where extended outdoor dining/licensed area only is proposed forward of the building)</td> </tr> </tbody> </table>	Policy area	Minimum setback from the primary road frontage	Boulevard Policy Area	6 metres	High Street Policy Area	No minimum (3 metre maximum setback where extended outdoor dining/licensed area only is proposed forward of the building)	<p>The proposed front setback accords with PDC 14.</p>
Policy area	Minimum setback from the primary road frontage						
Boulevard Policy Area	6 metres						
High Street Policy Area	No minimum (3 metre maximum setback where extended outdoor dining/licensed area only is proposed forward of the building)						

Policy Area Desired Character and Principles of Development Control

High Street (Unley Road) Policy Area 20
<p>Desired Character</p> <p><i>This policy area includes two sections of the Unley Road corridor either side of the Unley District Centre and extending the full length of the road as far south as Northgate Street from Greenhill Road.</i></p> <p><i>The maintenance of a safe and efficient movement system (for significant private vehicle numbers as well as critical public transport links) needs to be balanced with the desire to transform these strips into vibrant, intimate and appealing mixed use pedestrian friendly corridors of small scale retail, mixed business and entertainment facilities at ground and lower levels with medium to high density living at upper levels of multi-storey buildings.</i></p> <p><i>High quality buildings and associated site works are sought which:</i></p> <p>(a) <i>improve the comfort, safety, convenience and appeal of the public realm and the pedestrian environment for visitors and residents by creating:</i></p> <ul style="list-style-type: none"> (i) <i>visually interesting, highly transparent and varied shop fronts and building entries;</i> (ii) <i>continuity of verandahs, awnings or canopies to provide shelter and shade;</i>

- (iii) *appealing through links to shops and businesses set behind the street frontage and also to ground level and multi-level car parking areas at the rear or underneath buildings;*
 - (iv) *occasional outdoor dining areas extending in part over the public footway and linked to recessed buildings comprising restaurants and licensed premises;*
 - (v) *paving, lighting, tree planting, furniture and amenities in areas to the rear of street fronting buildings and linked to key local movement networks, public reserves and common private spaces;*
 - (vi) *parking areas under, behind or within buildings, to ensure ground floor levels match public footpath levels along road frontages and provide for level access and direct interaction to the public realm.*
- (c) *create high quality living environments by:*
- (a) *applying sustainable design solutions to optimise natural ventilation and capture of sun or natural daylight;*
 - (b) *optimising resident and visitor safety, convenience and amenity by providing reserved and secure car parks, lighting and surveillance of public and common spaces;*
 - (c) *locating and screening goods storage, refuse collection areas in a sensitive manner;*
 - (d) *locating and designing sensitive habitable rooms and balconies to optimise the utility of those spaces and minimise noise intrusion.*
- In order to achieve the desired building design outcome and car parking and access links, it will be necessary for existing small and narrow sites to be amalgamated and their redevelopment co-ordinated.*

Assessment

The subject site is not located along Unley Road and is not intended to accommodate mix use or commercial land uses. The proposed development is to continue the residential use of the site, albeit at a medium density. The dwellings provide a product that varies to the typical dwelling that is found within the adjacent residential zone and adds to the overall mix of uses at a larger scale, just not on the subject site.

Relevant Policy Area Principles of Development Control	Assessment
<p>PDC 1 - Land Use <i>Development should provide continuity of predominately narrow small ground floor shops, and limited offices and other non-residential land uses along the road corridor at ground level or first floor level, and residential development above.</i></p>	<p>The subject site is currently used for residential purposes and is not located along the main corridor where a continuity of ground floor shops exist. It makes little sense therefore for the site to provide continuity where it does not exist or likely to exist in the future. Furthermore, due to limited parking availability (both on and off site) and the adjacent residential uses, having shops or offices are not practical in this location.</p>
<p>PDC 6 – Form & Character <i>The ground floor of buildings should be built to dimensions including a minimum floor to ceiling height of 3.5 metres to allow for adaptation to a range of land uses including retail, office and residential without the need for significant change to the building.</i></p>	<p>The floor to ceiling height of the ground floor of the proposed dwellings is 2.7 metres. Whilst this does not satisfy Policy PDC 6, the buildings have been designed to better fit within the desired building envelope dictated by the interface height provisions.</p> <p>The design needs to be assessed in context with the locality and the objectives and intent of the Zone and Policy Area. Again, the Policy</p>

Relevant Policy Area Principles of Development Control	Assessment
	Area looks for a mix of uses developed over larger sites, where the appropriate design considerations can be made. The 3.5 metres is suggested to allow for adaption to a range of land uses including retail, office and residential. PDC 6 does not consider an appropriate height if only residential uses are proposed. The best reference in this instance are the dwellings to the east, which are built with 2.7m high ceilings for the ground floor. These dwellings already appear quite imposing within the street, and therefore the 3.5 metre ceiling height is not considered appropriate in this situation.

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		
Crime Prevention	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Design and Appearance	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 5, 9, 10, 12, 13, 14, 15, 16, 17
Energy Efficiency	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2
Form of Development	<i>Objectives</i>	1, 4, 7
	<i>PDCs</i>	1, 2, 3, 12
Interface Between Land Uses	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Residential Development	<i>Objectives</i>	1, 3, 4
	<i>PDCs</i>	1, 2, 3, 4, 5, 8, 15, 16, 17, 19, 20, 22, 23, 24, 25, 29, 30, 31, 32, 33, 34, 36, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 14 – Dwellings Sited on Side Boundaries	<p>The Urban Corridor Zone specifies the dwelling setbacks for the side and rear boundaries and as such the proposed development is not assessed against the City-Wide setback principles. PDC 14 however is still relevant for assessment purposes as it provides specifications for dwellings sited on side boundaries, which is not covered by the Urban Corridor Zone principles.</p> <p>The proposed side boundary walls well exceed the length</p>

Relevant Council Wide Provisions	Assessment
	<p>parameters of PDC 14. The proposed western boundary wall of Residence 1 also exceeds the height parameters of PDC 14. It is however noted that:</p> <ul style="list-style-type: none"> • Urban Corridor Zone allows a 0m setback to both side boundaries which differs to the Council Wide side setback provisions that recommend development along one side boundary only. PDC 14 is considered to not be particularly compatible with the intent of the Urban Corridor Zone, particularly in regards to boundary wall length; • the western boundary wall (of Residence 1) abuts a rear access driveway to a commercial property; • the existing dwelling is located along the western boundary for a length of approximately 21 metres; • the length of wall located along the western boundary faces the rear carparking and access area for 77 Unley Rd (a restaurant) and a 15m long garage wall of Unit 2/79 Unley Rd (retail/workshop use); • The boundary wall of Residence 2, located along the eastern boundary, abuts a 1.3m wide strip of land for approximately 19 metres; • The eastern boundary wall will also be located adjacent to 4 properties including the garage wall of 4 Belgrave Crt as well as fencing and landscaping located along the rear boundaries of 4, 6 & 8 Pine St; • The eastern boundary wall is at lower level than the residential properties located to the east of the site due to the fall of the land; • Given the orientation of the allotments, it is considered that adequate sunlight and natural light is still able to be achieved to the neighbouring dwellings.
<p>PDC 16 & 17 – Site Coverage</p>	<p>The proposed dwellings well exceed the site coverage requirements in terms of both roofed buildings and impervious areas. In reference to PDC 16 however it is noted that:</p> <ul style="list-style-type: none"> • The dwellings meet the front, side and rear setback provisions; • given the orientation of the site, the dwelling will have sufficient access to northern sunlight; • the relevant provisions for pedestrian and vehicle access and parking have been satisfied; • specific details regarding the paving areas (driveway, footpaths etc.) have not been provided. There may be some permeability of these areas and therefore the impervious areas calculation in the data table above may be overly exaggerated; • compliance with Council’s Stormwater Management Design Guide will be conditioned as part of any Planning Consent moving forward; • the proposed site coverage will be similar to that of a number of properties within the area, particularly

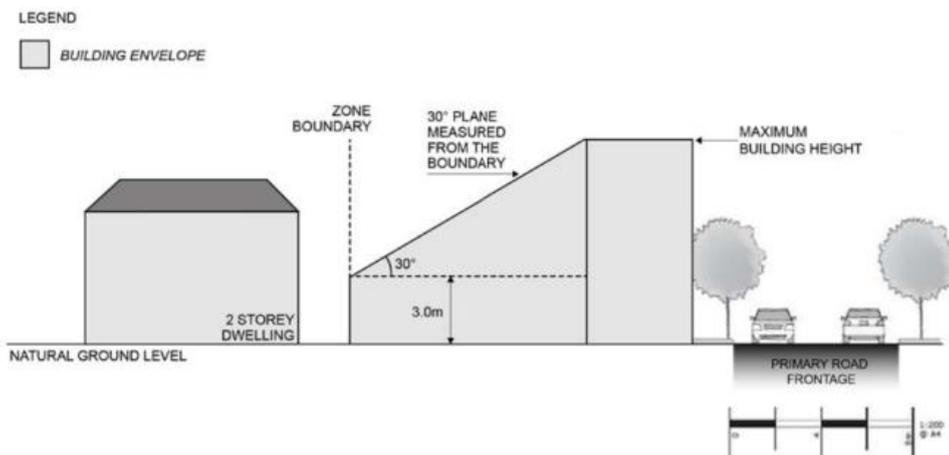
Relevant Council Wide Provisions	Assessment
	<p>those of a commercial nature and therefore is not out of character with the locality.</p> <p>It is also noted that the Urban Corridor Zone and more specifically the High Street (Unley Road) Policy Area 14 make no mention of site coverage requirements. This is likely due to desiring a development outcome that differs to traditional residential zones in regards to spacious conditions between neighbours.</p> <p>It is considered that the proposed site coverage is acceptable within the context of the locality.</p>
<p>PDC 19, 20, 22 – Private Open Space</p>	<p>It is noted that the amount of private open space proposed just falls short of the 20m² required by PDC 20. This shortfall however does not include the upper level balcony, which if included, will result in a compliance with PDC 20. The balcony has not been included however as it does not fulfil the requirements of PDC 22 by being screened to a height of 1.7m. Given the balcony, is located to the front of the dwelling and overlooks a public road, screening to a height of 1.7m is not necessary.</p> <p>The rear private open space is also of sufficient size to accommodate a deep soil area for a small to medium sized tree.</p> <p>Overall it is considered that the private open space provided is sufficient for the type of dwellings proposed.</p>
<p>PDC 29 – Building Form, Scale, Mass and Height – Garages and carports</p>	<p>The proposed dwellings have been designed so that their associated garages are integrated into the dwelling design and are therefore located under the main roof and balcony. The garages however fail to meet the provisions of PDC 29, including having a roof form that is visually distinguished from the main dwelling and having a width no greater than 30 per cent of the site width. It is argued that it is impossible to satisfy the provisions of PDC 29 in the context of this site as the two storey dwellings are to be located on allotments approved with a frontage of only 4.57 metres wide. Any garage whether under the main roof or not will not meet these design parameters. Furthermore, it is noted that:</p> <ul style="list-style-type: none"> • incorporating a garage and a pedestrian entrance on the ground level is a typical design feature of ‘Townhouse’ style dwellings common around metropolitan Adelaide; • the car parking provisions require that where a dwelling has 3 bedrooms or less, two car parking spaces are to be provided, of which one needs to be covered; • the upper level, projecting balcony and other design features have been utilised to soften the appearance of the garages to the street;

Relevant Council Wide Provisions	Assessment
	<ul style="list-style-type: none"> the subject site is adjacent to a large garage building that is located directly on the boundary to Belgrave Court. This garage is far more intrusive within the locality than that proposed. <p>Overall, on balance, it is considered that the proposed garages do not detract from the associated dwellings and the prevailing built form of the locality.</p>

12. DISCUSSION

The proposed development abuts land that is located within a different zone along its eastern side boundary. The interface height provisions are therefore relevant. The development includes a wall to be built along the eastern boundary. The boundary wall does not exceed a height of 3 metres above natural ground level however part of the dwelling still falls outside the 30-degree plane as indicated in Figure 1 below.

Figure 1



It is noted that the boundary wall will be adjacent to a small strip of land (Allotment 138) that is 21.18 metres long and 1.3 metres wide. This strip of land is used as a free and unrestricted right of way (i.e. is not occupied by a habitable structure). Some of the eastern neighbouring dwellings are therefore provided with a small land buffer to the proposed development, a situation which is considered to be rather unique.

If the intent of interface height provisions is to minimise building massing at the interface with development outside the Urban Corridor Zone, then in reality the 30-degree envelope should also take into account that development/ built form would not be possible on Allotment 138 and therefore the 30 degree plane to the eastern side of Lot 138 represents, in reality, where the line of visual impact will occur.

In regards to the visual impact that is possibly created by exceeding the 30-degree envelope, it is noted that:

- No front setbacks are required for the Urban Corridor Zone and therefore a building could be designed to the front boundary and within the 30-degree envelope that would result in greater visual impact to 4 Belgrave due to the entire frontage of 4 Belgrave facing the side boundary of 2 Belgrave;

- 4 Belgrave has a garage with a length of approximately 6.5 metres located along their western boundary. This accounts for more than 50 percent of their western (front) boundary;
- The building encroachment within the 30-degree envelope occurs 1 metre into the subject site providing an additional 2.3m separation between the boundary of 4 Belgrave, 6 & 8 Pine St;
- 8 Pine St has a verandah that is located approximately 12m from the proposed encroachment into the 30-degree envelope;
- 8 Pine St has an upper storey approximately 32m from the proposed encroachment into the 30-degree envelope;
- 8 Pine St has a private rear garden area of approximately 10m in length and is bound by private open space to the north and a single storey garage to the south;
- 6 Pine St is also a 2-storey dwelling with the upper level approximately 15m from the proposed encroachment into the 30-degree envelope;
- 6 Pine St has a number of trees within their private open space area that would screen a majority of the proposed development;
- 4 Pine St would only have part of their rear boundary as a 2.8m wall.

13. 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 dwellings have been sited and designed to have sufficient regard to the Desired Character and Objectives of the Urban Corridor Zone;
- The proposed dwellings are considered to achieve a balance between increasing density and undertaking development that is compatible with the adjacent residential zone;
- The proposed garages are not considered to have detrimental impact on the visual amenity and character of the street;
- The upper storey of both of the proposed dwellings has been designed to create visual interest to the street without appearing to be of a bulk and scale that would dominate the adjacent dwellings;
- The proposed buildings will exceed the building envelope provided by a 30-degree plane, however the impact of the building massing at the interface will be minimal given the context of the subject site within the locality.

The application is therefore recommended for Development Plan CONSENT.

14. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/573/2019/C2 at 2 Belgrave Court, Parkside 5063 to 'Construct two, two storey dwellings including garages and verandahs', 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 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.
3. That the upper floor windows (except for those along the southern 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.
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.
5. 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.
6. That a 1.7m high privacy screen be erected along the eastern side of the balcony prior to occupation. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.

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.
- The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is reminded that unless specifically stated, conditions in previous relevant development approvals remain active.
- 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.
- 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.
- The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.
- 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.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Administration
C	Response to Representations	Applicant
D	090/671/2018 April CAP Report & Plans	Administration
E	090/671/2018 August CAP Report	Administration

ITEM 2**DEVELOPMENT APPLICATION – 090/20/2019/C2 – 499 & 94 CROSS FULLARTON ROADS, HIGHGATE SA 5063 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/20/2019/C2
ADDRESS:	499 Fullarton Road, Highgate & 94 Cross Roads, Highgate SA 5063
DATE OF MEETING:	15 October 2019
AUTHOR:	Andrew Raeburn
DEVELOPMENT PROPOSAL:	Construct four residential flat buildings (2 & 3 storey) comprising 20 dwellings, common driveway and visitor parking and landscaping and remove a street tree.
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Regeneration Zone Major Roads PA14 (499 Fullarton Road) Residential Streetscape (Landscape) Zone PA11.2 (94 Cross Road)
APPLICANT:	WP Property Group
OWNER:	Kenneth Choong Eu Wong and 94 Highgate Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (one opposed)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Building bulk / mass Boundary setbacks Density

1. PLANNING BACKGROUND

The following approvals are relevant to the subject site:

- DA 345/2017 DIV – 499 Fullarton Road Highgate. *Land division – Torrens Title - Create two allotments from one existing.* Approved.
- DA 607/2017/BA – 94 Cross Road Highgate – *Demolish dwelling and associated outbuildings.* Approved.
- DA 498/2017/DIV – 94 Cross Road Highgate – *Land Division – Community Title – Create three allotments from one existing.* Approved

- DA 317/2017/C2 - 94 Cross Road Highgate – *Construct three two storey dwellings including verandahs and garages and boundary retaining walls with fencing over 2.1m.* Valid development authorisation awaiting substantial commencement.

The following approvals are relevant to the site at 503 Fullarton Road Highgate (White House):

- DA 140/2013/C2 – 503 Cross Road Highgate – *Change in use from lodging house into three retirement units, alterations and additions.* Approved.
- DA 471/2018/C2 – 503 Cross Road Highgate – *Change of use to residential.* Approved. This development application changed the use of three retirement village apartments to residential apartments.

2. DESCRIPTION OF PROPOSAL

The application originally proposed the construction of twenty two (22) dwellings. However, following advice from the Department for Planning, Transport and Infrastructure (DPTI) that the land would be subject to future road widening requirements as part of the imminent Cross/Fullarton Roads junction upgrade, the number of proposed dwellings was reduced and the setback to the northern boundary was also reduced.

The amended application proposes to construct four residential flat buildings (two and three storey) comprising twenty (20) dwellings on a site that has frontage to both Fullarton and Cross Roads.

The development is located adjacent the northern and western boundaries of the White House, which is a prominent local heritage place on the corner of Fullarton and Cross Roads. A summary of the proposal is detailed below:

Fullarton Road:

- Two residential flat buildings setback 10.5m from Fullarton Road and separated by a two-way common driveway.
- The southern residential flat building (immediately adjacent the White House) is three storey and comprises four dwellings.
- The northern residential flat building is a combination of three storey (fronting Fullarton Road) and two storey at the rear and in total comprises six dwellings.
- The buildings are of a contemporary design with flat roofs and articulation to Fullarton Road provided in the form of balconies and recessed wall panels. Materials and finishes include a blend of brick cladding (charcoal and white) as well as prefabricated wall cladding (timber appearance and surf mist).

Cross Road:

- There are two residential flat buildings setback 12.63m from Cross Road and separated by a two-way common driveway.
- The eastern residential flat building (immediately adjacent the White House) is two storey and comprises four dwellings.
- The western residential flat building is two storey and comprises six dwellings.
- Similar to Fullarton Road, the buildings have a contemporary design with flat roofs and articulation provided using balconies and differing materials and finishes.

The proposal also incorporates:

- A two-way (concrete/paved) and curved internal driveway that provides access to double garages for each dwelling as well as service vehicle access.
- Visitor carparking for eight vehicles (Cross Road) and four vehicles (Fullarton Road).
- Landscaping is incorporated within the front setback for both Fullarton Road and Cross Road as well as small pockets where space permits along the driveway.
- A bin refuse area is centrally located adjacent the common driveway and screened from view. The location allows for private waste collection to occur on site, where waste trucks can enter and exit the site in a forward direction without needing to turn within the site.

3. SITE DESCRIPTION

The subject site comprises two allotments that are located to the north and west of the White House. Due to the 'L' shaped nature of the site, the site benefits from frontage to both Fullarton Road and Cross Road.

The subject site is located within two zones. The allotment at 499 Fullarton Road is located within the Residential Regeneration Zone Policy Area 14 (Major Roads). The allotment at 94 Cross Road is located within the Residential Streetscape (Landscape) Zone Policy Area 11.

The subject site is currently vacant with no regulated trees on site and has a total site area of 3547m².

To facilitate access to the site from Cross Road a street tree will need to be removed and a bus stop and stobie pole will need to be relocated at the applicant's expense.

There are no impediments to the proposed access from Fullarton Road, however there is currently a significant expanse of crossovers that will need to be reinstated at the applicant's expense.

The subject land has a considerable fall of approximately 2.3 metres from Fullarton Road down towards the western boundary of the site.

DPTI have advised that the subject sites are affected by the Metropolitan Adelaide Road Widening Plan (MARWP) Act 1972. This is discussed in greater detail under statutory referral later in this report.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The White House is a distinctive land mark local heritage place located on the corner of Fullarton Road and Cross Road.

The land surrounding the subject site to the north, east and west is typically single and two storey residential development comprising a mix of detached dwellings, group dwellings and residential flat building along Fullarton Road and predominantly detached dwellings fronting Cross Road.

Urrbrae Campus is located on the southern side of Cross Road.



View from 94 Cross Road looking north-west towards 96 Cross Road.



View from the north-west corner of 499 Fullarton Road looking towards the tennis court at 3A Euston Avenue.

Land Division/Dwelling Type

Fullarton Road does not demonstrate a distinctive settlement patterns as it is characterised by a mix of detached dwellings, residential flat buildings and group dwellings of varying densities.

Cross Road demonstrates a more consistent settlement pattern typically characterised by generous (approx. 800m²) north south facing allotments with the exception of six group dwellings located at 102 Cross Road.

Fencing Styles

There is no predominant fencing style in the locality with a range of solid brush, colour bond and masonry fencing as well as open landscaping.

The White House has distinctive white masonry fencing to a height of 2.1m on the corner of Fullarton and Cross Road.

6. STATUTORY REFERRALS

The application was referred to the Department of Planning Transport and Infrastructure (DPTI) as required by Schedule 8 of the Development *Regulations 2008*.

In summary DPTI advise the following:

- The Site is affected by a possible requirement shown on the MARWP for a strip of land of up to 2.13m in width from Cross Road.
- Additionally, the plan makes provision for a further requirement of up to 4.5m in width from both the Fullarton Road and Cross Road frontages of the site for future upgrading of the Cross Road/Fullarton Road intersection.
- Consent is required for all building works on or within 6m of these possible requirements
- DPTI will be upgrading the Fullarton Road/Cross Road intersection with detailed planning and design to commence this year and project completion expected in 2023.
- While DPTI is satisfied with the general access design, the access arrangements will need to be updated to accommodate the intersection upgrade.
- Access from the roads will need to allow for future road widening and designed to provide at least 6m in width at the future property boundary and maintained at this width for at least 6m into the site from the new boundary and free from impediments. The position of the automatic gates also need review to ensure vehicles can stand clear of the road. Updated plans will need to be submitted to Council.
- DPTI supports the development subject to conditions and notes.

Refer to Attachment D to view the full DPTI response.

Amended plans have been provided by the applicant to address DPTI advice.

7. NON-STATUTORY (INTERNAL) REFERRALS

Council's Arborist:

The following advice was provided:

- *There is no arboricultural reason to support the removal of the street tree, however, if no alternative design solution exists then tree removal can be supported.*
- *The cost associated with the removal and replacement of the tree is \$7195.65 + GST and this must be paid in full by the developer.*

It should be noted that the proposed widening of Cross Road would result in the loss of all street trees from the frontage of the subject land, therefore the above comments would no longer be relevant to the proposal.

Council's Assets Officer:

From an assets perspective there are no issues with the proposed new crossover locations on Fullarton Road and Cross Road.

Council's Heritage Advisor:

- *The setback from Cross Road is sufficient to maintain the prominence of the local heritage place.*
- *Setbacks from Fullarton Road are less critical because they are associated with the rear of the local heritage place and the garage which is a later, albeit compatible, addition.*
- *Nevertheless, an increase in the setback from Fullarton Road is desirable as the proposed development projects well forward of the local heritage place.*
- *There is good modulation and articulation in the façades of the proposed development that are viewed in the context of the local heritage place. This helps to break down apparent bulk and scale.*
- *Variation in proposed materials is positive but finishes with less-contrast would assist in maintaining the prominence of the local heritage place.*

Following the Heritage Advisors comments amended plans were received to increase the setback of the residential flat buildings from Fullarton Road

Traffic Department:

The following summary of advice was provided:

- *Parking spaces in visitor parking modules must be of a width appropriate for visitor use (at least 2.5m), as well as allow additional width (0.3m) for door opening at the end of modules.*
- *The applicant shall provide detail on how waste collection vehicles would be able to access to the site.*
- *The proposed driveway access can potentially be restricted to left-in and left-out only due to DPTI's proposed intersection upgrade.*
- *There could be a potential shortfall of 2 visitor carparking spaces if DPTI is seeking to enforce MARWP requirements on Cross Road.*
- *Carport dimensions for dwelling types A.1, A.2, and A.3 are below the minimums, and would consequently make access inconvenient.*

Refer to Attachment E to view the full Traffic Department comments.

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 two representations were received as detailed below.

96 Cross Road Highgate	
ISSUES RAISED	APPLICANTS RESPONSE
The fence should be no shorter than the current fence height.	Replace with colour bond fence of 2.3m that will sit on top of a 500mm retaining wall.
<i>*If the fence is to be replaced, we do not want a delay in installing the new fence.</i>	The fence will be established in a timely manner and temporary fencing installed during construction
Ensure no overlooking	All upper level windows will feature obscure glazing
<i>*Only work during construction hours.</i>	The builder will undertake during construction hours controlled by the EPA.
<i>*Do not block access during construction</i>	The potential for the builder to block vehicle access to the driveway is a traffic

	offence and something Council can issue an expiation for.
3A Euston Avenue Highgate	
ISSUES RAISED	APPLICANTS RESPONSE
The Development does not comply with Development Plan standards	No specific response provided.
The detrimental impact the development will have on privacy due to overlooking which is exacerbated by the natural fall of the land	The dwellings have features that mitigate privacy including obscure glazing to a height of 1.7m and an aluminium slat privacy screen
The proposal to build directly on the boundary without an appropriate setback	The representor shares two boundaries with the subject land one being 18.3 metres in width and the other being about 7 metres in width. The boundaries of the subject land adjoin the tennis court of the adjacent site with the dwelling on that land setback separated from the nearest proposed dwelling just over 20 metres. Proposed dwelling 6 sits adjacent the 18.3 metres boundary (which appears more visible to their neighbours dwelling than the 7-metre-long boundary). Proposed dwelling 6 will have a side setback of 940mm-1.44m to the rear boundary of 3A Euston Avenue directly adjacent the tennis court. This setback provides a strip of land for some landscaping along the common boundary with 3A Euston Avenue. The applicant is willing to plant landscaping that will soften the appearance of the building – tall slimline trees can be planted in this strip of land to achieve this outcome. The Council is encouraged to provide a condition reinforcing this.
The high density of the dwelling and the associated impacts of this including parking and noise	As a residential development, noise from the proposal will be primarily from traffic movements. The proposal has sought to mitigate the effects by having its driveway centralised such that built form separates it from adjoining land use. CIRQA traffic consultants advise that the proposed development will satisfy the parking requirements in Councils Development Plan until such time as the MARWP is taken. Once the MARWP is taken eight visitor parking spaces will be provided on site. Whilst this does not satisfy the Unley Plan such a provision aligns with average vehicle parking requirements within other Council areas surrounding Adelaide CBD and adjacent the City of Unley.

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Please note that the figures provided below consider the subject site in the current pre-road widening condition.

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	3547m ²	
Total Site Area per dwelling	56 dwellings per hectare 177m ²	40 to 100 dwellings per hectare (RRZ) 120m ² to 230m ² (SLZ)
Frontage	38.6m Cross Road 29.9m Fullarton Road	12.5m Detached dwelling Streetscape (Landscape) Zone (SLZ) 20m Residential Regeneration Zone (RRZ)
Depth	57.1m Cross Road 77m Fullarton Road	
Building Characteristics		
Site Coverage		
Roofed Buildings	1667m 47%	≤50% of site area (SLZ) ≤ 60% site area (RRZ)
Total Impervious Areas	83%	≤70% of site
Total Building Height		
From ground level	7.15m 10m	Two storey (SLZ) 10.5m (RRZ)
Setbacks		
Ground Floor		
Fullarton Road	10.5m	6m
Cross Road	12.63m	Consistent with adjacent dwelling
Northern boundary	Nil to 1.44m	1m
Southern boundary	Nil to 4.4m	1m
Western boundary	2m	1m
Eastern boundary	2m	1m
First Floor		
Fullarton Road	10.69m to 10.75m	7m
Cross Road	11.9m	Consistent with adjacent dwelling
Northern boundary	0.94m to 3.04m	3m
Southern boundary	2.3m to 2.45m	3m
Western boundary	2.04m	3m
Eastern boundary	2.04m	3m
Second Floor		
Fullarton Road	10.69m to 10.75m	8.3m
Northern boundary	2.45m	7m
Southern boundary	2.45m	7m
Private Open Space		
Min Dimension		≥4m minimum

Total Area	POS varies between 16.3m ² and 92m ² 6 Apartments ≥ 35m ² 14 Apartments ≤35m²	35m ²
Car parking and Access		
On-site Car Parking	Without road widening 40 undercover and 12 visitor Total 52 With road widening 40 undercover and 8 visitor Total 48	2 per dwelling where 3 or more bedrooms plus 0.5 visitor carpark Total 50 required
Covered on-site parking	2 per dwelling	≥1 car parking space ≥2 car-parking spaces

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

10. ASSESSMENT

As the development is located within the Residential Regeneration Zone (Major Roads Policy Area 14), as well as the Residential Streetscape (Landscape) Zone Policy Area 11.2, an assessment against both zones is detailed in the assessment tables below.

Zone Desired Character and Principles of Development Control

Residential Regeneration Zone - Major Roads Policy Area 14
<p><i>Objective 1:</i> A predominantly medium density residential zone that comprises a range of dwelling types of 2 storeys together with associated local community services and facilities.</p> <p><i>Objective 2:</i> 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><i>Objective 3:</i> 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><i>Objective 4:</i> Increased dwelling densities and population.</p> <p><i>Objective 5:</i> Sustainable development outcomes through the provision of water sensitive design, energy efficiency, waste minimisation and urban landscaping and biodiversity.</p> <p><i>Objective 6:</i> 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><i>Objective 7:</i> Development that contributes to the desired character of the zone.</p>
Extract Desired Character
<p><i>...Existing traditional suburban allotments offer potential for substantial intensification of dwelling development within the zone. Opportunities are available to increase dwelling</i></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. This zone is envisaged to comprise predominantly medium density residential housing with higher density strategic areas represented in designated policy areas.

Within the zone, the built form will support a range of housing types to 2 storeys in height. 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.

Assessment

The proposed development is consistent with the objectives and desired character of the Zone for the following reasons:

- The subject site is located on the intersection of two major roads in a location with good access to public transport;
- The site has been amalgamated to form a more substantial site that allows for the safe movement of vehicles into and out of the site;
- The development provides a medium density development outcome through an appropriate mix of two and three storey dwellings.

Relevant Zone Principles of Development Control	Assessment
<p>3. Residential development should include higher concentrations of dwellings in suitable locations, in particular:</p> <p>(a) within 400 metres walking distance of a neighbourhood, district or local centre;</p> <p>(b) close to public transport or major employment nodes;</p> <p>(c) adjacent to public open space.</p>	<p>The subject site is identified as a suitable location for a higher concentration of dwellings due to its proximity to public transport, open space and Highgate shopping centre.</p>
<p>4 Higher density development should occur on amalgamated sites to:</p> <p>(a) facilitate appropriate site planning and building layout;</p> <p>(b) provide appropriate site dimensions to cater for larger scale developments.</p>	<p>The subject site incorporates two amalgamated sites with access to two major roads, which facilitates site planning and building layout for a medium density development.</p>
<p>7 Medium density development should achieve average net densities within the zone of between 45 to 50 dwellings per hectare and should typically be in the form of 2 storey residential buildings, or 40 to 120 dwellings per hectare and typically in the form of 3 to 5 storey residential buildings within the policy areas.</p>	<p>The proposed development achieves a net density of 56 dwellings per hectare and is a mix of two and three storey. The proposal is thereby consistent with this policy requirement.</p>

Policy Area Desired Character and Principles of Development Control

Major Road Policy Area 14

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. Small but notable gaps between buildings and articulation of the facades of buildings will be required to reduce the mass of the built form. There is the opportunity to create distinctive streetscapes from built form enclosure and softened by appropriately scaled front yard landscaping. Front fencing will incorporate well designed streetscape features and be substantially open in appearance to ensure a visually interesting public realm. 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. Development will desirably occur on amalgamated sites to allow for comprehensive development opportunities and to promote a range of medium density housing. Dwelling types other than detached and semi-detached housing are envisaged in this policy area. Affordable housing and supported accommodation are encouraged to take advantage of the good linkages to public transport.

Assessment

Nature of development

The construction of two and three storey residential flat buildings is consistent with the nature of development envisaged along Fullarton Road. The proposed front setback to Fullarton Road has been increased beyond what would be typically expected to ensure the prominence of the White House Building is maintained and to address future road widening requirements.

Density

The proposed density is appropriate for the Major Roads Policy Area and the combination of two and three storey built form enables an appropriate transition to the two storey dwellings to the north on Fullarton Road and single storey development fronting Euston Avenue.

Noise

The proposed development is located within an area affected by the Noise and Air Emissions Overlay and incorporates a feature brick wall to minimise impacts on private opens space adjacent the Major Roads. The buildings must also be designed to meet the requirements of Minister's Specification SA78B which will be assessed during the building rules assessment phase.

Design

The design approach provides a high degree of articulation within the street facing buildings and small, but notable gaps between dwellings to provide good modulation and reduce the overall bulk of the buildings.

The materials are of a high quality and would generally present a cohesive appearance without competing with the local heritage place to the south and east.

Access

As an amalgamated site the development benefits from two-way access to both Fullarton Road and Cross Road. This has assisted to minimise the number of driveways to Fullarton/Cross Road, enabled the common driveway to be shared by all dwellings and facilitates on site waste collection.

Relevant Policy Area Principles of Development Control	Assessment
<i>1 Development should be primarily for row dwellings and residential flat buildings.</i>	The development proposes four residential flat buildings.
<i>4 Medium to high density development that achieves average net densities of between 40 to 120 dwellings per hectare and should typically be up to three storey buildings.</i>	The proposed development achieves a net density of 56 dwellings per hectare.
<i>5 A dwelling should be designed in accord with the following parameters: Site Area per dwelling 100 minimum (average) 230 maximum (average) Frontage 20m</i>	The average site area per dwelling is 177m ²
<i>6 Dwelling design should support a moderate scale and intensity that reflects its major road location adjoined by low density character housing and primarily using apartment style buildings interspersed with other dwelling types.</i>	<p>The development has been designed to ensure that it maintains the prominence of the land mark White House building on the corner of Fullarton and Cross Road.</p> <p>The three storey buildings on Fullarton Road provide an appropriate transition between the White House building and the two-storey development to the north.</p> <p>On Cross Road, the two-storey residential flat buildings also provide an appropriate transition to the single storey detached dwelling to the west.</p>
<i>7 A dwelling should be designed in accord with the following parameters:</i>	The proposed development satisfies site coverage, front setback and wall height requirements.

Relevant Policy Area Principles of Development Control	Assessment
<p><i>Maximum site coverage 60%</i></p> <p><i>Maximum wall height (from ground level) 10.5 metres (three storeys)</i></p> <p><i>Minimum setback from primary street boundary 6 metres</i></p>	

Residential Streetscape (Landscape) Zone
<p><u>Objective 1:</u> Enhancement of the distinctive and primarily coherent streetscapes by retaining and complementing the built form, setting and surrounding landscape features.</p> <p><u>Objective 2:</u> 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><u>Objective 3:</u> Sensitive in-fill development opportunities where appropriate and complementary to the desired character and streetscape setting or providing for the improvement of areas of variable character by replacing discordant buildings and their associated landscape patterns.</p> <p><u>Objective 4:</u> Development that contributes to the desired character of the zone.</p>
Extract Desired Character
<p><i>Development should respect and contribute positively to the streetscape setting, and where appropriate, the collective features of distinctive and primarily coherent streetscapes.</i></p> <p><i>The key considerations are:</i></p> <p><i>(a) siting – sites with generous front and side setbacks to main dwelling buildings and wide road reserves. Building envelopes should reflect this siting, scale and form to maintain the spatial patterns of traditional settlement. Low open style front fences provide transparent streetscape views of landscaped front yards and compatible development.</i></p> <p><i>(b) form – a consistent pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and form is associated with the various architectural styles. Infill dwellings and dwelling additions should maintain traditional scale, proportions and building forms when viewed from the primary streetscape.</i></p> <p><i>(c) key elements – the articulation of the built form, verandahs and pitched roofs, are important key elements in minimising the visual dominance of buildings to the primary streetscape setting. The careful composition of facades to reduce building mass, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements, assist in complementing the desired character. Low open style front fences complement the style and predominant form of dwellings within the street and streetscape views of landscaped front yards. 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.</i></p>
Assessment
<p>The allotment at 94 Cross Road is located within the Residential Landscape Zone. The proposed development of a residential flat building accommodating six dwellings is not the type of development envisaged within the Residential Landscape Zone. Notwithstanding this, there are sound planning reasons to consider the proposed development on its merits including:</p>

- The site location on Cross Road (adjacent the White House) is not a typical streetscape setting and this location does not display the consistent siting, form and key elements generally sought by the desired character;
- Recognition within the desired character that sites greater than 5000m² can be developed at higher densities. Whilst the subject site is less than 5000m² (3547m²) the intent to develop larger sites is envisaged within the zone;
- The unique opportunity presented to amalgamate the allotment with an allotment located within the Residential Regeneration Zone and maximise the opportunities afforded by access to two major roads; and
- Development Approval has been issued at 94 Cross Road to construct three two storey dwellings at higher densities than that envisaged by the Residential Landscape Zone. The development authorisation is valid and construction can start at any time.

Relevant Zone Principles of Development Control	Assessment
<p>8 <i>Development should comprise dwellings of a form and setting consistent with the desired character. In this respect:</i></p> <p>(a) <i>sites should not be amalgamated for the purposes of developing residential flat buildings, group dwellings or non street-fronting dwellings unless it involves existing large sites occupied by buildings of discordant character where the consolidated site and its replacement dwellings produce a streetscape setting and built form that complements the desired character;</i></p> <p>(b) <i>infill development should maintain and complement the primary streetscape setting of the established settlement pattern, in terms of site width, building siting and providing a single width driveway (for shared use) or utilise a new side road or rear lane driveway where possible, and not impose excessive built form impacts to neighbouring sites and dwellings. Allotment areas may be reasonably varied where the development maintains a consistent primary street frontage and streetscape setting (siting, form and key elements).</i></p>	<p>As discussed above, the land is subject to unique circumstances that support a deviation away from the intent of the Residential Landscape Zone.</p> <p>It is considered that on balance, the benefits afforded through a cohesive development across the two allotments outweigh the need to conform to the lower density intent of the zone.</p> <p>It is considered that the general mass and siting of the two storey buildings within the land at 94 Cross Road would not appear so incongruous as to detrimentally detract from the character or appearance of the area or compromise the intent of the zone.</p> <p>Further, it is considered that utilising the land at 94 Cross Road allows for vehicles, including waste trucks, to enter and exit the site in a forward direction and thereby provides efficiencies within the site that help achieve a desirable medium to high density development within existing urban land.</p>

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		
Design and Appearance	<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
Energy Efficiency	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4

Form of Development	<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
Heritage	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Medium and High Rise Development (3 or More Storeys)	<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
Renewable Energy	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3
Residential Development	<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
Transportation (Movement of People and Goods)	<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
Waste	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 13 – side and rear setback & PDC 14 – walls on boundaries	<p>It is noted that a number of the proposed dwellings fail to comply with the recommended side and rear boundary setbacks.</p> <p>The most notable departures from the recommended setbacks occur on the northern boundary of the site and the southern boundary adjacent to the local heritage place.</p> <p>Despite these reduced setbacks, it is considered that the proposed development would not result in any unreasonable overshadowing or visual intrusion upon the owners and occupiers or neighbouring land. This is primarily due to careful positioning of the proposed buildings away from habitable room windows of dwellings on neighbouring land, and because the subject land is to the south of most of the nearby dwellings.</p> <p>It is considered that the proposed development adequately complies with PDC 13 and 14.</p>

<p>PDC 20 – Private open space Private open space should be provided for each dwelling and sited and designed to be:</p> <ul style="list-style-type: none"> (a) located adjacent or behind the primary street facing building facade and be exclusive of storage areas, outbuildings, carports, driveways, parking spaces and roofed pergolas and associated structures; (b) screened from public areas and adjoining properties with fencing of not less than 1.8 metres above finished ground level; (c) sited to receive direct winter sunlight; (d) of sufficient area with a minimum of 20 percent of the site area (>300 square metre site area per dwelling) and 35 square metres (\leq300 square metres site area per dwelling) within a residential zone and 20 square metres for each site within a non-residential zone; (e) useable for residents and visitors with a minimum of 4 metres (residential zone) and 3 metres (non-residential zone) in any one direction, a maximum grade of 1:10, and directly accessible from a habitable room. 	<p>Dwellings 11, 12, 15, 17, 18 & 19 would be provided with between 16.3m² and 23.7m² of private open space, which is less than the recommended 35m².</p> <p>The remaining proposed dwellings would all be provided with approximately 35m² or more of private open space.</p> <p>Despite being provided with less than the recommended private open space provision, it is considered that dwellings 11, 12, 15, 17, 18 & 19 would provide a good standard of accommodation for future occupants. The spaces would be reasonably dimensioned, positioned adjacent to living spaces and would provide good solar orientation and ventilation.</p>
<p>Overlooking PDC 38 <i>To maintain a reasonable level of visual privacy to adjacent residential properties the following measures are sought:</i></p> <ul style="list-style-type: none"> (a) <i>orientate and stagger windows and upper level viewing areas to prevent direct views into adjoining property indoor and outdoor living areas;</i> (b) <i>obscure viewing by raising window sills or incorporating obscure glass windows to a height at least 1.7 metres above floor level;</i> (c) <i>use permanently fixed external screening devices such as screens, fences, wing walls, panels, planter boxes or similar</i> 	<p>The proposed upper level windows and balconies incorporate obscured glazing or screening in sensitive locations to sufficiently minimise overlooking into neighbouring dwellings and land.</p>

<p><i>measures adequate to restrict 120 degree views;</i></p> <p>(d) <i>provide a separation distance of 15 metre radius to windows of habitable rooms in potentially impacted dwellings and 30 metre radius to private open space as described in the Figure below;</i></p> <p>(e) <i>incorporate plants capable of providing and seasonally sustaining a privacy screen.</i></p>	
<p>Overshadowing and Natural Light PDC 41</p> <p><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>(d) <i>or where such affected areas are already shaded, the additional impact should not significantly worsen the available sunlight access.</i></p>	<p>Due to the orientation of the proposed development in relation to neighbouring properties, no unreasonable overshadowing or loss of natural light would occur to the neighbouring dwellings to the north and west of the subject site.</p> <p>With regard to the White House located to the south of the site, the proposed three storey dwellings would be set relatively close to the southern boundary, however, as they would adjoin the detached garage and parking area serving the White House, it is considered that there would be sufficient separation with habitable room windows and private open space to ensure that the development would not have any detrimental impact.</p>
<p>Car Parking PDC 45</p> <p><i>The number of car parking spaces should be provided in accordance with Table Un/ 5.</i></p>	<p>Table Un/5 of the Development Plan recommends that the proposed development be provided with a total of 40 private car parking spaces and 10 visitor spaces.</p> <p>The proposed development provides two car parking spaces per dwelling in the form of private garages (a total of 40 spaces) and 12 visitor spaces located at the Cross Road and Fullarton Road frontages. As such the proposal is theoretically over-supplied with visitor car parking spaces.</p> <p>If the proposed development was considered in a post-road widening context, up to four visitor car parking spaces would be lost within the Cross Road frontage, resulting in a supply of eight visitor spaces, which is a shortfall of two visitor spaces.</p> <p>It is considered that irrespective of any road widening requirements, the proposed development</p>

	would generally accord with the recommended parking provision and any theoretical under supply with be relatively modest and would not detrimentally impact on parking conditions within the area.
Medium and High Rise Development (3 or More Storeys)	
<p>Deep Soil Zone PDC 23 and 24 <i>Deep soil zones should be provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies.</i></p> <p><i>For site greater than 1500m² it is recommended that 7% of the site area be deep soil zones, with a dimension of 6.0 metres and provide one large or medium tree/60m² deep soil</i></p>	<p>The proposed development would provide a total of 12.9 per cent deep soil zones across the site and 7.3 per cent if the indicative road widening requirements are taken into account.</p> <p>As such, the proposal would comply with the recommendations of this PDC.</p>
<p>Waste PDC 27 Where the number of bins to be collected kerbside is 10 or more at any one time, provision should be made for on site collection</p>	<p>The development includes a common waste storage area that would be centrally positioned on the site and serviced by a private waste contractor that would enter and exit the site in a forward direction.</p> <p>The development therefore complies with this PDC.</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 would provide a medium density development of an appropriate height, form and siting that would support the intent of the Residential Regeneration Zone;
- The proposed vehicle access would allow for the safe movement of vehicles entering, exiting and manoeuvring within the site and would not compromise pedestrian or highway safety;
- The on-site car parking would adequately provide for future residents and visitors of the development;
- The proposed buildings have been appropriately designed and sited away from habitable room windows and private open spaces of adjoining properties so that no unreasonable overshadowing or visual intrusion would occur;
- The development incorporates appropriate screening and window treatments to adequately minimise overlooking into neighbouring properties; and
- The design and appearance of the buildings and accompanying landscaping spaces would provide a good street presentation, complement the surrounding development and maintain the setting of the adjoining local heritage place.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/20/2019/C2 at 499 & 94 Cross Fullarton Roads, Highgate SA 5063 to 'Construct four residential flat buildings (2 & 3 storey) comprising 20 dwellings, common driveway and visitor parking and landscaping and remove a street tree.', 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 access points shall be located and constructed in general accordance with the site plan provided by Alexander Brown Architects, Drawing No. 18-025.PL02.G, dated June 2019.
3. All vehicles must enter and exit the site in a forward direction.
4. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
5. The obsolete crossovers on both Cross Road and Fullarton Road shall be reinstated to the Council's kerb and gutter standards, at the applicant's expense prior to occupation of the dwellings.
6. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of either Cross Road or Fullarton Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.
7. The relocation of the bus stop on Cross Road, including the stop pole and DDA footpath tactiles shall be undertaken to the satisfaction of DPTI and Council. The applicant shall contact Mr Wayne Stewart, Senior Project Officer, Operational Planning and Standards on telephone 7109 7240 to progress the above matters.
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. Prior to the issue of full development approval, an amended siteworks and drainage plan that reflects the amended number of dwellings (20) shall be submitted to and approved by Council. The development shall then be constructed in accordance with the approved plan.
10. That a detailed landscaping plan be submitted to and approved by Council prior to full Development Approval being issued, which indicates the species and location of proposed trees and shrubs on the site, and details of all new fencing, lighting and boundary treatments.
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 Demolition and Construction Management Plan to the reasonable satisfaction of Council shall be submitted to and approved by Council prior to the issue of Development Approval and shall include details such as:
 - Siting of materials storage;
 - Site offices;
 - Work in the Public Realm;
 - Hoarding;
 - Site amenities;
 - Reinstatement of infrastructure; and
 - Protection measures for significant landscape elements.
13. A Traffic Management Plan to the reasonable satisfaction of Council shall be submitted to and approved by Council prior to the commencement of construction and shall include such details:
 - Car parking and access arrangements for tradespersons;
 - Traffic requirements including construction access/egress and heavy vehicle routes; and
 - Proposed alterations to a public road requiring hoarding.
14. Temporary debris and sediment control measures shall be installed to ensure that debris, soil, soil sediments and litter are maintained within the construction site. At no time shall debris, soil, soil sediments and litter from the construction site enter Council's drainage system, road network or neighbouring properties. Pollution prevention measures shall be in accordance with the "Environmental Protection Authority's Stormwater Pollution Prevention Codes of Practice":
 - For the Community
 - For the Local, State and Federal Government
 - For the Building and Construction IndustryIn the event that soil, dust or construction debris enter Council's road network, it shall be removed by the end of the next business day.
15. Prior to commencement of works, the developer shall nominate a Construction Manager or Site Supervisor who is available to receive calls from any resident within the adjacent area regarding any complaint the resident may have in relation to construction practices. The developer shall provide signage on-site, providing contact details for the Construction Manager or Site Supervisor.
16. 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#>
17. Prior to the issue of Development Approval, the following information must be submitted to and approved by Council;
 - A Waste Management Plan
 - Details of the vehicle entry gates to the property, including consideration of residents, visitors and waste collection requirements.
 - Amended plans showing the width of the visitor car parking spaces increased to 2.8 metres.
18. That the upper floor windows and balconies (excluding the internally facing windows and balconies) be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) or screening to a minimum height of 1700mm above floor level with such translucent glazing or screening to be kept in place at all times.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- This site is affected by a possible requirement show on MARWP for a strip of land up to 2.13 metres in width from the Cross Road frontage for future road purposes. Additionally, the Plan makes provision for a further requirement of up to 4.5 metres in width from both the Fullarton Road and Cross Road frontages of this site for future upgrading of the CrossRoad/Fullarton Road intersection.

The consent of the CoH under *the Metropolitan Adelaide Widening Plan Act 1972* is required to all building works on or within 6 meters of the possible requirements.

Planning is currently underway to determine the exact widening requirements as part of the Cross Road/Fullarton Road upgrade, and it is anticipated that land in excess of that shown on the MARWP may be required from the Fullarton Road frontage of this site together with some land from the Cross Road frontage. It is anticipated that land requirements will be known by 2019.

Information on Fullarton Road and Cross Road Intersection Upgrade can be obtained at dpti.sa.gov.au/infrastructure/road_projects/fullarton_road or by calling 1300 951 145.

- 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.
- 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.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Administration
C	Response to Representations	Applicant
D	DPTI referral comments	Administration
E	Council Traffic Department comments	Administration

ITEM 3**DEVELOPMENT APPLICATION – 090/495/2019/C2 – 2A URRBRAE AVENUE, MYRTLE BANK SA 5064 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/495/2019/C2
ADDRESS:	2A Urrbrae Avenue, Myrtle Bank SA 5064
DATE OF MEETING:	15 October 2019
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Construct single storey detached dwelling including garage on common boundary
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Landscape) Zone Policy Area 11, Precinct 11.2
APPLICANT:	Donny Pirone
OWNER:	Tamra Morrison
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (1 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Wall on boundary

1. PLANNING BACKGROUND

Development Application 771/2018/DIV for Land Division - Torrens Title - Create 2 allotments from 1 existing, approved 15/10/2018.

Development Application 550/2018/C2 to Construct new garage for existing dwelling and a new single storey dwelling to rear of existing dwelling, including associated verandah and garage on southern boundary, Planning Consent Granted 15/10/2018. (See below).

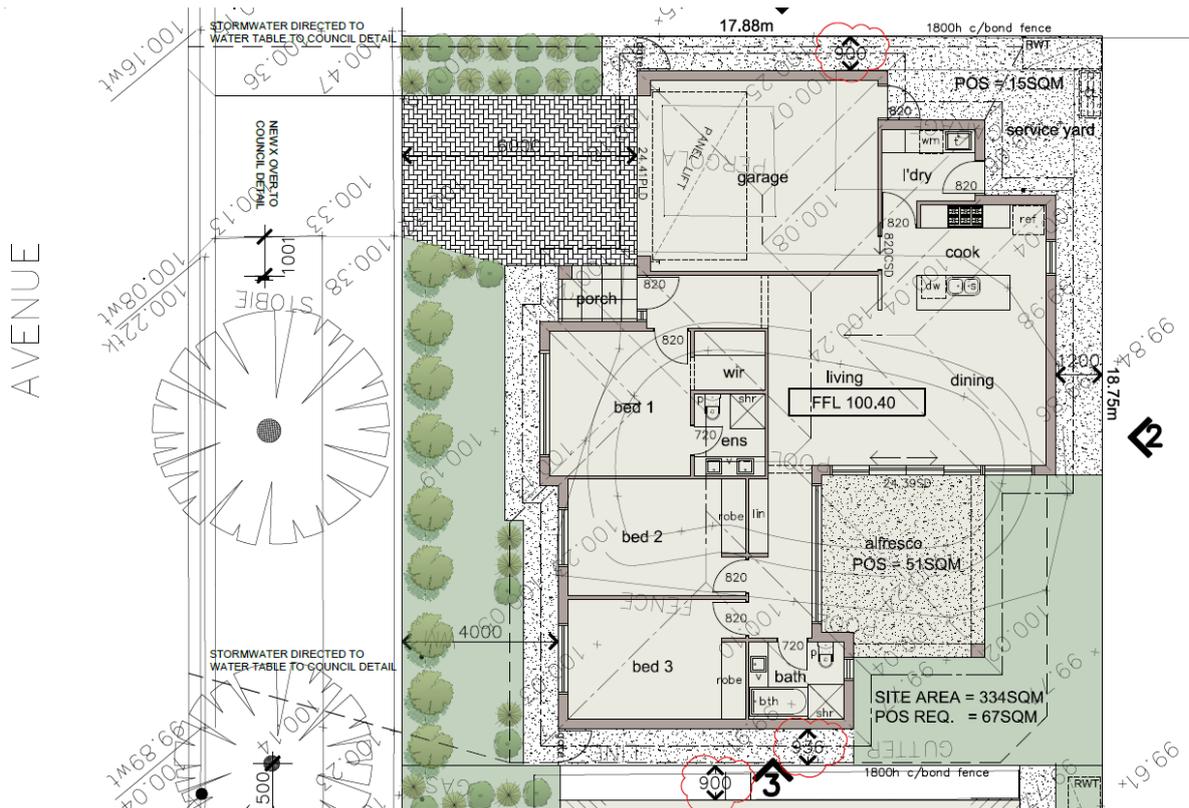


Figure 1.
As granted Planning Consent, Development Application 550/2018/C2.

It is noted the main differences between the previous approval and current application are as follows:

- Reconfigured floorplan with larger secondary bedroom proportions;
- Garage now located on boundary, gutter and roof form extends a further 300mm to southern side boundary;
- Rear setback increased from a minimum 1.2m to 2.5m;
- Useable private open space increased from 15.2% to 24.1%;
- Rear verandah no longer incorporated under main roof.

2. DESCRIPTION OF PROPOSAL

The application proposes to construct a new single storey dwelling including a double garage positioned on the southern side common boundary and a rear verandah.

3. SITE DESCRIPTION

The subject site was subdivided from the rear yard of 61 Ferguson Avenue. The subject site is square in shape with an eastern primary street frontage to Urrbrae Avenue of 18.75m and a depth of 17.9m. The site has an area of 334sqm.

There are no structures on the site.

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

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential and supported accommodation.

Land Division/Settlement Pattern

The pattern of land division along the western side of Urrbrae Avenue in the locality is predominantly rectangular allotments of approximately 18 metres in width. A supported accommodation facility occupies the eastern side of Urrbrae Avenue, and includes independent living units facing the Street. Along Ferguson Avenue to the north in the locality allotments are generally rectangular with widths of 18m on the south side of Ferguson Avenue, and varying widths from 18m to 39m on the northern side.

Dwelling Type / Style and Number of Storeys

Dwellings and buildings within the locality typically present to the street with a single storey detached dwelling appearance and scale. Architectural styles are varied and include infill dwellings and residential flats of various periods. Garaging within the locality is predominantly double width and enclosed on the western side of Urrbrae Avenue, absent on the eastern side, and single width and more open on Ferguson Avenue.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

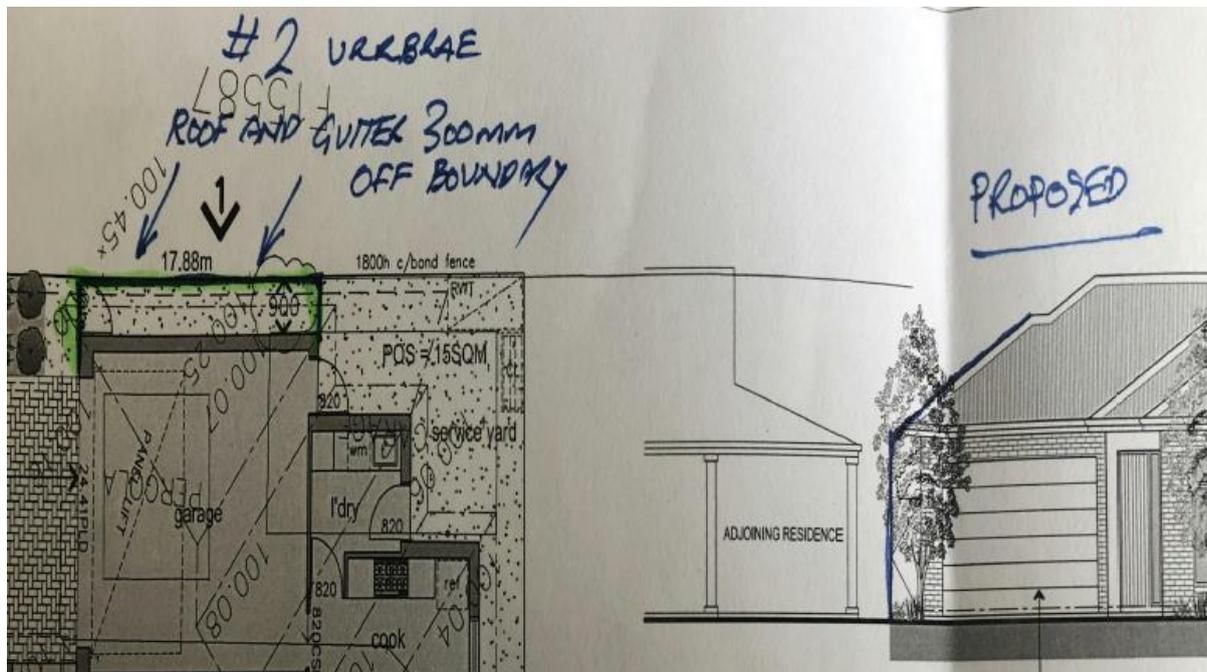
Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period 1 valid representation was received as detailed below.

2 Urrbrae Avenue (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Boundary development	<p>There is no habitable room adjacent to the boundary at 2 Urrbrae Avenue, and the existing carport gutters are within 300mm of the boundary, therefore shadowing itself.</p> <p>The approved plans for 2A Urrbrae avenue would have seen an 1800mm high fence and gutters within 300mm of the boundary.</p> <p>The proposed wall on the boundary will have NIL detrimental effect on the aesthetics or street scape , and NIL detrimental effect on overshadowing , overbearing or overlooking on the driveway/carport (or dwelling) situated on 2 Urrbrae Avenue.</p>

(* denotes non-valid planning considerations)

9. ADMINISTRATION NEGOTIATIONS

Administration requested the applicant consider setting the garage wall off the boundary as previously approved. The applicant advised the floor plan has been rearranged to provide a more optimum layout, including increased rear setbacks and private open space. The new floor layout cannot accommodate a southern side setback. The applicant considers however that with regard to the previously approved roof and gutter, the change would not detrimentally increase impacts (see below).



10. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	334m ²	
Frontage	18.75m	
Depth	17.9m	
Building Characteristics		
Floor Area		
Ground Floor	159m ²	

Site Coverage		
Roofed Buildings	56.5%	≤50% of site area
Total Impervious Areas	75.9%	≤70% of site
Setbacks		
Ground Floor		
Front boundary (east)	Staggered from 3.6m for a length of 5.5m to 4m for lengths of 3.4m and 2.7m (garage setback 6M)	Within 2m of adjacent dwellings
Side boundary (north)	900-955mm	
Side boundary (south)	Nil	
Rear boundary (west)	2.51/5.4m (wall)	
Wall on Boundary		
Location	South	
Length	6.53m (44.7%)	≤9m or ≤50% of the boundary length, whichever is the lesser
Height	2.9m	≤3m
Private Open Space		
Min Dimension	5.4m primary area (2.5m secondary area)	≥4m minimum
Total Area	24.1%	≥20%
Car parking and Access		
On-site Car Parking	3	2 per dwelling where less than 4 bedrooms or 250m ² floor area
Covered on-site parking	2	≥1 car parking space
On-street Parking	2	0.5 per dwelling
Driveway Width	4.5m	3m Single 5m double
Garage/Carport Width	6m, 32% (external) 5.61m (door)	≤6.5m or ≤ 30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	6m x 5.7m/6m	3m x 6m for single 5.8m x 6m for double
Colours and Materials		
Roof	Dark grey "monument" Colorbond	
Walls	Beige "paperbark" rendered masonry	

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

RESIDENTIAL STREETSCAPE (LANDSCAPE) ZONE
<i>Objective 1: Enhancement of the distinctive and primarily coherent streetscapes by retaining and complementing the built form, setting and surrounding landscape features.</i>
<i>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.</i>

Objective 3: Sensitive in-fill development opportunities where appropriate and complementary to the desired character and streetscape setting or providing for the improvement of areas of variable character by replacing discordant buildings and their associated landscape patterns.

Objective 4: Development that contributes to the desired character of the zone.

Desired Character

The Residential Streetscape (Landscape) Zone encompasses living areas in the west and south eastern section of the City of Unley. The zone is distinguished by coherent streetscape patterns. These attributes include the consistent:

- (a) rhythm of building sitings, scale, form and setbacks (front and side) and gaps between buildings;*
- (b) allotment and road patterns;*
- (c) landscape features within streetscapes, including the road verge and forward of the building façade.*

Development should respect and contribute positively to the streetscape setting, and where appropriate, the collective features of distinctive and primarily coherent streetscapes. The key considerations are:

- (a) siting – sites with generous front and side setbacks to main dwelling buildings and wide road reserves. Building envelopes should reflect this siting, scale and form to maintain the spatial patterns of traditional settlement. Low open style front fences provide transparent streetscape views of landscaped front yards and compatible development.*
- (b) form – a consistent pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and form is associated with the various architectural styles. Infill dwellings and dwelling additions should maintain traditional scale, proportions and building forms when viewed from the primary streetscape.*
- (c) key elements – the articulation of the built form, verandahs and pitched roofs, are important key elements in minimising the visual dominance of buildings to the primary streetscape setting. The careful composition of facades to reduce building mass, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements, assist in complementing the desired character. Low open style front fences complement the style and predominant form of dwellings within the street and streetscape views of landscaped front yards.*

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 Zone and Policy Area PDCs below, it is considered the proposed development would respect and contribute positively to the streetscape setting of the desired character, including with regard to the siting, form and key elements.

Relevant Zone Principles of Development Control	Assessment
<p>PDC8 <i>Development should comprise dwellings of a form and setting consistent with the desired character. In this respect:</i></p> <p><i>(a) sites should not be amalgamated for the purposes of developing residential flat buildings, group dwellings or non street-fronting dwellings unless it involves existing large sites occupied by buildings of discordant character where the consolidated site and its replacement dwellings produce a streetscape setting and built form that complements the desired character;</i></p> <p><i>(b) infill development should maintain and complement the primary streetscape setting of the established settlement pattern, in terms of site width, building siting and providing a single width driveway (for shared use) or utilise a new side road or rear lane driveway where possible, and not impose excessive built form impacts to neighbouring sites and dwellings. Allotment areas may be reasonably varied where the development maintains a consistent primary street frontage and streetscape setting (siting, form and key elements).</i></p> <p>PDC10 <i>Buildings and structures should suitably reference the contextual conditions of its locality and contribute positively to the desired character, particularly in terms of its:</i></p> <p><i>(a) building scale and form relative to its setback and the overall size of its site;</i></p> <p><i>(b) streetscape setting or the pattern of buildings and spaces (front and side setbacks), and gaps between buildings;</i></p> <p><i>(c) front fencing being low and visually permeable to emphasise a strong streetscape landscape character.</i></p>	<p>The main dwelling building element would be sited off side boundaries consistent with the streetscape setting. The staggered front alignment is consistent with the 4m setback of the adjoining dwelling at 2B Urrbrae Avenue and the garage is setback 6m adjacent to 2 Urrbrae Avenue. Due to the site depth the rear setback is shorter than the Development Plan guidelines, however this shortfall is not apparent when viewed from the primary street.</p> <p>Access would utilise the existing driveway and would not require the removal of any street trees.</p> <p>The built form adequately complies with Development Plan guidelines for minimum setbacks to adjoining sites and dwellings and boundary development. It is considered the proposed development would not excessively impact neighbouring sites and dwellings.</p> <p>As such it is considered that the proposal adequately complies with these PDCs.</p>
<p>PDC12 <i>Building walls on side boundaries should be avoided other than:</i></p> <p><i>(a) a party wall of semi-detached dwellings or row dwellings;</i></p> <p><i>(b) a single storey building, or outbuilding, which is not under the main dwelling roof and is setback from, and designed such that it is minor and subservient and not part of, the</i></p>	<p>The one boundary wall would be that of the garage. The garage is not under the main dwelling roof, but rather a separate element, attached to and in the same materials and roof pitch as the associated dwelling element. The garage is setback from the primary street façade, and the roof is of a lower height than the main dwelling roof.</p> <p>The garage would have an external width of</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>primary street façade, where:</i></p> <p><i>(i) there is only one side boundary wall;</i></p> <p><i>(ii) the minimum side setback (on the other side boundary) and collective side setbacks as prescribed under the relevant precinct parameters are met.</i></p> <p>PDC13 <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;</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;</i></p> <p><i>(ii) be in the form of a discrete and articulated building element not integrated under the main roof, nor incorporated as part of the front verandah or any other key element of the dwelling design;</i></p> <p><i>(iii) have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage;</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>	<p>6m and garage door opening of 5.61m. The 6m garage width equates to 32% of the site width and 51.7% of the main dwelling façade.</p> <p>Given the above and with regard to the context of the site and locality, it is considered that the garage achieves an adequately recessive and proportionately minor streetscape presence.</p> <p>As such it is considered that the proposal adequately complies with these PDCs.</p>

Policy Area Desired Character and Principles of Development Control

Landscape Policy Area 11
Desired Character
<p><i>This policy area comprises three precincts with allotment sizes of 300, 400 and 560 square metres. Development will seek to retain the prevailing low scale of development and the coherent rhythm, building spacing and landscaped setting. The policy area is confined to Fullarton, Highgate, Malvern (south), Forestville (south) and Myrtle Bank.</i></p>

Assessment
It is considered the proposed development is of a low density scale, and as discussed in the Zone and Policy Area PDCs, the development would appear as being reasonably consistent with the setting when viewed from the primary street.

Relevant Policy Area Principles of Development Control	Assessment
<p>PDC2 Development should:</p> <p><i>(a) be primarily detached dwellings, with sensitive infill development sited and designed so as to be inconspicuous from the streetscape, and maintain the desired character and key streetscape setting features.</i></p> <p><i>(b) conserve the physical attributes and key streetscape setting features comprising:</i></p> <p><i>(i) setting - the regular prevailing subdivision and allotment pattern that produces a characteristic streetscape pattern of allotment frontages, buildings and gardens spaced behind generally open fenced front boundaries. Primary street setbacks are generally 6m to 8m and side setbacks consistently no less than 1m and most often greater.</i></p> <p><i>(ii) form - the characteristic features of consistent scale and proportions of buildings including wall heights and roof designs to the streetscape</i></p> <p><i>(iii) key elements – good articulation of walls and roofs to street facades to reduce the scale, bulk and dominance of buildings to the streetscape.</i></p>	<p>As discussed in Zone PDCs 8 & 10 above, it is considered the proposed development would adequately maintain the desired character and streetscape setting, including with regard to the setting and form. The proposed dwelling design includes a traditional pitched roof form, front porch and verandah elements and has articulation between the walls and roof.</p> <p>As such it is considered that the proposal adequately complies with these PDCs.</p>

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	<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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
<p>PDC 6 & 8</p> <p>Street and Boundary Setbacks</p> <p><i>Dwellings</i></p> <p><i>Garages, carports and outbuildings</i></p>	<p>The proposed front setbacks are substantially the same as previously approved and current Development Application 550/2018/C2 (see Figure 1 above).</p> <p>As discussed in Zone PDC 8 above, it is considered that the proposal adequately complies with these PDCs</p>
<p>PDC 13, 15, 29 & 30</p> <p>Side and Rear Boundaries</p> <p><i>Dwellings</i></p> <p><i>Garages, carports, verandahs, pergolas, outbuildings and like structures</i></p>	<p>Except for the southern side garage wall, the proposed side and rear setbacks are increased from as previously approved.</p> <p>The proposed rear verandah is not integrated under the main roof and therefore has a reduced bulk and mass from as previously approved.</p> <p>The width of the double garage and associated driveway are substantially the same as previously approved.</p> <p>The proposed garage would abut the southern boundary for a length of 6.4m and with an overall wall height from natural ground level of 3m. The garage would adjoin a carport at 2 Urrbrae Avenue for a distance of approximately 4m. The roof mass of the garage remains as integrated with, but setback and of a lesser overall height and mass as the main dwelling. The overall height of the garage roof element has been reduced from as previously approved.</p> <p>The proposed boundary development is considered to reasonably meet the relevant PDCs.</p>
<p>PDC 16, 17 & 20</p> <p>Site Coverage & Private Open Space</p> <p><i>Sub heading</i></p>	<p>Site coverage would exceed the Development Plan guidelines by 6.5%, total impervious area by 5.9%. Area for private open space however, achieves and surpasses the Development Plan guidelines by 4.1%. Additionally, despite the sites constrained dimensions, a landscaped area has been achieved across the length of the rear boundary.</p> <p>Given the above and with regard to the constrained site, and the surrounding locality, it is considered the proposed development adequately complies with these PDCs.</p>
<p>PDC 41</p> <p>Overshadowing and Natural Light</p>	<p>The proposed garage would adjoin a carport on the southern land and be setback from all habitable windows by a minimum of 4m. It is considered the proposed boundary development would not significantly worsen the available sunlight access.</p> <p>It is considered that the proposal complies with this PDC.</p>

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 proposed development is considered to adequately comply with relevant city wide, zone and policy area principles of development control, including with regard to setbacks, boundary development and garaging;
- The proposed development would be sited and designed to adequately minimize negative visual impacts and not significantly worsen the available sunlight access to neighbouring sites and dwellings;
- It is considered that the development is of domestic scale and would facilitate residential use of the land; and
- The scale and form of the development is not incongruous with the setting of the locality and would not unreasonably impact upon the amenity of the surrounding area.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/495/2019/C2 at 2A Urrbrae Avenue, Myrtle Bank SA 5064 to 'Construct single storey detached dwelling including garage 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. 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. Further, that trees used in landscaping of the site be at least 1.5 metres in height at the time of planting.
3. 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.
4. 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.

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.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Administration
C	Response to Representations	Applicant

ITEM 4**DEVELOPMENT APPLICATION – 090/447/2019/C2 – 67 THIRD AVENUE, FORESTVILLE SA 5035 (GOODWOOD)**

DEVELOPMENT APPLICATION NUMBER:	090/447/2019/C2
ADDRESS:	67 Third Avenue, Forestville SA 5035
DATE OF MEETING:	15 October 2019
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Carriout alterations and construct additions on boundary including carport forwards of dwelling
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 9 – Spacious, Precinct 9.2
APPLICANT:	Roger James Pratt
OWNER:	Roger James Pratt
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	NONE
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Recommendation for refusal
RECOMMENDATION:	Refusal
KEY PLANNING ISSUES:	Desired character Building bulk / mass Wall on boundary

1. DESCRIPTION OF PROPOSAL

The proposed development includes:

- Construct an ensuite to the common boundary alongside the northern side of the dwelling;
- Erect a veranda alongside the northern side of the dwelling behind the proposed ensuite;
- Construction of carport by extending the main roof form to common boundary alongside and projecting forwards of the southern side of the dwelling;
- Alterations to the front veranda, including relocating the front gable over the new carport.

2. SITE DESCRIPTION

The site is rectangular with a western primary frontage to Third Avenue of 17.8m and a depth of 50.1m. The site has an area of 897sqm.

Existing structures on the subject site include a single storey detached inter-war bungalow dwelling and domestic structures.

Dwelling Type / Style and Number of Storeys

Dwellings within the locality are a mixture of cottages, villas, bungalows, and tudor architectural styles. Dwellings are predominantly detached, single storey, with a large proportion having some boundary development alongside the dwelling, typically being a carport.

5. STATUTORY REFERRALS

No statutory referrals required.

6. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Council's consultant Heritage Architect. The following comments were provided:

The subject dwelling is an Inter-War bungalow. Of relatively high integrity, it makes a positive contribution to streetscape character.

Relevant development plan policy seeks retaining, refurbishing and restoring such buildings but avoiding detrimental impact on the essential built form and characteristic elements while maintaining the pattern of development including side setbacks and space between dwellings.

The proposal, in its current form is not supportable because it seeks to alter the appearance and built form of the dwelling and extend the street frontage width.

It is recommended that the proposal be amended to achieve better consistency with relevant policy and to retain the original built form of the dwelling.

It is further recommended that: the proposed carport be alongside and setback from the front of the dwelling, the roof of the carport be a subservient element in the context of the dwelling façade. Furthermore, the dwelling facade should not be altered.

The proposed ensuite is acceptable because it is a minor element but the existing chimney (not shown on the plans) should be retained. It is also recommended that the front wall of the ensuite be setback further from the front façade (not dimensioned on the drawings) to maintain the side setback appearance.

More dimensions are needed on the drawings.

New roof sheeting should be traditional zinc galvanised corrugated steel or an appropriate colorbond colour.

Zincalume is inappropriate because of its bright, silvery appearance.

7. 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 no representation were received in relation to the subject development application.

8. ADMINISTRATION NEGOTIATIONS

Administration has advised the applicant that the current proposal cannot be supported, and have also provided the applicant with further advice including alternative design solutions. The

applicant has instructed Council they do not wish to amend the proposal and they wish Council to proceed to assessment.

9. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	897m ²	800m ²
Frontage	17.8m	18m
Depth	50.1m	
Building Characteristics		
Site Coverage		
Roofed Buildings	30%	≤50% of site area
Setbacks		
Ensuite		
Front boundary (west)	9.5m (840mm behind front alignment of wall)	
Side boundary (north)	Nil	
Side boundary (south)	n/a	
Rear boundary (east)	n/a	
Carport		
Front boundary (west)	6.24m (2.54m forwards of front alignment of walls)	Behind the primary street façade
Side boundary (north)	n/a	
Side boundary (south)	Nil	
Rear boundary (east)	n/a	
Ensuite Wall on Boundary		
Location	North	
Length	5.2m	≤9m or ≤50% of the boundary length, whichever is the lesser
Height	2.8m (wall) 4m (gable)	≤3m
Carport Wall on Boundary		
Location	South	
Length	9.68m	≤12m or ≤50% of the boundary length, whichever is the lesser
Height	2.6m (post) 4.97m (gable)	≤3m
Car parking and Access		
Garage/Carport Width	5.6m/ 6.6m	≤ 6.5m or ≤30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	5.6m x 9.68m (single)	3m x 6m for single 5.8m x 6m for double
Colours and Materials		
Roof	Zincalume corrugated iron	
Walls	Brick to match existing	

(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><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Objective 4: Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.</i></p>
Desired Character
<p><i>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:</i></p> <p><i>(a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and</i></p> <p><i>(b) allotment and road patterns; and</i></p> <p><i>(c) landscape features within the public road verge and also within dwelling sites forward of the building façade; and</i></p> <p><i>(d) scale, proportions and form of buildings and key elements.</i></p> <p>Streetscape Attributes</p> <p><i>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:</i></p> <p><i>(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</i></p> <p><i>(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</i></p> <p><i>(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</i></p>

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 existing bungalow conforms well with the desired character for the zone with regard to sitting, generous side setbacks, and traditional building form and elements including proportions and volume, roofing and verandas.

The proposed alterations and additions would unbalance the traditional form and proportion of the character dwelling. The carport would be visually dominant over the dwelling. The resulting building would appear incongruous with the prevailing and desired character and development pattern of the locality.

Relevant Zone Principles of Development Control	Assessment
<p>PDC3 <i>Development should retain and enhance the streetscape contribution of a building by:</i></p> <p><i>(a) retaining, refurbishing, and restoring the building; and</i></p> <p><i>(b) removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</i></p> <p><i>(c) avoiding detrimental impact on the building's essential built form, characteristic elements, detailing and materials as viewed from the street or any public place (ie only the exposed external walls, roofing and chimneys, verandahs, balconies and associated elements, door and window detailing, and original finishes and materials of the street façade); and</i></p> <p><i>(d) altering or adding to the building and carrying out works to its site only in a manner which maintains its streetscape attributes and contribution to the desired character, and responds, positively to the streetscape context of its locality in terms of the:</i></p> <p><i>(i) rhythm of buildings and open spaces (front and side setbacks) of building sites;</i></p>	<p>The proposed alterations to the roof form, veranda, and the addition of the carport would shift the main bungalow gabled veranda element away from in front of the dwelling to being over the carport, introduce a new front veranda form, and increase the massing and width of the roof form. The space between the building and the adjoining southern dwelling at 69 Third Avenue would also be visually decreased as a result.</p> <p>The changes are considered to significantly and detrimentally impact on the essential built form and characteristic elements as viewed from the street.</p> <p>As such, the proposal fails to adequately comply with this PDC.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>and</i></p> <p><i>(ii) building scale and forms (wall heights and proportions, and roof height, volumes and forms); and</i></p> <p><i>(iii) open fencing and garden character; and</i></p> <p><i>(iv) recessive or low key nature of vehicle garaging and the associated driveway.</i></p>	
<p>PDC4 <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>The alterations and additions including the carport, front verandah and ensuite, are at the front of the dwelling and would be prominently visible when viewed from the street.</p> <p>As such, the proposal fails to adequately comply with this PDC.</p>
<p>PDC14 <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 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>	<p>The selected materials are considered to generally complement the dwelling with the exception that the roofing should be in a heritage galvanised or pre-coloured finish. The form however is not discreet, rather it is a dominant element. The carport would project forwards of the dwelling, be integrated under the main roof form and front verandah and incorporate a large front gable. The carport front gable end is not proportionately minor relative to the dwelling, measuring approximately 61% of the dwelling width. The desired building setback would not be provided on the other side boundary due to the proposed ensuite.</p> <p>The carport is not considered a minor scale carport nor streetscape element.</p> <p>As such, the proposal fails to adequately comply with this PDC.</p>

Policy Area Desired Character

Policy Area 9 – Spacious
Desired Character
<p><i>The streetscape attributes include the:</i></p> <ul style="list-style-type: none"><i>(a) low scale building development;</i><i>(b) spacious road verges and front and side building setbacks from the street;</i><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><i>(d) varied but coherent rhythm of buildings and spaces along its streets.</i> <p><i>Development will:</i></p> <ul style="list-style-type: none"><i>(a) be of a street-front dwelling format, primarily detached dwellings; and</i><i>(b) maintain or enhance the streetscape attributes comprising:</i><ul style="list-style-type: none"><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><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><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>
Assessment
<p>As discussed in the zone assessment above, the existing bungalow conforms well with the desired character with regard to siting, collective side setbacks of 6m, and traditional building form and elements including proportions and volume, roofing and verandas associated with the traditional architectural style of the bungalow.</p> <p>The proposed alterations and additions would unbalance the traditional form and proportion of the character dwelling. The carport would be visually dominant over the dwelling. The resulting building would appear incongruous with the prevailing and desired character and development pattern of the locality.</p>

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	<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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 8-9 Street and Boundary Setbacks <i>Garages, carports and outbuildings</i>	<p>The carport projects 2.54m forward of the existing dwelling. It is considered that site circumstances would allow for alternative placement of the carport setback further from the street behind the dwelling façade.</p> <p>As such, the proposal fails to adequately comply with this PDC.</p>
PDC 14, 15, 29 & 30 Side and Rear Boundaries Building Form, Scale, Mass and Height <i>Dwellings</i> <i>Garages, carports, ... and like structures</i>	<p>The carport roof has been designed as an extension of the main roof, integrated with the front verandah and with a large gable end projecting forwards of the dwelling façade. The southern side gable end would measure 4.97m in height within 2m of the side boundary.</p> <p>The front gable end of the carport would measure 6.6m in width.</p> <p>It is not considered the carport roof form would be sufficiently ancillary nor subservient too, nor distinguishable from the dwelling. The carport would be a visually dominant element.</p> <p>As such, the proposal fails to adequately comply with this PDC.</p>

11. 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 development would significantly and adversely change the defining design features and the recommended proportions of the existing dwelling;
- The proposed carport would be visually dominant and incompatible with the prevailing bungalow style within the locality;
- The proposed development would adversely impact the streetscape contribution of the dwelling.

The application is therefore recommended for REFUSAL.

12. **RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/447/2019/C2 at 67 Third Avenue, Forestville SA 5035 to 'Carriout alterations and construct additions on boundary including carport forwards 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:

1. The proposed development would significantly and adversely change the defining design features and the recommended proportions of the existing dwelling;
2. The proposed carport would be visually dominant and incompatible with the prevailing bungalow style within the locality;
3. The proposed development would adversely impact the streetscape contribution of the dwelling.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Additional Information	Applicant
C	Consultant Architect Referral Comments	Administration

ITEM 5**DEVELOPMENT APPLICATION – 090/349/2019/C1 – 30 CASTLE STREET, PARKSIDE SA 5063 (PARKSIDE)**

DEVELOPMENT APPLICATION NUMBER:	090/349/2019/C1
ADDRESS:	30 Castle Street, Parkside SA 5063
DATE OF MEETING:	15 October 2019
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Remove significant tree - Eucalyptus camaldulensis (River Red Gum)
DEVELOPMENT PLAN:	19 December 2017
ZONE:	(BUILT FORM) ZONE P 8.4
APPLICANT:	Jessie Tempest
OWNER:	Callum William Roy and Jasmine Belinda Roy
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 1
REPRESENTATIONS RECEIVED:	Not applicable
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Recommendation for Refusal

1. PLANNING BACKGROUND

Development Application 470/2014/C1 to remove significant tree - *Eucalyptus camaldulensis* (River Red Gum), refused 30/03/2015 for not providing required information in the required time period.

2. DESCRIPTION OF PROPOSAL

The applicant is seeking development approval to remove a Significant tree identified as a *Eucalyptus camaldulensis* (River Red Gum).

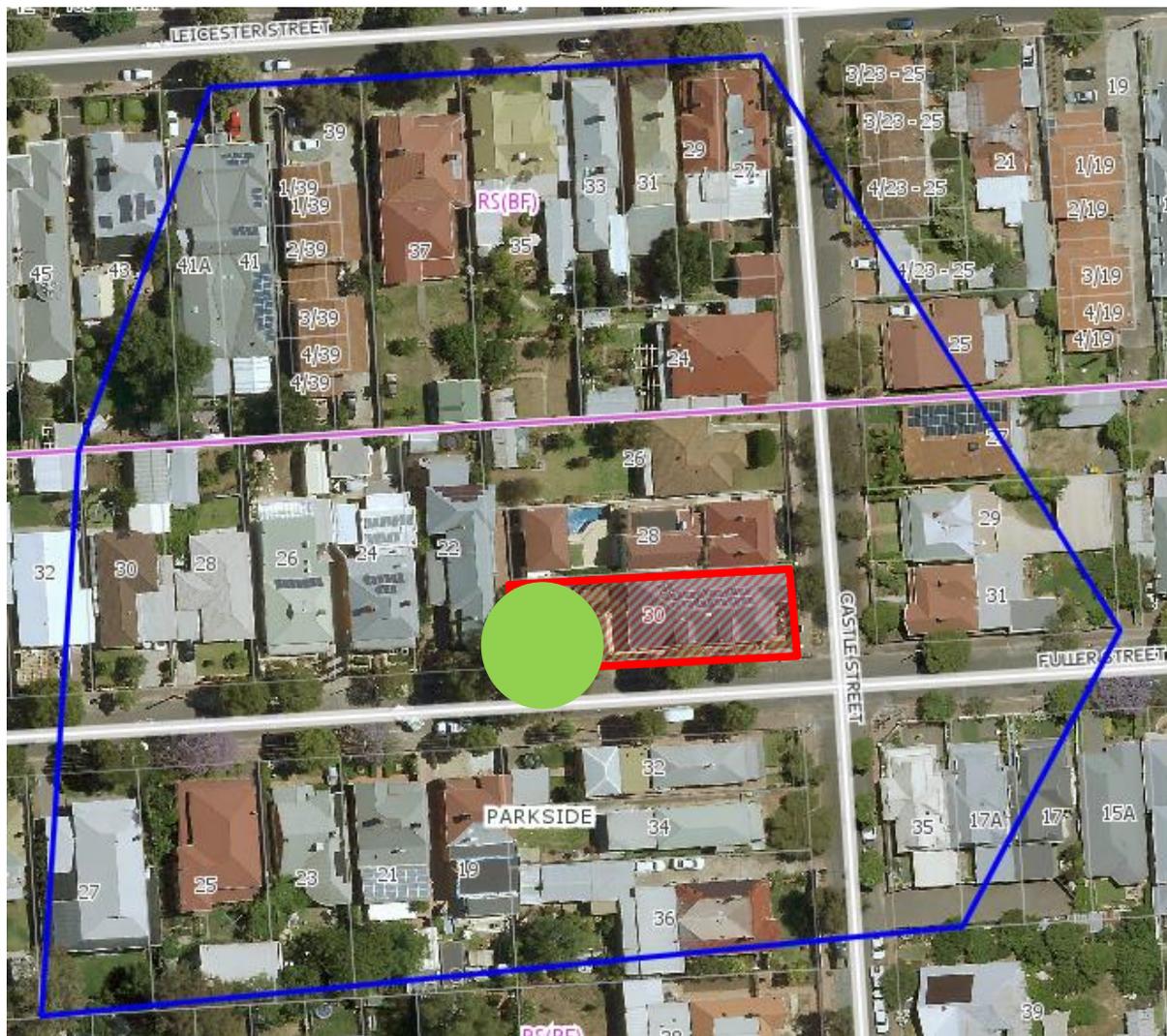
3. SITE DESCRIPTION

The subject tree is growing in the rear yard of the residential property addressed as 30 Castle Street. The tree stem is located abutting the western (rear) and southern secondary street (Fuller Street) boundaries.

A single storey detached dwelling and freestanding outbuilding (garage) are also located on the property and the tree is located approximately 14 metres from this dwelling.

The site is rectangular with an eastern primary frontage to Castle Street of 13m and a southern secondary frontage to Fuller Street of 42.2m. The site has an area of 553sqm.

4. LOCALITY PLAN



5. PUBLIC NOTIFICATION

No notification was undertaken in accordance with Regulation 32 (6) and Schedule 9 (13) of the *Development Regulations 2008* as the application is assigned Category 1.

6. COUNCIL ARBORICULTURAL ASSESSMENT

The subject tree is a mature River Red Gum with a trunk circumference greater than 3.0 metres at 1.0 metre above natural ground level. The tree is situated outside of the boundary fence line of the property, being located on the Fuller Street Boundary alignment. The tree is a large and dominant specimen that is considered to form an important part of the streetscape vegetation. The tree exhibits good health and form, supporting a large framework of primary branches [that] have numerous wounds from past pruning activities to provide road and property clearances. The wounds are all displaying good woundwood formation.

The applicants provided arboricultural report presents a case that the tree has a compromised structure, due to the presence of brown rot which has spread through its stem and branch

framework. The report also suggest that there is included bark in the branch unions, and as such poses an unacceptable risk to persons using the area adjacent the tree.

In considering this application, presented by the applicant's arborist, the specimen presents structure and form that is very typical of the species, and does not have any form of brown rot decay present in either the stem or the branches. The minor included bark apparent in two of the primary branches is of little consequence to the tree, as the union structure shows good overall attachment on the side opposite to the minor inclusion.

Furthermore, I do not concur with the risk assessment produced by the applicant's arborist. The risk assessment undertaken over estimates the probability of failure, which in the absence of any major defects, would be place it within the lower level of probability. When considering this the tree would be placed within the broadly acceptable category of risk

7. INDEPENDENT ARBORICULTURAL ASSESSMENT

As the arboricultural advice provided by the applicant differed to that provided by Council's arboricultural department, an additional independent arborist was engaged by Council to provide advice. The advice is summarised as follows:

- Some minor termite and wood decay occurs in the heartwood of the tree. This is typical of mature individuals of the species, and does not indicate reduced health of the tree nor compromised structural support of the tree;
- The subject tree is currently healthy, structurally sound, and represents an acceptable level of risk to safety;
- The subject tree is currently considered to be of high value and should be retained;
- The tree fulfils all of the Objectives for significant trees in the Development Plan;
- The tree does not fulfil any of the criteria for the removal of significant trees under the Principles of Development Control in the Development Plan; and
- It is recommended that the development application to remove the subject tree be rejected.

8. DEVELOPMENT PLAN ASSESSMENT

SIGNIFICANT TREE ASSESSMENT

Council Wide Objective 3 - Significant Trees
<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>
SIGNIFICANT TREES
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
6	<i>Where a significant tree or significant tree grouping:</i>	
(a)	<i>makes an important contribution to the character or amenity of the local area; or</i>	Yes; the tree makes an important contribution to the character and amenity of the local area.
(b)	<i>forms a notable visual element to the landscape of the local area; or</i>	Yes; the tree forms a notable visual element to the landscape of the local area.
(c)	<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 habitat value of the area individually, and provides links to other vegetation.
<i>Development should be designed and undertaken to retain and protect such significant trees and to preserve these elements</i>		

The tree is considered to satisfy PDC 6 as a tree worthy of retention as it is considered to make an important contribution to the character and amenity of the locality as well as forming a notable visual element to the landscape of the local area. Therefore an assessment against PDC 8 has been undertaken, as detailed below.

Principles of Development Control		Administration Comments
8	<i>Significant trees should be preserved and tree-damaging activity should not be undertaken unless:</i>	
(a)	<i>In the case of tree removal:</i>	
(i)	<i>The tree is diseased and its life expectancy is short; or</i>	No; the tree is not unusually diseased and the life expectancy is not short.
(ii)	<i>The tree represents an unacceptable risk to public or private safety; or</i>	No; the tree does not represent an unacceptable risk to public or private safety.
(iii)	<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>	No; the tree is not causing or threatening to cause substantial damage to a substantial building or structure of value.
(iv)	<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>	Not Applicable.

9. CONCLUSION

In summary, the application for removal of the subject 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 an important contribution to the character and amenity of the local area as per Council Wide Regulated and Significant Trees Objective 3 and Principle of Development Control 6 (a) and therefore should be preserved.
- The tree is considered to form a notable visual element to the landscape of the local area as per Council Wide Regulated and Significant Trees Principle of Development Control 6 (b) and therefore should be preserved.
- The tree is considered to contribute to habitat value of the area and provide a link to other vegetation as per Council Wide Regulated and Significant Trees Objective 3 and Principle of Development Control 6 (c) and therefore should be preserved.
- No conclusive evidence has been provided to demonstrate that the tree is unusually diseased nor has a short life expectancy, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (i).
- No conclusive evidence has been provided to demonstrate that the tree represents a material or unacceptable risk to public or private safety, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (ii).
- No conclusive evidence has been provided to demonstrate that the tree is causing or threatening to cause substantial damage to a substantial building or structure of value, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (iii).
- The tree does not demonstrate any of the criteria for removal under Council Wide Regulated and Significant Trees Principles of Development Control 6 and 8 and therefore the tree should not be removed.

The application is therefore recommended for Development Plan REFUSAL.

10. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/349/2019/C1 at 30 Castle Street, Parkside SA 5063 to 'Remove significant tree - Eucalyptus camaldulensis (River Red Gum)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

- The tree is considered to make an important contribution to the character or amenity of the local area as per Council Wide Regulated and Significant Trees Objective 3 and Principle of Development Control 6 (a) and therefore should be preserved.
- The tree is considered to form a notable visual element to the landscape of the local area as per Council Wide Regulated and Significant Trees Principle of Development Control 6 (b) and therefore should be preserved.
- The tree is considered to contribute to habitat value of the area **and** provide a link to other vegetation as per Council Wide Regulated and Significant Trees Objective 3 and Principle of Development Control 6 (c) and therefore should be preserved.
- No conclusive evidence has been provided to demonstrate that the tree is diseased and has a short life expectancy, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (i).

- No conclusive evidence has been provided to demonstrate that the tree represents a material or unacceptable risk to public or private safety, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (ii).
- No conclusive evidence has been provided to demonstrate that the tree is causing or threatening to cause substantial damage to a building or structure of value, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (iii).
- The tree does not demonstrate any of the criteria for removal under Council Wide Regulated and Significant Trees Principles of Development Control 6 and 8 and therefore the tree should not be removed.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Council Arborist Referral Comments	Administration
C	Council Engaged Independent Arborist Advice	Administration

ITEM 6**DEVELOPMENT APPLICATION – 090/180/2019/DIV – 31A FISHER STREET, MYRTLE BANK 5064 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/180/2019/DIV
ADDRESS:	31A Fisher Street, Myrtle Bank 5064
DATE OF MEETING:	15 October 2019
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Land Division - Torrens Title - Create two allotments from one existing, carry out demolition and alterations to existing dwelling including carport to boundary; and construct two storey dwelling presenting to Sedgford Road
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Landscape) Zone PA11.3 (560)
APPLICANT:	Sio Khchao
OWNER:	Sampheavit Khchao and Sio Khchao
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	Yes (Two – oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Deferred item
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Site area and frontage Desired Character Building appearance and siting Privacy Access and traffic

1. PLANNING BACKGROUND

The subject application was presented to the Council Assessment Panel meeting held on the 20th August 2019 and the Panel subsequently resolved to defer a decision on the application to allow the applicant an opportunity to provide further information in relation to:

- *Providing car parking and vehicle access for the existing dwelling from Sedgford Road; and*
- *A reduction in the upper floor area to enable a hipped roof at the rear to maintain a single storey presentation on all four sides.*

2. AMENDED PROPOSAL

In response to the Panel's deferral decision, the applicant has submitted the following information;

- a) Supporting letter; and
- b) Amended drawings (altering the existing dwellings front verandah, and the proposed dwellings roof form)

3. DISCUSSION

The amended drawings provide a revised design with respect to the existing dwellings front porch and proposed carport arrangement. The applicant proposes to move the existing pillar closer to the existing dwelling to create a 3m setback from the western boundary, allowing sufficient room for a vehicle to be parked alongside the existing dwelling. The proposed vehicle space will be covered by a proposed carport, forming a minor element within the streetscape. The second vehicle space for the existing dwelling will be uncovered.

The proposed amendments sensitively adapt the existing dwellings façade providing a balance between the retention of the existing dwelling (and a large extent of the façade), and the reasonable development of the site.

Providing car parking and vehicle access for the existing dwelling from Sedgeford Road

In 2017, application 090/396/2017/C2 to 'demolish dependant accommodation, garage and carport; carry out alterations to existing dwelling; construct carport in association with existing dwelling; and construct two storey dwelling fronting Sedgeford Avenue including garage to common boundary' was refused by the Council Assessment Panel.

The proposal included off-street parking at the rear of the existing dwelling, via a proposed vehicle access point (refer to Figure 1 below).

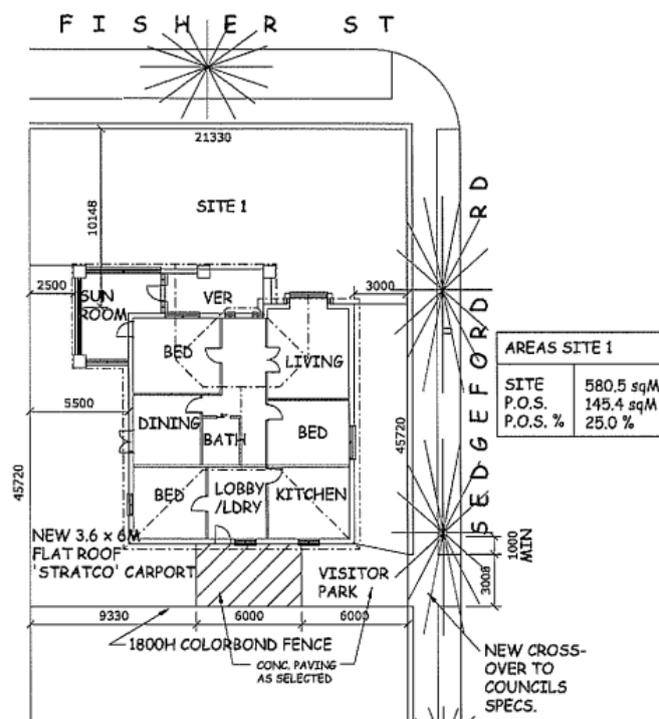


Figure 1: Crossover location per application 090/396/2017/C2

Council's Arboricultural Department did not support the creation of the proposed vehicle

crossover in the above location as it required works within the Structural Root Zone of the adjacent street tree. Should the crossover be undertaken in the proposed location (above), the established street tree would be detrimentally impacted.

Further, the above proposal restricted the amount of associated open space that could be functional, private, and relate to internal living rooms of the dwelling.

As noted in the applicant's supporting letter, the current proposal is in response to the decision of the 2017 Council Assessment Panel.

A reduction in the upper floor area to enable a hipped roof at the rear to maintain a single storey presentation on all four sides.

The applicant has amended the upper floor level design of the dwelling fronting Sedgeford Road to include a hipped roof form to the rear of the dwelling (refer Figure 2).

The overall floor area has reduced by 3m².

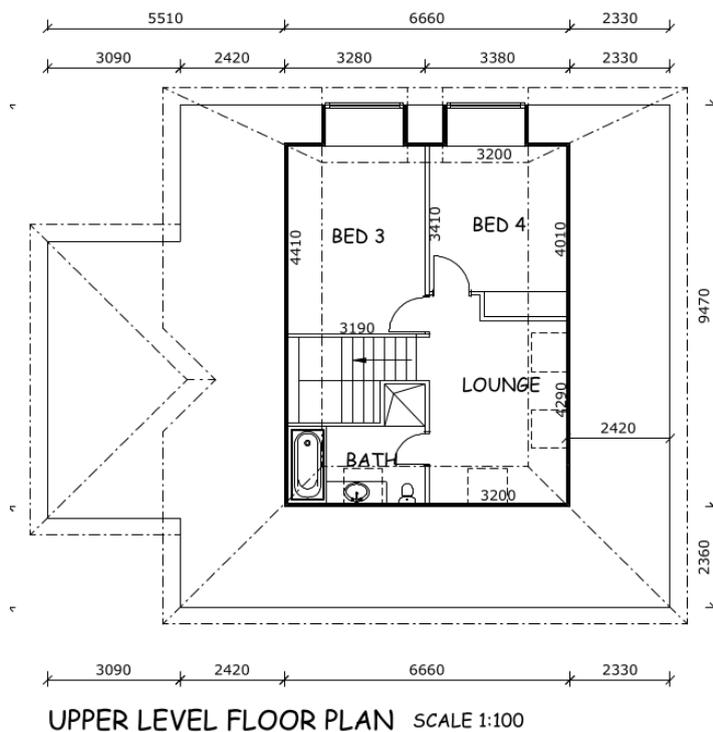


Figure 2: Amended upper level floor plan

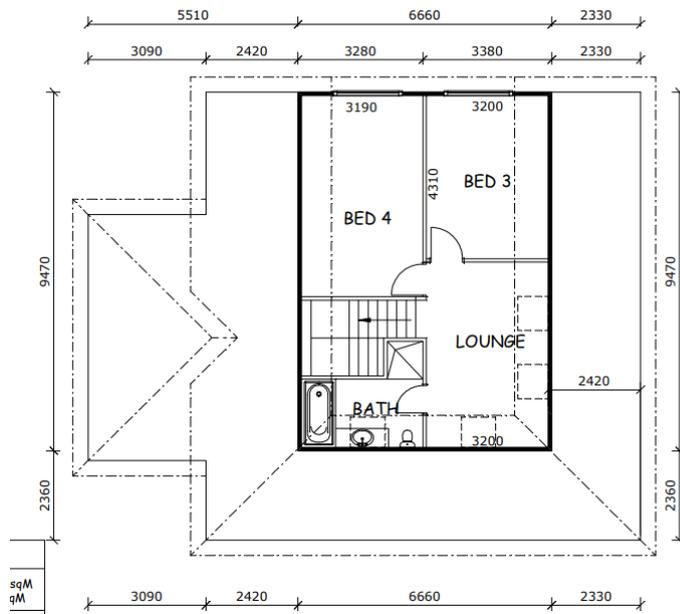


Figure 3: Upper level floor plan presented to the August CAP

4. CONCLUSION

The proposed amendments to the upper level floor plan and roof form are positive, improving the visual appearance as viewed from the rear adjoining properties. The proposed development provides an appropriate vehicle access point when assessed against relevant Council Wide Principles of Development Controls and is located to avoid adverse impacts on existing infrastructure (street tree).

5. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/180/2019/DIV at 31A Fisher Street, Myrtle Bank 5064 for Land Division - Torrens Title - Create two allotments from one existing, carry out demolition and alterations to existing dwelling including carport to boundary; and construct two storey dwelling presenting to Sedgeford Road is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent and Land Division 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.

4. That all upper floor windows shall be treated to avoid overlooking prior to occupation by being fitted with either raised sills or permanently fixed non-openable obscure glazed panels to a minimum height of 1700mm above floor level with such glazing to be kept in place at all times.
5. That all landscaping shall be planted in accordance with the approved plan (Site Plan prepared by TK Building Design dated 29/04/2019). The landscaping shall be planted within three (3) months of the occupancy 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.

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.
- 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.
- 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.

LAND DIVISION CONSENT CONDITIONS:

6. All existing buildings on proposed Allotment 11 approved herein shall be removed prior to the issue of clearance to this land division.

STATE COMMISSION ASSESSMENT PANEL CONDITIONS are as follows:

7. The financial requirements of SA Water Corporation shall be met for the provision of water supply and sewerage services.

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

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
8. Payment of \$7253.00 into the Planning and Development Fund (1 allotment @ \$7253/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
9. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certification purposes.

List of Attachments		Supplied By:
A	Application Documents per Deferral	Applicant
B	August CAP report and attachments	Administration

ITEM 7**DEVELOPMENT APPLICATION – 090/22/2019/C1 – 23 INVERGOWRIE AVENUE, HIGHGATE SA 5063 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/22/2019/C1
ADDRESS:	23 Invergowrie Avenue, Highgate SA 5063
DATE OF MEETING:	15 th October 2019
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Remove significant tree - Eucalyptus camaldulensis (River Red Gum)
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential (Landscape) Zone PA11.2 (400)
APPLICANT:	David Hantken Hill and Sally Li Rao Hill
OWNER:	David Hantken Hill and Sally Li Rao Hill
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 1
REPRESENTATIONS RECEIVED:	NO
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Deferred item

1. PLANNING BACKGROUND

The subject application was presented to the Council Assessment Panel meeting held on the 20th August 2019 and the Panel subsequently resolved to defer a decision on the application, for the following reasons;

- *That the applicant seek further technical arboriculture advice on options to minimise the risk of limb failure (i.e. Tree pruning/cabling)*
- *For administration to arrange Council's Arborist (or representative) to attend the Council Assessment Panel meeting to answer any technical arboriculture questions.*

In response to the deferral, the applicant provided the following advice via an email dated 20th September 2019 (refer Attachment A):

"We have discussed with our arborist (and others) and researched limb failure risk minimalization as per the letter. Our intention is for our arborist to attend the next meeting".

As no new evidence has been provided for further assessment by Administration, the August 2019 Council Assessment Panel report provided by Administration is unchanged and can be found in Attachment B of this report.

The recommendation put forward by Administration remains unaltered and is reflected below.

2. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/22/2019/C1 at 23 Invergowrie Avenue, Highgate SA 5063 to 'Remove significant tree - Eucalyptus camaldulensis (River Red Gum)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

- The tree is considered to make a contribution to the character or amenity of the local area as per Council Wide Regulated and Significant Trees Objective 3 and Principle of Development Control 6 (a) and therefore should be preserved.
- The significant tree is considered to be a notable visual element to the landscape of the local area as per Council Wide Regulated and Significant Trees Principle of Development Control 6 (b) and therefore should be preserved.
- No conclusive evidence has been provided to demonstrate that the tree is diseased and has a short life expectancy, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (i).
- No conclusive evidence has been provided to demonstrate that the tree represents a material or unacceptable risk to public or private safety, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (ii).
- No evidence has been provided to demonstrate that the tree is causing or threatening to cause substantial damage to a building or structure of value, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (iii).
- The tree does not demonstrate any of the criteria for removal under Council Wide Regulated and Significant Trees Principles of Development Control 6 and 8 and therefore the tree should not be removed.

List of Attachments		Supplied By:
A	Deferral response	Applicant
B	August 2019 CAP report and attachments	Administration