

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 16 April 2019 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.



**Paul Weymouth**  
**ASSESSMENT MANAGER**

**Dated 8/4/2019**

**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 Brenton Burman  
Mr Roger Freeman  
Mr Alexander (Sandy) Wilkinson  
Mrs Jennie Boisvert

**APOLOGIES:**

**CONFLICT OF INTEREST:**

**CONFIRMATION OF MINUTES:**

MOVED:

SECONDED:

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 19 March 2019, as printed and circulated, be taken as read and signed as a correct record.

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

**16 April 2019**

**A G E N D A**

Apologies  
Conflict of Interest  
Confirmation

<b>Item No</b>	<b>Development Application</b>	<b>Page</b>
1.	<a href="#"><u>46/2018 – 9 Jarvis Street Millswood</u></a>	3-12
2.	<a href="#"><u>671/2018 - 2 Belgrave Court Parkside</u></a>	13- 46
3.	<a href="#"><u>975/2018 – 51 Joslin Street Wayville</u></a>	47-64
4.	<a href="#"><u>976/2018 – 8 Sheffield Street</u></a>	65-82
5.	<a href="#"><u>873/2018 – 13 Euston Avenue Highgate</u></a>	83-94
6.	<a href="#"><u>656/2018 – 24 Hatherley Avenue Hyde Park</u></a>	95-112
7.	<a href="#"><u>739/2018 – 17 Ophir Street Goodwood</u></a>	113-131
8.	<a href="#"><u>973/2018 – 32 Wellington Terrace Fullarton</u></a>	132-147
9.	<a href="#"><u>46/2019 – 262B-264 Glen Osmond Road Fullarton</u></a>	148-153
10.	<a href="#"><u>10A Urrbrae Avenue Myrtle Bank – Move into Confidence</u></a>	154-155
11.	674/2018 – 10A Urrbrae Avenue Myrtle Bank – CONFIDENTIAL	156-164
12.	10A Urrbrae Avenue Myrtle Bank – Move out of Confidence	165

Any Other Business  
Matters for Council's consideration

## **ITEM 1**

### **DEVELOPMENT APPLICATION – 090/46/2018/C2 – 9 JARVIS STREET, MILLSWOOD 5034 (UNLEY PARK)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/46/2018/C2
<b>ADDRESS:</b>	9 Jarvis Street, Millswood 5034
<b>DATE OF MEETING:</b>	16 April 2019
<b>AUTHOR:</b>	Andrew Raeburn
<b>DEVELOPMENT PROPOSAL:</b>	Construct a two storey detached dwelling with attached alfresco, double garage on boundary, bedroom/en-suite on boundary and front masonry and steel fence
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	RESIDENTIAL STREETSCAPE (BUILT FORM) ZONE Policy Area 9 - Spacious Precinct 9.5 Millswood (south)
<b>APPLICANT:</b>	Das Studio
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (3 oppose)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representations Deferred decision by CAP.
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Built form Streetscape character Building bulk and mass Residential amenity Walls on boundary

#### **1. PLANNING BACKGROUND**

The subject application was presented to the Council Assessment Panel on the 19<sup>th</sup> of March, 2019 and the Panel resolved to defer the application to allow the applicant an opportunity to provide further information in relation to the following:

- An increase in the front setback of the dwelling
- An increase in the setback of the upper level (relative to the dwelling façade)
- A reduction in the height of the dwelling
- A reduction in the height of the front fence
- Maintenance of a suitable tree protection zone

## **2. AMENDED PROPOSAL**

Subsequent to the Panel's deferral decision, the applicant has submitted plans with the following amendments:

1. Dwelling repositioned 2.0 metres further to the south, thereby increasing the front boundary setback to 6.8 metres;
2. Increased the upper level setback relative to the ground floor façade by 1.2 metres to a total of 4.2 metres;
3. Replaced the perforated metal screen on the upper level with vertical fins to the front elevation gable ends;
4. Reduced the total height of the building by 200mm; and
5. Reduced the height of the front fence from 1.8 metres to 1.5 metres;

## **3. DISCUSSION**

It is considered that the design amendments notably improve the proposed development when considered against the development plan provisions and respond well to the reasons for deferral set out by the Panel.

The increased setbacks of the dwelling would soften its visual impact upon the streetscape; and the increased separation between the ground and upper level facades would ensure that the upper level mass would be inconspicuous when viewed from the street.

The replacement of the upper level metal screen with vertical fins set within the gable ends of the front elevation would substantially improve the appearance of the dwelling by simplifying the building form and emphasising the gable features. It is considered that the vertical fins would adequately minimise any overlooking of adjacent properties to the north.

The proposed repositioning of the building further to the south would reduce the protection zone for the tree to the rear from 15 metres to 13 metres. Council's Arborist has been consulted on the reduction and supports the amendment. Accordingly, condition 5 has been amended to require a 13 metre (radius) tree protection zone.

Please refer to the previous report to the panel (Attachment C) for the detailed assessment against the Unley Development Plan policies.

## **4. CONCLUSION**

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

- The proposal is an orderly and desirable form of development within the Residential Streetscape (Built Form) Zone, which envisages new dwellings on vacant or under-utilised allotments that address the road frontage and complement the prevailing streetscape;
- The proposed dwelling has been carefully designed with a low roof profile and a simple modern form that would not replicate nor overwhelm the existing historic dwelling styles within the locality;
- The design and siting of the proposed dwelling would not adversely impact upon the amenity of neighbouring properties, in terms of visual impact, loss of privacy or access to natural light; and
- The size and siting of the proposed dwelling is consistent with the existing development pattern in the locality.

The application is therefore recommended for Development Plan CONSENT.

## **5. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/46/2018/C2 at 9 Jarvis Street, Millswood 5034 to construct a two storey detached dwelling with attached alfresco, double garage on boundary, bedroom/en-suite on boundary and front masonry and steel fence is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

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

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place. An amended Stormwater Management Plan, to the reasonable satisfaction of Council and which reflects the amended building envelope, shall be submitted to and approved by Council prior to the issue of full Development Approval.
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 the upper floor windows on the southern and western elevations shall be treated to avoid overlooking prior to occupation by being fitted with either permanently fixed non-openable obscure glazed panels or solid privacy screens to a minimum height of 1700mm above floor level with such glazing or screens to be kept in place at all times. Details of privacy treatments shall be provided to the reasonable satisfaction of Council prior to Development Approval.

5. A Tree Protection Zone of 13 metres radius from the centre of the Significant tree at 6 Vardon Terrace, Millswood shall be provided. The activities excluded from the TPZ include but are not limited to:
  - excavation of any kind i.e. trenching;
  - cultivation;
  - storage;
  - preparation of chemicals, including preparation of cement products;
  - parking of vehicles and plant;
  - dumping of waste;
  - placement of fill i.e. soil;
  - soil level/grade changes;
  - installation of utilities and signs; and
  - physical damage to any part of the tree including leaves, branches, stems, trunk or roots.
6. The Tree Protection Zone shall be defined by the installation of chain wire mesh fence or the like, held in place with concrete feet so as not to enter the ground. The chain wire mesh fence should be clearly signed '**TREE PROTECTION ZONE**' - '**NO ACCESS**'
7. Within the TPZ, the following activities are required to take place within the Tree Protection Zone prior to the commencement of works:
  - mulching of the area to a depth no greater than 100mm with quality organic mulch; and regular (i.e. monthly) watering of the area by way of flood irrigation.

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

- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).
- 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.

<b>List of Attachments</b>		<b>Supplied By:</b>
<b>A</b>	<a href="#">Application Documents (Amended)</a>	Applicant
<b>B</b>	<a href="#">Superseded Plans</a>	Applicant
<b>C</b>	<a href="#">Previous CAP report (19 March 2019)</a>	Administration
<b>D</b>	<a href="#">Representations</a>	Administration
<b>E</b>	<a href="#">Response to Representations</a>	Applicant

**ITEM 2****DEVELOPMENT APPLICATION – 090/671/2018/C2 – 2 BELGRAVE COURT, PARKSIDE 5063 (UNLEY)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/671/2018/C2
<b>ADDRESS:</b>	2 Belgrave Court, Parkside 5063
<b>DATE OF MEETING:</b>	16 April 2019
<b>AUTHOR:</b>	Chelsea Spangler
<b>DEVELOPMENT PROPOSAL:</b>	Construct 2 x two storey detached dwellings with garages and verandahs on common boundaries and the removal of one (1) street tree
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Urban Corridor Zone High Street (Unley Road) Policy Area 20
<b>APPLICANT:</b>	Spiro Papaemanouil
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (six (6) oppose)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representations
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Interface Height Envelope Wall on boundary Suitability for the locality

**1. PLANNING BACKGROUND**

090/949/2018/DIV is an application for a Torrens title land division to reconfigure the existing allotment into two allotments. This application is for a Category 1 form of development and can be decided under delegation.

This land division application remains under assessment and therefore, in accordance with the decision by Justice DeBelle in the matter between City of Port Adelaide Enfield v Mosely, the Panel are not in a position to grant Development Plan Consent of the subject built form application until such time as an accompanying land division application has been approved.

It is in Council Administration's opinion that the built form application is instrumental in deciding the land division application, as it is the built form that will demonstrate

## **Item 2**

### **Development Application – 090/671/2018/C2 – 2 BELGRAVE COURT, PARKSIDE 5063 (UNLEY) - Continued**

whether the subject site is appropriate for subdivision. Given this, if the Panel are in support of the proposed development, the recommendation of this report seeks the Panel to authorise the Team Leader of Planning to grant Development Plan Consent, only once the land division application has been approved.

## **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.

## **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 275m<sup>2</sup>.

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 a 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



 Subject Site  Locality  1 Representations

#### 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 subject built form application was referred to the following internal Council departments for comment:

- Assets;
- Traffic;
- Arborist

The following is a summary of the responses received from each of these departments:

### 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;*
- *I would like to make note that concrete crossovers are not a preferred option within the Unley Council. It has been noted in the plans to have an exposed aggregate crossover for this new development. This is not supported by assets, however given the location and nearby dwellings which seem to use this space as driveway access, I am happy to approve a concrete crossover but not exposed aggregate.*
- *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 is 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 250m<sup>2</sup> 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.

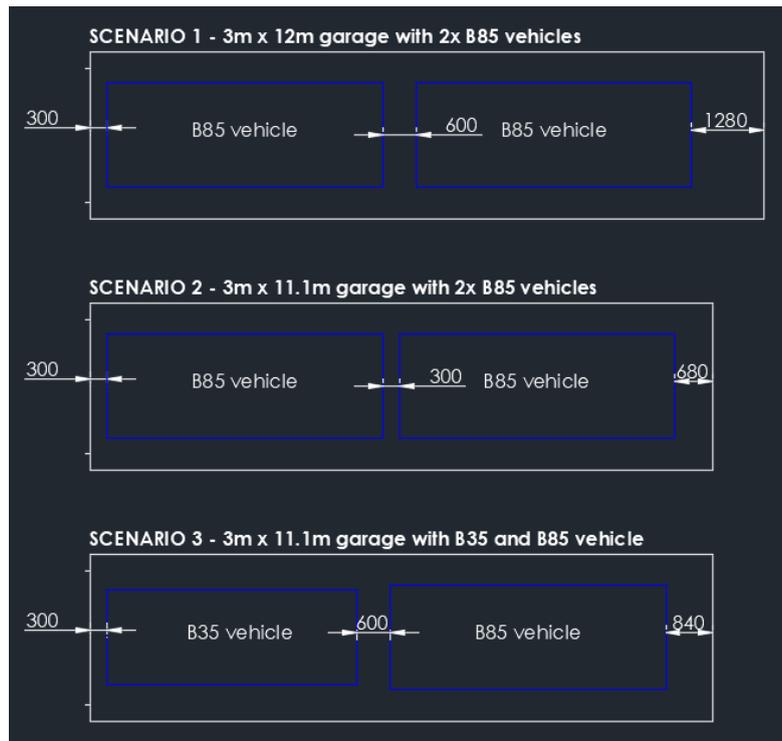
A two-vehicle tandem garage is not a typical design and no specific dimensions are provided in the Development Plan. However if the 3x6m single garage was scaled to two vehicles it would suggest that a 3x12m garage would be appropriate. This would enable two B85 vehicles to park, residents to walk around 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 35<sup>th</sup> 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. The Planning Officer must consider whether, in context of the whole development, it is likely that the garage will be required for storage of items or bins. If this is likely, it could potentially displace one vehicle and increase on-street parking. If it is highly likely that only one vehicle will be accommodated, the garage would be considered a single vehicle garage and therefore not meet the requirements of Principle of Development

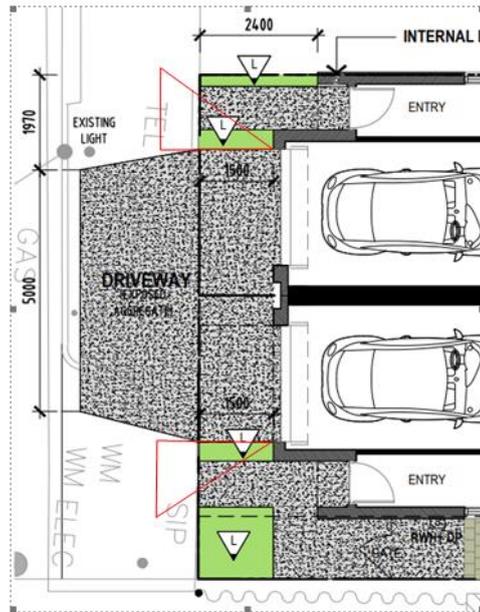
Control 45.



- *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.*



It is noted that the above Traffic comments were provided to the applicant for consideration and as such, please note that:

- Amended plans were provided that included a storage area under the stairs and an air vent for bins so that the waste bins would not displace one vehicle space, given there is no other area for bin storage on the site plan;
- The applicant confirmed that there will be no fencing to stop views when reversing from the driveway.

#### 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 six (6) representations were received as summarised below.

<b>4 Belgrave Crt, Parkside (oppose – wishes to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
<p>Violation of the Interface Height provision</p> <ul style="list-style-type: none"> <li>- Constructing on a boundary that adjacent to land that is wholly residential</li> <li>- the degree of the contravention is particularly egregious</li> <li>- the application cannot be approved unless the Interface Height provisions are completely disregarded</li> <li>- the proposal pays no heed to the need for scaling intensity of development at zone boundaries</li> <li>-the proposal calls for a building height of more than double the maximum height permitted</li> </ul>	<p>The proposed dwelling height in our opinion satisfies the intent of the provision of the PDC in that there will be an acceptable impact to the adjoining properties in terms of loss of light and outlook as a result of the two storey form proposed, noting that the zone allows for a building height up to 5 storeys which would have a significantly greater impact on adjoining properties than the two storey dwellings proposed.</p> <p>It is noted that the Development Plan states that ‘buildings <b>should</b> be constructed within a building envelope provided by a 30 degree plane’. The term ‘should’ has been explored in a number of ERD Court cases and it has been held that the word ‘should’ is not indicative of a mandatory obligation.</p> <p>Given the location of the right of way and location of the adjoining garage which abuts the zone boundary, in addition to the shadow diagrams provided, it is considered that the proposal will have an acceptable impact in terms of loss of light.</p>
<p>Violation of minimum frontage provisions</p> <ul style="list-style-type: none"> <li>-the proposal envisages an extremely short front setback of just 1.5 metres</li> <li>-would result in an inappropriate visual impact in the nature of jarring and unappealing ‘boxing in’ of the existing residences, particularly the residence at 4 Belgrave Crt</li> <li>-the front setback is not similar nor compatible with the setback at 4 Belgrave Crt</li> <li>-Policy Area 20 clearly envisages the Unley Road shopfront in mind as a frontage with no setback at all</li> </ul>	<p>The proposal provides a front setback of between 1.5 to 2.4m from the front property boundary. The proposal provides a front setback which sits comfortably on the site and will maintain a suitable setback which will not visually dominate the appearance of the locality contributing to the existing streetscape character along Belgrave Court.</p> <p>It is considered that the proposed front boundary setback is appropriate in this instance in keeping with the intent of Principle of Development Control 14 of the Urban Corridor Zone.</p>

<p>is obviously appropriate for shopfronts directly on Unley Road but not in this situation</p>	
<p>Violation of garage width limitations          -the garages do not reinforce the prominence of the associated dwelling in the streetscape          -the ground level frontages are nothing more than a garage roller door and an entry door          With a site frontage of 4.57m and a garage width of 2.61m, the garages consume 57.1% of the width of each site, substantially more than the 30% maximum</p>	<p>The dwellings have been designed so that the garages are integrated and subservient to the appearance of the main portions of the dwelling and will have a width which is a proportionally relative to the dwelling façade and the primary street frontage. The upper storey balcony overhang for each dwelling and the use of colours and materials will aid in minimising any visual impact of the garages, acknowledging the width of the proposed site which is common for dwellings on sites with smaller frontages. On this basis it is considered that the proposed size and design of the garages is in keeping with the intent of the Zone and the Council Wide provisions of the Development Plan.</p>
<p>Violation of ground floor primary frontage visual permeability          -the application calls for ground floor primary frontages with 0 percent visual permeability          -there are no windows on the ground floors at all          -doors are almost certainly be visually non permeable</p>	<p>No specific response has been provided in relation to this concern.</p>
<p>Violation of site coverage provisions          -The development contravenes Residential Development PDC 16          - site coverage of Residence 1 is estimated at 82.1%          Site coverage of residence 2 is estimated as 68.4%, only if the applicant has right to include the separate title as part of the site          -the grossly excessive site coverage again illustrates the unsuitability of the site for subdivision</p>	<p>With regard to Zone PDC 5 (residential net densities), it is considered the proposal for a pair of two storey dwellings provides a form of development in keeping with the intent of the Zone. PDC 16 (private open space) should be read in accordance with the intent of the zone for medium to high density development to be undertaken on the site.</p> <p>The plans have been amended to reflect the allotment to the east of the subject land which is an easement which has free and unrestricted rights</p>

	of way.
<p>Violation of private open space provisions</p> <ul style="list-style-type: none"> <li>-as the balconies cannot be included as part of the private open spaces calculations and therefore the proposal does not comply with Residential Development PDC 20</li> <li>-the non compliant lack of private open space limits opportunities for food production and backyard biodiversity</li> </ul>	<p>It is considered that the design of the dwellings and site coverage proposed has allowed for adequate areas of open space to the rear of each dwelling which allowing for domestic storage, an area for outdoor clothes drying, private open space and landscaping and storage of household garbage and recycling receptacles.</p>
<p>Height, mass, proportion and sitting are wholly inappropriate having regard to the existing streetscape</p> <ul style="list-style-type: none"> <li>-mass, proportion, bulk and sitting would negatively affect the amenity of the area</li> <li>-the height is grossly excessive having a regard to the surrounding residential buildings</li> <li>-The proposal makes no attempt to reduce the appearance of building bulk as height increases</li> <li>-The proposal contravenes Residential Development PDC 23</li> </ul>	<p>Amended plans have been provided to address these concerns.</p>
<p>The built form is inappropriate</p> <ul style="list-style-type: none"> <li>-if proposal is approved and built, major living areas of 4 Belgrave Crt will lose sky and street views and instead will face directly onto the rendered, two storey wall of a new building</li> <li>-the proposal seems to confuse the boundaries of the site and propose development of land which the applicant does not in fact own</li> <li>The block is quite simply too small to accommodate a subdivision and development of the type envisaged</li> <li>-it is too small to accommodate a dwelling with a reasonable setback and sufficient landscaping</li> <li>-storage area is not readily accessible</li> </ul>	<p>The amended proposal will sit comfortably on the site resulting in sensitive in-fill which is complementary to the desired character and streetscape setting complementing the existing streetscape pattern. The dwellings proposed on the site provide appropriate front, side and rear setbacks which satisfy the intent of the majority of the quantitative and qualitative provisions of the Development Plan relating to residential development.</p>
<p>The proposed development will result in a massing of facades</p>	<p>Please refer to other related responses.</p>

<ul style="list-style-type: none"> <li>-The ground floor has no front windows at all</li> <li>-The proposal fails to avoid 'the visual massing of facades'</li> </ul>	
<p>The proposed development would result in overshadowing of multiple surrounding residences</p> <ul style="list-style-type: none"> <li>-in winter the proposed building will cast shadow over all three existing residential dwellings (4, 6 &amp; 8 Belgrave) for much of the day;</li> <li>-the existing residential buildings in Belgrave Crt each have a living room and bedroom windows facing the affected direction (and which would otherwise receive direct afternoon sunlight in winter)</li> <li>-Pine Street residents will be similarly affected in relation to their rear living areas and private open space</li> <li>-this will not only affect the enjoyment of the properties but will negatively impact on the ability of the existing residents to produce and conserve energy</li> </ul>	<p>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 for the majority of the day. Furthermore, given the proposed setbacks of the dwellings satisfy setback requirements of the Development Plan, there will be an acceptable impact (if any) in terms of overshadowing to the adjoining properties.</p> <p>The proposal satisfies the test applied by the ERD Court in that adequate sunlight is provided to the adjoining properties and solar panels until the late afternoon.</p>
<p>The proposed development would result in overlooking of multiple surrounding residences</p> <ul style="list-style-type: none"> <li>-the proposal calls for several windows that will directly overlook private open spaces of 4 Belgrave and 4,6 and 8 Pine St and habitable rooms of 4, 6 and 8 Pine St</li> </ul>	<p>The design of the proposal will minimise any potential overlooking into adjoining properties in keeping with the requirements of PDC 10 &amp; 11.</p>
<p>The proposed development would result in traffic impacts</p> <ul style="list-style-type: none"> <li>-parking in Belgrave Crt is already an acute problem as per Local Area Traffic Management Plan – Zone 2 – Parkside report categorises Belgrave Crt as a 'substantial problem'</li> <li>-Belgrave Crt is too narrow and when vehicles illegally park on the 'no stopping' side, it is impossible for vehicles to pass, effectively blocking the street</li> <li>-the proposal provides for no off street parking for services such as</li> </ul>	<p>Each dwelling is provided with an undercover parking space in the form of a garage and a further visitor parking space for each dwelling. Based on Table Un/5 - Off Street Vehicle Parking Requirements for Designated Areas, a total of 2 spaces are required per dwelling (4 in total). The proposal therefore provides adequate parking for the development in accordance with Table Un/S - Off Street Vehicle Parking Requirements for Designated Areas.</p>

delivery drivers	Vehicles will be able to enter the garages and reverse into Belgrave Court meeting the Australian Standards and will not impact on the existing road network noting that there will not be any loss of parking along Belgrave Court as a result of the proposal given there is currently a no standing sign out of the front of the dwelling.
A lack of landscaping -the proposal envisages landscaping which at best is tokenistic -the frontage is wholly consumed by a garage roller door and a front entry door, as such there is no room for any landscaping -all other residences in Belgrave crt have some form of landscaping	The proposal allows for small strips of landscaping to the side of the frontages of the proposed dwellings which is consistent with the existing site which has minimal landscaping to the front of the existing dwelling and adjoining properties to the east.
Constructing on a boundary that adjacent to land that is wholly residential	The Development Plan envisages a height of 3 metres at the interface with the Residential Zone with the intent being to minimise the interface from the Urban Corridor Zone to adjoining residential zones in terms of loss of light and outlook, The slight variance to the envisaged building height in this instance is considered suitable in that it has been demonstrated that there will be acceptable impacts on the adjoining properties as provided in the shadow diagrams.
<b>6 Pine St, Parkside (oppose – wishes to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
The massing of the new construction is at odds with the form and character points 8 & 9 of the residential zone guideline -the bulk of the proposed structure stretches predominantly along the northern boundary, minimal setback and no gradual transition -the height of the proposed building will exceed the 7m maximum height of a residential building -the new building imposes a 4m	The proposal has been designed to complement the existing built form in the immediate and wider locality which includes the construction of a number of single and two storey dwellings and other commercial properties. The proposal has incorporated appropriate siting, setbacks and use of materials in addition to landscaping which will enhance the appearance of the development and site. The site provides the opportunity for the

<p>wall on a common boundary to our residential property -implies a significant reduction in natural direct light to the courtyard and rear rooms of the neighbouring properties</p>	<p>construction of dwellings which will maintain and complement the existing character and built form of the Belgrave Court streetscape.</p>
<p>The use of red brick will provide minimal reflected light and present an imposing structure in close proximity to the boundary making our vista dark and foreboding</p>	<p>No specific response has been provided.</p>
<p>The upper level windows appear to slide open with no specification to glass types. Concerns would be overcome with all second storey exterior windows to be of frosted glass.</p>	<p>The design of the proposal will minimise any potential overlooking into adjoining properties in keeping with the requirements of PDC 10 &amp; 11.</p>
<p>The plans do not reference the right of way along the easement. Concerns would be overcome by rear access to be acknowledged on the drawings and subsequently complied with.</p>	<p>The plans have been amended to reflect the allotment to the east of the subject land which is an easement which has free and unrestricted rights of way.</p>
<b>8 Pine St, Parkside (oppose – wishes to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
<p>The proposed development does not minimise building massing at the interface with the adjoining properties in the residential zone -does not meet the relevant criteria in that they should be constructing within a building envelope provided by a 30 degree plane, measured from a height of 3m at the zone boundary -the buildings will be 7.15m high on the zone boundary</p>	<p>The proposal has been designed to complement the existing built form in the immediate and wider locality which includes the construction of a number of single and two storey dwellings and other commercial properties. The proposal has incorporated appropriate siting, setbacks and use of materials in addition to landscaping which will enhance the appearance of the development and site. The site provides the opportunity for the construction of dwellings which will maintain and complement the existing character and built form of the Belgrave Court streetscape.</p>
<p>There are discrepancies and errors in the site area and site coverage specified in the proposed development. -the site area for Residence 2</p>	<p>The plans have been amended to reflect the allotment to the east of the subject land which is an easement which has free and unrestricted rights of way.</p>

<p>incorrectly includes the easement area. The easement land belong to someone else and should be included.</p>	
<p>The proposed development does not comply with the 2m front setback for either residence</p>	<p>The proposal provides a front setback of between 1.5 to 2.4m from the front property boundary. The proposal provides a front setback which sits comfortably on the site and will maintain a suitable setback which will not visually dominate the appearance of the locality contributing to the existing streetscape character along Belgrave Court.</p> <p>It is considered that the proposed front boundary setback is appropriate in this instance, in keeping with the intent of Principle of Development Control 14 of the Urban Corridor Zone.</p>
<p>The proposed development has a 0m setbacks to both side boundaries (east and west) -with building heights of 7.75m, the development masses on the boundary</p>	<p>The proposal provides a ground and upper floor side boundary setbacks consistent with the intent of the development plan requirements. The proposal has sufficient upper level setbacks which will result in acceptable impacts (if any) on adjoining properties (open space and habitable rooms) in terms of loss and outlook and the articulated built form will not result in an inappropriate visual impact when viewed from the immediate or wider locality. On this basis it is considered that the proposal achieves the intent of the above Principle of Development Control.</p>
<p>Residence 2 does not meet the criteria for overlooking and visual privacy as it will directly overlook useable private open space and habitable room windows</p>	<p>The design of the proposal will minimise any potential overlooking into adjoining properties in keeping with the requirements of PDC 10 &amp; 11.</p>
<p>The development and in particular residence 2 does not meet the criteria for overshadowing and natural light -no. 8 Pine St will be significantly impacted by overshadowing along</p>	<p>The shadow diagrams provided demonstrate that the proposal will not result in any unacceptable overshadowing of the adjoining properties private open space or</p>

<p>the northern boundary</p>	<p>habitable room windows for the majority of the day. Furthermore, given the proposed setbacks of the dwellings satisfy setback requirements of the Development Plan, there will be an acceptable impact (if any) in terms of overshadowing to the adjoining properties.</p> <p>The proposal satisfies the test applied by the ERD Court in that adequate sunlight is provided to the adjoining properties and solar panels until the late afternoon.</p>
<p>There will be significant negative impact on adjoining properties in regards to the design and appearance of the proposed building -as the proposed development is over 7m in height along our western boundary, it will provide no visual skyline to the west and will hem us in</p>	<p>The proposal provides a ground and upper floor side boundary setbacks consistent with the intent of the development plan requirements. The proposal has sufficient upper level setbacks which will result in acceptable impacts (if any) on adjoining properties (open space and habitable rooms) in terms of loss and outlook and the articulated built form will not result in an inappropriate visual impact when viewed from the immediate or wider locality. On this basis it is considered that the proposal achieves the intent of the above Principle of Development Control.</p>
<p>The development does not meet the criteria for site facilities and storage.</p>	<p>The proposal allows for storage areas within the garages of both dwellings which will be screened from public view by the garage doors in accordance with the intent of the relevant Principle of Development Control.</p>
<p><b>6 Belgrave Crt, Parkside (oppose – wishes to be heard)</b></p>	
<p><b>ISSUES RAISED</b></p>	<p><b>APPLICANTS RESPONSE</b></p>
<p>Supports the submissions made by the residents of 4 Belgrave Crt, Parkside</p>	<p>Refer to the response under 4 Belgrave Crt, Parkside</p>
<p><b>8 Belgrave Crt, Parkside (oppose – wishes to be heard)</b></p>	
<p><b>ISSUES RAISED</b></p>	<p><b>APPLICANTS RESPONSE</b></p>
<p>Attached correspondence identical to that given for 4 Belgrave Crt,</p>	<p>Refer to the response under 4 Belgrave Crt, Parkside</p>

Parkside	
<b>4 Pine St, Parkside (oppose – does not wish to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
My main concern is privacy – ensuring overlooking windows are frosted	The design of the proposal will minimise any potential overlooking into adjoining properties in keeping with the requirements of PDC 10 & 11.
I note that my neighbours at 6 & 8 Pine St and 4 Belgrave have significant concerns and I would support their concerns and suggestions.	Refer to the response under 4 Belgrave Crt, Parkside

(\* denotes non-valid planning considerations)

## 9. ADMINISTRATION NEGOTIATIONS

It is advised that the original proposal plans included the adjacent Allotment 138 on FP 14656. The subject site has free and unrestricted rights over this allotment however the proposal plans were designed in such a way that indicated that this allotment was to also be included as part of the subject site. This was highlighted to the applicant as part of the information request issued by noting that should the ownership of Allotment 138 not be the same as the owner of the subject site, the proposal plans will need to be revised in consideration of this and in regards to Building Code of Australia (BCA) requirements. This was never corrected prior to notification, despite further correspondence from Council regarding this matter.

Upon further liaison with Council during the notification period, the plans were amended to reflect that Allotment 138 was not part of the subject site but rather the free and unrestricted rights of way easement were to continue. The changes included removing the storage bin location from the easement and amending the eastern boundary wall of proposed Residence 2 so that it meets Building Code of Australia requirements (i.e. not having windows located along a common boundary).

## 10. DEVELOPMENT DATA

Site Characteristics	Residence 1 (Lot 2)	Residence 2 (Lot 1)	Development Plan Provision
Total Site Area	137m <sup>2</sup>	137m <sup>2</sup>	-
Frontage	<b>4.57m</b>	<b>4.57m</b>	10m (Council Wide)
Depth	30.07m	30.07m	20m (Council Wide)
Building Characteristics			
Floor Area			
Ground Floor	112.9m <sup>2</sup>	112.9m <sup>2</sup>	
Upper Floor	94.2m <sup>2</sup> (83.4% of ground floor)	94.2m <sup>2</sup> (83.4% of ground floor)	

Site Coverage			
Roofed Buildings	<b>89%</b>	<b>89%</b>	≤50% of site area (Council Wide)
Total Impervious Areas	<b>96%</b>	<b>96%</b>	≤70% of site (Council Wide)
Total Building Height			
From ground level	<b>2 storeys or 6.8m total height from gl</b>	<b>2 storeys or 6.8m total height from gl</b>	Min 3 storeys (11.5m) - Max 5 storeys and up to 18.5m (Policy Area)
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)	<b>3.3m</b>	<b>3.3m</b>	5m (Policy Area)
Upper 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)	7.3m	7.3m	5m (Policy Area)
Boundary Wall			
Boundary Wall Location	West boundary	East boundary	
Length	<b>25m</b>	<b>25m</b>	≤9m or ≤50% of the boundary length, whichever is the lesser (Council Wide)
Height	<b>2.8m - 6.4m</b>	<b>2.8m - 6.4m</b>	≤3m (Zone)
Private Open Space			
Min Dimension	<b>3.38m x 4.57m</b>	<b>3.38m x 4.57m</b>	≥4m minimum (Council Wide)
Total Area	<b>15.45m<sup>2</sup></b>	<b>15.45m<sup>2</sup></b>	20m <sup>2</sup> (Council Wide)
Car parking and Access			
On-site Car Parking	2	2	2 per dwelling where less than 4 bedrooms or 250m <sup>2</sup> 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 ( <b>65.6%</b> )		≤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)
<b>Colours and Materials</b>		
Roof	Colorbond Corrugated Roof in Surfmist	
Walls	Recycled red brick, hebel power panel, rendered finishes in Light Grey & Monument	

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

## 11. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<b>Urban Corridor Zone</b>
<p><i><u>Objective 1:</u> 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.</i></p> <p><i><u>Objective 2:</u> Integrated, mixed use, medium and high rise buildings with ground floor uses that create active and vibrant streets with residential development above.</i></p> <p><i><u>Objective 3:</u> A mix of land uses that enable people to work, shop and access a range of services close to home.</i></p> <p><i><u>Objective 4:</u> Adaptable and flexible building designs that can accommodate changes in land use and respond to changing economic and social conditions.</i></p> <p><i><u>Objective 5:</u> 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.</i></p> <p><i><u>Objective 6:</u> 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.</i></p> <p><i><u>Objective 7:</u> Noise and air quality impacts mitigated through appropriate building design and orientation.</i></p> <p><i><u>Objective 8:</u> Development that contributes to the desired character of the zone.</i></p>
<b>Desired Character</b>
<p><i>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.</i></p> <p><i>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 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.</i></p> <p><i>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-</i></p>

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**

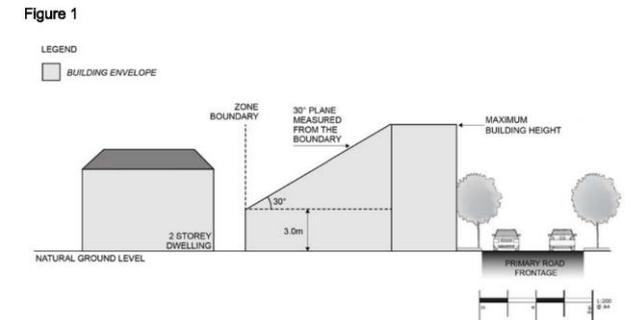
It is understood that the Zone supports mixed-use development including non-

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><b>PDC 4 - Form &amp; Character</b>  <i>Development should be in accordance with Concept Plan Maps Un/1 to 7 and 11.</i></p>	<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>						
<p><b>PDC 5 - Form &amp; Character</b>  <i>Residential development should achieve a minimum net residential site density in accordance with the following:</i></p> <table border="1" data-bbox="213 1581 858 1798"> <thead> <tr> <th data-bbox="213 1581 497 1630">Policy Area</th> <th data-bbox="504 1581 858 1630">Minimum net residential site density</th> </tr> </thead> <tbody> <tr> <td data-bbox="213 1639 497 1742">Boulevard (Greenhill Road) Policy Area 19</td> <td data-bbox="504 1639 858 1742">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 data-bbox="213 1751 497 1798">High Street (Unley Road) Policy Area 20</td> <td data-bbox="504 1751 858 1798">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 275m<sup>2</sup> in area. This equates to net residential density 72.7 dwellings per hectare net. Currently the site has a net residential of 36.4 dwellings per hectare net.</p> <p>The proposed development therefore achieves the intent to increase 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><b>PDC 12 – Building Height</b>  <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,</i></p>	<p>The dwellings are proposed to be two storeys in height (max height of 6.4m). 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</p>						

Relevant Zone Principles of Development Control	Assessment									
<p><i>building heights (excluding any rooftop mechanical plant or equipment) should be consistent with the following parameters:</i></p> <table border="1" data-bbox="215 405 858 580"> <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>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								
<p><b>PDC 13 – Interface Height Provisions</b>  <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><b>Figure 1</b></p> 	<p>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 walls to be built along the eastern boundary. The wall ranges in height from 2.8m to 6.4m above natural ground level. By having a boundary height greater than 3 metres, immediately demonstrates that part of the proposed building will sit outside the building envelope and result in massing of the building along the zone interface.</p> <p>It is noted that the boundary wall with a height between 5.6m to 6.4m 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).</p> <p>Only the remaining 3.82 metre long wall is directly adjacent residential allotments and more specifically the rear boundary of those allotments (addressed as 4 &amp; 6 Pine St, Parkside). A majority of this wall is only 2.8m in height and therefore satisfies the interface height provisions.</p> <p>Further discussion regarding the</p>									

Relevant Zone Principles of Development Control	Assessment									
	interface height provisions is provided in Section 12 of this report.									
<p><b>PDC 14 – Setbacks from road frontages</b>  <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> <table border="1" data-bbox="215 629 858 745"> <thead> <tr> <th>Policy area</th> <th>Minimum setback from the primary road frontage</th> </tr> </thead> <tbody> <tr> <td>Boulevard Policy Area</td> <td>6 metres</td> </tr> <tr> <td>High Street Policy Area</td> <td>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 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> <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)									
<p><b>PDC 16 – Other setbacks</b>  <i>Buildings (excluding verandahs, porticos and the like) should be set back in accordance with the following parameters:</i></p> <table border="1" data-bbox="215 938 858 1261"> <thead> <tr> <th>Designated area</th> <th>Minimum setback from rear allotment boundary</th> <th>Minimum setback from side boundaries (where not on a road boundary)</th> </tr> </thead> <tbody> <tr> <td>Boulevard Policy Area</td> <td>5 metres where the subject land directly abuts an allotment of a different zone  3 metres in all other cases, except where the development abuts the wall of an existing or simultaneously constructed building on the adjoining land.</td> <td>For allotments with a frontage width of :  (a) 20 metres or less: no minimum to one boundary but at least 3 metres to the other side boundary, with respective setbacks to create an orderly pattern of built form in accord with the Desired Character and desired consolidated sites in Concept Plan <a href="#">Maps Un/1 to 7</a>  (b) more than 20 metres: 3 metres.</td> </tr> <tr> <td>High Street Policy Area</td> <td>As above</td> <td>0 metres</td> </tr> </tbody> </table>	Designated area	Minimum setback from rear allotment boundary	Minimum setback from side boundaries (where not on a road boundary)	Boulevard Policy Area	5 metres where the subject land directly abuts an allotment of a different zone  3 metres in all other cases, except where the development abuts the wall of an existing or simultaneously constructed building on the adjoining land.	For allotments with a frontage width of :  (a) 20 metres or less: no minimum to one boundary but at least 3 metres to the other side boundary, with respective setbacks to create an orderly pattern of built form in accord with the Desired Character and desired consolidated sites in Concept Plan <a href="#">Maps Un/1 to 7</a>  (b) more than 20 metres: 3 metres.	High Street Policy Area	As above	0 metres	<p>Firstly, it is advised that the subject site directly abuts land located within the same zone along its northern, southern and western boundaries. As such the minimum setback to the rear boundary is 3 metres. When measured from the outer most wall, the rear setback is 3.3 metres, thereby satisfying these requirements.</p> <p>The two dwellings are built to both side boundaries and therefore satisfy PDC 16. It is also acknowledged that:</p> <ul style="list-style-type: none"> <li>the existing dwelling is also built to both side boundaries (and also appears to encroach within Allotment 138);</li> <li>the narrow width of the proposed allotments lend themselves to requiring that any building will almost certainly need to be built boundary to boundary;</li> <li>the two dwellings will in the most part be built wall to wall along the common boundary;</li> <li>That limited articulation and relief can be provided along the wall due to Building Code of Australia requirements i.e. no windows located along a common boundary, however some attempt to alter</li> </ul>
Designated area	Minimum setback from rear allotment boundary	Minimum setback from side boundaries (where not on a road boundary)								
Boulevard Policy Area	5 metres where the subject land directly abuts an allotment of a different zone  3 metres in all other cases, except where the development abuts the wall of an existing or simultaneously constructed building on the adjoining land.	For allotments with a frontage width of :  (a) 20 metres or less: no minimum to one boundary but at least 3 metres to the other side boundary, with respective setbacks to create an orderly pattern of built form in accord with the Desired Character and desired consolidated sites in Concept Plan <a href="#">Maps Un/1 to 7</a>  (b) more than 20 metres: 3 metres.								
High Street Policy Area	As above	0 metres								

Relevant Zone Principles of Development Control	Assessment
	materials etc. has been incorporated into the design.

## **Policy Area Desired Character and Principles of Development Control**

<b>High Street (Unley Road) Policy Area 20</b>
<b>Desired Character</b>
<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><i>(a) 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"> <li><i>(i) visually interesting, highly transparent and varied shop fronts and building entries;</i></li> <li><i>(ii) continuity of verandahs, awnings or canopies to provide shelter and shade;</i></li> <li><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;</i></li> <li><i>(iv) occasional outdoor dining areas extending in part over the public footway and linked to recessed buildings comprising restaurants and licensed premises;</i></li> <li><i>(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;</i></li> <li><i>(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.</i></li> </ul> <p><i>(c) create high quality living environments by:</i></p> <ul style="list-style-type: none"> <li><i>(a) applying sustainable design solutions to optimise natural ventilation and capture of sun or natural daylight;</i></li> <li><i>(b) optimising resident and visitor safety, convenience and amenity by providing reserved and secure car parks, lighting and surveillance of public and common spaces;</i></li> <li><i>(c) locating and screening goods storage, refuse collection areas in a sensitive manner;</i></li> <li><i>(d) locating and designing sensitive habitable rooms and balconies to optimise the utility of those spaces and minimise noise intrusion.</i></li> </ul>

*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.

The dwellings have been designed with a mind to capture natural daylight where possible, whilst also providing safe and convenient off-street parking and waste storage areas.

Relevant Policy Area Principles of Development Control	Assessment
<p><b>PDC 1 - Land Use</b>  <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 this continuity. However by developing the site including the subdivision into narrow allotments for residential purposes, does not allow for consolidation of the adjacent Unley Road allotments and therefore the opportunity to provide a continuity of mixed uses with residential above. It is acknowledged however that whilst consolidation is preferable it may not ever be achievable in this location.</p>
<p><b>PDC 6 – Form &amp; Character</b>  <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 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</p>

Relevant Policy Area Principles of Development Control	Assessment
	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:

<b>City-wide Objectives and Principles of Development Control</b>		
<b>Crime Prevention</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
<b>Design and Appearance</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 5, 9, 10, 12, 13, 14, 15, 16, 17
<b>Energy Efficiency</b>	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2,
<b>Form of Development</b>	<i>Objectives</i>	1, 4, 7
	<i>PDCs</i>	1, 2, 3, 12
<b>Interface Between Land Uses</b>	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5
<b>Landscaping</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
<b>Residential Development</b>	<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
<b>Residential Development</b>	
<b>PDC 14 – Side and Rear Boundaries</b>	<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 boundary walls well exceed the parameters of PDC 14. It is noted however that:</p> <ul style="list-style-type: none"> <li>• the western boundary wall (of Residence 1) abuts a rear access driveway to a commercial property;</li> <li>• the existing dwelling is located along the western boundary for a length of approximately 21 metres;</li> <li>• 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);</li> <li>• The boundary wall of Residence 2, located along the eastern boundary, abuts a 1.3m wide strip of land for approximately 19 metres;</li> <li>• The eastern boundary wall is also located adjacent to garage wall of 4 Belgrave Crt as well as fencing and landscaping located along the rear boundaries of 4, 6 &amp; 8 Pine St;</li> <li>• 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;</li> <li>• 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.</li> </ul>
<b>PDC 16 &amp; 17 – Site Coverage</b>	<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"> <li>• The dwellings meet the front, side and rear setbacks;</li> <li>• given the orientation of the site, the dwelling will have sufficient access to northern sunlight;</li> </ul>

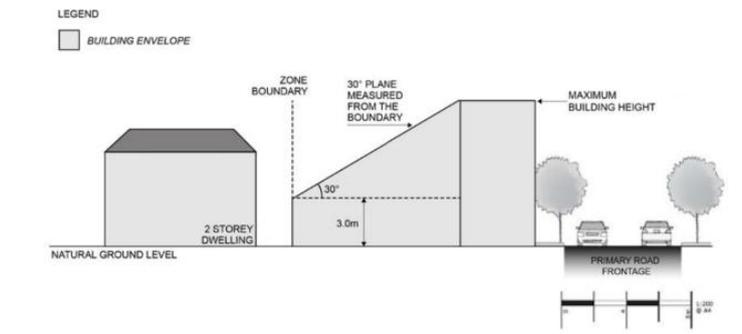
Relevant Council Wide Provisions	Assessment
	<ul style="list-style-type: none"> <li>• the relevant provisions for pedestrian and vehicle access and parking have been satisfied;</li> <li>• specific details regarding the paving areas (driveway, footpaths etc.) have not been provided. There may be some permeability of these areas and therefore the impervious areas calculation in the data table above may be overly exaggerated;</li> <li>• compliance with Council's Stormwater Management Design Guide will be conditioned as part of any Planning Consent moving forward;</li> <li>• the proposed site coverage will be similar to that of a number of properties within the area, particularly those of a commercial nature and therefore is not of character with the locality.</li> </ul> <p>It is considered that the proposed site coverage is acceptable within the context of the locality.</p>
<p><b>PDC 19, 20, 22 – Private Open Space</b></p>	<p>It is noted that the amount of private open space proposed falls short of the 20m<sup>2</sup> 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>Overall it is considered that the private open space provided is sufficient for the type of dwellings proposed.</p>
<p><b>PDC 29 – Building Form, Scale, Mass and Height – Garages and carports</b></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.</p> <p>It is argued that it is impossible to satisfy the provisions of PDC 29 in the context of this site as:</p> <ul style="list-style-type: none"> <li>• the new dwellings are two storey dwellings on allotments that are only approximately 4.57 meters wide. Any garage whether under the main roof or not will not meet these design parameters;</li> </ul>

Relevant Council Wide Provisions	Assessment
	<ul style="list-style-type: none"> <li>• incorporating a garage and a pedestrian entrance on the ground level is a typical design feature of 'Townhouse' style dwellings common around metropolitan Adelaide;</li> <li>• 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;</li> <li>• the upper level, balcony and other design features have been utilised to soften the appearance of the garages to the street.</li> </ul> <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>

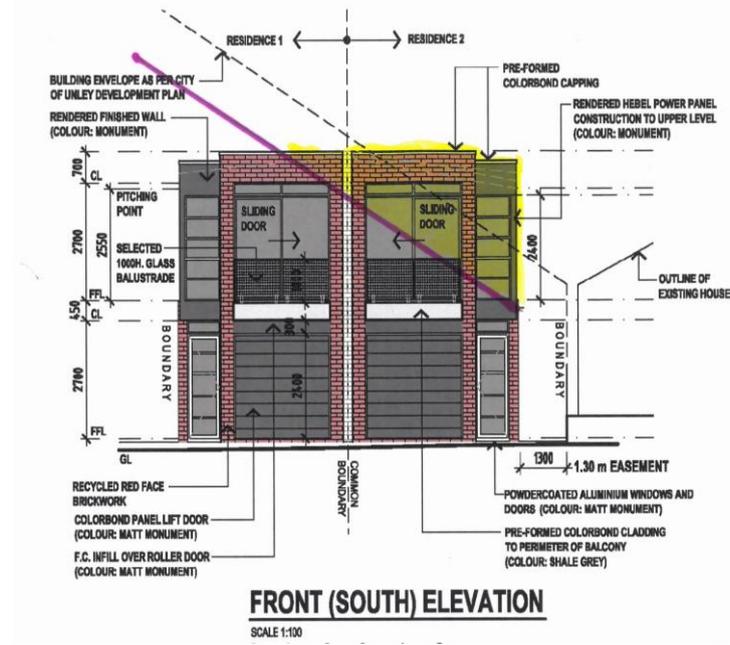
## 12. DISCUSSION

The figure below has been taken from the Development Plan and is a simple visual representation of what is envisaged in terms of the interface height provisions.

Figure 1



To demonstrate the extent of the proposed building that falls outside the building envelope, please refer to the diagram below (purple line):



The applicant has also included a dotted line to represent this building envelope if taken from the ground level of the residential allotments to the east and from the higher natural ground level of the land to the east. The subject site does benefit from being adjacent to Allotment 138, a small strip of land that provides a buffer between the Urban Corridor Zone and the residential allotments to the east. 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 applicants dotted line 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:

- 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 boundary;
- 8 Pine St has a verandah that is located approximately 10.5m from the proposed eastern dwelling;
- 8 Pine St has an upper storey approximately 30m from the eastern wall of the proposed dwellings;
- 8 Pine St has a private rear garden area of approximately 10m in length;
- 6 Pine St is also a 2 storey dwelling with the upper level approximately 13m from the proposed eastern boundary wall;
- 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 090/671/2018/C2 at 2 Belgrave Court, Parkside 5063 to 'Construct 2 x two storey detached dwellings with garages and verandahs on common boundaries and the removal of one (1) street tree', is not seriously at variance with the provisions of the City of Unley Development Plan; and the Council Assessment Panel authorises the Team Leader of Planning to issue Development Plan Consent, upon the granting of the land division approval, and subject to the following conditions:

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

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. 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.

**NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:**

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

**ITEM 3****DEVELOPMENT APPLICATION – 090/975/2018/C2 – 51 JOSLIN STREET, WAYVILLE SA 5034 (GOODWOOD)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/975/2018/C2
<b>ADDRESS:</b>	51 Joslin Street, Wayville SA 5034
<b>DATE OF MEETING:</b>	16 April 2019
<b>AUTHOR:</b>	Chelsea Spangler
<b>DEVELOPMENT PROPOSAL:</b>	Demolish existing dwelling and construct two storey dwelling with garage on common boundary
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential Streetscape (Built Form) Zone Policy Area 9 – Spacious Precinct 9.9
<b>APPLICANT:</b>	Lisa Forbes and Glen Brewer
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (three (3) oppose)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representations
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Demolition of existing dwelling Impact to streetscape

**1. PLANNING BACKGROUND**

No relevant Planning Background.

**2. DESCRIPTION OF PROPOSAL**

The applicant seeks to:

- Demolish the existing dwelling and carport;
- Construct a two-storey dwelling with garage and verandahs.

### 3. SITE DESCRIPTION

The subject site comprises of Allotment 8 on Deposited Plan 1981, Volume 5574, Folio 193. Allotment 8 has a frontage to Joslin Street of 24.79 metres and a frontage to Moresby Street of 3.58 metres. The site has a total area of 562.5m square metres. The site abuts land utilised as a tramline (Glenelg to City line) and there is also a tram stop within 50 metres of the site.

There is a single storey detached dwelling with a carport, verandahs and small outbuildings currently located on the property.

There are no easements affecting the allotment.

There is a regulated tree (*Eucalyptus spathulata* – Swamp Mallet) located on the adjacent property (49 Joslin Street) near the common boundary

### 4. LOCALITY PLAN



 Subject Site  Locality  1 Representations

## **5. LOCALITY DESCRIPTION**

### **Land Use**

The predominant land use within the locality is residential. A tramline is also located directly south of the subject land.

### **Land Division/Settlement Pattern**

The settlement pattern is fairly regular along Joslin Street with some exceptions. Irregular allotment shapes and sizes however are found along the tramline due to the diagonal direction of that tramline.

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

The locality is fairly consistent in terms of dwelling types and styles, with only detached and semi-detached dwellings found. Dwelling heights do not exceed two storeys.

Dwelling styles are quite varied within the immediate locality with a number of contemporary dwellings located across from the subject site. It is noted that there are number of 'Villas' located along Joslin Street.

### **Fencing Styles**

Fencing along both Joslin and Parsons streets, is varied in both style, materials and height. In the immediate locality, fencing is solid with a height between 1.5m and 1.8 metres.

## **6. STATUTORY REFERRALS**

No statutory referrals required.

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

The application was referred to Council's Assets department due to the existing crossover to Joslin Street likely needing to be modified. The following comments were received:

- *From an assets perspective I can see no issue with extending the crossover to the north.*
- *Note the distance of the street tree to the southern boundary is approx 18.6m. The plan does not stipulate the new proposed width of the crossover. It should be no problem if it's a standard double crossover.*

Advice was also requested from the Assets Officer regarding the proposed gate to Moresby Street at the rear. It is noted however that this proposed access gate is not development and advice was sought purely to understand whether a Road Alteration Permit would be required. The comments received are as follows:

- *From an assets perspective there would be no impact to the existing roadway. Noting that any footings of plinths for any access point should match the*

existing road level, there is some lifted bitumen due to the private regulated tree. Any road repair would be at the cost to the Applicant.

## 8. PUBLIC NOTIFICATION

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

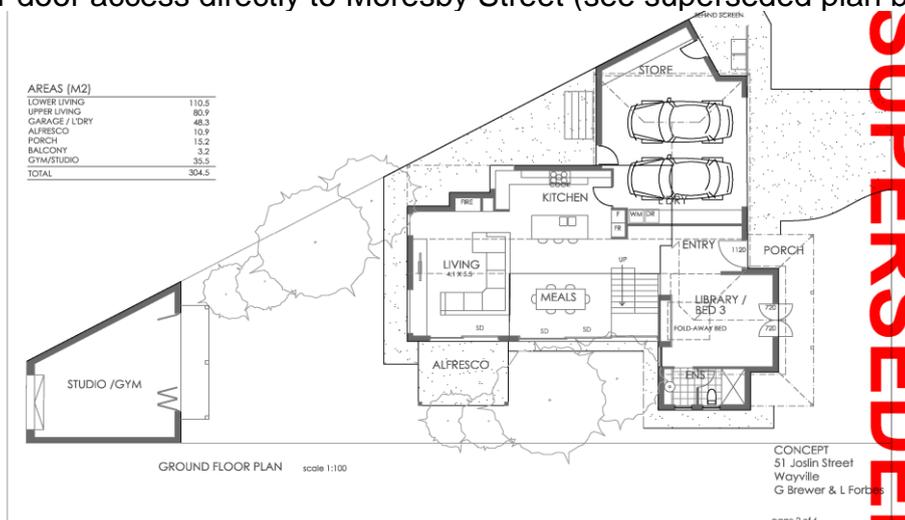
<b>14 Moresby St, Wayville (oppose – wish to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Concerns with the Proposed garage door of the outbuilding opening onto the dead-end section of Moresby Street.	Amended plans have been provided which removes the proposed studio/ gym structure to the rear, adjacent to the Moresby Street boundary
<b>10 Moresby St, Wayville (oppose – wish to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Type of land use is not appropriate acquisition of public land for private use	No response provided.
Proposal is at odds with the Development Plan	Zone PDC 6 allows for demolition of dwellings whereby the replacement dwelling is considered to make a comparable contribution to the desired character. We form the view the proposed design achieves this and will have a positive impact on the streetscape character.
Proposed access to Joslin St property from Moresby St should be removed	Amended plans have been provided which removes the proposed studio/ gym structure to the rear, adjacent to the Moresby Street boundary
<b>1 Parsons St, Goodwood (oppose – wish to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
This property contains a character Villa which should be repaired and restored instead of demolished	The existing dwelling has been modified over time, including the removal of a chimney, installation of precast tin tile roofing, and a severe deterioration of the structural integrity associated with the main building resulting in a number of major structural issues, as detailed within the Planning Assessment Report.

	<p>The cost of undertaking the required structural repairs, in conjunction with constructing alterations and additions is not considered economically viable, especially given the repair works are no guarantee that the structural issues will not reappear.</p>
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(\* denotes non-valid planning considerations)

## 9. ADMINISTRATION NEGOTIATIONS

The application originally included a freestanding outbuilding (labelled as a studio/ gym) with a roller door access directly to Moresby Street (see superseded plan below).



This outbuilding was included as part of the documentation that went out on public notification. Following objection from a number of representors as well as discovery of a regulated tree within 1 metre of the location of the proposed outbuilding, the applicant has removed the proposed outbuilding from the application. The plans now show this area as a paved utility/ parking area with gates to Moresby Street. It is noted that:

- Fencing/ gates along the Moresby Street frontage that have a height up to 2.1 metres and are not of a masonry material, are not defined as development in accordance with Schedule 3 of the Development Regulations 2008;
- Paving or parking personal vehicles on private property does not fall within the definition of development (or more specifically building work) as defined by the Development Act 1993;
- Where tree damaging activity is to occur to a regulated tree this is included within the definition of development, where tree damaging activity is defined as:
  - (a) the killing or destruction of a tree; or
  - (b) the removal of a tree; or
  - (c) the severing of branches, limbs, stems or trunk of a tree; or
  - (d) the ringbarking, topping or lopping of a tree; or
  - (e) any other substantial damage to a tree,
 and includes any other act or activity that causes any of the foregoing to occur

*but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree or that is excluded by regulation from the ambit of this definition;*

There is no evidence to suggest that the proposed paved parking area is to result in a tree damaging activity. Due care will however need to be taken by the owner in regards

- There is no easement or strip of land restricting access to Moresby Street from the 51 Joslin St property.

Given the above, Council Administration would like to highlight that any vehicle access proposed to Moresby Street does not fall within the assessment of subject application as it is not development and is therefore not administered by the Development Act 1993 and Development Regulations 2008.

## 10. DEVELOPMENT DATA

Site Characteristics	Two storey dwelling with garage	Development Plan Provision
Total Site Area	562.5m <sup>2</sup>	600m <sup>2</sup>
Frontage	24.8m	15m
Depth	39.6m (min)	20m
<b>Building Characteristics</b>		
Floor Area		
Ground Floor	169.7m <sup>2</sup>	
Upper Floor	84.1m <sup>2</sup> 49.6% of ground floor	≤50% of ground floor
Site Coverage		
Roofed Buildings	31.3%	≤50% of site area
Total Impervious Areas	57.1%	≤70% of site
Setbacks		
Ground Floor		
Front boundary (west)	7.5m	
Side boundary (north)	1.45m	On boundary or 1.0m (on boundary on one side only)
Side boundary (south)	0m	On boundary or 1.0m (on boundary on one side only)
Rear boundary (east)	16.4m	5.0m
Upper Floor		
Front boundary (west)	12m	
Side boundary (north)	4.5m	3m
Side boundary (south)	<b>1.5m</b>	3m
Rear boundary (east)	16.4m	8m
Wall on Boundary		
Location	southern	
Length	4.45m	≤9m or ≤50% of the boundary length, whichever is the lesser

Height	3m	≤3m
<b>Private Open Space</b>		
Min Dimension	7.8m x 9.8m	≥4m minimum
Total Area	33%	≥20%
<b>Car parking and Access</b>		
On-site Car Parking	3 spaces	2 per dwelling where less than 4 bedrooms or 250m <sup>2</sup> floor area
Covered on-site parking	2 spaces	≥1 car parking space
On-street Parking	As existing	0.5 per dwelling
Driveway Width	4.4m (min)	3m Single
Garage/Carport Width	<b>6.7m</b> (27%)	≤6.5m or ≤30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	<b>5.7m</b> x 6.2m	5.8m x 6m for double
<b>Colours and Materials</b>		
Roof	Corrugated zincalume ' shale grey'	
Walls	Rendered in 'pale tendril', feature wall in JH Axon 'monument'	
Fencing	Not applicable	

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

## 11. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<b>Residential Streetscape (Built Form) Zone</b>
<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>
<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>
<b>Desired Character</b>
<u>Streetscape Value</u>
<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.</i>
<i>These attributes include the:</i>
<i>(a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and</i>
<i>(b) allotment and road patterns; and</i>
<i>(c) landscape features within the public road verge and also within dwelling sites forward of the building façade; and</i>
<i>(d) scale, proportions and form of buildings and key elements.</i>

### Streetscape Attributes

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

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

### **Assessment**

The wider locality in which the subject site is located, is regarded as having a generally coherent character that is distinguished by a traditional allotment pattern, with those allotments containing Villas or Cottages. There are a number of exceptions to this and much of this difference occurs within close proximity to the subject site.

The applicant proposes to demolish an existing dwelling that is considered to be consistent with the desired character of the Zone as it is of a traditional 'Villa' style. The dwelling however is in poor repair and has undergone some additions which are discordant with the traditional built form. The replacement dwelling has been designed to reflect that desired by the policies of the Streetscape (Built Form) Zone whilst also acknowledging the context of the site within the streetscape, adjacent to an active tram line.

<b>Relevant Zone Principles of Development Control</b>	<b>Assessment</b>
<p><b><i>PDC 6 – Replacement Dwelling</i></b> <i>Demolition of the whole of a building should only be undertaken – where the replacement building(s) makes a comparable or more positive contribution to the desired character than the building to be demolished, or alternatively where the building to be demolished:</i></p> <ul style="list-style-type: none"><li><i>a) Is structurally unsafe or so unsound as to be unreasonably economically rehabilitated; or</i></li></ul>	<p>The proposed development includes the demolition of an existing Villa dwelling. Whilst the Villa is not a well-maintained example of the late Victorian style, it is still considered to make a contribution to the streetscape; therefore PDC 6(b), (c) and (d) do not apply. The applicant has also not fully demonstrated that removal is justified under PDC 6 (a), by providing a Structural Engineers report and a quantity surveyors report. The applicant has however highlighted a number of structural</p>

Relevant Zone Principles of Development Control	Assessment
<p>b) <i>Is so compromised or altered that there is no reasonable prospect of its original character being revealed; or</i></p> <p>c) <i>Adds little value to the desired character due to its discordant form and poor streetscape contribution; or</i></p> <p>d) <i>Is incongruous with, and makes a poor contribution to the particular character of its streetscape</i></p>	<p>issues with the existing dwelling. Ultimately the justification for the removal of the existing dwelling is whether the replacement dwelling makes a comparable or more positive contribution to the desired character than the building to be demolished. It is considered that the proposed new dwelling will make a comparable contribution to the streetscape as:</p> <ul style="list-style-type: none"> <li>• The dwelling will be of a street-front dwelling format;</li> <li>• The proposed development does not include an alteration to the allotment boundaries that were established in 1912;</li> <li>• The new dwelling will maintain the current setbacks to the front boundary;</li> <li>• The new dwelling will maintain and even increase spacing from the adjacent northern dwelling;</li> <li>• It will incorporate wall heights, roof pitch and form that are consistent with the traditional Villa style;</li> <li>• The dwelling is proportioned to make efficient use of the unconventionally shaped allotment;</li> <li>• Includes a front verandah element;</li> <li>• Be of a design that will present as a single storey to the street and not dominate the character dwellings.</li> </ul>
<p><b>PDC 9 – New Development</b>  <i>Development should present a single storey built scale to the streetscape. Any second storey building elements should be integrated sympathetically into the dwelling design, and be either:</i></p> <p>(a) <i>incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street; or</i></p>	<p>The applicant proposes a two storey dwelling where the second storey is setback a further 4.5 metres from the main face of the ground storey.</p> <p>The design of the dwelling has:</p> <ul style="list-style-type: none"> <li>• utilised its position next to the tramline to ensure that the second storey has not resulted in massing intruding on the neighbouring conditions;</li> <li>• ensured that the upper storey is not overly visible to the primary streetscape by setting it behind the traditional roof form style;</li> </ul>

Relevant Zone Principles of Development Control	Assessment
<p>(b) <i>set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.</i></p>	<ul style="list-style-type: none"> <li>• maintained the wall heights of a traditional Villa to the street;</li> <li>• utilised different materials and colours to create interest in regards to the facade that is visible to the tramline.</li> </ul> <p>The design of the dwelling will result in the second storey being inconspicuous within the streetscape.</p>
<p><b>PDC 10</b>  <i>Buildings should be of a high quality contemporary design and not replicate historic styles. Buildings should nonetheless suitably reference the contextual conditions of the locality and contribute positively to the desired character, particularly in terms of:</i></p> <ul style="list-style-type: none"> <li>a) <i>Scale and form of buildings relative to their setbacks as well as the overall size of the site; and</i></li> <li>b) <i>Characteristic patterns of buildings and spaces (front and side setbacks), and gaps between buildings; and</i></li> <li>c) <i>Primarily open front fencing and garden character and the strong presence of buildings fronting the street.</i></li> </ul>	<p>The proposed dwelling is of a high architectural design that has a focus of referencing the Villa style dwelling. The design however is not overly complicated with decorative elements kept to a minimum. Efforts have been made to also reference the adjacent dwelling, with identical wall heights and roof pitches being incorporated into the design. The proportions of the dwelling however do differ to that of the neighbouring dwelling but this results in a more efficient use of the land.</p> <p>No front fencing is proposed as part of the application.</p>
<p><b>PDC 11</b>  <i>In localities of a distinctive and generally cohesive character consistent with the pertinent desired character, building facades should be composed in a more traditional manner adopting key building elements, materials and detailing complementing the characteristic architectural styles.</i></p>	<p>The front dwelling façade has been designed to complement the existing street as well as to include a number of the key elements that contribute to the overall value of the locality. This includes a front verandah, an asymmetrical form, and building heights and roof form that are consistent with the neighbouring dwellings.</p>
<p><b>PDC 14 – Carports &amp; Garages</b>  <i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <ul style="list-style-type: none"> <li>(a) <i>be located to the rear of the dwelling as a freestanding outbuilding; or</i></li> </ul>	<p>The proposed garage generally does not accord with PDC 14. The garage is considered acceptable however as:</p> <ul style="list-style-type: none"> <li>• it is to be sited alongside the dwelling;</li> <li>• is setback over 1 metre from the main face of the associated dwelling;</li> </ul>

Relevant Zone Principles of Development Control	Assessment
<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> <ul style="list-style-type: none"> <li><i>i. incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and</i></li> <li><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></li> <li><i>iii. have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and</i></li> <li><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></li> </ul>	<ul style="list-style-type: none"> <li>• it is to incorporate complementary materials and colours;</li> <li>• is to sited near the boundary to the tramline;</li> <li>• the garage is located away from the neighbouring Villa and therefore does not disrupt the pattern of single width carports and garages along the eastern side of Joslin street</li> <li>• the garage has been designed to make efficient use of the angle of the allotment;</li> <li>• the allotment has a much wider frontage than those more traditional sized allotments;</li> <li>• the garage is not incorporated as part of the proposed front verandah;</li> <li>• the setbacks to the northern boundary have been satisfied;</li> <li>• it satisfies the Council wide Residential provisions (PDC 29) in relation to garages being less than 30 percent of the site width.</li> </ul> <p>It is noted that Zone PDC 15 encourages vehicle access to be taken from a rear laneway or secondary street, wherever possible. Given the access difficulties from Moresby Street, it is not considered possible that the garage (or any vehicle accommodation structure) be relocated so that it accessed via Moresby Street.</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"> <li><i>(a) low scale building development;</i></li> <li><i>(b) spacious road verges and front and side building setbacks from the street;</i></li> <li><i>(c) forms and detailing of the predominant architectural styles (variously Victorian and Turn-of-the-Century double-fronted cottages and villas, and Inter-War era housing, primarily bungalow but also tudor and art deco and complementary styles); and</i></li> <li><i>(d) varied but coherent rhythm of buildings and spaces along its streets.</i></li> </ul> <p><i>Development will:</i></p> <ul style="list-style-type: none"> <li><i>(a) be of a street-front dwelling format, primarily detached dwellings; and</i></li> <li><i>(b) maintain or enhance the streetscape attributes comprising:</i> <ul style="list-style-type: none"> <li><i>(i) siting - the regular predominant subdivision and allotment pattern, including</i></li> </ul> </li> </ul>

*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*

*(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*

*(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.*

Precinct	Predominant Architectural Style	Predominant Allotment Size		Predominant Setbacks		
		Area	Width	Street setbacks	Minimum side setbacks	Collective side setbacks†
9.9 Wayville	as per Precinct 9.7	600m <sup>2</sup>	15m	7.0m	1.0m	6.0m

#### Assessment

The subject site is located within the Spacious Policy area of the Residential Streetscape (Built Form) Zone. The proposed development is to demolish an existing dwelling and construct a replacement dwelling that fronts onto Joslin Street. The new dwelling largely maintains the streetscape attributes by:

- Maintaining a single storey dwelling to the street;
- Proposing a front setback that is compatible with the adjoining dwellings;
- Referencing the Villa style type of dwelling, which is the predominant dwelling style within the locality;
- Providing a wall height of 3.6 metres that is consistent with the adjacent Villa style dwelling;
- Incorporating key features of character dwellings including the roof pitch, roof form, a front verandah, and an asymmetrical built form;
- Introducing elements that make efficient use of the unconventionally shaped subject site without being a detriment to the wider streetscape.

#### **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		
<b>Crime Prevention</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
<b>Design and Appearance</b>	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 5, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21

<b>Regulated and Significant Trees</b>	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 3
<b>Residential Development</b>	<i>Objectives</i>	1, 2, 4, 5
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 8, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49

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

<b>Relevant Council Wide Provisions</b>	<b>Assessment</b>
<b>Residential Development</b>	
<b>PDC 13 – Side and Rear Boundary setbacks</b>	<p>The proposed new dwelling meets all setback provisions except for the upper level setback to the southern side boundary. The proposed setback of only 1.5 metres is considered acceptable as:</p> <ul style="list-style-type: none"> <li>• The property abuts the tramline along the southern boundary;</li> <li>• It is due to the tramline land that the allotment is irregularly shaped;</li> <li>• The reduced setback will not result in any impacts (visual amenity, access to natural light etc) to neighbouring residents.</li> </ul>
<b>PDC 14 - Wall on Boundary</b>	<p>Part of the garage/ store room is proposed to be located along the southern boundary (i.e. abutting land associated with the tram line). The boundary wall satisfies the provisions of PDC 14 as:</p> <ul style="list-style-type: none"> <li>• It has a wall height of 3m;</li> <li>• It has a length of 4.5m;</li> <li>• It is set more than 1 metre behind the main face of the associated dwelling;</li> <li>• The dwelling is appropriately setback from the northern side boundary;</li> <li>• It is not to be located within 0.9m of a habitable room window.</li> </ul>
<b>PDC 38 &amp; 39 - Overlooking</b>	<p>The two-storey dwelling satisfies PDC 38 &amp; 39 as all upper floor windows will incorporate fixed external screening devices. The windows are only located on the northern and eastern facades however a condition is also recommended to be placed on the Planning Consent to ensure ongoing compliance with this provision.</p> <p>The upper floor balcony has an east to south viewshed, which will essentially overlook the tramline. There are no areas of private open space within 30 metres of the balcony and there are no habitable room windows if</p>

	adjacent dwellings within 15 metres of the balcony.
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## **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 demolition of the existing dwelling satisfies Zone PDC 6 as the replacement dwelling is considered to make a comparable contribution to the streetscape;
- The proposed dwelling is appropriately designed and sited to support the desired character of the Residential Streetscape (Built Form) Zone and Spacious Policy area
- The proposed upper storey of the new dwelling is considered to be inconspicuous within the streetscape and is not of a height and bulk that will impact on neighbouring properties;
- The proposed dwelling has been suitably designed and sited so not to cause undue impact of the adjacent residents.

The application is therefore recommended for Development Plan CONSENT.

## **13. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/975/2018/C2 at 51 Joslin Street, Wayville SA 5034 to 'Demolish existing dwelling and construct two storey dwelling with 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. That privacy screening be erected along the east and north facing upper floor windows prior to occupation and shall be maintained in reasonable condition at all times. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
3. No regulated/significant tree on or near the subject site may be damaged in any way (including roots) during demolition and/or construction.
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. 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.

**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 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**.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).
- That any 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	<a href="#">Application Documents</a>	Applicant
B	<a href="#">Representations</a>	Administration
C	<a href="#">Response to Representations</a>	Applicant

**ITEM 4****DEVELOPMENT APPLICATION – 090/976/2018/C2 – 8 SHEFFIELD STREET, MALVERN 5061 (UNLEY PARK)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/976/2018/C2
<b>ADDRESS:</b>	8 Sheffield Street, Malvern 5061
<b>DATE OF MEETING:</b>	16 April 2019
<b>AUTHOR:</b>	Reb Rowe
<b>DEVELOPMENT PROPOSAL:</b>	Construct single storey dwelling with garage and alfresco on boundary and front fence
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	4 July 2017
<b>ZONE:</b>	Residential Streetscape (Landscape) Zone Policy Area 11.2
<b>APPLICANT:</b>	Medallion Homes
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – 1 against
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representations
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Building bulk / mass Building siting

**1. PLANNING BACKGROUND**

Development Approval was granted on 28 March 2019 for the demolition of the existing structures on the subject site with application 107/2019/BA.

**2. DESCRIPTION OF PROPOSAL**

The proposed development includes the construction of a single storey detached dwelling with a garage and an alfresco area positioned on boundary.

**3. SITE DESCRIPTION**

The subject site comprises two allotments that combined, form a regularly-shaped site of 630sqm, located on the northern side of Sheffield Street. The two existing residences are single storey of a post-war infill style.

There are no regulated trees on or nearby to the subject site.

#### 4. LOCALITY PLAN



#### 5. LOCALITY DESCRIPTION

##### Land Use

The predominant land use within the locality is residential.

##### Land Division/Settlement Pattern

The settlement pattern in the subject locality is representative of the site layout identified in the proposal; a regularly-shaped allotment of approximately 15m frontage and 40m depth.

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

Dwellings in the locality are generally detached, villa and bungalow infill dwellings of single storey height.

## **Fencing Styles**

Fencing in the area is generally low and open in nature with some examples of pier and plinth and solid styles, below 2m in height.

## **6. STATUTORY REFERRALS**

No statutory referrals required.

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

Council's Asset Officer provided comment on the proposal to close the existing crossover on the western side of the allotment and slightly adjust the opening on the eastern side. Advice received was in support of the proposal, provided it follow Council procedure for alteration to a public road.

## **8. PUBLIC NOTIFICATION**

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

<b>9 Sheffield Street, Oppose</b>	
<b>ISSUES RAISED</b>	<b>APPLICANT'S RESPONSE</b>
The proposed dwelling is not in keeping with the Unley Development Plan provisions: - it reduces density and diversity - it will detract from the current character in the street - it will compromise the streetscape character	This section of Sheffield Street presents a varied streetscape setting. The existing scenario is not an example of a development which is sought for retention in the Landscape Zone. The proposal will replace two dwellings with one street-fronting dwelling; it is considered to satisfy all relevant objectives of the Zone. The proposal is considered to replace discordant features to satisfy the Desired Character statement of the Landscape Zone.

(\* denotes non-valid planning considerations)

## **9. DEVELOPMENT DATA**

<b>Site Characteristics</b>	<b>Dwelling</b>	<b>Development Plan Provision</b>
Total Site Area	650.3m <sup>2</sup>	400sqm
Frontage	15.24m	12.5m
Depth	42.67m	>20m
<b>Building Characteristics</b>		
Floor Area		

Ground Floor	274m <sup>2</sup>	<315m <sup>2</sup>
<b>Site Coverage</b>		
Roofed Buildings	<b>53%</b>	≤50% of site area
Total Impervious Areas	53%	≤70% of site
<b>Building Height</b>		
From ground level of the adjoining affected land	3.5m wall, 6.2m total	<4m wall height
<b>Setbacks</b>		
Front boundary (south)	<b>6.5m</b>	7.5m
Side boundary (east)	Garage on boundary	On boundary or 600mm
Side boundary (west)	1m	1m
Rear boundary (north)	8.55m	5m
<b>Wall on Boundary</b>		
Location	East	
Length	7m garage; 4.4m alfresco	≤9m or ≤50% of the boundary length, whichever is the lesser
Height	3m garage; <b>3.2m</b> alfresco	≤3m
<b>Private Open Space</b>		
Min Dimension	9m	≥4m minimum
Total Area	25%	≥20%
On-site Car Parking	4	3 per dwelling where 4 bedrooms or more or floor area 250m <sup>2</sup> or more
Covered on-site parking	2	≥1 car parking space
On-street Parking	1	0.5 per dwelling
Driveway Width	4.5m-5.1m	3m Single, 5m double
Garage/Carport Width	<b>6m (39%)</b>	≤6.5m or ≤30% of site width, whichever is the lesser

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

## 10. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<b>Residential Streetscape (Landscape) Zone</b>
<p><i>Objective 1: Enhancement of the distinctive and primarily coherent streetscapes by retaining and complementing the built form, setting and surrounding landscape features.</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: 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.</i></p>

*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.*

### **Assessment**

The proposed development contributes to the desired pattern of development and rhythms of built form expressed in the zone provisions. The dwelling is street-fronting and complementary to the streetscape setting; considered to replace a discordant development and landscape setting. The proposed development is considered to contribute to the desired character of the zone, being a dwelling of appropriate scale, siting and massing which employs form and articulation to sympathetically contribute to the street.

Relevant Zone Principles of Development Control	Assessment
<p><b>PDC 3 Land Use</b></p> <p><i>Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</i></p>	<p>Being that the existing structures on the subject site are to be demolished, the development of the site is to conform with the zone requirements. While greater density and housing choice is important in this area, it is considered that the proposed development of one dwelling on the subject site is consistent with the requirements of the zone, which asks for development to be coordinated with the surrounding area and for site areas to conform with the desired character of the locality. It is considered that the proposed development achieves this.</p>
<p><b>PDC 6 Form and Character</b></p> <p><i>Development should not be undertaken unless it is consistent with the desired character for the zone.</i></p>	<p>The desired character of this zone emphasises allotment patterns, the rhythms of buildings on the site and their form and landscaping treatments being coherent with the area. The proposed development is considered to achieve consistency with the desired character of the zone and, while there are some departures from the quantitative aspects of the Council-wide Principles of Development Control, the mixed nature of the locality and the general form of the dwelling as a single storey detached dwelling with appropriate setbacks is considered a positive contribution to the streetscape.</p>
<p><b>PDC 7 Form and Character</b></p> <p><i>Development should retain and enhance its streetscape contribution by being sited and designed to respond positively to the streetscape context of its locality in terms of the:</i></p> <p><i>(a) rhythm and setting of buildings and open spaces (front and side setbacks);</i></p> <p><i>(b) dominant garden and landscape vistas;</i></p> <p><i>(c) recessive or low key nature of vehicle garaging and the associated driveway and minimising the number and width of access points to public roads.</i></p>	<p>The proposed development is considered to enhance the ability of the site to contribute to its locality.</p> <p>The proposed development uses building form and massing, setbacks and design to integrate it into the context of the street. The development has side and rear boundary setbacks that meet the quantitative recommendations, and its front setback meets the recommendation of the policy area will allow a substantial front yard.</p> <p>The roof form, building proportions and siting work to minimise the dominance of the vehicle garaging and to present a coherent form to the streetscape. An existing second driveway is being closed which will enhance the presentation of the allotment to the street.</p>
<p><b>PDC 8 Form and Character</b></p> <p><i>Development should comprise</i></p>	<p>The proposed development works to enhance</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>dwelling 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>the ability of the site to contribute positively to the street by replacing the existing discordant dwelling units with one single-storey detached dwelling which is considered to complement the desired character of the area. The settlement pattern and landscape setting of the proposed development is considered to be enhanced through the proposed development and its siting, landscape elements and modest built form.</p>
<p><b>PDC 9 Form and Character</b></p> <p><i>Development should present a single-storey built scale to its streetscape. Any second storey building elements should be:</i></p> <p><i>(a) integrated sympathetically into the dwelling design and landscape setting;</i></p> <p><i>(b) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the</i></p>	<p>The proposed dwelling is single storey.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>evident wall heights as viewed from the street;</i></p> <p><i>(c) set well behind the primary street façade of the dwelling so as to be inconspicuous from the streetscape.</i></p>	
<p><b>PDC 10 Form and Character</b></p> <p><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 desired character of the zone emphasises the building rhythms and scale, siting and setbacks and landscape features as key elements in promoting coherent and complementary developments. Being a single storey dwelling proposed to be located on a street with mixed dwelling styles and rhythms, the scale, streetscape setting and building siting are considered appropriate to ensure the building contributes positively to the desired character and contextual conditions of the area.</p>
<p><b>PDC 12 Form and Character</b></p> <p><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 primary street façade, where:</i></p> <p><i>(i) there is only one side boundary wall; (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>The proposed development satisfies PDC 12 (b)(c) in that the portion of the development which includes boundary development (being the garage and the alfresco area) are single storey, separate structures that are minor and subservient to the main dwelling and not part of the primary street façade; and the side setback on the other side of the proposed dwelling meets the recommendations of the Principles of Development Control.</p>
<p><b>PDC 13 Form and Character</b></p>	

Relevant Zone Principles of Development Control	Assessment
<p><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>While the proposed garage is not located to the rear of the dwelling, it is considered a recessive and minor element to the streetscape through the use of complementary materials, its siting as a structure that is not wholly under the main roof of the dwelling nor is it part of the dwelling's verandah. The roof form is designed to provide width and visual emphasis to the dwelling component of the development.</p> <p>At 6m in width, the garage is 39% of the width of the site. Given the garage's setback behind the façade of the dwelling, the design elements of the façade treatment and the roof form of the dwelling, it is considered that the garage is an articulated and modest building element where the dwelling component of the is visually emphasised over that of the garage.</p> <p>The proposed dwelling's ability to meet the side setback recommendation on the other side of the dwelling reinforces its suitability in the zone and in the context of the area.</p>
<p><b>PDC 14 Form and Character</b></p> <p><i>Vehicle access should be taken from:</i></p> <p><i>(a) a rear laneway or secondary street, or a common driveway shared between dwellings, wherever possible;</i></p> <p><i>(b) a driveway from the primary street frontage but only of a single car width for as long as is practicable to minimise the impact on the garden character, and on street trees and the road verge.</i></p>	<p>The primary street is the only available access for the subject site. The proposed driveway crossover is to replace the existing crossover in the relatively same location; narrowing it by 500mm, and closing the second driveway crossover to the western side of the allotment. At the point where the driveway meets the fence, the proposed driveway is 4.5m in width. This is considered an appropriate width for the street which allows for landscaping to the eastern fence to soften the amenity of the driveway.</p>

Relevant Zone Principles of Development Control	Assessment
<p><b>PDC 15 Form and Character</b></p> <p><i>Fencing of the primary street frontage should establish, or maintain, the desired character, compatibility with the style of the associated dwelling and its open streetscape presence, and comprise:</i></p> <p><i>(a) on narrow-fronted dwelling sites of up to 16 metres in street frontage - low and essentially open-style fencing, including picket, crimped wire or decorative mesh of up to 1.2 metres in height or low hedging also of up to 1.2 metres in height</i></p> <p><i>(b) on dwelling sites in excess of 16 metres in street frontage - low and essentially open-style fencing as in (a) but may also include masonry pier and plinth (palisade style) fencing with decorative open sections of up to 1.8 metres in total height.</i></p>	<p>The proposed front fence does not exceed 1.2m in height and comprises an open-styled decorative fence infill so as to be compatible with the desired character for the locality.</p>
<p><b>PDC 16 Land Division</b></p> <p><i>Land should only be divided where:</i></p> <p><i>(a) the resultant allotment(s) conform with the minimum allotment areas and frontage widths; or</i></p> <p><i>(b) the resultant allotment(s) are consistent with the desired character or a distinct prevailing pattern and character of a particular locality; or</i></p> <p><i>(c) the resultants allotment(s) are consistent with an approved and commenced development.</i></p>	<p>The proposed development seeks to construct one dwelling across an existing two parcels of land. This is considered to be an improvement on the discordant element of the existing strata arrangement as the proposed development, being one allotment containing one dwelling, is considered to be consistent with the desired character and the pattern of development for the locality.</p>

### **Policy Area Desired Character**

<b>Policy Area 11.2</b>
<b>Desired Character</b>
<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</i></p>

*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.*

**Assessment**

The proposed development seeks to add positively to the rhythm of buildings and landscaped features in the street. A single storey detached dwelling is proposed which has complementary features to allow it to complement the street.

Relevant Policy Area Principles of Development Control	Assessment
<p><b>PDC 1</b></p> <p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p>The proposed development is considered to retain the prevailing low scale of development and the coherent rhythm, building spacing and landscaped setting</p>
<p><b>PDC 2</b></p> <p><i>Development should:</i></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>The proposed development is replacing a built form and pattern of division which is considered incongruous to the desired character and key streetscape setting features. The allotment pattern that is proposed is more characteristic of the area and, with a dwelling front setback of 6.5m (within the recommended 6m-8m in depth) the rhythm of buildings in the street is reinforced as well as providing a substantial front yard and landscape features to satisfy the policy area.</p> <p>The form and scale of the proposed development is in keeping with the dwelling stock in the locality and while there is a mixture of dwelling styles and development patterns in the street, the proposed development offers a consistent scale and proportions for the streetscape as well as interesting articulation to provide relief and reduce the dominance of building elements to the streetscape and assist the proposed dwelling in complementing the area.</p>

<p><b>PDC 3</b></p> <p><i>In Policy Area 11 a dwelling should have a minimum site area and a frontage width to a public road not less than... [Policy Area 11.2 Landscape 400, minimum site area of 400sqm and minimum frontage of 12.5m]</i></p>	<p>The proposed development will reinstate the recommended pattern of development as per Policy Area 11.2</p>
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### **Relevant Council Wide Objectives and Principles of Development Control**

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

<b>City-wide Objectives and Principles of Development Control</b>		
<b>Residential Development</b>	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	5, 6, 13, 15, 23, 29, 33, 35

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

<b>Relevant Council Wide Provisions</b>	<b>Assessment</b>
<b>Residential Development</b>	
<b>PDC 5- Street and boundary setbacks</b>	<ul style="list-style-type: none"> <li>It is considered that the proposed development would contribute to the existing streetscape character and be compatible with the desired character of the zone. Side setbacks provide relief and articulation for surrounding properties. The front yard is substantial and private open space is sufficient.</li> </ul>
<b>PDC 6- Front setbacks</b>	<ul style="list-style-type: none"> <li>While the front setback of the proposed development is not the same distance as one or the other of the adjacent dwellings, the proposed dwelling occupies the same front setback as the existing dwelling on the site and will contribute to the mixed pattern created by the front setbacks of surrounding dwellings</li> </ul>
<b>PDC 13- Side and rear boundaries (Dwellings)</b>	<ul style="list-style-type: none"> <li>Except the garage and alfresco structure, the bulk of the proposed dwelling is off boundary, a minimum of 1m. Of particular importance, the side setback is maintained on the western side, with boundary development occurring only to the one side of the allotment.</li> </ul>
<b>PDC 15- Side and rear boundaries (Garages)</b>	<ul style="list-style-type: none"> <li>The proposed garage is located on boundary. With a length of 7m and a height of 3m, the dimensions and siting are considered appropriate for the site functionality, amenity and the locality, replacing a similar structure on boundary.</li> </ul>
<b>PDC 23- Building Form, Scale, Mass and Height</b>	<ul style="list-style-type: none"> <li>Being a single storey, street-presenting dwelling of modest wall height, appropriate setbacks and</li> </ul>

Relevant Council Wide Provisions	Assessment
	<p>utilising key design elements that reference the dwelling styles of the surrounding area, the proposed building form, scale, mass and height is considered compatible with development in the locality and, in particular, the desired character and built form parameters for the zone and policy area.</p>
<p><b>PDC 29- Garages and carports facing the street</b></p>	<ul style="list-style-type: none"> <li>• The roof form of the proposed dwelling partially covers the associated garage. The garage is considered to remain visually separated from the dwelling and subservient in scale and mass. The roof form allows the pattern and rhythm of the development to complement the locality without adding bulk or mass and maintaining an appropriate streetscape presentation.</li> </ul>
<p><b>PDC 33- Roof form and pitch. Buildings should be designed to incorporate well designed roofs.</b></p>	<ul style="list-style-type: none"> <li>• As discussed above, the proposed roof is considered to be appropriate for the area. It is a modest roof form of a hipped style which is complementary to the area so as to satisfy PDC 33 (a-f)</li> </ul>

## **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 meets the objectives and desired character statement of the zone and policy area
- The proposed development is considered of a scale, form and siting that enhances the streetscape character of the locality
- The proposed development is considered to contribute positively to the amenity of the local area
- The proposed development will not unreasonably compromise the amenity of the neighbouring residents.

The application is therefore recommended for Development Plan CONSENT.

## **12. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/976/2018/C2 at 8 Sheffield Street, Malvern 5061 to 'Demolish existing dwellings and construct single storey dwelling with garage and alfresco on boundary and front fence is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

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

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

4. 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#>
5. That the construction of the development shall minimise any disruption to the root system of the associated street tree growing in the verge in front of the property with no severing of roots with a diameter greater than 50 mm.

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

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

**ITEM 5**  
**DEVELOPMENT APPLICATION – 090/873/2018/C2 – 13 EUSTON AVENUE, HIGHGATE 5063 (FULLARTON)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/873/2018/C2
<b>ADDRESS:</b>	13 Euston Avenue, Highgate 5063
<b>DATE OF MEETING:</b>	16 April 2019
<b>AUTHOR:</b>	Chelsea Spangler
<b>DEVELOPMENT PROPOSAL:</b>	Erect outbuilding (including spa within)
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential (Landscape) Zone PA11.2 (400)
<b>APPLICANT:</b>	Chasa Greener
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (1 x oppose, 1 x support)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representation
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Height of outbuilding Impact to neighbouring residents

**1. PLANNING BACKGROUND**

No relevant Planning Background.

**2. DESCRIPTION OF PROPOSAL**

The applicant seeks to erect an outbuilding containing a spa in the rear yard of the subject site. This will also include the removal of an existing gazebo.

**3. SITE DESCRIPTION**

The subject site is located on the southern side Euston Avenue and within 40 metres of the intersection with Hampstead Avenue. The site has a frontage of 16.76 metres and an overall site area of 957.8m<sup>2</sup>.

The site contains a single storey dwelling with a carport and verandahs. There is also a small shed and gazebo located within the rear yard.

The allotment is not subject to any easements. There are also no regulated trees on or near the subject site.

**4. LOCALITY PLAN**



 Subject Site  Locality  1 Representations

## **5. LOCALITY DESCRIPTION**

### **Land Use**

The predominant land use within the locality is residential. Highgate Primary School is located to the west of the locality.

### **Land Division/Settlement Pattern**

The pattern of settlement is rather diverse with Torrens, Community and Strata Title allotments being present.

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

The locality includes a variety of dwelling types, styles and heights. Single storey detached 'Bungalow' and 'Double Frontage Cottage' style dwellings were the likely predominant dwelling description, however over time have been replaced.

## **6. STATUTORY REFERRALS**

No statutory referrals required.

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

No non-statutory (internal) referrals were undertaken.

## **8. PUBLIC NOTIFICATION**

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

<b>7 Hampstead Ave, Highgate (oppose – wishes to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Noise from Spa equipment	Have consulted with an Engineer who has made the following observations: <ul style="list-style-type: none"><li>- Spa is located within a freestanding building with a concrete base. This will minimise noise/ vibration from the spa;</li><li>- Spa is partially enclosed with a fibre cement sheet walls and a solid roof structure;</li><li>- Other walls are lined with shade fabric which is</li></ul>

	acoustically transparent, hence noise will be minimal.
Loss of light due to overshadowing	The structure may result in minor loss of morning sun however any shading arising from the new structure will have disappeared by late morning. A shadow diagram has also been provided
Impact to visual amenity	The neighbours view towards our property currently comprises of large trees on both sides of the fence.  Due to their lower ground level, the neighbours will be looking towards the upper section of the western side of our proposed building, over the top of the existing fence.

(\* denotes non-valid planning considerations)

Both the representor and applicant, have submitted further information, following the original representation and applicant response. All this information can be found within Appendix B & C.

## 9. DEVELOPMENT DATA

Site Characteristics	Outbuilding with Spa	Development Plan Provision
Total Site Area	957.8m <sup>2</sup>	400m <sup>2</sup>
Frontage	16.76m	12.5m
Depth	57.15m	20m
<b>Building Characteristics</b>		
<b>Site Coverage</b>		
Roofed Buildings	29%	≤50% of site area
<b>Setbacks</b>		
Front boundary (north)	42.5m	At least 1.0m further than the setback of the associated dwelling
Side boundary (west)	1.0m	At least 600mm off the boundary or on the boundary
Side boundary (east)	9.25m	At least 600mm off the boundary or on the boundary
Rear boundary (south)	8.0m	At least 600mm off the boundary or on the boundary
<b>Private Open Space</b>		
Total Area	44%	≥20%

Outbuildings		
Wall Height	<b>3.3m</b>	≤3m above ground level
Total Height	4.35m	≤5m
Total Floor Area	42.25m <sup>2</sup> (4.4%)	≤80m <sup>2</sup> or 10% of the site, whichever is the lesser
Colours and Materials		
Roof	"Mangrove" (grey) Colorbond roofing	
Walls	Rendered harditex painted "cove", shade fabric	

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

## 10. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<b>Residential Streetscape (Landscape) Zone</b>
<p><i><b>Objective 1:</b> Enhancement of the distinctive and primarily coherent streetscapes by retaining and complementing the built form, setting and surrounding landscape features.</i></p> <p><i><b>Objective 2:</b> A residential zone for primarily street-fronting. Dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</i></p> <p><i><b>Objective 3:</b> 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.</i></p> <p><i><b>Objective 4:</b> Development that contributes to the desired character of the zone.</i></p>
<b>Desired Character</b>
<p><i>The Residential Streetscape (Landscape) Zone encompasses much of the living area in the south eastern section of Unley. The zone is distinguished by coherent streetscape patterns. These attributes include the consistent:</i></p> <ol style="list-style-type: none"> <li><i>a) rhythm of building sitings, scale, form and setbacks (front and side) and gaps between buildings;</i></li> <li><i>b) allotment and road patterns;</i></li> <li><i>c) landscape features within streetscapes, including the road verge and forward of the building façade.</i></li> </ol> <p><i>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:</i></p> <ol style="list-style-type: none"> <li><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></li> <li><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></li> </ol>

<p>c) <i>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.</i></p>
<p><b>Assessment</b></p> <p>The applicant proposes to erect an outbuilding containing a spa, within the rear yard of the subject site. The existing dwelling is to be retained and the outbuilding is to be located over 40 metres from the front boundary. Given that the outbuilding will have minimal visibility (if any) to Euston Avenue, there will be no impact to the existing streetscape.</p>

Relevant Zone Principles of Development Control	Assessment
<p><b>PDC 1- Land Use</b>  <i>The following forms of development are envisaged in the zone:</i>  <i>Affordable housing</i>  <i>Domestic outbuilding in association with a dwelling</i>  <i>Domestic structure</i>  <i>Dwelling</i>  <i>Dwelling addition</i>  <i>Small-scale non-residential use in existing non-residential buildings that serves the local community</i>  <i>Supported accommodation.</i></p>	<p>The subject development is for a domestic outbuilding in association with an existing dwelling.</p>
<p><b>PDC 5 – Land Use</b>  <i>The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.</i></p>	<p>The proposed outbuilding is to be freestanding and will be located within the rear yard of the subject site. The outbuilding is of a scale that is clearly ancillary to the existing dwelling.</p>

**Policy Area Desired Character and Principles of Development Control**

<p><b>Landscape Policy Area 11</b></p>
<p><b>Desired Character</b></p> <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>
<p><b>Assessment</b></p> <p>The proposed development is for a domestic outbuilding associated with an existing dwelling. The outbuilding is not of a bulk or scale that will impact on the prevailing low</p>

scale development within the locality of Highgate.

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

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

<b>City-wide Objectives and Principles of Development Control</b>		
<b>Design and Appearance</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 9, 10
<b>Residential Development</b>	<i>Objectives</i>	1, 2, 5
	<i>PDCs</i>	1, 8, 15, 16, 17, 19, 20, 23, 24, 30, 32, 33, 40, 41, 50

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

<b>Relevant Council Wide Provisions</b>	<b>Assessment</b>
<b>Residential Development</b>	
<p><b>PDC 30 – Building Form, Scale, Mass and Height – Outbuildings</b>  <i>Outbuildings and like structures should be sited and designed to be ancillary to the dwelling and not visually dominate the locality by having:</i></p> <p>(a) <i>a maximum wall height of 3 metres and roof height of 5 metres (sited at least 2 metres from the side boundary) above ground level;</i></p> <p>(b) <i>a maximum wall length of 8 metres for solid walls and 12 metres for open-sided structures (including all other boundary walls) or no longer than 50 percent of the boundary length behind the front face of the dwelling, whichever is the lesser amount;</i></p> <p>(c) <i>a total floor area not exceeding 80 square metres or 10 percent of the site, whichever is the lesser amount.</i></p>	<ul style="list-style-type: none"> <li>• The proposed outbuilding is to be located to the rear of an existing dwelling and will have very little visual impact to the street;</li> <li>• The overall height of the outbuilding will be less than 5 metres from ground level;</li> <li>• The wall height of outbuilding is to be 3.3 metres from ground level. This exceeds the recommended maximum height of 3 metres. This height is a result of the outbuilding having an internal floor to ceiling height of 2.4m, given the internal floor area is to be raised (470mm) for the above ground spa;</li> <li>• The outbuilding is to be square in shape with wall lengths of 6.5 metres;</li> <li>• The outbuilding is not to be sited along a common boundary but is rather setback at least 1m from the closest boundary;</li> <li>• The floor area of the outbuilding is 42.25m<sup>2</sup> which only equates to 4.4% of the site area.</li> </ul>
<p><b>PDC 40 – Overlooking</b>  <i>Decks and finished levels adjacent to pools/spas have a maximum finished height of 0.5 metres above ground level within 5 metres of a property boundary and 1.5 metres above ground level elsewhere on the site,</i></p>	<ul style="list-style-type: none"> <li>• The finished floor level of the decking/ floor adjacent to the spa is to be approximately 470mm;</li> <li>• The finished floor level of the outbuilding complies with the requirements of PDC 40;</li> </ul>

Relevant Council Wide Provisions	Assessment
<p><i>subject to adequate screening to minimise overlooking into adjoining properties.</i></p>	<ul style="list-style-type: none"> <li>• If also considering the fall of the land towards the western boundary, it is noted that there are no windows along the western façade of the outbuilding, therefore no opportunity for overlooking.</li> </ul>
<p><b>PDC 50 – Swimming pools and outdoor spas</b>  <i>Swimming pools, outdoor spa baths and ancillary equipment and structures should be designed and located so as to protect the privacy and visual and acoustic amenity of adjoining residential occupiers and should be constructed in accordance with the following parameters:</i></p> <p>(a) <i>located at least 1.5 metres from any adjoining residential property boundary;</i></p> <p>(b) <i>ancillary pool and spa equipment is located within a sound attenuated enclosure and located at least 5 metres from a habitable room window in an adjoining residential building;</i></p> <p>(c) <i>have a maximum finished height above ground level of 0.5 metres for in-ground pools/spas and 1.5 metres for above-ground pools/spas.</i></p>	<ul style="list-style-type: none"> <li>• The spa is located within an outbuilding that is to be located at least 1 metre from the western common boundary. Whilst this falls short of the 1.5 metres recommended by PDC 50, it is noted that: <ul style="list-style-type: none"> <li>○ 1.5m is also recommended for pools and spas that are not enclosed;</li> <li>○ The outbuilding will provide additional privacy and acoustic amenity.</li> </ul> </li> <li>• The spa equipment is at least 5 metres away from a habitable room window of an adjacent residential dwelling;</li> <li>• The spa is shown to be approximately 0.9m above ground level and therefore satisfies PDC 50 (c).</li> </ul>

## 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:

- Domestic outbuildings are an envisaged form of development within the Residential Streetscape (Landscape) Zone;
- The proposed outbuilding is ancillary to an existing dwelling and will have no impact upon the streetscape contribution of that dwelling to the street;
- The outbuilding is to accommodate an above ground spa and has been designed and sited to provide additional privacy and acoustic amenity to adjoining residential occupiers.

The application is therefore recommended for Development Plan CONSENT.

## **12. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/873/2018/C2 at 13 Euston Avenue, Highgate 5063 to 'Erect outbuilding (including spa within)', 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. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment.
3. That waste water from the swimming pool shall be discharged to the sewer, and not be allowed to flow onto adjoining properties or the street water table under any circumstances.
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.

### **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.
- 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**.
- Noise generated from ancillary pool and/or spa equipment must not exceed the maximum noise level recommended by the EPA. For this purpose, noise generated from ancillary pool / spa equipment shall not exceed 52 db(a) between 7am and 10pm and 45 db(a) between 10pm and 7am on any day, measured from a habitable room window or private open space of an adjoining dwelling.

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

**ITEM 6****DEVELOPMENT APPLICATION – 090/656/2018/C2 – 24 HATHERLEY AVENUE, HYDE PARK SA 5061 (UNLEY PARK)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/656/2018/C2
<b>ADDRESS:</b>	24 Hatherley Avenue, Hyde Park SA 5061
<b>DATE OF MEETING:</b>	16 April 2019
<b>AUTHOR:</b>	Chelsea Spangler
<b>DEVELOPMENT PROPOSAL:</b>	Demolish existing dwelling and construct two storey dwelling including garage and verandahs
<b>HERITAGE VALUE:</b>	Adjacent to Local Heritage Place (LHP)
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential Streetscape (Built Form) Zone Policy Area 9 – Spacious Precinct 9.4 – Millswood, Hyde Park (West) and Goodwood (South)
<b>APPLICANT:</b>	Rossdale Homes Pty Ltd
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (three – 1x support, 2x oppose)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representations
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Demolition of existing dwelling Incoherence of streetscape Garage width

**1. PLANNING BACKGROUND**

No relevant Planning Background.

**2. DESCRIPTION OF PROPOSAL**

The applicant seeks to construct a two-storey detached dwelling with a double garage and verandahs.

### 3. SITE DESCRIPTION

The subject site is described as Allotment 24 on Deposited Plan 2096, Volume 5585, Folio 740. The allotment is rectangular in shape with a frontage of 17.98 metres and an overall site area of 888m<sup>2</sup>. There are no easements affecting the site.

The site contains a street fronting, single storey dwelling with verandahs and garage. There is a 2.1m high brush fence with timber sliding gates along the front boundary.

There are currently two crossovers servicing the subject site, with a semi-circular driveway between.

### 4. LOCALITY PLAN



 Subject Site  Locality  1 Representations

## **5. LOCALITY DESCRIPTION**

### **Land Use**

The predominant land use within the locality is residential.

### **Land Division/Settlement Pattern**

The settlement pattern of the locality is rather varied with the existing allotments being clearly at variance with that described as the predominant allotment size of Precinct 9.4.

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

There are a range of dwelling types including detached, semi-detached and residential flat building up to two storeys in height. Within the immediate locality and especially along Hatherley Avenue, there are very few character dwellings.

### **Fencing Styles**

The locality does not have a consistent style or height of fencing.

## **6. STATUTORY REFERRALS**

No statutory referrals required.

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

The application was also referred to Council's Assets Department due to the plans indicating that there will be a new crossover to Hatherley Avenue. The following comments were received:

- *The existing street frontage of this property already has a 3.8m crossover at the eastern end, 1.3m west of the eastern boundary.*
- *From an assets perspective there are no concerns with the proposed crossover location and closure of the existing crossover at the western end of the property.*

Please note that whilst the subject site abuts a Local Heritage Place (LHP), the application was not referred to the Heritage Consultant in this instance as the proposed dwelling is considered to have a similar or reduced impact to the LHP than the existing dwelling.

## 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 opposing the development as detailed below.

<b>55 Commercial Rd, Hyde Park (oppose)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
East elevation plan shows windows that overlook into property	The applicant has provided amended plans that show obscured upper floor windows with restricted openings.
<b>35 Wood St, Hyde Park (oppose)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Concerns with the bulk, mass, scale of proposed dwelling	The new dwelling will be 5 metres forward of the existing dwelling and has a smaller upper level than the existing house. The new dwelling should actually improve the impact to the western neighbours.
Siting and design should be considered in context of locality	No response provided.
Overshadowing impacts and reduced access to sunlight	The applicant has provided shadow diagrams to show the extent of shadowing on the 21 <sup>st</sup> June.
Overlooking impacts	The applicant has provided amended plans that show obscured upper floor windows with restricted openings.

(\* denotes non-valid planning considerations)

## 9. DEVELOPMENT DATA

<b>Site Characteristics</b>	<b>Two storey dwelling</b>	<b>Development Plan Provision</b>
Total Site Area	888m <sup>2</sup>	600m <sup>2</sup>
Frontage	17.98m	15m
Depth	49.38m	20m
<b>Building Characteristics</b>		
<b>Floor Area</b>		
Ground Floor	317.85m <sup>2</sup>	
Upper Floor	68.17m <sup>2</sup> 21.5% of ground floor	≤50% of ground floor
<b>Site Coverage</b>		
Roofed Buildings	35.8%	≤50% of site area

Total Impervious Areas	43%	≤70% of site
<b>Setbacks</b>		
<b>Ground Floor</b>		
Front boundary (south)	5.04m	Same distance as the adjoining dwelling with the same street frontage
Side boundary (west)	1.67m	On boundary or 1.0m (on boundary on one side only)
Side boundary (east)	1.0m	On boundary or 1.0m (on boundary on one side only)
Rear boundary (north)	24.2m	5.0m
<b>Upper Floor</b>		
Front boundary (south)	12.7m	
Side boundary (west)	7.5m	3.0m
Side boundary (east)	3.7m	3.0m
Rear boundary (north)	24.2m	8.0m
<b>Private Open Space</b>		
Min Dimension	17.98m x 20m	≥4m minimum
Total Area	50%	≥20%
<b>Car parking and Access</b>		
On-site Car Parking	3 spaces	3 per dwelling where 4 bedrooms or more or floor area 250m <sup>2</sup> or more
Covered on-site parking	2 spaces	≥2 car-parking spaces
On-street Parking	2 spaces	0.5 per dwelling
Driveway Width	3.7m	3m Single
Garage Width	6.24m ( <b>34.7%</b> )	≤6.5m or ≤30% of site width, whichever is the lesser
Garage Internal Dimensions	6.23m x 6.49m	5.8m x 6m for double
<b>Colours and Materials</b>		
Roof	Colorbond 'shale grey'	
Walls	Rendered walls in 'castle grey', white coloured trim	
Fencing	As existing	

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

## 10. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<b>Residential Streetscape (Built Form) Zone</b>
<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</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</i>

*businesses and community facilities*

*Objective 3 – Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households*

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

### **Desired Character**

#### **Streetscape Value**

*The zone is distinguished by those collective features (termed “streetscape attributes”) making up the variable, but coherent streetscape patterns characterising its various policy areas and precincts. These attributes include the:*

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

#### **Streetscape Attributes**

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

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

### **Assessment**

Firstly, it is noted that the locality in which the subject dwelling is proposed is at variance with the desired character statement of the Built Form Zone. On either side of the subject site are large garages, located close to the Hatherley Avenue boundary. Directly across the road are three, two storey apartment buildings. The locality therefore cannot be described as an area of distinctive and coherent streetscapes.

It is noted that whilst the subject site contains an existing character style Tudor dwelling, this dwelling and the wider locality are not consistent with the desired character of the Zone, as described above. The applicant seeks to demolish the existing dwelling and construct a new dwelling that has been designed to complement those described streetscape attributes whilst fully utilising the entire site.

Relevant Zone Principles of Development Control	Assessment
<p><b>PDC 6 – Replacement Dwelling</b>  <i>Demolition of the whole of a building should only be undertaken – where the replacement building(s) makes a comparable or more positive contribution to the desired character than the building to be demolished, or alternatively where the building to be demolished:</i></p> <p>e) <i>Is structurally unsafe or so unsound as to be unreasonably economically rehabilitated; or</i></p> <p>f) <i>Is so compromised or altered that there is no reasonable prospect of its original character being revealed; or</i></p> <p>g) <i>Adds little value to the desired character due to its discordant form and poor streetscape contribution; or</i></p> <p>h) <i>Is incongruous with, and makes a poor contribution to the particular character of its streetscape</i></p>	<p>The existing dwelling is a Tudor style dwelling that has undergone some alterations since its original construction. The changes to the dwelling however do not suggest that the dwelling is so compromised or altered that there is no reasonable prospect of its original character being revealed. The dwelling is still considered to make a contribution to the streetscape; therefore PDC 6(b), (c) and (d) do not apply. The applicant has also not demonstrated that removal is justified under PDC 6 (a).</p> <p>The justification for removal is however given through the favourable design, siting and form of the proposed new dwelling. The design of the new dwelling references that of a bungalow style, a style that is one of the predominant architectural styles described for Precinct 9.4. The new dwelling will also:</p> <ul style="list-style-type: none"> <li>• Be set closer to Hatherley Avenue, in order to try and reduce the dominance of the neighbouring garages;</li> <li>• Continue to be set back from the side boundaries;</li> <li>• Increase the space between the proposed dwelling and Local Heritage listed building to the east;</li> <li>• Have a reduced roof pitch to better complement those character dwellings found within the wider locality;</li> <li>• Incorporate large gable elements within the roof form.</li> </ul> <p>On balance, it is concluded that the new dwelling makes a comparable contribution to the streetscape as per that of the dwelling to be demolished.</p>
<p><b>PDC 9 – New Development</b>  <i>Development should present a single storey built scale to the streetscape. Any second storey building elements should be integrated sympathetically into the</i></p>	<p>The proposed dwelling is to be two storeys in height. The dwelling however will present to Hatherley Avenue as a single storey dwelling with an exaggerated roof form.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>dwelling design, and be either:</i></p> <p>(c) <i>incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street; or</i></p> <p>(d) <i>set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.</i></p>	<p>It is therefore considered that the second storey will be inconspicuous within the streetscape, given that:</p> <ul style="list-style-type: none"> <li>• no upper level windows will face the street;</li> <li>• the upper level is partly incorporated into the ground floor roof;</li> <li>• it is setback an additional 7 metres from the front façade of the ground level;</li> <li>• wall heights will appear as a single storey to the street;</li> <li>• the upper level element is located centrally on the property to ensure that the neighbours spacious conditions are retained.</li> </ul> <p>It is considered that the dwelling generally satisfies PDC 9(b).</p>
<p><b>PDC 10</b>  <i>Buildings should be of a high-quality contemporary design and not replicate historic styles. Buildings should nonetheless suitably reference the contextual conditions of the locality and contribute positively to the desired character, particularly in terms of:</i></p> <p>d) <i>Scale and form of buildings relative to their setbacks as well as the overall size of the site; and</i></p> <p>e) <i>Characteristic patterns of buildings and spaces (front and side setbacks), and gaps between buildings; and</i></p> <p>f) <i>Primarily open front fencing and garden character and the strong presence of buildings fronting the street.</i></p>	<p>The proposed dwelling is of a contemporary design that has a focus of referencing the Bungalow style dwelling. A bungalow is one of three architectural styles, that are described as predominant within Precinct 9.4.</p> <p>It is difficult to ascertain whether the proposed dwelling suitably references the contextual conditions of the locality, given the locality is so at odds with the desired character. It is noted however that:</p> <ul style="list-style-type: none"> <li>• The proposed dwelling is to be a street fronting dwelling;</li> <li>• The proposed dwelling is to be set closer to the street in order to try to ensure its prominence against garages and residential flat buildings;</li> <li>• The dwelling will be setback from all boundaries;</li> <li>• The siting of the proposed dwelling will not be at variance with a traditional settlement pattern;</li> <li>• The design of the proposed dwelling will not be at variance with a coherent character area.</li> </ul>

Relevant Zone Principles of Development Control	Assessment
<p><b>PDC 12</b>  <i>In localities where the built character and streetscape qualities are incoherent or generally in discord with the desired character, development should redevelop a site by replacing the discordance elements, key features or materials and better support the desired character.</i></p>	<p>The existing dwelling is of a Tudor style, a style that is not one of the predominant architectural styles of the locality. The new dwelling is of a contemporary style that will make reference to the Bungalow style, that is a predominant architectural style. The proposed development is therefore considered to be making efforts to bring a highly incoherent streetscape, in line with the desired character.</p>
<p><b>PDC 14 – Carports &amp; Garages</b>  <i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <ul style="list-style-type: none"> <li><i>(c) be located to the rear of the dwelling as a freestanding outbuilding; or</i></li> <li><i>(d) 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> <ul style="list-style-type: none"> <li><i>v. incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and</i></li> <li><i>vi. 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></li> <li><i>vii. have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and</i></li> <li><i>viii. 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></li> </ul> </li> </ul>	<p>The proposed double garage is somewhat at odds with PDC 14, however is still considered to have the following attributes:</p> <ul style="list-style-type: none"> <li>• is located to the side of the proposed dwelling;</li> <li>• is to be set back 1 metre further than the main face of the dwelling;</li> <li>• is to be of a design that includes no decorative elements;</li> <li>• is to be the same colour and materials as the dwelling;</li> <li>• is not incorporated as part of the front verandah;</li> <li>• is not sited along the side boundary;</li> <li>• will be located near the eastern side boundary where the neighbours' large brick double garage is the dominant feature of the streetscape;</li> <li>• the garage is to be accessed via one crossover which will allow one crossover to be closed. This will provide the opportunity to increase the landscaping areas within the front garden.</li> </ul> <p>Given the above, it is considered that the garage is acceptable within the context of the locality.</p>

## Policy Area Desired Character

<b>Policy Area 9 - Spacious</b>						
<b>Desired Character</b>						
<p><i>The streetscape attributes include the:</i></p> <p>(a) <i>low scale building development;</i></p> <p>(b) <i>spacious road verges and front and side building setbacks from the street;</i></p> <p>(c) <i>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></p> <p>(d) <i>varied but coherent rhythm of buildings and spaces along its streets.</i></p> <p><i>Development will:</i></p> <p>(a) <i>be of a street-front dwelling format, primarily detached dwellings; and</i></p> <p>(b) <i>maintain or enhance the streetscape attributes comprising:</i></p> <p>(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></p> <p>(ii) <i>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></p> <p>(iii) <i>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></p>						
<b>Precinct</b>	<b>Predominant Architectural Style</b>	<b>Predominant Allotment Size</b>		<b>Predominant Setbacks</b>		
		<b>Area</b>	<b>Width</b>	<b>Street setbacks</b>	<b>Minimum side setbacks</b>	<b>Collective side setbacks†</b>
9.4 Millswood, Hyde Park (West) and Goodwood (South)	as per Precinct 9.3	600m <sup>2</sup>	15m	6.0m	1.0m	5.0m
9.3 Kings Park	Cottages, Villas, and Bungalows	750m <sup>2</sup>	18m	8.0m	1.5m	7.0m
<b>Assessment</b>						
<p>The subject site is located within the Spacious Policy area of the Residential Streetscape (Built Form) Zone. The proposed development is to demolish an existing dwelling and construct a replacement dwelling that fronts onto Hatherley Avenue. The new dwelling largely maintains the desired streetscape attributes by:</p> <ul style="list-style-type: none"> <li>• Maintaining a single storey dwelling to the street;</li> </ul>						

- Proposing a front setback that is closer to the street, to ensure the prominence of dwellings over ancillary components such as garages etc;
- Referencing the bungalow style dwelling, which is one of the predominant dwelling styles within the locality;
- Incorporating key features of character dwellings including the roof pitch, front verandah and side setbacks;
- Reducing the amount of driveway to the front of the dwelling and allowing for a front garden to be established.

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

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

<b>City-wide Objectives and Principles of Development Control</b>		
<b>Design and Appearance</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 8, 9, 10, 12, 13, 14, 15, 19, 21
<b>Residential Development</b>	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 5, 6, 8, 13, 15, 16, 17, 18, 19, 20, 23, 24, 29, 30, 31, 32, 33, 34, 36, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49

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

<b>Relevant Council Wide Provisions</b>	<b>Assessment</b>
<b>Residential Development</b>	
<p><b>PDC 29 – Building Form, Scale, Mass and Height – Garages and Carports</b></p> <p><i>Garages and carports facing the street (excluding public lanes) should reinforce the prominence of the associated dwelling in the streetscape, and be compatible with the prevailing built form within the zone and locality, and in any case:</i></p> <p><i>(a) have a roof form that visually distinguishes between the garage/ carport and the main dwelling and should not be in the form of an extension to the main roof line of the associated dwelling;</i></p> <p><i>(b) be compatible with, but substantially subservient in scale, mass and height to, the associated dwelling and adjacent dwellings;</i></p> <p><i>(c) have a width of no greater than 30 percent of the site width or a maximum garage or carport width of 6.5 metres, whichever is the lesser amount;</i></p>	<p>The proposed dwelling includes a double garage that is more than 30 percent of the site width. It is noted however that:</p> <ul style="list-style-type: none"> <li>• it only marginally exceeds the recommended width;</li> <li>• the garage is setback from the main face of the dwelling;</li> <li>• the garage is under a roof that is distinguished from the main dwelling;</li> <li>• the garage is to be adjacent to a large double garage located on the eastern neighbouring property, that is only setback 1m from the street;</li> <li>• the garage is to be of a colour and material that complements the proposed dwelling;</li> <li>• the proposed double garage will not be out of character within the existing streetscape;</li> <li>• the garage is setback from the side boundary by 1 metre;</li> <li>• there is an opportunity for landscaping to be established/</li> </ul>

Relevant Council Wide Provisions	Assessment
<p><i>(d) reduce the scale of wide garages by the adoption of one or more of the following design measures:</i></p> <ul style="list-style-type: none"> <li><i>(i) single width doors horizontally separated by no less than 300 millimetres;</i></li> <li><i>(ii) limiting double width garage openings to no wider than 5 metres;</i></li> <li><i>(iii) increased setback behind the main façade of the associated dwelling or sited and designed to be obscured or partially obscured from the streetscape.</i></li> </ul>	<p>retained along the eastern boundary, further reducing the impact of the double garage;</p> <ul style="list-style-type: none"> <li>• the garage is of a scale that is subservient to the proposed dwelling.</li> </ul> <p>Given the context of the site as well as the siting and design of the proposed garage, it is considered that the garage is acceptable in this instance.</p>
<p><b>PDC 38 &amp; 39 – Overlooking</b>  <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"> <li><i>(a) orientate and stagger windows and upper level viewing areas to prevent direct views into adjoining property indoor and outdoor living areas;</i></li> <li><i>(b) obscure viewing by raising window sills or incorporating obscure glass windows to a height at least 1.7 metres above floor level;</i></li> <li><i>(c) use permanently fixed external screening devices such as screens, fences, wing walls, panels, planter boxes or similar measures adequate to restrict 120 degree views;</i></li> <li><i>(d) 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></li> <li><i>(e) incorporate plants capable of providing and seasonally sustaining a privacy screen.</i></li> </ul>	<p>The two-storey dwelling satisfies PDC 38 &amp; 39 as all upper floor windows will incorporate obscured glass windows. Some of the windows are also proposed to be openable. A window opening of 100mm is considered to be acceptable and will ensure that any overlooking of adjacent properties is minimised. A condition is recommended to be placed on the Planning Consent to ensure ongoing compliance with this provision.</p>
<p><b>PDC 41 – Overshadowing</b>  <i>Development should allow direct winter sunlight access to adjacent residential properties and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <li><i>(a) living room windows, wherever practicable;</i></li> </ul>	<p>Shadow diagrams have been provided that show the extent of shadowing on 21<sup>st</sup> June. It is considered that the proposed development will not result in overshadowing that will be of detriment to the neighbouring properties as:</p> <ul style="list-style-type: none"> <li>• the site is oriented (i.e. north to south) in a manner that is</li> </ul>

Relevant Council Wide Provisions	Assessment
<p><i>(b) the majority of private open space areas, communal open space and upper level balconies that provide the primary open space provision;</i></p> <p><i>(c) roof areas, preferably north facing and suitable for the siting of at least 4 solar panels on any dwelling;</i></p> <p><i>or where such affected areas are already shaded, the additional impact should not significantly worsen the available sunlight access.</i></p>	<p>conducive to allow for direct winter sunlight access;</p> <ul style="list-style-type: none"> <li>• there are no properties located directly south of the subject site, it is only a public road to which the dwelling faces;</li> <li>• The new dwelling is to be sited so that it will allow for direct sunlight to access the private open space areas and habitable room windows of neighbouring dwellings at some length during winter solstice;</li> <li>• the new dwelling is to be set further south on the subject site and therefore any areas that are currently shaded will not be worsened.</li> </ul>

## 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 existing dwelling is of style that is not recognised a predominant architectural style for the Spacious Policy Area, Precinct 9.4;
- The locality is considered to be at variance with that described for Precinct 9.4 and therefore the proposed dwelling will not be out of character with the existing streetscape;
- The proposed dwelling is appropriately designed and sited to support the desired character of the Residential Streetscape (Built Form) Zone and Spacious Policy area;
- The proposed upper storey of the new dwelling is considered to be inconspicuous within the streetscape and is not of a height and bulk that will impact on neighbouring properties;
- The proposed double garage has been designed and sited so that it will not visually dominate the locality and the associated dwelling;
- The proposed development would not result in any unreasonable impact on the amenity of neighbouring residents.

The application is therefore recommended for Development Plan CONSENT.

## **12. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/656/2018/C2 at 24 Hatherley Avenue, Hyde Park SA 5061 to 'Demolish existing dwelling and construct two storey dwelling including garage 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. That the upper floor windows be treated to avoid overlooking prior to occupation by being fitted with restricted open windows (to maximum opening of 100mm) translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing and restricted opening to be kept in place at all times.
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.
5. That the existing western crossover shall be closed and reinstated with kerb and water table in accordance with Council requirements and at the applicant's expense, prior to occupation of the development.

### **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.
- 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**.
- 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.

- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).
- The applicant must ensure that where a regulated tree is located on or near the development site, any development must be carried out in accordance with Australian Standard 4970-2009: Protection of trees on development sites.

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

**ITEM 7****DEVELOPMENT APPLICATION – 090/739/2018/C2 – 17 OPHIR STREET,  
GOODWOOD SA 5034 (GOODWOOD)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/739/2018/C2
<b>ADDRESS:</b>	17 Ophir Street, Goodwood SA 5034
<b>DATE OF MEETING:</b>	16 April 2019
<b>AUTHOR:</b>	Brendan Fewster
<b>DEVELOPMENT PROPOSAL:</b>	Demolition of existing dwelling and construct single storey dwelling with verandah and carport on boundary
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	RESIDENTIAL STREETScape (BUILT FORM) ZONE Policy Area 8 - Compact Precinct 8.2 Goodwood and Hyde Park
<b>APPLICANT:</b>	Fairmont Homes Group Pty Ltd
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (3 oppose)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representations
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Building demolition Built form Streetscape character Carport on boundary

**1. PLANNING BACKGROUND**

No relevant Planning Background.

**2. DESCRIPTION OF PROPOSAL**

The proposal comprises the demolition of an existing single storey dwelling and the construction of a single storey detached dwelling with a carport and alfresco under the main roof.

The proposed dwelling is contemporary, with more traditional forms and detailing that include a series of pitched roofs with Dutch gables, infill panelling to gables, a single pitch verandah with masonry pillars and decorative banding.

External materials and finishes include painted render (Wattyl Scallopini) and brick (Biscotti) wall cladding, aluminium frame windows and doors (White Birch) and colorbond roof sheeting (Monument).

The main front wall of the dwelling is setback a minimum of 4.8 metres from the front boundary, with the carport setback further at 6.72 metres. The carport is sited on the western side boundary for a length of 11 metres.

**3. SITE DESCRIPTION**

The subject land is a residential property located at 17 Ophir Street, Goodwood. The allotment is a rectangular shape with a frontage width of 15.24 metres and a total area of 534m<sup>2</sup>.

The land is naturally flat with only a gentle fall from the rear of the property to the road frontage. Occupying the land is a single storey dwelling. There are no Regulated trees on the site or adjoining properties.

**4. LOCALITY PLAN**



**5. LOCALITY DESCRIPTION**  Subject Site  Locality  1 Representations

## **Land Use**

The locality is entirely residential in land use. Existing development consists of detached dwellings at low densities, with several group dwellings and residential flat buildings immediately south of the subject land.

## **Land Division/Settlement Pattern**

The original allotment layout and development pattern is largely intact except for land immediately south of the subject land which has been fragmented by infill development. Allotments along Ophir Street are typically rectangular with relatively consistent road boundary setbacks.

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

Existing dwelling styles include bungalows, cottages, villas and there are several modern dwellings at the eastern and western ends of Ophir Street. Dwellings are typically single storey with pitched roofs.

## **Fencing Styles**

Fencing comprises predominantly of low timber pickets however there are taller brush and solid panel fences observed along Ophir Street.

## **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 three (3) representations were received as detailed below:

<b>12 OPHIR STREET, GOODWOOD (oppose) – 2 representations</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
The façade is an attractive double frontage cottage and there is no obvious reason for the façade not to be retained.	No comment provided
Demolishing the façade is in breach of the Objective 1, 3 and 4 of the Development Plan.	No comment provided

The proposed dwelling will not make a comparable or more positive contribution to the desired character than restoring the front of the existing building.	The proposed dwelling has been designed in accordance with the Council Development Plan.
The proposed façade with large verandah pillars is not in keeping with the area.	The proposed dwelling has been designed in accordance with the Council Development Plan
It is unclear what the proposed development will look like.	The proposed dwelling has been designed in accordance with the Council Development Plan
<b>19 OPHIR STREET, GOODWOOD (oppose)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Impact on amenity as the carport and side entry door would be adjacent to our main bedroom window. The existing fence will provide minimal privacy and noise attenuation.	The access door to the laundry is not the primary entrance and will only be used during laundry duties.
The boundary fence should be increased in height to 2.1 metres.	Additional screening can be provided at the owner's expense.
Concerns regarding the adequacy of the carport gutters.	The engineered drainage plan addresses any stormwater or flooding concerns.

## 9. ADMINISTRATION NEGOTIATIONS

The applicant has amended the original proposal following concerns raised by staff.

The amendments to original proposal include:

- The roof line over the carport has been lowered and the length reduced; and
- The front setback to the carport has been increased so the carport is recessed 1.9 metres behind the main building façade.



## Front façade of the original proposal

### 10. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	534m <sup>2</sup>	Existing
Frontage	15.24m	Existing
Depth	35.05m	Existing
<b>Building Characteristics</b>		
<b>Floor Area</b>		
Ground Floor	308.63m <sup>2</sup>	
<b>Site Coverage</b>		
Roofed Buildings	<b>58%</b>	<b>≤50% of site area</b>
Total Impervious Areas	65% approx.	≤70% of site
<b>Total Building Height</b>		
From ground level	6.0m	
<b>Setbacks</b>		
<b>Ground Floor</b>		
Front boundary (north)	<b>4.8m</b>	<b>6m</b>
Side boundary (east)	1m	1m
Side boundary (west)	3.76m	1m
Rear boundary (south)	8.85m rear wall 5.1m alfresco	5m
<b>Boundary Development (carport)</b>		
Location	Western boundary	
Length	11m (open structure)	≤12m or ≤50% of the boundary length, whichever is the lesser
Height	3m	≤3m
<b>Private Open Space</b>		
Min Dimension	15x8.85m	≥4m minimum
Total Area	135m <sup>2</sup> (25%)	20%
<b>Car parking and Access</b>		
On-site Car Parking	2 covered & 1 visitor	2 per dwelling where less than 4 bedrooms or 250m <sup>2</sup> floor area 3 per dwelling where 4 bedrooms or more or floor area 250m <sup>2</sup> or more
Driveway Width	3.0m	3m Single 5m double
Garage Door Width	3.94m (26%)	≤6.5m or ≤30% of site width, whichever is the lesser
<b>Colours and Materials</b>		
Roof	Colorbond (Monument)	

Walls	Brick (Biscotti) & render (Scallopini)	
Fencing	N/A	

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

## 11. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<p><b>Residential Streetscape (Built Form) Zone</b></p> <p><b>Objective 1:</b> Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</p> <p><b>Objective 2:</b> A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</p> <p><b>Objective 3:</b> Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.</p> <p><b>Objective 4:</b> Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.</p> <p><b>Desired Character</b></p> <p><b>Streetscape Value</b></p> <p>The Residential Streetscape (Built Form) Zone encompasses much of the living area in inner and western Unley, (excluding the business and commercial corridors and those areas of heritage value). The zone is distinguished by those collective features (termed “streetscape attributes”) making up the variable, but coherent streetscape patterns characterising its various policy areas and precincts. These attributes include the:</p> <p>(a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and</p> <p>(b) allotment and road patterns; and</p> <p>(c) landscape features within the public road verge and also within dwelling sites forward of the building façade; and</p> <p>(d) scale, proportions and form of buildings and key elements.</p> <p><b>Streetscape Attributes</b></p> <p>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:</p> <p>(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</p>
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- (b) *form - there is a consistent and recognisable pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and forms associated with the various architectural styles. Infill and replacement buildings ought to respect those traditional proportions and building forms; and*
- (c) *key elements - verandahs and pitched roofs, the detailing of facades and the use of traditional materials are important key elements of the desired character. The use of complementary materials, careful composition of facades, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements assist in complementing the desired character.*

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

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

#### **Assessment**

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

The subject land is within a streetscape comprising largely of traditional style dwellings that include bungalows, villas and double fronted cottages. There are examples of modern buildings in the locality, most notably toward either end of Ophir Street. While existing buildings are typically single storey, most dwellings have relatively tall pitch roofs.

Although the proposed dwelling is contemporary, the built form incorporates traditional forms and detailing that include a series of pitched roofs with infill panelling to gables, a single pitch verandah with masonry pillars and decorative banding. The external material palette includes render and brick finished in earthy brown colours, light coloured windows and doors and dark roof sheeting. The materials and colour finishes would complement several of the traditional dwellings and more recent dwellings, which have cream facades and dark coloured roofs.

The proposed built form is considered to sufficiently reference the pitched roof forms and single storey proportions of the traditional building styles within the locality so as not to disrupt the prevailing streetscape context.

For these reasons, the proposal is considered to maintain the existing streetscape attributes and would generally contribute positively to the desired character of the Residential Streetscape (Built Form) Zone.

Relevant Zone Principles of Development Control	Assessment
<p><b>PDC 2</b>  <i>Development should comprise:</i>            (a) alterations and/or additions to an existing dwelling; and            (b) ancillary domestic-scaled structures and outbuildings; and            (c) the adaptation of, and extension to, a building to accommodate and care for aged and disabled persons, or for a multiple dwelling or residential flat building; and            (d) selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and            (e) replacement of a building or site detracting from the desired character of a precinct with respectful and carefully designed building(s).</p>	<p>The subject land is currently occupied by a single storey dwelling. The proposal comprises the demolition of the existing dwelling and the construction of a replacement dwelling.</p> <p>PDC 2 of the Residential Streetscape (Built Form) Zone envisages new dwellings on vacant or under-utilised allotments provided the dwellings are 'street-fronting'. The proposed dwelling has been designed to address the road frontage and to complement the prevailing streetscape. The proposal is therefore considered to satisfy PDC 2.</p>
<p><b>PDC 6</b>  <i>Demolition of the whole of a building should only be undertaken – where the replacement building(s) makes a comparable or more positive contribution to the desired character than the building to be demolished, or alternatively where the building to be demolished:</i>            (a) is structurally unsafe or so unsound as to be unreasonably economically rehabilitated; or            (b) is so compromised or altered that there is no reasonable prospect of its original character being revealed; or            (c) adds little value to the desired character due to its discordant form and poor streetscape contribution; or            (d) is incongruous with, and makes a poor contribution to the particular character of its streetscape.</p>	<p>The proposal includes the demolition of an existing single storey dwelling in the form of a double fronted cottage. Even though the existing dwelling is not identified as a Contributory Item or a Local or State Heritage Place, PDC 6 of the Residential Streetscape (Built Form) Zone outlines the circumstances when the demolition of the whole of a building should occur.</p> <p>The <u>first test</u> is whether “<i>the replacement building(s) makes a comparable or more positive contribution to the desired character than the building to be demolished</i>”. While the existing dwelling on land contributes to the desired character, the replacement dwelling is considered to equally contribute to the desired character albeit through a more contemporary building design. As already considered, the design and form of the replacement dwelling references the scaling, roof elements and the external materials of traditional buildings within the locality.</p> <p>As the streetscape contribution of the proposed dwelling would be comparable to that of the existing dwelling, the proposal is considered to satisfy the first</p>

Relevant Zone Principles of Development Control	Assessment
	<p>test of PDC 6.</p> <p>The <u>second test</u> relates to the structural integrity of the building and the economic viability in retaining and rehabilitating the building. A structural assessment of the existing building has not been undertaken as the first test within PDC 6 has been met.</p>
<p><b>PDC 8</b>  <i>Development should comprise street-fronting dwellings exhibiting streetscape attributes consistent with the desired character. In this respect:</i>  <i>(a) sites should not be amalgamated for the purposes of developing residential flat buildings, group dwellings or non street-fronting dwellings unless involving existing large sites occupied by buildings of discordant character where the consolidated site and its replacement dwellings produce a streetscape setting and built forms complementing the desired character; and</i>  <i>(b) “hammerhead” allotment(s) should not be created, nor should a dwelling be located in a rear yard of an existing street-fronting dwelling site where this would detrimentally impact on the established settlement pattern or impose on the characteristic spacious setting of neighbouring dwelling sites, exceed single storey, or impose excessive building bulk.</i></p>	<p>As considered above, the proposed dwelling is designed to front the adjacent street in a manner that is consistent with the existing development pattern within the locality.</p> <p>PDC 8 also seeks to ensure that “<i>replacement dwellings produce a streetscape setting and built forms complementing the desired character</i>”. When this principle is considered in conjunction with PDC 10, it is evident that the provisions for new development support contemporary building designs provided cues or references to historic styles are incorporated into the design to maintain coherent streetscapes.</p> <p>As illustrated in the ‘streetscape view’, the proposed dwelling sits comfortably on the site and has been designed with reference to the pitched roofs and materials of existing traditional style dwellings in the locality. The wall and eave heights complement the dwelling on the eastern side (no. 15), which is the lower of the two adjoining dwellings, and the front gables also reference the roof of this adjoining bungalow dwelling.</p> <p>While the roof above the carport displays some bulk, and the applicant could have opted to further reduce the roof height, this is not considered to be fatal to the overall merits of the proposal given the positioning of the carport behind the main building façade resulting in a recessive appearance.</p>
<p><b>PDC 9</b></p>	<p>The proposed dwelling is single storey and</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>Development should present a single storey built scale to the streetscape. Any second storey building elements should be integrated sympathetically into the dwelling design, and be either:</i></p> <p><i>(a) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street; or</i></p> <p><i>(b) set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.</i></p>	<p>the roof height of approximately 6 metres would be consistent with the predominant building heights within the locality.</p> <p>Accordingly, the proposal satisfies PDC 9 of the Residential Streetscape (Built Form) Zone.</p>
<p><b>PDC 10</b></p> <p><i>Buildings should be of a high quality contemporary design and not replicate historic styles. Buildings should nonetheless suitably reference the contextual conditions of the locality and contribute positively to the desired character, particularly in terms of:</i></p> <p><i>(a) scale and form of buildings relative to their setbacks as well as the overall size of the site; and</i></p> <p><i>(b) characteristic patterns of buildings and spaces (front and side setbacks), and gaps between buildings; and</i></p> <p><i>(c) primarily open front fencing and garden character and the strong presence of buildings fronting the street.</i></p>	<p>The proposed dwelling is of a contemporary style and form that is considered to respond appropriately to the existing traditional building styles within the locality.</p> <p>As considered in more detail below, the boundary setbacks would maintain the established development pattern and spatial character in accordance with the desired character for the zone.</p>
<p><b>PDC 14</b></p> <p><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>The proposed carport is to be recessed behind the main front wall of the dwelling and would not be enclosed on the sides. The front door opening of the carport is 3.94 metres wide, which equates to only 26% of the allotment frontage.</p> <p>The proposal is considered to satisfy PDC 14 of the Zone.</p>

Relevant Zone Principles of Development Control	Assessment
<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>	

### **Policy Area Desired Character**

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

(ii) form - the consistent and recognisable pattern of traditional building proportions including wall heights and widths of facades, and roof height, volumes and shapes associated with the identified architectural styles in (iii) below; and

(iii) key elements - the defining design features, including the verandahs and pitched roofs, use of wall and roofing materials facades of the predominant architectural styles (Victorian and Turn-of-the-Century double-fronted and single-fronted cottages and villas, and complementary Inter-war bungalows as well as attached cottages).

### Assessment

The desired character for the policy area seeks to ensure that the streetscape attributes are retained and enhanced. The predominant streetscape attributes within the locality include single and low scale dwellings of mostly traditional styles such as double fronted villas and cottages with some modern buildings on the northern side of Ophir Street.

As already considered, the proposed dwelling has been designed in a contemporary manner, but with traditional forms and detailing that reference some of the existing historic dwelling styles within the locality. The pitched roofs, single storey proportions and complementary materials would ensure that the built form does not disrupt the prevailing streetscape context.

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

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

Relevant Council Wide Provisions	Assessment
<b>Residential Development</b>	
<b>PDC 5 &amp; 6 – Street Setbacks</b>	<p>Council Wide PDC 6 seeks to ensure that dwellings are setback from the primary street frontage at a distance that is consistent with the relevant precinct. Precinct 8.2 specifies a predominant setback of 6 metres.</p> <p>A minimum setback of 6 metres is not considered necessary for this development given that the existing dwelling on the land has a setback of only 4 metres, which is also consistent with both adjoining dwellings.</p> <p>As the proposed dwelling would be sited in substantially the same position as the existing dwelling, and thus consistent with the adjoining buildings, the siting of the development in relation to the road frontage would maintain a cohesive streetscape in accordance with Council Wide PDC 5 and 6.</p>
<b>PDC 13 &amp; 14 – Side and Rear Boundary Setbacks</b>	<p>Council Wide PDC 13 recommends a minimum setback of one metre from side boundaries for single storey walls up to 4 metres in height. The side boundary setbacks of 1 metre and 3.76 metres are therefore acceptable. The rear boundary setbacks also satisfy Council Wide PDC 13.</p> <p>While the proposed carport will be located on the western side boundary for a length of 11 metres, the visual and overshadowing impacts would not be significant given that:</p> <ul style="list-style-type: none"> <li>• the side of the carport would not be enclosed with any solid material;</li> <li>• the gutter height would be a modest 3 metres;</li> <li>• the adjoining property has a wall on the boundary; and</li> <li>• the north to south orientation of the land would result in minimal shadow being cast over the neighbouring property.</li> </ul> <p>For these reasons the siting and design of the proposed development in relation to the side boundaries would not significantly detract from the amenity of neighbouring properties.</p>
<b>PDC 16 &amp; 17 – Site Coverage</b>	<p>Council Wide PDC 17 prescribes a total roofed area of 50 percent of the area of the site. The proposed development will result in roofs covering approximately 58 percent of the site, which is at variance to this</p>

	<p>principle. Notwithstanding this departure, there is enough area on-site for stormwater detention and retention tanks and adequate private open space would be provided. Although exceeding the recommended standard, the proposed roof and impervious surface coverage would not have any perceivable planning impacts.</p> <p>Accordingly, the proposal is not considered to result in an over-development of the site.</p>
<b>PDC 19 &amp; 20 – Private Open Space</b>	<p>Approximately 135m<sup>2</sup> of private open space will be provided for occupants of the dwelling, which equates to 25% of the site area. The layout, orientation and amount of private open space satisfies Council Wide PDC 20 and is considered suitable for clothes drying, entertaining and other domestic activities.</p>
<b>PDC 38 &amp; 39 – Overlooking / Privacy</b>	<p>The owners of the adjoining property at no. 19 Ophir Street are concerned that the existing boundary fencing would not afford them adequate privacy. As the proposed dwelling is single storey and the bench and finished floor levels would be slightly lower than that of the existing dwelling, the existing privacy of the neighbouring property would not be adversely affected by the proposed development.</p> <p>Furthermore, the existing height of the boundary fencing between the two properties is a civil matter that should be addressed by the affected parties under the <i>Fences Act 1975</i>.</p>
<b>Transportation (Movement of People and Goods)</b>	
<b>PDC 13 &amp; 20 – Access and Car Parking</b>	<p>The proposal will utilise the existing vehicle crossover. The existing access will continue to provide safe and convenient driveway access for the proposed dwelling in accordance with Council Wide PDC 13.</p> <p>When assessed against <i>Table Un/5 – Off Street Vehicle Parking Requirements</i>, there is a requirement for three on-site car parking spaces, with one space to be covered. The proposal would accommodate two covered spaces within the carport and one tandem visitor space in front of the garage. The on-site car parking provision satisfies Council Wide PDC 20.</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 proposal is an orderly and desirable form of development within the Residential Streetscape (Built Form) Zone, which envisages suitably designed replacement dwellings that address the road frontage and complement the prevailing streetscape;
- The proposed dwelling has been designed with a single storey scale, a roof form and materials that would complement and not overwhelm the existing historic dwelling styles within the locality;
- The design and siting of the proposed dwelling would not adversely impact upon the amenity of neighbouring properties, in terms of visual impact, loss of privacy or access to natural light;
- The size and siting of the proposed dwelling is consistent with the existing development pattern in the locality; and
- The proposed replacement dwelling is considered to make a comparable contribution to the desired character without attempting to replicate the existing dwelling that is to be demolished.

The application is therefore recommended for Development Plan CONSENT.

### **13. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/739/2018/C2 at 17 Ophir Street, Goodwood 5032 to demolish existing dwelling and construct single storey dwelling with verandah and carport on boundary is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

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

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

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

- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).
- 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.

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

**ITEM 8****DEVELOPMENT APPLICATION – 090/973/2018/C2 – 32 WELLINGTON TERRACE, FULLARTON SA 5063 (PARKSIDE)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/973/2018/C2
<b>ADDRESS:</b>	32 Wellington Terrace, Fullarton SA 5063
<b>DATE OF MEETING:</b>	16 <sup>th</sup> April 2019
<b>AUTHOR:</b>	Amy Barratt
<b>DEVELOPMENT PROPOSAL:</b>	Construct two storey dwelling including garage on boundary; swimming pool; rear masonry wall; fencing and pedestrian gateway
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential Streetscape (Landscape) Zone PA11.1 (300)
<b>APPLICANT:</b>	Kurtis Dry
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (One oppose)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representation
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Streetscape Character Wall on boundary

**1. PLANNING BACKGROUND**

In February 2011, Approval was granted to Development Application number 090/1130/2010/DIV which sought to realign the boundary of 30 Wellington Terrace Fullarton.

The boundary realignment resulted in the subject allotment, 32 Wellington Terrace Fullarton (allotment 2), as demonstrated below.



The above-mentioned boundary realignment satisfied the requirements of the Residential B300 Zone pursuant to City of Unley Development Plan Consolidated 9 September 2010.

## 2. DESCRIPTION OF PROPOSAL

The applicant proposes the following development at 32 Wellington Terrace, Fullarton;

- Construct two storey dwelling with associated garaging;
- Install inground swimming pool;
- Masonry wall on eastern and northern boundaries;
- Fencing and retaining (northern boundary); and
- Pedestrian gate (adjacent eastern boundary)

## 3. SITE DESCRIPTION

The subject site is located within the Residential Streetscape (Landscape) Zone, Policy Area 11.1.

The site is located on the western side of Wellington Terrace, between Wattle Street and Restormal Avenue. The site has a frontage to Wellington Terrace of 9.15m, a depth of 36.58m and an overall site area of 300m<sup>2</sup>. The subject land is regular in shape except for a notable inset in the north-western corner which accommodates the adjoining property's existing swimming pool.

The site is currently vacant and does not contain any Regulated trees. A notably large tree is located in the south-eastern corner of the adjoining land (30 Wellington Terrace) however is not Regulated.

Existing vehicle access is located adjacent the southern site boundary and is to be retained.

#### 4. LOCALITY PLAN



#### 5. LOCALITY DESCRIPTION

##### Land Use

The predominant land use within the locality is residential.

##### Land Division/Settlement Pattern

The immediate locality demonstrates a varied settlement pattern and includes both regular shaped allotments and allotments whereby subdivision has occurred.

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

The locality demonstrates predominantly single storey dwellings, with the exception of a two storey dwelling located immediately south of the subject site (34 Wellington Terrace). A variety of dwelling types including detached, semi-detached, row and group dwellings are found in the locality.

Due to the existing settlement pattern and divisions of land, the immediate locality is not considered to be distinguished by coherent streetscape patterns, as detailed further below.

A number of dwellings within the locality have a secondary street presentation to Wellington Terrace (primary street frontage Wattle Street and Restormal Avenue) and a number of 'infill' development has occurred.

Given the variation in allotment width, depth and area, the building siting, scale, form and setbacks within the streetscape is varied.

'Landscape features' forward of building façades are not strong given the presence of high, solid fencing.

The notable and predominant landscape feature within the streetscape includes a number of large, established street trees along the eastern side of Wellington Terrace.

### **Fencing Styles**

Front and secondary street fencing within the locality is predominantly high and solid (brush or Colorbond) with minor exceptions.

### **6. STATUTORY REFERRALS**

No statutory referrals required.

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

No non-statutory (internal) referrals were undertaken.

### **8. PUBLIC NOTIFICATION**

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

<b>34 Wellington Terrace (oppose)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Boundary development <ul style="list-style-type: none"> <li>• Bulk and mass</li> <li>• Damage*</li> <li>• Removal of fence*</li> </ul>	Refer detailed response (attachment C)
Upper level setback and height <ul style="list-style-type: none"> <li>• Visual appearance</li> <li>• Shadowing</li> <li>• Overdevelopment</li> </ul>	Refer detailed response (attachment C)

(\* denotes non-valid planning considerations)

### **9. DEVELOPMENT DATA**

<b>Site Characteristics</b>	<b>Dwelling</b>	<b>Development Plan Provision</b>
Total Site Area	300m <sup>2</sup>	300m <sup>2</sup>
Frontage	9.15m	10
Depth	36.58m	>20m

<b>Building Characteristics</b>		
<b>Floor Area</b>		
Ground Floor	81m <sup>2</sup> dwelling 47m <sup>2</sup> garage	
Upper Floor	93.5m <sup>2</sup> <b>62%</b> of ground floor	≤50% of ground floor
<b>Site Coverage</b>		
Roofed Buildings	50%	≤50% of site area
Total Impervious Areas	71% (minor deviation)	≤70% of site
<b>Total Building Height</b>		
From ground level	7.69m (ridge) 5m (wall height)	
<b>Setbacks</b>		
<b>Ground Floor</b>		
Front boundary (east)	6m (5.3m to feature wall)	Generally 6m to 8m (Policy Area)
Side boundary (north)	1m	1m
Side boundary (south)	1m Garage on boundary	1m
Rear boundary (west)	12.27m (11.44m to feature wall)	6m
<b>Upper Floor</b>		
Front boundary (east)	6m (5.3m to feature wall)	
Side boundary (north)	<b>1m</b>	2m
Side boundary (south)	<b>1m</b> Garage on boundary	2m
Rear boundary (west)	12.27m (11.44m to feature wall)	6m
<b>Wall on Boundary</b>		
Location	Southern	
Length	6.82m	8m
Height	2.7m	≤3m
<b>Private Open Space</b>		
Min Dimension	>4m	≥4m minimum
Total Area	68m <sup>2</sup>	35m <sup>2</sup>
<b>Car parking and Access</b>		
On-site Car Parking	3	2 per dwelling where less than 4 bedrooms or 250m <sup>2</sup> floor area 3 per dwelling where 4 bedrooms or more or floor area 250m <sup>2</sup> or more
Covered on-site parking	2	≥1 car parking space ≥2 car-parking spaces
On-street Parking	1	0.5 per dwelling
Driveway Width	3.6m	3m Single 5m double

Garage/Carport Width	5.3m <b>(58%)</b>	≤6.5m or ≤30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	6m x 6.5m	3m x 6m for single 5.8m x 6m for double
<b>Colours and Materials</b>		
Roof	<p>Revolution roofing 'maxline 340' roofing Colorbond 'stealth finish matte monument or similar</p> <p>Dwelling 'frame' - custom fabricated steel plate element (paint finish dark grey tonal range)</p>	
Walls	<p>Front and rear elevation - Shiplap vertical timber cladding Vic Ash or similar</p> <p>Side elevations - James Hardie Sycon Axon panel cladding smooth profile, paint finish dark grey tonal range</p> <p>Juliette balcony, eastern elevation – perforated steel mesh balustrade (paint finish dark grey tonal range)</p> <p>Void screening, western elevation – horizontal aluminium sunshade louvre (powder coat finish dark grey tonal range)</p>	
Fencing and Garage	<p>2.1m high Colorbond good neighbour on retaining (northern boundary)</p> <p>3.0m high masonry wall on western and part northern boundaries</p> <p>1.5m high vertical timber batten fence on steel sub-framing (front boundary) and steel plate pedestrian entry portal 2.4m high</p> <p>Garage door 1 – sectional overhead smooth face, Colorbond monument</p> <p>Garage door 2 concealed tilt up - vertical aluminium battens on sub-framing. Powder coat finish dark grey tonal range</p>	

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

## 10. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<b>Residential Streetscape (Landscape) Zone, Policy Area 11.1</b>
Objective 1:

*Enhancement of the distinctive and primarily coherent streetscapes by retaining and complementing the built form, setting and surrounding landscape features.*

**Objective 2:**

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

**Objective 3:**

*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 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.*

## Assessment

In areas of distinctive and primarily coherent streetscapes, proposed residential development should complement the key considerations listed within the Desired Character of the Residential Streetscape (Landscape) Zone.

As discussed in the locality description, the immediate locality does not present a strong and 'coherent streetscape pattern'. A dominant rhythm of building sitings and gaps between buildings is not easily identifiable. Further, building form and scale is varied (bungalow, cottage, infill and two storey).

The subject land has a smaller frontage and site area than the typical traditional settlement and as such, the existing allotment parameters are not conducive to achieving the desired 'generous front and side setbacks' and spatial patterns of traditional settlement.

The applicant proposes a two storey dwelling which demonstrates wall heights of 5m, and a pitched roof with a ridge height of 7.69m. The proposed overall roof ridge height is comparable to existing, single storey, traditional dwellings within the locality. The Streetscape Section provided in Attachment A demonstrates that the proposed two storey dwelling is approximately 1.26m higher than the ridge height of the single storey dwelling located at 27 Wellington Terrace (Bungalow).

While the wall height exceeds traditional built form proportions, the overall roof height and volume is considered compatible with the immediate examples of dwelling form. It is acknowledged, that the subject land is located directly adjacent to an overtly two storey dwelling.

The composition of streetscape treatments (materially, low and open fencing, narrow driveway and a variation in garage door material) aid in reducing the visual dominance of the building.

It is considered that the proposed development sufficiently complements the varied streetscape character and the associated landscape patterns and adequately conforms with the objectives of the Zone.

Relevant Zone Principles of Development Control	Assessment
<p><b>PDC 9</b>  <i>Development should present a single storey built scale to its streetscape. Any second storey building elements should be:</i></p> <p>a) <i>integrated sympathetically into the dwelling design and landscape setting;</i></p> <p>b) <i>incorporated primarily into the roof or comprise an extension of the primary single storey roof element without</i></p>	<p>The proposed dwelling design does not satisfy b) and c) of the related PDC 9.</p> <p>It is arguable however that the second storey building elements are integrated sympathetically into the dwelling design and landscape setting, for the following reasons;</p> <ul style="list-style-type: none"> <li>• The subject site is located directly adjacent an existing two storey dwelling;</li> </ul>

<p><i>imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street;</i></p> <p>c) <i>set well behind the primary street façade of the dwelling so as to be inconspicuous from the streetscape.</i></p>	<ul style="list-style-type: none"> <li>• The landscape setting in the immediate locality is not coherent; and</li> <li>• The built scale to the streetscape is comparable to the overall built scale of existing single storey bungalows within the immediate locality.</li> </ul>
<p><b>PDC 13</b>  <i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <p>a) <i>be located to the rear of the dwelling as a freestanding outbuilding;</i></p> <p>b) <i>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>ii. <i>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>iii. <i>have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage;</i></p> <p>iv. <i>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 proposed garage location does not satisfy a) or b) of the related PDC 13.</p> <p>The proposal includes a double garage which is located within the shell of the dwelling design. As such it is neither located alongside the dwelling, or located behind the primary street façade.</p> <p>The double garage includes two separate doors which have been treated using different materials, door 1 being Colorbond monument and door 2 a concealed tilt up. Combined with the proposed single width vehicle access, the design attempts to present a single width garage to the streetscape and reinforces the prominence of the associated dwelling (CW PDC 29).</p> <p>A portion of the garage is located on the boundary, however as discussed below the height and length of this structure is acceptable.</p>

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

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

<b>City-wide Objectives and Principles of Development Control</b>		
<b>Design and Appearance</b>	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23
<b>Energy Efficiency</b>	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4
<b>Form of Development</b>	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7

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

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

<b>Relevant Council Wide Provisions</b>	<b>Assessment</b>
<b>Residential Development</b>	
<b>PDC 13 &amp; 14 – Side and rear boundaries</b>	<ul style="list-style-type: none"> <li>• Minimum side and rear setbacks are recommended in PDC 13 to assist in the minimisation of massing and overshadowing of adjoining properties. As the proposed development includes a single wall plane for the ground and upper level walls, the proposal does not meet the recommended side setbacks of 2m for the portion of wall which is greater than 4m in height.</li> </ul> <p>The impact of the above-mentioned discrepancy is minimal given the existing locality and site circumstances.</p> <ul style="list-style-type: none"> <li>○ The property to the north is not impacted visually due to the separation between dwellings, and shadowing will not be reasonable consideration given the orientation of the land (subject land is to the south).</li> <li>○ The structures adjacent the subject land on the southern adjoining property include a garage (solid wall) and an extensive verandah structure covering existing private open space. The proposed development maintains adequate sunlight access to the verandah area and upper level habitable room windows, and is not within close proximity (i.e 0.9m) of habitable room windows.</li> </ul> <ul style="list-style-type: none"> <li>• The proposed development allows direct winter sunlight access to the adjacent roof areas (refer ‘aerial view’ in attachment A and excerpt image</li> </ul>
<b>PDC 41 – Overshadowing and natural light</b>	

	<p>below) and where areas are already shaded (rear private open space) the proposed will not significantly worsen the available sunlight access.</p>  <p><u>Above image:</u> aerial view of shadowing 21 June 9am</p>
<p><b>PDC 15 &amp; 30 – Garage boundary wall</b></p>	<ul style="list-style-type: none"> <li>• The proposed garage is located on the southern boundary of the site. The adjoining land exhibits an existing garage structure located adjacent to the proposed boundary wall location;</li> <li>• There will be no impact from the proposed boundary wall on habitable room windows;</li> <li>• The boundary wall is limited in length (6.82m) and height (2.7m), will not visually dominate the locality and will not be highly visible due to the location of proposed landscaping, total height and proposed materials.</li> </ul>
<p><b>PDC 38 – Privacy</b></p>	<ul style="list-style-type: none"> <li>• The rear upper level void windows (western elevation) are adequately treated with the inclusion of fixed horizontal louvres to minimise overlooking;</li> <li>• The Juliette balcony on the front elevation (eastern) overlooks Wellington Terrace and adequate separation is provided between the balcony and habitable room windows of dwellings across the street;</li> <li>• The proposal is considered to adequately minimise direct overlooking to private open space and habitable room windows of other dwellings.</li> </ul>
<p><b>PDC 50 – Swimming Pool</b></p>	<ul style="list-style-type: none"> <li>• In the north-western corner of the subject site, the proposed swimming pool is located away from the adjoining southern properties private open space,</li> </ul>

	<p>and is adjacent the northern properties existing swimming pool;</p> <ul style="list-style-type: none"> <li>• The ancillary pool equipment is adequately sound attenuated;</li> <li>• The proposed 3m high masonry wall provides additional privacy and acoustic amenity to the adjoining residential occupiers;</li> <li>• The proposal satisfies the related Council Wide PDC.</li> </ul>
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## **11. CONCLUSION**

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

- The proposed development is of a high architectural standard and despite being overtly two storey in form, would sit comfortably within the varied character and setting of the surrounding area and would not compromise the objectives of the zone.
- The overall scale and proportions of the building, including wall heights and roof designs, are not at odds with the existing positive character elements within the locality;
- The proposed development is not of a bulk or scale that dominates the existing landscape;
- The proposed development suitably references the contextual conditions of the locality;
- Direct overlooking from upper level habitable room windows and external balconies to habitable room windows and useable private open space of other dwellings is minimised;
- The siting of the proposed development is acceptable having regard to the visual amenity and shadowing of the adjoining southern property;
- The proposed dwelling is provided with sufficient space to provide for private open space, permeable surfaces; pedestrian and vehicular access and parking; and storage;
- The proposed garage does not diminish the prominence of the associated dwelling nor dominate the streetscape.

The application is therefore recommended for Development Plan CONSENT.

## **12. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/973/2018/C2 at 32 Wellington Terrace, Fullarton SA 5063 to 'Construct two storey dwelling including garage on boundary; swimming pool; rear masonry wall; fencing and pedestrian gateway' 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. That privacy screening be erected to the upper level windows (western elevation) prior to occupation. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.
3. That waste water from the swimming pool shall be discharged to the sewer, and not be allowed to flow onto adjoining properties or the street water table under any circumstances.
4. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment.

**NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:**

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

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

**ITEM 9****DEVELOPMENT APPLICATION – 090/46/2019/NC – 262B-264 GLEN OSMOND ROAD, FULLARTON SA 5063 (PARKSIDE)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/46/2019/NC
<b>ADDRESS:</b>	262B-264 Glen Osmond Road, Fullarton SA 5063
<b>DATE OF MEETING:</b>	16 April 2019
<b>AUTHOR:</b>	Brendan Fewster
<b>DEVELOPMENT PROPOSAL:</b>	Demolish existing buildings and construct new single storey motor repair station and associated car parking and landscaping
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Office 1
<b>APPLICANT:</b>	D'Andrea Architects
<b>APPLICATION TYPE:</b>	Non-Complying
<b>PUBLIC NOTIFICATION:</b>	Category 3
<b>REPRESENTATIONS RECEIVED:</b>	N/A
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Non-Complying Development
<b>RECOMMENDATION:</b>	To proceed with a full assessment of the application
<b>KEY PLANNING ISSUES:</b>	Seriously at variance Land use Existing use rights

**1. PLANNING BACKGROUND**

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

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

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

## 2. DESCRIPTION OF PROPOSAL

The application is seeking to demolish existing buildings on the site and construct a new single storey building to be used as a motor repair workshop with associated car parking and landscaping. The workshop will include a small showroom, office and staff room.

The proposed building would be setback a minimum of 12 metres from the Glen Osmond Road boundary and would be sited on the Aragon Street boundary for a length of 21 metres. The height of the building is 6.6 metres.

A total of 13 on-site car parking spaces would be provided.

## 3. SITE DESCRIPTION

The subject land is a corner allotment with frontage to Glen Osmond Road and Aragon Street. The frontage to Glen Osmond Road is 22.94 metres wide and the total site area is approximately 720m<sup>2</sup>.

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

## 4. LOCALITY PLAN



## **5. LOCALITY DESCRIPTION**

### **Land Use**

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

### **Development Pattern and Streetscape Character**

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

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

### **Building Type and Styles**

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

## **6. STATUTORY REFERRALS**

No statutory referrals have been undertaken.

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

No non-statutory (internal) referrals have been undertaken.

## **8. PUBLIC NOTIFICATION**

Should the CAP decide to proceed with a full assessment of the application, the proposal will be assigned to Category 3 for public notification purposes pursuant to Section 38 of the *Development Act 1993*.

## **9. DISCUSSION**

### **The seriously at variance test**

There is considerable case law regarding the 'seriously at variance' principle or test when assessing development proposals. In the matters of *Terra Group P/L v City of*

*Port Adelaide Enfield & Anor (2015 SAERDC 26) and Courtney Hill Pty Ltd v South Australian Planning Commission & Ors*, the seriously at variance principle was summarised as "an important or grave departure in either quantity or degree from the Development Plan".

From a quantitative perspective, the floor area of the proposed building would be comparable to the combined floor area of the existing buildings on the site, and while the new building would be taller, the overall building height would not exceed two storeys as envisaged within the zone.

From a qualitative perspective (i.e. land use and desired character), Objective 1 and Principle of Development Control 1 of the Office 1 Zone envisage primarily office, consulting room and bank development. While a motor repair station is not an envisaged land use, it noted that the site has existing use rights for some mechanical repairs, and possibly panel beating. Therefore, the suitability of the proposed use needs to be considered in the context of the existing lawful use of the land.

The following matters would be assessed in more detail in the event that the CAP resolves to proceed with a full assessment of the application:

- Whether the proposed use and scale of the development is an orderly and appropriate form of the development within the Office 1 Zone;
- Whether the proposal would adversely impact upon the character and amenity of the locality;
- Whether the proposal would lead to conditions detrimental to the free flow and safety of pedestrian and vehicular traffic on the adjacent road network; and
- Whether the proposal would have any negative social, economic or environmental effects on the locality.

## **10. CONCLUSION**

In summary, the application is not considered to be seriously at variance with the Development Plan.

Although the proposal is a non-complying form of development, it is considered that a full and detailed assessment of the merits of the proposal is warranted given the lawful use of the land and the small-scale nature of the proposed development.

## **11. RECOMMENDATION**

MOVED:

SECONDED:

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

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



on the basis that considerations at the meeting should be conducted in a place open to the public has been outweighed on the basis that the information relating to actual litigation or litigation that the Panel believes on reasonable grounds will take place.