

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Special Council Assessment Panel Meeting to be held on Tuesday 19 February 2019 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.

Paul Weymouth
ASSESSMENT MANAGER

Dated 11/02/2019

ACKNOWLEDGEMENT

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

MEMBERS:

Mr Brenton Burman (Presiding Member),
Ms Nicole Dent
Mr Roger Freeman
Mrs Ann Nelson
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 5 February 2019, as printed and circulated, be taken as read and signed as a correct record.

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

19 February 2019

A G E N D A

Apologies
Conflict of Interest
Confirmation

Item No	Development Application	Page
1.	<u>1 Rutland Avenue Unley Park</u>	3-17
2.	<u>8 Cootra Avenue Fullarton</u>	18-27
3.	<u>347 Unley Road Malvern</u>	28-50
4.	<u>27 Thornber Street Unley Park</u>	51-68
5.	<u>WITHDRAWN - 27 Thornber Street Unley Park – Tree Removal</u>	69-82

Any Other Business
Matters for Council's consideration

ITEM 1**DEVELOPMENT APPLICATION – 090/581/2018/C2 – 1 RUTLAND AVENUE, UNLEY PARK SA 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/581/2018/C2
ADDRESS:	1 Rutland Avenue, Unley Park SA 5061
DATE OF MEETING:	19 February 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Demolish existing outbuildings, verandah and swimming pool, construct new outbuilding on common boundaries, erect chain-wire mesh fencing associated with a new tennis court, masonry walls on common boundaries and install inground-swimming pool
HERITAGE VALUE:	Adjacent to LHP
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 9 - Spacious Precinct 9.11 – Unley Park (west)
APPLICANT:	Kas Property Development Group
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (two (2) – 1 in support & 1 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Wall on boundary Fencing

1. PLANNING BACKGROUND

DA 090/895/2018/C3 – An application has been received to '*erect tennis court lighting*'. It is advised that public notification has been completed for this application and no representations were received. The lighting application is waiting for Planning Consent to be granted for this application before being decided under delegation.

It is advised that the tennis court lighting was originally included as part of the subject application. As there was some negotiation that needed to occur in regards to the lights and the ability to meet the Australian Standards, the applicant requested that the lights be assessed under a separate application. As such 090/895/2018 is that separate application.

DA 090/391/2016/C2 - Development Approval was granted to '*erect carport, increase height of existing masonry wall on common boundary and undertake repair works to existing dwelling*'. This work has been completed.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to:

- Demolish the existing swimming pool, retreat, verandah, fencing and a shed;
- Install a new in ground swimming pool;
- Construct an outbuilding (retreat, pool equipment and storage room) on common boundaries;
- Extend roof line of an existing verandah;
- Erect a 3m high masonry wall along the rear boundary;
- Erect a 2.25m high masonry wall along part of the western common boundary;
- Erect a masonry wall up to 2.1 metres in height along part of the eastern common boundary;
- Erect chain mesh fencing associated with a new tennis court.

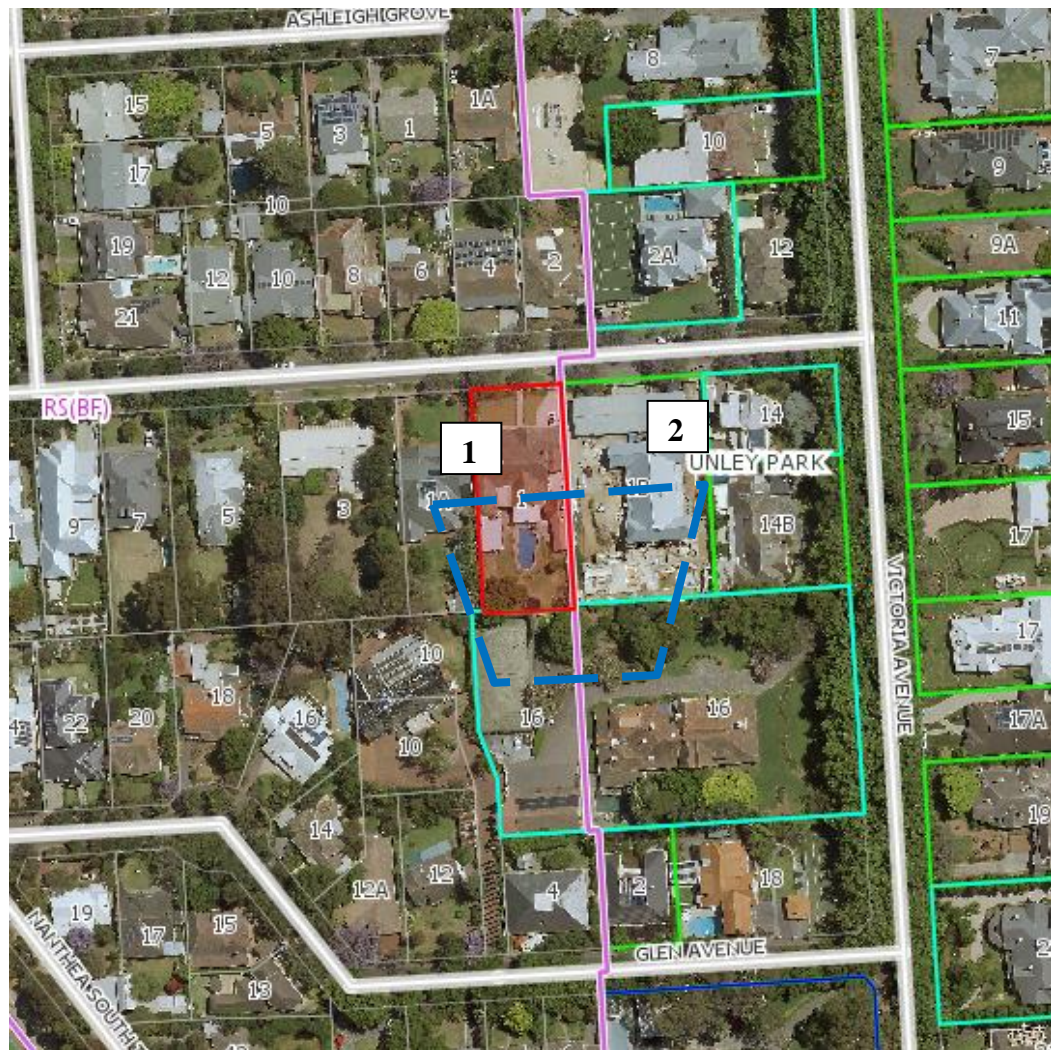
3. SITE DESCRIPTION

The subject site is located along the southern side of Rutland Avenue within the suburb of Unley Park. The site has an overall site area of 1,600m² and has a frontage of 25.86 metres.

A street fronting, single storey dwelling with associated verandahs, carport and fencing exists on site.

The applicant has confirmed that there are no regulated trees on or directly adjacent subject site. There are also no easements affecting the site.

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 land division pattern is varied with large, spacious allotments being the predominate allotment size.

Dwelling Type / Style and Number of Storeys

Dwellings within the locality are generally detached single storey dwellings.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

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

1A Rutland Ave, Unley Park (oppose – wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
Prefer to have 1.8m high Colorbond fencing along common boundary to match the existing fence, north of the proposed development	No response provided
The proposed development will enclose our property and have detrimental effect on the value of our property*	No response provided
1B Rutland Ave, Unley Park (support)	
ISSUES RAISED	APPLICANTS RESPONSE
nil	

(* denotes non-valid planning considerations)

It is noted that the representations were sent to the applicant 23 November 2018. The applicant advised that the owner wished to discuss the representation with the neighbour, intending to try to resolve their concerns. As the neighbour was away, this could not occur and the applicant requested for the application to proceed to Council Assessment Panel for a decision.

9. DEVELOPMENT DATA

Site Characteristics	Retreat		Development Plan Provision
Total Site Area	1600m ²		900m ²
Frontage	25.86m		20m
Depth	61.87m		20m
Building Characteristics			
Site Coverage			
Roofed Buildings	41.5%		□50% of site area
Total Impervious Areas	47.8%		□70% of site□
Setbacks			
Outbuilding			
Front boundary (north)	54.72m		Setback at least 1m behind the main face of the associated dwelling
Side boundary (east)	14.96m		At least 600mm off the boundary or on the boundary
Side boundary (west)	0m		At least 600mm off the boundary or on the boundary
Rear boundary (south)	0m		At least 600mm off the boundary or on the boundary
Wall on Boundary			
Location	west	south	
Length	7.15m	10.9m	□9m or □50%□of the boundary length, whichever is the lesser
Height	3.8m	3.8m	□3m
Private Open Space			
Total Area	39%		□20%
Outbuildings			
Total Height	3.8m		□5m
Total Floor Area	78m ² (4.8%)		□80m ² or 10% of the site, whichever is the lesser
Colours and Materials			
Roof	Colorbond colour monument, zincalume roof sheeting		
Walls	Masonry rendered wall colour: light grey		
Fencing	Masonry rendered wall colour: light grey, black chain wire mesh fence		

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape (Built Form) Zone
Objective 1: <i>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>
Desired Character
Streetscape Value <i>The zone is distinguished by those collective features (termed “streetscape attributes”) making up the variable, but coherent streetscape patterns characterising its various policy areas and precincts. These attributes include the:</i> <ul style="list-style-type: none"><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 <i>It is important to create high quality, well designed buildings of individuality and design integrity that nonetheless respect their streetscape context and contribute positively to the desired character in terms of their:</i> <ul style="list-style-type: none"><i>(a) siting —open style front fences delineate private property but maintain the presence of the dwelling front and its garden setting. Large and grand residences are on large and wide sites with generous front and side setbacks, whilst compact, narrow-fronted cottages are more tightly set on smaller, narrower, sites. Infill dwellings ought to be of proportions appropriate to their sites and maintain the spatial patterns of traditional settlement; and</i><i>(b) form – there is a consistent and recognisable pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and forms associated with the various architectural styles. Infill and replacement buildings ought to respect those traditional proportions and building forms; and</i><i>(c) key elements – verandahs and pitched roofs, the detailing of facades and the use of traditional materials are important key elements of the desired character. The use of complementary materials, careful composition of facades, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements assist in complementing the desired character.</i>

Assessment
<p>The applicant proposes to retain the existing Bungalow style dwelling to the street. This will maintain the existing siting and presentation of the property to the streetscape. The proposed swimming pool, outbuilding, fencing and verandah extension will be located to the rear of the property and will not be visible from the street.</p> <p>The proposed development is therefore considered to satisfactorily comply with the Zone's Objectives and Streetscape Value and Attributes.</p>

Relevant Zone Principles of Development Control	Assessment
<p>PDC 2 <i>Development should comprise:</i> <i>(a) alterations and/or additions to an existing dwelling; and</i> <i>(b) ancillary domestic-scaled structures and outbuildings; and</i> <i>(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</i> <i>(d) selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and</i> <i>(e) replacement of a building or site detracting from the desired character of a precinct with respectful and carefully designed building(s).</i></p>	<p>The applicant seeks to construct ancillary domestic-scaled structures and outbuildings as per PDC 2 (b).</p>
<p>PDC 3 <i>Development should retain and enhance the streetscape contribution of a building.</i></p>	<p>The proposed development retains the streetscape contribution by retaining the original building form to the street. The proposed buildings and structures will not be visible from the street.</p>
<p>PDC 13 <i>Building walls on side boundaries should be avoided other than:</i> <i>(a) a party wall of semi-detached dwellings or row dwellings; or</i> <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 a minor, low and subservient element</i></p>	<p>The outbuilding is proposed to be constructed along the southern rear boundary and western side boundary. The outbuilding is set well back from the associated dwelling and as such is not to be located under the main dwelling roof. The outbuilding will not be visible from the street and will have no impact on the streetscape.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>and not part of, the primary street façade, where:</i></p> <ul style="list-style-type: none"> <i>(i) there is only one side boundary wall, and</i> <i>(ii) the minimum side setback prescribed under the desired character is met on the other side boundary; and</i> <i>(iii) the desired gap between buildings, as set out in the desired character, is maintained in the streetscape presentation.</i> 	

Policy Area Desired Character

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

- (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.*

Assessment

The subject allotment well exceeds the described predominant allotment provisions of Precinct 9.11. This however is rather typical of the locality with a varied allotment pattern with range of housing styles being evident.

The proposed development will be situated to the rear of the existing dwelling. The applicant proposes to retain the existing dwelling on site and therefore the building form will be retained to the street. The proposed development will be located to the rear of the dwelling and therefore have minimal impact on the property's contribution to the streetscape.

Given this, the proposal will not affect the streetscape attributes prescribed within the policy area.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Crime Prevention	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Design and Appearance	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 8, 9, 10, 12, 13, 14, 15, 19, 20, 21,
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Residential Development	<i>Objectives</i>	1, 2, 5
	<i>PDCs</i>	1, 8, 15, 16, 17, 19, 20, 23, 24, 30, 32, 33, 34, 35, 36, 37, 41, 50

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 30 – Building Form, Scale, Mass and Height - Outbuildings and the like structures	The proposed outbuilding is to be located to the rear of the subject site, along the southern and western common boundaries. The outbuilding is proposed to have a wall height of 3.8 metres above ground level which exceeds the provisions of PDC 30. Furthermore, the length of wall proposed along the southern rear boundary is 10.9 metres which

Relevant Council Wide Provisions	Assessment
	<p>also exceeds the maximum wall length of 8 metres recommended by PDC 30. It is considered however that the proposed outbuilding is acceptable as:</p> <ul style="list-style-type: none"> • the length of wall will only form 42% of the southern boundary; • the outbuilding wall will only form 11.6% of the western boundary; • the outbuilding will be setback from the dwelling and the street and therefore will not appear to dominate the associated dwelling; • the outbuilding is of a size and scale that complements the existing dwelling and all neighbouring properties; • the proposed southern wall will be adjacent to neighbours landscaping and a tennis court; • the western wall will be adjacent to a strip of land that appears to be used for storage associated with a shed; • the southern wall will be sited well away from the Local Heritage Item at 16 Victoria Avenue; • given the vast areas of private open space and landscaping on the neighbouring properties, the outbuilding will have limited impact on the visual amenity of these properties.
<p>PDC 35 – Fencing, walls and Landscaping</p>	<p>The applicant seeks to erect masonry walls along the side and rear boundaries. Only PDC 35 (d) discusses fencing and walls located on side and rear boundaries and that are not visible from a public place. In assessing the proposed boundary walls against this provision it is noted that:</p> <ul style="list-style-type: none"> • the walls will create privacy between the neighbouring properties whilst also constructing walls that complement the existing buildings and structures of the subject site; • these walls are to be located to the rear of the site and are not located in front of the dwelling; • the masonry walls will not exceed 2.1m in height along the eastern side boundary. <p>Along the western side boundary, the wall will have a height of 2.25m. This wall will sit between the proposed outbuilding and existing dwelling</p>

Relevant Council Wide Provisions	Assessment
	<p>addition. The wall will be adjacent to the proposed swimming pool and as a result will:</p> <ul style="list-style-type: none"> • allow for additional privacy, safety and reduction in impacts to amenity (i.e. recreational noise); • be adjacent to the landscaped area around the neighbours swimming pool and will provide the same benefits such as privacy etc. to the neighbours property; • be a lesser height than the proposed outbuilding but taller than the existing fence, creating a transition for the structures along the western boundary. <p>The wall along the rear boundary will have a height of 3m and is to be used a hitting wall as part of the tennis court facility. This wall well exceeds the maximum 2.1m recommended by PDC 35, however it is noted that the wall:</p> <ul style="list-style-type: none"> • will be adjacent to well established landscaping located on the property addressed as 16 Victoria Avenue; • will also be adjacent to a tennis court located on 16 Victoria Avenue; • is set well away from the dwelling and other items of Local Heritage importance at 16 Victoria Avenue; • is set well away from any other habitable structure located on any of the adjoining properties; • is located along a boundary that will have minimal impact to the neighbours outlook or vista. <p>Given the above, the rear boundary wall is considered to be acceptable.</p> <p>It is also noted the tennis court fencing is to be located along the top of the masonry walls. This fencing is to be constructed of black chain mesh and therefore will be visually permeable as per PDC 35(f). Whilst this fencing has a height greater than 2.8m, it is considered acceptable as the height is comparable to all other tennis court fencing within the locality and provides a sense of identity to the tennis court. The fencing will have minimal impact to the neighbours who are currently themselves constructing near the common</p>

Relevant Council Wide Provisions	Assessment
	boundary and have provided support for the proposed development.
PDC 50 – Swimming Pools and Outdoor Spas	<p>The pool is proposed to be within 1.5m of the western side boundary. The pool however will be adjacent to a proposed masonry wall providing privacy between the properties.</p> <p>The pool equipment is to be located within the outbuilding and will be well over 5 metres from a habitable room window in an adjoining residential building.</p>

11. CONCLUSION

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

- The proposed development is located to the rear of the existing dwelling and will not be visible from a public street or place;
- The proposed development is appropriately designed and sited to support the desired character of the Residential Streetscape (Built Form) Zone and Spacious Policy area;
- The proposed outbuilding will have limited impact on the visual amenity of the neighbouring properties;
- The proposed fencing along the boundaries is considered to be appropriately sited to have limited impact on the neighbouring properties whilst increasing privacy between properties.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/581/2018/C2 at 1 Rutland Avenue, Unley Park SA 5061 to 'Demolish existing outbuildings, verandah and swimming pool, construct new outbuilding on common boundaries, erect chain-wire mesh fencing associated with a new tennis court, masonry walls on common boundaries and install inground-swimming pool', 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. The associated outbuilding subject of this Approval shall only be used for purposes and activities ancillary to the residential use of the property and at no time be used for any commercial and/or industrial purpose.
5. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

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

ITEM 2**DEVELOPMENT APPLICATION – 090/926/2018/C2 – 8 COOTRA AVENUE,
FULLARTON SA 5063 (PARKSIDE)**

DEVELOPMENT APPLICATION NUMBER:	090/926/2018/C2
ADDRESS:	8 Cootra Avenue, Fullarton SA 5063
DATE OF MEETING:	19 February 2019
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Erect fencing to part of western boundary and erect freestanding screen inside existing western boundary fence
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape Built Form, Policy Area 9
APPLICANT:	Houssam Abiad
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (One oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representation
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Visual amenity

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The applicant proposes the following development at 8 Cootra Avenue, Fullarton;

- Erect a 2.08m high colorbond fence on top of a 600mm high retaining wall; and
- Erect a freestanding screen (2.08m in height)

3. SITE DESCRIPTION

The subject site is located within the Residential Streetscape Built Form Zone, Policy Area 9.

The site is located on the western side of Cootra Avenue, between Cremorne Street and Wattle Street. The site is regular in shape, having a frontage to Cootra Avenue of 9.75m, a depth of 39.87m and a total site area of 388.7m².

The site is currently occupied by a two-storey dwelling, which is a recent build pursuant to development approval 090/511/2016/C2.

The proposed development relates to the 'rear' (western) boundary which forms a common boundary between the subject land (A) and the following two properties;

- 1 Cremorne Street (B)
- 106 Wattle Street (C)

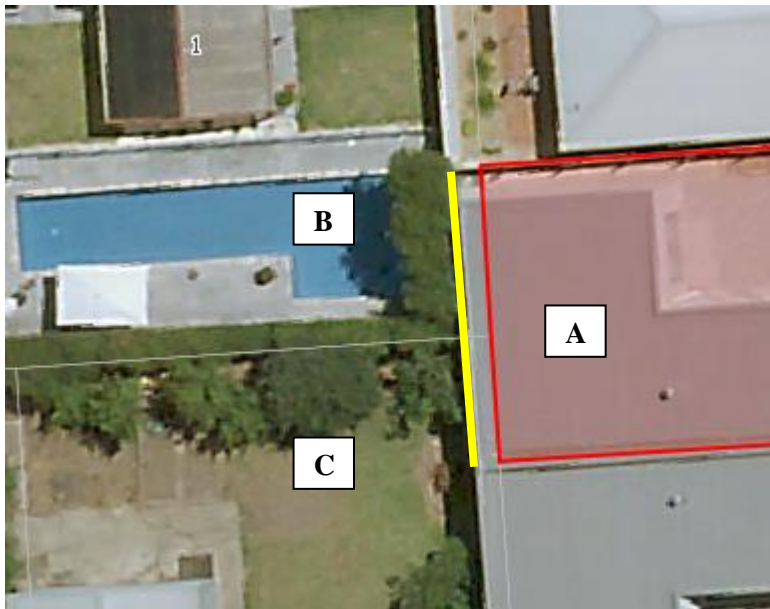


Photo: relevant boundary (yellow) and adjoining properties

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. STATUTORY REFERRALS

No statutory referrals required.

6. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

7. PUBLIC NOTIFICATION

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

1 Cremorne Street (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Object to the overall proposed height of the fence	No response provided.
No details of the retaining wall	
Soil and damage to existing retaining wall*	

(* denotes non-valid planning considerations)

8. DEVELOPMENT DATA

Boundary development between 8 Cootra Avenue and 106 Wattle Street will include:

- The erection of a 2.08m high colorbond fence on top of a 600mm high retaining wall;
- The total height of the wall and fence from the lower ground will be 2.68m

Development adjacent to the boundary of 1 Cremorne Street and 8 Cootra Avenue will include:

- The erection of a freestanding screen (2.08m in height);
- The existing boundary fence between 1 Cremorne Street and 8 Cootra Avenue will be retained and unaffected by the proposed development;
- The screen is located adjacent to the boundary but is not attached to the existing fence

9. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape Built From Zone Policy Area 9
Objective 1: <i>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>
Objective 2: <i>A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</i>
Objective 3: <i>Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.</i>

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

Desired Character

Streetscape Value

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

These attributes include the:

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

Streetscape Attributes

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

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

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

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

Assessment

As the proposed fencing is to the rear of the property, it will not have a visual effect on the streetscape and therefore will not have an impact on the existing or desired streetscape of the locality.

As the fencing will not affect the streetscape or the desired characteristics of the zone the proposed zone objectives are therefore met. Further, the proposed fencing is a domestic scaled structure and is not at variance with the Residential Streetscape Built From Zone objectives and relevant Principles of Development Control.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	<i>Objectives</i>	1
	<i>PDCs</i>	10, 11
Residential Development	<i>Objectives</i>	1
	<i>PDCs</i>	35

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

Design and Appearance	
PDC 10: Development should minimise direct overlooking of the habitable rooms and private open spaces of dwellings through measures such as: (d) Screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.	<p>The proposed fencing and screen are considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> • The finished level of the subject land is higher than the relevant adjoining properties, therefore the proposed development will increase the privacy between properties and reduce any potential overlooking in to the private open spaces • The fencing and screen are not of an excessive height • The view from 1 Cremorne Street will remain largely unchanged, as the screen is proposed to be within the land of 8 Cootra Avenue and the existing fencing is retained
Residential Development	
PDC 35: Fences and walls that form part of a development should be designed to: (e) create visual privacy between properties on side and	<p>Although the proposed fencing exceeds 2.1m in height, it is considered acceptable for the following reasons.</p> <ul style="list-style-type: none"> • It is considered that the fence will not visually dominate the locality and will help create

rear boundaries behind the front building façade through the use of light weight and visually impermeable boundary fences or structures that do not exceed 2.1 metres in height (measured from finished ground levels or the lower of the two adjoining finished ground levels);	<p>visual privacy between neighbouring properties</p> <ul style="list-style-type: none"> • The proposed fencing will be made of a non-reflective material and is visually impermeable • It is considered that the proposed fencing will not result in a negative impact upon the affected parties
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10. 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 will increase visual privacy between both properties.
- The proposed development will improve the visual amenity of both properties.
- The proposed development is not of an excessive height.

The application is therefore recommended for Development Plan CONSENT.

11. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/926/2018/C2 at 8 Cootra Avenue, Fullarton SA 5063 to 'Erect fencing to part of western boundary and erect freestanding screen inside existing western boundary 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.

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.
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representation	Administration

ITEM 3**DEVELOPMENT APPLICATION – 090/423/2018/C2 – 347 UNLEY ROAD,
MALVERN 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/423/2018/C2
ADDRESS:	347 Unley Road, Malvern 5061
DATE OF MEETING:	19 February 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Carry out alterations and additions to existing building including an upper storey addition for a separate office tenancy, and removal of one (1) regulated tree (Ulmus procera)
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Mixed Use 3
APPLICANT:	Traditional Urban
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (two (2) oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Building bulk / mass Impacts to adjacent residential zones Floor Area Car Parking

1. PLANNING BACKGROUND

No planning background.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to:

- Carry out alterations to an existing building;
- Construct a second storey office addition;

- Alter existing car park arrangement including the addition of 4 new car parking space, landscaping and an extension to the existing crossover to Unley Road;
- Removal of one (1) regulated tree (*Ulmus procera* – English Elm).

3. SITE DESCRIPTION

The subject site is located on the eastern side of Unley Road, a secondary arterial road that runs through the entirety of the Unley Council area and intersects with Cross Road 140 metres to the south of the subject site. The allotment is rectangular in shape with a frontage of 15.24 metres and an area of 759m².

There is an existing single storey commercial building currently utilised as consulting rooms (chiropractic). The building is situated to the rear of the site with car parking located in front of the building with direct vehicle access from Unley Road via a single crossover.

The verge to the front of the site includes a bus stop, streetlight, a major roads green overhanging traffic sign and a number of service pits.

There are two (2) regulated trees located on the subject site, one near the front boundary and another along the northern side boundary. The site is not affected by any easements.

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. LOCALITY DESCRIPTION

Land Use

There is a variety of land uses within the immediate locality that is reflective of the Mixed Use zoning. The variety of uses include:

- North – Shop including a pool shop and Crowies Paints;
- East – residential dwellings including single storey detached dwellings and residential flat building;
- South – single storey dwelling and Mercedes Benz car dealership;
- West – Unley Road, variety of shops, offices and consulting rooms

Land Division/Settlement Pattern

The land division pattern is quite varied given the nature of the land uses within the locality.

Dwelling Type / Style and Number of Storeys

The dwellings within the locality are generally single storey in height however vary in type as they include detached, semi-detached, group dwellings and residential flat buildings. This is reflective of a strategic intent to increase residential density near major road corridors.

6. STATUTORY REFERRALS

Given the proposed alteration to an existing access to a secondary arterial road, Council discussed the proposed application with a Department of Transport Officer as to whether a Schedule 8 referral was warranted. DPTI advised that a referral was not warranted in this instance as:

- *A 6m crossover is being provided to Unley Road. Please note that DPTI requires this anyway to enable 2 way vehicle movement;*
- *A setback of at least 1m is being provided from the crossover to the gantry sign (the large green overhanging traffic sign);*
- *It appears that the crossover is not to be built over the Telstra pit, any works in close proximity to this pit however will need to be discussed with Telstra;*
- *There are very limited alternative options for this site in regards to access;*
- *The building is to be located outside the 10m road widening requirement;*
- *It was noted in relation to the bus stop that the rear bus doors open onto the crossover instead of a level footpath. This however appears to an existing situation and therefore ok to continue.*

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Council's Traffic Department due to the proposed alterations to the car parking area and a shortfall of on-site car parking. The following is a summary of the comments received:

Car Parking

- *Based on a total floor area of 476m², the development should provide between 14 and 29 parking spaces (representing the 3-6 per 100m² parking space range). The proposed car park provides 11 parking spaces and therefore there is a shortfall of 3 spaces.*
- *Based on the rate of 3 spaces per 100m², the existing development requires 7 parking spaces and the proposed additional storey requires 7 spaces. If it can be demonstrated that, based on car park utilisation, the existing development does not require 7 spaces, excess capacity in the car park could offset a portion of the additional 7 spaces required.*
- *With a parking shortfall of 3 spaces, additional parking demand would occur on-street. This will likely occur on the closest side street, which is Austral Terrace. Austral Terrace generally experiences a moderate demand for parking due to nearby businesses. Residents of the street have raised concerns in the past over parking associated with*

businesses, which led to installation of a 2 hour parking zone, 9am-5pm, Monday to Friday, from Unley Road to Rugby Street;

- *All-day staff parking is generally not supported in residential streets and it is preferable that it occurs wholly off-street. Some customer/visitor parking can be tolerated on-street where there is reasonable parking turnover.*

Driveway Access

- *Access is via the existing crossover, but extended by approximately 1 m to the south. AS2890.1 indicates that for a car park servicing 11 parking spaces on an arterial road, the driveway access should be 3-5.5m in width. Council Wide - Transportation (Movement of People and Goods) - Principle of Development Control 4 indicates that driveway accesses should be designed to minimise queuing on an arterial road. To ensure that motorists do not need to queue on the road, the access width should be 5.5m or greater for the first 6m. The car park access is 5.9m width at the property boundary, and is at least 5.5m in width for the first 6m, and thus meets these requirements.*
- *As the development is 150m north of the Unley Road/Cross Road intersection, traffic queues past the development in the PM peak period. Driveways should be located outside of the normal queue length of a signalised intersection. This is to allow convenient access to the road but also for safety reasons as it can be difficult to safely undertake a right turn through queued traffic. Crash data indicates that with the current development, there were no crashes in the 2012-2016 period involving motorists turning right out of the development, suggesting that any increased risk to safety resulting from approximately a 25% increase in use of the car park is not a concern.*
- *A bus stopped outside the property would block entry/exit. However, this is currently the case, and although not ideal, is not a major concern.*

Manoeuvrability with the car park

- *The addition of three parking spaces in the aisle of the existing car park reduces the aisle width to 6.5m. This exceeds the minimum of 5.8m for a user class 3 car park, and is therefore acceptable.*
- *The car park is considered a blind aisle, which is when vehicles can enter but need to turn around to exit. AS2890.1 states that the maximum length of a blind aisle shall be equal to the width of six 90° spaces, unless there is provision to turn around. The car park has been redesigned to meet this requirement with the inclusion of a shared space/ turning area.*
- *The consequences of a blind aisle is that if a motorist enters and there are no spaces available, they would have to undertake a five point turn to turn around. Otherwise they would reverse on to Unley Road, which is a safety hazard. Although this is currently the case, a motorist can turn around in a three point turn and there is little chance of a motorist attempting to reverse on to Unley Road.*

The application was referred to Council's Assets Department due to the proposed extension to the crossover. The following comments were received:

- *From an Council assets perspective I can see no issues with the crossover being wider.*
- *However there is a 4 lid Telstra man hole approx 1.5m south of the existing crossover. This could be an issue as some of these man holes are larger underground than what shows on the footpath.*
- *I would recommend the applicant contact Telstra to get advice and written approval on what distance the crossover should be away from the Telstra man hole. Being a main road we do not want vehicles cutting the corner of the crossover and driving over the edge of the Telstra man hole causing damage. If there is damage caused to the man hole due to vehicles (whether in the short term or long term), Telstra will charge Council for repairs because we gave the approval to widen the crossover. Please note that any such Telstra Repairs would not be cheap.*

The above comments have been relayed to the applicant who has provided the following response:

- *We have been in contact with Telstra, however we have had no response.*
- *From a site inspection the proposed widening of the driveway crossover will be approx. 1m from the cast iron pit lid. The concrete apron around the cast iron lid is approx 1m wide, which is what is shown in the survey and in line with edge of the proposed crossover. If this is still an issue we can shift the crossover further north approx 500mm. I don't believe this should an issue as the actual pit itself is 1m south of the edge of the crossover.*

The application was referred to Council's Arboricultural Department due to the removal of a Regulated Tree. The following comments were received:

- *The subject tree is located centrally at the front of the allotment within a small garden bed that provides a border and physical barrier for the sites carpark. The tree is notable when travelling along Unley Road as this section of the road reserve is void of green cover and any meaningful softening.*
- *The subject tree is identified as a 'regulated' mature *Ulmus procera* (English Elm) standing at approximately 13 metres in height with an asymmetric canopy spread over approximately 11 metres. The tree exhibits good health with poor form and structure.*
- *It would appear that the tree has been arboriculturally managed in recent years with both pruning and pest management treatments occurring. While the structure of the tree is considered poor because of failure within the tree's primary stem union, the above-mentioned management has completely removed the eastern stem and subsequently reduced associated risks associated with stem failure. The arboricultural management undertaken has also been effective in maintaining the*

tree's health and reducing the risks associated with stem and branch failures albeit altering the tree's form considerably.

- *In considering the above findings and legislative criteria, the subject tree does have attributes that are worthy of preservation and is without arboricultural concerns that would justify its removal. Subsequently, I do not support the proposed development application.*

8. PUBLIC NOTIFICATION

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

55 Austral Tce, Malvern (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
The building is already sited near the rear boundary and is quite visibly bulky in appearance. The proposed addition is very bulky and visually intrusive – unsympathetic to the neighbouring residential properties. Move the proposed first floor building to the west by 2-3m.	<p>In respect to the height, the proposed development involves the construction of a two-storey building which is consistent with PDC 1 & 3 of the Mixed Use Zone which prescribes development not exceeding two storeys.</p> <p>The proposed building will be constructed in the middle of the subject land and between the existing single storey building and the Unley Road frontage. An inspection of the locality, and particularly the immediate properties within the Mixed Use 3 Zone, found few examples of previous residential development which have been recently converted to a commercial use. The nearest examples are those north of Dover Street and two buildings on the western side of Unley Road. The majority of commercial buildings within this area of the Mixed Use 3 Zone no longer comprise former dwelling buildings.</p>
The total building/ terrace area proposed is 473sqm, nearly twice the maximum floor area allowed. Reduce the floor area to be more in keeping with the PDCs.	The proposed building has a total floor area of approximately 239 square metres (sqm) and will comprise a ground level entry foyer with stairs and light well (24 sqm), and an upper floor office area with meeting room, studio, kitchen,

	<p>external terrace and toilet, bathroom and associated airlock (215 sqm). The existing building on the land has a floor area of approximately 236 sqm.</p> <p>I note both Objective 1 and PDC 1 contains the references to 'small-scale office and consulting room development' and "individual building" in respect to maximum total floor area. When considered with PDC 2 this indicates more than one building may be constructed on a site and each building may have a total floor area of 250 sqm or less. I do not believe the provisions limits the combined total floor area of all buildings on a site to 250 sqm otherwise the provisions would specifically state this outcome.</p>
<p>Zone PDC 5(c) suggests second storeys should be incorporated within pitched roofs. The proposed height to the top of the ridge of this development is 10m. Reduce height of the first floor roof significantly to 7m-7.5m max height.</p>	<p>Part (c) of PDC 5 refers to mass, scale, form and design being compatible with existing residential development, irrespective of whether in the Zone or an adjacent zone, and with second storeys within pitched roofs.</p> <p>The proposed building will align with the existing commercial land uses either side of the subject land and which front Unley Road. I note the subject land is deeper than the commercial properties immediately to the north and south, allowing the existing single storey building to provide a transition space between the proposed building and the abutting properties which contain residential land uses.</p> <p>Although the proposed building will have a height of 10.2 metres to the ridge of the roof, the side walls of the northern elevation are between 7.1 metres and 8.1 metres and 6.9 metres for the southern elevation. The wall heights are comparable with</p>

	<p>other two storey commercial buildings in the immediate locality.</p> <p>In this instance the need for the development to satisfy part (c) of PDC 5 of the Zone is not considered fatal as the building will cause no discernible conflict with the commercial character of Unley Road or the residential character of either Malvern Avenue or Austral Terrace. The development will be suitably sited and designed to complement the built form character of the locality.</p>
<p>Only 12 on site car parking spaces to be provided when at least 17 should be provided. This will create more on street parking on adjoining streets.</p>	<p>Due to the small-scale nature of both the existing consulting rooms and the proposed office, the number of staff occupying both buildings will be no more than seven (7) people with there being many times during the week when only 4 people will be working from the buildings. Given the consultative nature of the existing building, there will often be times when only one practitioner will be on site therefore visitor numbers at any one time will often be low and rarely, if ever, exceed six (6) people. The provision of twelve on-site spaces should adequately support the needs of the existing and proposed businesses which will operate from the subject land.</p> <p>While the concerns for accessibility to on-street parking is understood, in this instance there will be few occasions when demands for on-site parking will exceed supply. Should demand exceed capacity, then the overflow to on-street parking will be limited to only a few vehicles for only brief and relatively infrequent periods of time. The demands will also occur outside peak on-street parking demands for residential properties therefore the availability of on-street parking is unlikely to be greatly</p>

	affected by the proposed development.
Delete all windows to east/ north with solid construction in lieu to avoid overlooking.	<p>The windows on the northern elevation have sill heights of no less than 1.7 metres above the upper floor level and a Modwood timber screen (approximately 5.2 metres long and to a height of 1.7 metres above the upper floor level) will be fixed to the building's northern elevation. The screen will partially obstruct views from the east facing boardroom windows to private open spaces and habitable room windows of the properties at 55 and 57 Austral Terrace.</p> <p>The windows on the northern elevation satisfy the relevant overlooking principles given views are minimised by their sill heights being 1.7 metres above the upper floor level. The location, associated screening and presence of other buildings and structures should ensure views from the east facing boardroom windows do not produce unreasonable levels of overlooking into the adjacent residential properties. Accordingly, I do not expect additional privacy treatments would be needed for these windows.</p>
72 Malvern Ave, Malvern	
ISSUES RAISED	APPLICANTS RESPONSE
I have no objection to the building extension but do not give permission for the building to include windows that can overlook my property unless they are fully frosted.	It is acknowledged additional privacy treatments are warranted, particularly to minimise overlooking of 72 Malvern Avenue. Accordingly, the Applicant is willing to accept the Council attaching a condition to a planning consent requiring the installation of fixed obscure glass windows to a height of at least 1.7 metres above floor level to the eastern most windows on the building's east elevation. This outcome will ensure these windows satisfy the relevant overlooking principles.

(* denotes non-valid planning considerations)

Council Administration would like to note that further amended plans were received following the applicant's response to representations. Whilst these amendments centred around the car parking area and vehicle access, the plans also included changes to the upper level windows to notate that any windows below 1700mm above floor level would be fixed, obscured glass.

It is also noted that the removal of a regulated tree was included after public notification however it was decided that the application did not require further notification as the removal of a regulated tree is a Category 1 form of development.

9. DEVELOPMENT DATA

Site Characteristics	Alterations and 2 storey office addition	Development Plan Provision
Total Site Area	759m ²	
Frontage	15.24m	
Depth	49.73m - 49.86m	
Building Characteristics		
Floor Area		
Ground Floor	236m² (existing) 24m² additional (foyer)	Max 250m ² per individual building
Upper Floor	215.6m²	Max 250m ² per individual building
Total Building Height		
From ground level	10.2m (2 storeys)	2 storeys max
Setbacks		
Ground Floor		
Front boundary (west)	25.5m	
Side boundary (north)	As existing	
Side boundary (south)	As existing	
Rear boundary (east)	As existing	
Upper Floor		
Front boundary (west)	17m	
Side boundary (north)	0m	
Side boundary (south)	0m	
Rear boundary (east)	18m	
Car parking and Access		
On-site Car Parking	11 on site spaces inc 1 disability space	Min 3 per 100m ² of gross leasable floor area which equates to 14 car spaces recommended

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Mixed Use 3 Zone
Objective 1 <i>Accommodation of small-scale office and consulting room development with a maximum total floor area in the order of 250 square metres per individual building; as well as small-scale specialty goods outlets, and residential development of up to two storeys at medium densities.</i>
Assessment
<p>The applicant seeks to construct a second storey office addition to an existing single storey consulting room building. The proposed floor area of the building however will exceed 250 square metres. It is noted however:</p> <ul style="list-style-type: none">• Individually each of the uses will be less than 250m² in floor area;• Both the existing and the proposed land uses are envisaged for the Mixed Use 3 Zone;• There are a number of sites within the locality that would exceed the maximum floor area provision including a car dealership, car showroom, retail showrooms and dry cleaners;• The subject site is within 150m of the major intersection of Unley Road and Cross Road and therefore is a highly desirable location with excellent transport links;• The development will be able to utilise an existing vehicle crossover and car parking area (subject to some alterations). <p>Given the above, it is considered that the proposed development is acceptable in this location, particularly as the existing uses within the Mixed Use 3 Zone already vary quite dramatically, in regards to floor area and land uses, from that described in Objective 1.</p>

Relevant Zone Principles of Development Control	Assessment
PDC 2 <i>Development involving offices, consulting rooms and specialty goods outlets, together or individually, should have a maximum total floor area in the order of 250 square metres per individual building.</i>	<p>The proposed development is for an upper floor office addition. Currently the site is utilised as a single consulting room (Chiropractor) tenancy. The office will operate as a separate tenant of the building. Both the proposed and existing uses are envisaged as per Zone PDC 2.</p> <p>Both of the uses together however will result in the building exceeding the maximum floor area of 250 square metres. The proposed addition is considered acceptable as:</p> <ul style="list-style-type: none">• It will not be out of character with the floor area of other buildings within the Mixed Use 3 Zone as a

Relevant Zone Principles of Development Control	Assessment
	<p>number of these also well exceed 250 square metres in floor area;</p> <ul style="list-style-type: none"> • The two uses will operate as separate tenancies and individually do not exceed 250 square metres in floor area thereby maintaining a small-scale nature; • The site is well located with good road and public transport links; • It has been sited so that it is set back from the adjacent residential zone boundaries; • The upper floor addition will only abut outbuildings and an open car showroom.
<p>PDC 5 <i>Development should maintain the residential scale and appearance of existing development in the zone and complement development in adjacent residential zones by:</i></p> <p>(a) <i>providing building set-backs from roads typical of existing residential development in the zone, with the set-back area accommodating substantial landscaping;</i></p> <p>(b) <i>locating car parking to the rear of buildings, or behind screen walls and landscaping, so as not to be readily visible from adjacent public roads; and</i></p> <p>(c) <i>be of a mass, scale, form and design which is compatible with existing residential development, and incorporate second storeys within pitched roofs.</i></p>	<p>Within the zone, there are very few buildings that currently maintain a residential scale and appearance. Dwellings to the east of the site are actually located within a residential zone and therefore are naturally of a residential scale and appearance. The existing building on site is already not of a residential scale and appearance. The building does not meet residential setbacks and the car park is not located to the rear of the building.</p> <p>The proposed addition however is considered acceptable as:</p> <ul style="list-style-type: none"> • the addition is to be located away from the residential zone adjacent to the rear of the site; • The second storey addition is located to the front of the existing building, closer to Unley Road and over the existing car parking area; • it includes an asymmetrical gable roof form, materials and detailing that will complement residential dwelling styles; • it will allow the commercial site to have a greater presence to Unley Road; • it is clearly distinct from the residential zone whilst maintaining a maximum two storey height limit.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 6 – Vehicle Parking <i>Vehicle parking should be provided in accordance with the rates set out in Table Un/5 - Off Street Vehicle Parking Requirements or Table Un/5A - Off Street Vehicle Parking Requirements for Designated Areas (whichever applies).</i></p>	<p>As the proposed development is located within the Mixed Use 3 Zone along Unley Road, it falls within 'Designated Area' for car parking provision purposes. As such the desired minimum number of vehicle parking spaces is 3 spaces per 100m² of gross leasable floor area. Based on the floor area calculations provided, this results in a minimum of 14 parking spaces desired to be provided on site. Only 11 car parking spaces are to be provided.</p> <p>If the calculated floor area does not include the foyer and bathroom areas, stairwell and terrace, only 11 car parking spaces are required to be provided. Generally public areas such as foyers, stairwells, bathrooms are not included within leasable floor area calculations as these are common areas utilised by multiple tenants. This may not be the case for this development as these areas will likely be used just by the tenants and visitors of the new office. It is considered however that this floor area is not going to generate any additional space for staff to occupy with desks etc. and therefore from a practical view it is acceptable to consider that the number of car parking spaces provided on site appears to satisfy the minimum car parking requirements.</p> <p>Based on the staff numbers provided, the maximum number of workers on site for both the Consulting Rooms and the Office is six (6) and this will only occur on Tuesday and Thursday mornings. If the staff use one parking space each, this will leave five parking spaces remaining for customers and visitors.</p> <p>The existing consulting rooms are likely to receive the most visitors however both uses are highly likely to have scheduled appointment times and therefore if any issues become apparent around car parking, users of the site will likely make arrangements to compensate for these issues. Such examples include:</p> <ul style="list-style-type: none"> - Using public transport;

Relevant Zone Principles of Development Control	Assessment
	<ul style="list-style-type: none"> - Arriving early to allow time to find a parking space; - Arranging to be dropped off; - Parking further away and walking to the premises; - The operators of the two business making their clients/ customers aware of the issues and creating their own alternative transportation methods; - The business operators arranging appointments etc. outside of peak times or at suitable intervals. The consulting rooms for example, are to likely to schedule appointments with 15 minute intervals to have minimal crossover between patients.

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		
Commercial and Industrial Development	<i>Objectives</i>	1
	<i>PDCs</i>	1, 3, 4
Crime Prevention	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Design and Appearance	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23
Energy Efficiency	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Form of Development	<i>Objectives</i>	1, 2, 3, 4, 7
	<i>PDCs</i>	1, 2, 12, 13
Interface Between Land Uses	<i>Objectives</i>	1, 2, 3
	<i>PDCs</i>	1, 2, 3, 6
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Regulated and Significant Trees	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2
Transportation (Movement of People and Goods)	<i>Objectives</i>	1, 4, 6, 7, 13
	<i>PDCs</i>	1, 2, 3, 4, 9, 12, 13, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 32
Waste	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 4, 5, 6,

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

Relevant Council Wide Provisions	Assessment
Commercial & Industrial Development	
PDC 1 – Bank, Office & Consulting Room Development	<ul style="list-style-type: none"> • The proposed second storey office is to be an addition to an existing building utilised as a Consulting Room. This existing building has an unusual siting on the allotment as it is built to both side boundaries and is only setback 3 metres from the rear boundary. The building is also set back over 25 metres from the front boundary. • The proposed office addition maintains the current side and rear setbacks however will reduce the setback to the front boundary by introducing a upper level component over part of the car parking area. The upper level however will be set back further from Unley Road than the adjoining commercial premises. • Provision for landscaping has been made along the southern side boundary, the rear boundary and the front boundary.
Design & Appearance	
PDC 1	<ul style="list-style-type: none"> • PDC 1 states that buildings should reflect the desired character of the locality. Firstly, it is noted that the Mixed Use 3 Zone does not include a desired character statement like the adjacent Residential Historic (Conservation) Zone and the Residential Zone. In undertaking as assessment of the character of the locality in its current state, it is noted that the character is highly varied with a clear distinction between the commercial properties along Unley Road and the residential properties located on the side streets (Austral Terrace and Malvern Ave in particular). It is therefore reasonable that any development in this locality reflects that which is located within its Zone and not that of the adjacent zones. • Along Unley Road and within the Mixed Use 3 Zone, the buildings are also highly varied in terms of style, bulk, scale, roof form, materials and proportions. The height of the buildings are predominantly single storey but with ceiling heights much greater than a standard dwelling height (i.e. around 2.7m). There are also a couple of two storey buildings within the direct locality.

	<ul style="list-style-type: none"> The proposed development will not be out of character with the locality given the highly varied nature of the built form within proximity of the site.
PDC 2	<ul style="list-style-type: none"> The existing building is already sited along both side boundaries. The upper floor addition will also be built to the side boundaries. The proposed walls on the boundary will be a maximum of 7m in height. The walls will abut structures on the two adjacent sites being the Mercedes-Benz car dealership and the pool shop. Given the location of the boundary walls, they will not result in any shadowing that will be detrimental to the private open space or habitable room areas of the adjacent residential properties, particular the property directly south (72 Malvern Ave).
PDC 10 – Visual Privacy	<ul style="list-style-type: none"> There are no windows or any opportunities for overlooking into habitable rooms from the southern and western facades; The upper level northern facade will be provided with a 1.7m high screen along the boundary and will have windowsills at a height of 1.7m. For the rear eastern façade, the plans have been amended to show that 1.8m high fixed, obscured glass will be incorporated into the windows. Furthermore, Council has also recommended a condition for obscured glass windows given that there are potentially four properties with private open space areas within 30 metres of the eastern façade. It is considered that a combination of the design outcomes and conditions of the Planning Consent will ensure that overlooking from the proposed development will be minimal as per PDC 10.
Interface Between Land Uses	
PDC 1	<ul style="list-style-type: none"> The proposed office use is generally a low impact use in terms of odour and noise generation and therefore will have no impact in this regard. The proposed hours of operation for the office will be between 7:30am to 7:00pm Monday to Friday, which are generally commercial use hours. These hours should not cause

	<p>unreasonable impacts to the adjacent residential properties.</p> <ul style="list-style-type: none"> • The proposed development will largely cater for any parking requirements on site. In any of the few occasions where the car park may be full, customers/ visitors may utilise side streets for parking. These streets currently have parking restrictions, which will need to be adhered to.
Regulated and Significant Trees	
PDC 2	<ul style="list-style-type: none"> • The subject regulated tree is not diseased and it does not have a short life expectancy; • No evidence has been provided to suggest that the tree is a material risk to public or private safety; • No evidence has been provided to suggest that the tree is causing damage to a building; • It is argued that the removal of the regulated will allow for reasonable and expected development; • It is considered that the removal of the tree will allow for the existing crossover to be extended. The crossover needs to be 6 metres in width to allow for two vehicles to pass in and out of the carpark to Unley Road, an arterial road. Regardless of the proposed development, this crossover should be extended to allow for safe vehicle access and car parking to the site to current Australian Standards. Whilst the site has been operating without this extension, it is not designed as best practice. There is no other possible location for the crossover, given the amount of infrastructure located along the verge.

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 design and siting of the proposed addition will give the building more prominence along the Unley Road frontage without intruding upon the abutting residential zones;
- The proposed upper level office addition will be sufficiently setback from the adjacent residential zones to minimise any undue impacts to visual amenity;
- The proposed upper level windows will be designed and treated to ensure direct overlooking will be minimised to the private open space areas and habitable rooms of the adjacent dwellings;

- The alterations to the proposed car park are considered to be sufficient to cater for the additional office use;
- The proposed office use will have no impacts in terms of noise, odours and hours of operation;
- The proposed removal of the regulated tree is warranted to allow for the crossover to be extended and which will improve vehicle and pedestrian safety within the area.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/423/2018/C2 at 347 Unley Road, Malvern 5061 to 'Carry out alterations and additions to existing building including an upper storey addition for a separate office tenancy and removal of one (1) regulated tree (*Ulmus procera*)', 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 appropriate measures shall be taken to control any likely adverse impact on the amenity of the locality due to any noise nuisance, traffic hazard or otherwise.
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 any rear upper floor windows be treated to avoid overlooking prior to commencement of the use 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.
5. That a 1.7m high privacy screen be erected along the northern upper level façade prior to commencement of the use. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.
6. New planting shown on the approved site plan shall be implemented within the first available planting season after commencement of the use and be maintained thereafter to the satisfaction of the Council with diseased or dead plants replaced promptly with like species.

7. A sign be erected to the car parking area indicating that the car parking is to only be used by patrons of the subject site. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.
8. A sign be erected to car parking spaces 1, 7 and 10 (as per Birdseye Studios Surfaces, Setout and Planting Plan Drawing No. 17016_L101 Rev B) indicating that these spaces are for staff use only. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.
9. All vehicles shall enter and exit the land in a forward direction.
10. The alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site for the City of Unley Driveway Crossover specifications <https://www.unley.sa.gov.au/forms-and-applications#>
11. That 2 replacement trees must be planted to replace the Regulated tree within twelve (12) months of the date of the development approval. The replacement trees shall be selected from the attached list. The applicant shall advise Council in writing when the replacement trees are planted. The replacement trees shall not be planted within 10 metres of a dwelling or in ground swimming pool. The owner of the land the subject of this authorisation shall maintain the replacement trees in good health and condition at all times and shall replace any such tree if it dies forthwith.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- 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 also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.
- 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.

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

ITEM 4**DEVELOPMENT APPLICATION – 090/905/2018/C2 – 27 THORNBUR STREET, UNLEY PARK SA 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/905/2018/C2
ADDRESS:	27 Thornber Street, Unley Park SA 5061
DATE OF MEETING:	19 February 2019
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Demolish and rebuild existing dwelling (like for like); remove swimming pool, construct garage with upper level storage; additions including upper level and balcony, basement, fencing, pool pavilion on common boundaries and in-ground swimming pool and spa
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Built Form Zone, Policy Area 9.8
APPLICANT:	Black Rabbit
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (one oppose, two support)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representation
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Replacement dwelling Bulk Privacy

1. PLANNING BACKGROUND

- Development Approval has been granted to 'erect chain wire fence and posts to be secured to the top of the western and southern fence (max height 3.6m), drawable netting fence and 4 x tennis court lights (6m in height)' pursuant to application number 090/519/2018/C3.
- An application to remove a Significant Eucalyptus gomphocephala (Tuart Tree) located in the south-western corner of the allotment is currently under assessment pursuant to application number 090/789/2018/C1.

- Development Approval has been granted to 'demolish rear additions and remove swimming pool, remove a Significant Tree and two Regulated Trees, carry out alterations and construct garage with upper level storage; additions including upper level and balcony, basement, fencing, pool pavilion on common boundaries and in-ground swimming pool and spa' pursuant to application 090/23/2018/C2.

The applicant has commenced work on the above-mentioned application and has undertaken the demolition and removal of the trees.

Following the abovementioned approval, the applicant has determined that the repair work required for the existing character dwelling is uneconomical and seeks approval to rebuild the dwelling.

Administration have determined that application 090/23/2018/C2 cannot be varied to introduce the demolition and rebuild of the dwelling, as such the applicant has submitted a new application 090/905/2018/C2 (subject of this report).

Of note:

- The subject application does not include the previously assessed Significant and Regulated Trees as these have full development approval and have been removed.
- The additions and pool pavilion demonstrated in the subject application remain predominantly consistent with the previous approval (090/23/2018/C2).
- Should the subject application (090/905/2018) be refused, the applicant has a valid Development Approval to undertake the work pursuant to Development Application 090/23/2018/C2 as described above.

2. DESCRIPTION OF PROPOSAL

The applicant proposes the following development at 27 Thornber Street Unley Park;

- Demolish existing dwelling;
- Rebuild existing dwelling;
- Construct underground cellar/billiard room/cinema (350m²);
- Construct two storey component with associated balconies;
- Construct verandahs and garage (including upper level storage);
- Install swimming pool (109m²);
- Construct pool pavilion;
- Replace existing front brush fence with a new brush fence; and
- Construct boundary fencing of varying heights depending on retaining requirements

3. SITE DESCRIPTION

The subject site is located within the Residential Streetscape Built Form Zone, Policy Area 9.8.

The site is located on the southern side of Thornber Street Unley Park, between Grove Street and George Street. The site includes two allotments, making a regular shaped allotment with a total frontage to Thornber Street of 35.53m, a depth of 81m and overall site area of 2877.9m².

The site is currently occupied by a single storey detached dwelling (villa). Existing vehicle access is located adjacent the eastern boundary and is not proposed to be altered. A new vehicle crossover is proposed to be located approximately 4.7m from the western side boundary.

A Significant Eucalyptus gomphocephala (Tuart Tree) is located in the south-western corner of the allotment.

The subject land falls gradually away from the south eastern aspect of the allotment to the north western aspect.

4. LOCALITY PLAN



 Subject Site  Locality  Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Settlement Pattern and Dwelling Style

The immediate locality demonstrates a varied settlement pattern. Allotments vary in area, length and width, however generally accommodate detached dwelling forms.

Dwelling styles include single and two storey cottages, bungalows and infill/contemporary. A State Heritage Listed place is located on a substantial allotment at 37 Thornber Street.

Fencing Styles

Fencing within the immediate locality is predominantly high. The materials vary between pier and plinth and solid (brush or masonry).

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 3 representations were received as detailed below.

14 George Street Unley Park (support)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>Was generally supportive of the previous application 090/23/2018/C2. Seek to confirm that the following undertakings are reaffirmed by way of conditions of consent:</p> <ul style="list-style-type: none">a) Confirmation being provided of the height of the new fence along the boundary shared with 14 George Street;b) Confirmation being provided of the height of the wall of proposed 'service 2' enclosure;c) Imposition of the same conditions as applied by Council pursuant to DA 090/23/2018/C2;d) Confirmation of the willingness of the applicant to discuss landscaping with my client at the earliest appropriate time.	<ul style="list-style-type: none">a) The height of the new fence is intended to remain at the height stipulated in DA 090/23/2018C2 – for reference, this is approximately in line with the height of the existing fence.b) The height of the proposed 'service 2' wall at the boundary is intended to align with the fence height.c) It is our assumption that the conditions applied by Council pursuant to DA 090/23/2018C2 will continue to be applicable.d) Our client continues to remain willing to discuss the landscaping as previously agreed to for DA 090/23/2018C2.

31 Thornber Street Unley Park (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Do not accept that the existing blue-stone dwelling can be demolished and replaced like for like. It is a structure originally built in the 1800s and would be impossible to reproduce with todays materials and workmen.	<p>The extent of remediation work required to restore the building was going to be more extensive than originally thought. So extensive is the scope of works that the external walls would be the only legitimately original feature and even this once repointed would look 'new'.</p> <p>The intent is to reproduce the detailing and form, to ensure that the charm and character continue to contribute to the streetscape.</p> <p>The reconstruction is to include the salvaging and reuse of as much of the original stonework as possible. Original wall vents, finials, chimney pots, lacework and the like will also be salvaged and reused.</p> <p>The proposal is not intended to be a 'repo' build but rather a quality construction that reflects the original character and detail of the original villa, with the benefits of stable foundations, damp coursing, double glazing and wall insulation</p>
We object to the proposal to build a massively high boundary fence in excess of some 3.0 metres in height on the eastern boundary of our property.	<p>The boundary fence was approved pursuant to DA 090/23/2018/C2 and the works have been undertaken. The following three points are made:</p> <ul style="list-style-type: none"> • The adjacent windows are for non-habitable rooms. • Prior to the construction of the new fence, there was a 1.8m high brush fence shading the existing landscaping • Vegetation shaded the carport prior to its removal • Retaining is required to support the height of the existing brickwork at

	number 31, and the natural ground level of number 27
We continue to object to the proposed removal of the large heritage Eucalypt tree located in the south western corner. We are worried that this tree will be felled in haste before the completion of a proper period of consultation*.	The removal of the large Eucalypt is not part of the subject application.
20 High Street Unley Park (support)	
ISSUES RAISED	APPLICANTS RESPONSE
Reminder that the agreed rear fence is to be measured from the ground level of 27 Thornber i.e. total height of fence includes the plinth.	The 2.2m height is from the ground level of 27 Thornber Street

(* denotes subject of separate application currently under assessment)

9. DEVELOPMENT DATA

Site Characteristics	Dwelling Addition	Pool Pavilion	Development Plan Provision
Total Site Area	2877.9m ²		1000m ²
Frontage	35.53m		21m
Depth	81m		>21m
Building Characteristics			
Floor Area			
Ground Floor	Including Garage, Verandah and dwelling Total: 985m ²	112m ²	
Upper Floor	141.6m ² (+62m ² storage) Total: 158m ²	-	

Site Coverage			
Total Impervious Areas	<70%	<input type="checkbox"/> 70% of site <input type="checkbox"/>	
Roofed Buildings	32% 931m ²	<input type="checkbox"/> 50% of site area	
Total Building Height			
From ground level	7.3m	4.3m	
Setbacks			
Ground Floor			
Front boundary (N)	8.9m	75m	Generally 6m or the similar to adjacent dwellings
Side boundary (E)	11m 1.07m (garage)	On boundary	1m
Side boundary (W)	12.2m 1.135m- 1.2m	22m	1m
Rear boundary (S)	38m	On boundary	5m and outbuilding can be on boundary
Upper Floor			
Front boundary (N)	25m	-	Inconspicuous within streetscape
Side boundary (E)	3m	-	3m
Side boundary (W)	2.81m-2.84m	-	3m
Rear boundary (S)	38m	-	8m
Wall on Boundary – Pool Pavilion			
Location	Eastern	Southern	
Length	7.3m	11.8m	8m solid, 12m open
Height	Approx 2.2m	3.2m 2.99m from adjoining land	3m wall height and 5m roof height
Private Open Space			
Total Area	>20%	<input type="checkbox"/> 20%	
Colours and Materials			
Villa	<ul style="list-style-type: none">• Details including rendered masonry quoins, barge, plinth, verandah lacework, posts and mouldings to bay window to match villa to be demolished• Timber double hung sash windows• Salvaged chimney pots to be reinstated• Salvaged original finials to be reinstated• Shallow corrugated heritage galv roof sheeting with gutter profile to match original villa• Random ashlar cut bluestone walls with 'lined' jointing to match the original villa stonework		

Rear development	<ul style="list-style-type: none"> • Masonry brick work • Alucabond plus wall cladding – black colour finish • Shiplap vertical timber cladding (black stained and lime washed) • Hardies matrix sycon wall cladding (painted black) • Revolution roofing maxline 340 – Colorbond monument
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(items in **BOLD** do not satisfy the relevant Principle of Development Control)

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape Built Form Zone, Policy Area 9.8
<p>Zone Objective 1: <i>Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</i></p>
Policy Area 9 – Spacious - Desired Character
<p><i>The streetscape attributes include the:</i></p> <ol style="list-style-type: none"> <i>a) low scale building development;</i> <i>b) spacious road verges and front and side building setbacks from the street;</i> <i>c) forms and detailing of the predominant architectural styles (variously Victorian and Turn-of-the-Century double-fronted cottages and villas, and Inter-War era housing, primarily bungalow but also tudor and art deco and complementary styles); and</i> <i>d) varied but coherent rhythm of buildings and spaces along its streets.</i> <p><i>Development will:</i></p> <ol style="list-style-type: none"> <i>a) be of a street-front dwelling format, primarily detached dwellings; and</i> <i>b) maintain or enhance the streetscape attributes comprising:</i> <ol style="list-style-type: none"> <i>i. siting - the regular predominant subdivision and allotment pattern, including the distinctive narrow-fronted sites associated with the various cottage forms (found only in the Unley (North) and Wayville Precincts). This produces a streetscape pattern of buildings and gardens spaces set behind generally open fenced front boundaries. Street setbacks are generally 6 to 8 metres and side setbacks consistently no less than 1 metre and most often greater, other than for narrow fronted cottages. Such patterns produce a regular spacing between neighbouring dwellings of generally between 5 metres and 7 metres (refer table below); and</i> <i>ii. form - the consistent and recognisable pattern of traditional building proportions, including the wall heights and widths of facades and roof heights, volumes and shapes associated with the architectural styles identified in the table below; and</i> <i>iii. key elements - the iconic and defining design features including, in particular the detailed composition and use of materials on facades and</i>

roofing of the predominant architectural styles identified in the table below.

Assessment

The Residential Streetscape Zone seeks high quality well designed buildings that respect their streetscape context. The proposed development is considered to contribute positively to the character of the area for the following reasons;

- the proposal maintains the generous front and side setbacks predominant in the immediate locality and in doing so maintains the spatial patterns of traditional settlement;
- the dwelling component presenting to the streetscape demonstrates traditional proportions including wall heights, roof height, volume and forms associated with the architectural styles found in the immediate locality;
- the dwelling presenting to the street includes key elements such as verandahs and façade detailing while the rear component uses complementary materials and appropriately located garaging, outbuildings and upper storey development

Relevant <u>Zone</u> Principles of Development Control	Assessment
<p>PDC 6 <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>a) <i>is structurally unsafe or so unsound as to be unreasonably economically rehabilitated; or</i></p> <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>The applicant has detailed the extent of works required to repair the existing villa (refer Attachment C page 2). Should the required repair work be undertaken, the only remaining original feature of the dwelling would be the external walls (which are to be repointed).</p> <p>The existing dwelling is not identified as Local Heritage and as such does not have local significance as an individual dwelling, but rather, it contributes to the locality because it demonstrates positive attributes within the streetscape (such as siting and form).</p> <p>Given the economics of the circumstances, the application proposes to rebuild the existing dwelling within the same footprint, and emulate the same setbacks as the original dwelling. As such, the replacement building maintains the desired siting as sought within the Policy Area.</p> <p>The proposal demonstrates a consistent and recognisable pattern of traditional</p>

Relevant <u>Zone</u> Principles of Development Control	Assessment
	<p>building proportions including the wall heights and widths of facades and roof heights, volumes and shapes associated with the architectural styles identified within the Policy Area.</p> <p>Key elements, including finials, chimney pots, lacework and materials are proposed to be salvaged where possible and form part of the replacement building. As such, the key elements are consistent and would complement the predominant architectural styles within the immediate locality.</p> <p>The replacement building demonstrates positive siting, form and key elements such that it makes a comparable contribution to the desired character.</p>
<p>PDC 9 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:</p> <ul style="list-style-type: none"> 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 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. 	<p>The proposed upper storey is located >25m from the primary street, and approximately 11m behind the dwellings main facade. The addition adopts a contemporary design, which demonstrates appropriate scale and pattern of development.</p> <p>The two storey element will not be highly visible from a public vantage point, furthermore is appropriately located such that it will not intrude on neighbouring dwellings with regard to bulk and scale.</p>
<p>PDC 10 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:</p> <ul style="list-style-type: none"> a) scale and form of buildings relative to their setbacks as well as the overall size of the site; and 	<p>The proposed development includes a high quality contemporary design at the rear and traditional proportions and architectural style presenting to the primary street.</p> <p>As described in PDC 6 above, the replacement dwelling respects the traditional settlement pattern, form and</p>

Relevant <u>Zone</u> Principles of Development Control	Assessment
<ul style="list-style-type: none"> b) characteristic patterns of buildings and spaces (front and side setbacks), and gaps between buildings; and c) primarily open front fencing and garden character and the strong presence of buildings fronting the street. 	<p>key elements desired and identified within the Policy Area. While the proposal can be considered a 'replica', it demonstrates a respectful outcome and has not attempted to 'mould' a modern dwelling design with historic dwelling features.</p> <p>The overall proposal positively contributes to the contextual conditions and desired character.</p>
<p>PDC 14 A carport or garage should form a relatively minor streetscape element and should:</p> <ul style="list-style-type: none"> a) be located to the rear of the dwelling as a freestanding outbuilding; or 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: <ul style="list-style-type: none"> i. incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and 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 iii. have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and 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. 	<p>While the proposed garage is two storey, it is located >26m from the primary street frontage and >16m behind the dwelling façade. Given the proposed location and relationship with the overall dwelling design, it will form a dominant streetscape element.</p>

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 35 – Fencing	<ul style="list-style-type: none"> • The fencing demonstrated along the western boundary includes a 2.2m high Colorbond fence upon retaining. • The overall height varies in response to the fall of the subject site and existing adjoining site levels. • Following public notification, the applicant has provided further details (refer Attachment A, Sheet 03 Rev B) which demonstrate that the overall fencing height varies from 2.2m to 2.7m from the subject land, and 2.2m to 3m from the adjoining land. • The fencing material is visually impermeable, and complements the associated development. • The overall height achieves visual privacy between properties • The related PDC provides a recommendation that fencing could include lattice extensions to a height of 2.8m in circumstances where it does not adversely affect the visual amenity of the locality nor reasonable access to sunlight of adjoining land; • The fencing is greater than 2.2m in height for the southern part of the boundary which is adjacent to private open space (31m in length at 2.9m in height) and covered parking (9.5m in length at 2.5m in height); • Overall, the fencing is not unreasonable in the not considered to be seriously at variance with the related principle of development control
PDC 38 & 39 – Overlooking	<ul style="list-style-type: none"> • The northern and southern balconies and associated habitable rooms do not incorporate specific privacy measures, however appropriate separation distance is achieved (>15m radius to

	<p>habitable windows and >30m to private open space);</p> <ul style="list-style-type: none"> • Direct overlooking from the upper level to habitable room windows and useable private open space of other dwellings is minimal.
PDC 50 – Swimming Pool	<ul style="list-style-type: none"> • The swimming pool and ancillary pool equipment are located such that the privacy and acoustic amenity of adjoining residential occupiers is maintained.

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 supports the desired character of the Residential Streetscape Built Form Zone Policy Area 9;
- The proposed upper storey is set well behind the primary street façade and is appropriately located such that it is not of a bulk or mass that intrudes on neighbouring properties;
- The proposed development is of a high quality design that references the contextual conditions of the locality and contributes positively to the desired character in terms of scale, form and setbacks; and
- The proposed development does not unreasonably intrude upon neighbouring properties with regard to visual amenity, overshadowing, privacy and acoustic amenity

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/905/2018/C2 at 27 Thornber Street, Unley Park SA 5061 to 'Demolish and rebuild existing dwelling (like for like); remove swimming pool, construct garage with upper level storage; additions including upper level and balcony, basement, fencing, pool pavilion on common boundaries and in-ground swimming pool and spa' 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. A Tree Protection Zone be applied to the existing Significant *Eucalyptus gomphocephala* in accordance with the recommendations of Australian Standard AS 4970 Protection of trees on development sites.

3. Tree protection measures be applied to the neighbouring Regulated *Corymbia* species in accordance with the recommendations of Australian Standard 4970-2009 Protection of Trees on development sites.
4. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment.
5. 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.
6. 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.
7. 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:

- Your attention is drawn to the requirements of **Development Regulation 76C- Fire Safety Requirements - Brush Fences.**
 - It is a requirement for the purpose of building rules assessment that brush fences (existing, proposed or altered) must be clearly identified on all documentation to be lodged for building rules consent. Brush fences within 3 metres of any dwelling will require development approval.
- 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.
- 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.

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