

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

Dear Member

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

Paul Weymouth
ASSESSMENT MANAGER

Dated 8/3/2019

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

APOLOGIES:

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED:

SECONDED:

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 26 February 2019, as printed and circulated, be taken as read and signed as a correct record.

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

19 March 2019

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Confirmation

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Any Other Business
Matters for Council's consideration

ITEM 1**DEVELOPMENT APPLICATION – 090/674/2018/C2 – 10A URRBRAE AVENUE, MYRTLE BANK 5064 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/674/2018/C2
ADDRESS:	10A Urrbrae Avenue, Myrtle Bank 5064
DATE OF MEETING:	19 March 2019
AUTHOR:	Brendan Fewster
DEVELOPMENT PROPOSAL:	Construct two (2) two-storey semi-detached dwellings with garages and verandahs under main roof and associated retaining walls and fencing
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Zone Infill Policy Area 12
APPLICANT:	D'Andrea Architects
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (6 – 5 oppose & 1 support)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Density Built form Building bulk & mass Residential amenity Tree protection

1. PLANNING BACKGROUND

090/810/2018/DIV – Land Division - Torrens Title - Create two allotments from one existing – **Under Assessment**. The plan of division shows party walls reflecting the configuration of the dwellings proposed within the subject application.

2. DESCRIPTION OF PROPOSAL

The proposal is for the construction of two (2) two-storey semi-detached dwellings with garages and rear verandahs under the main roof.

The proposed dwellings are designed with an integrated form and common architectural style. The dwellings are modern and feature strong and uncomplicated facades that include framed upper levels with projections and recesses, fenestration and flat roofs. External materials and finishes include recycled red brick and rendered (light grey) wall cladding with feature Scyon panels (dark grey), aluminium frame windows and doors (black) and timber batten garage doors.

The front porch of the dwellings are setback 9.5 metres from the road boundary, with the garages setback further at a distance of 11.2 metres. The side walls are setback one metre at ground level and between 2 and 2.7 metres at second storey level.

Retaining walls and fencing are to be erected along sections of the side and rear boundaries at a maximum combined height of 2.18 metres.

3. SITE DESCRIPTION



The subject land is a residential allotment located at 10A Urrbrae Avenue, Myrtle Bank. The allotment is a rectangular shape with a frontage width of 15.54 metres and a total area of 717m².

The land gently falls away from the road frontage to the rear of the property. There is a Lemon Scented Gum tree within the front south-eastern corner of the subject land. The tree has a circumference of 2.28 metres and is 'Regulated'.

Currently occupying the land is a single storey detached dwelling and a freestanding carport that is situated in front of the dwelling.

4. LOCALITY PLAN



 Subject Site  Locality  Representations

5. LOCALITY DESCRIPTION

Land Use

The locality is entirely residential in land use. Existing development comprises a mix of detached and semi-detached dwellings at relatively low densities. At the northern end of Urrbrae Avenue is an aged care facility.

Land Division/Settlement Pattern

The original allotment layout and development pattern has been fragmented in some parts of the locality due to infill development and the nearby aged care facility.

Dwelling Type / Style and Number of Storeys

There is a mix of dwelling styles with modern and conventional dwellings amongst traditional villas and bungalows. Dwellings are predominantly single storey.

Fencing Styles

Fencing styles and heights vary along Urrbrae Avenue and include masonry/brick walling, brush, hedging and timber pickets.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

Arborist Referral

Regulated' Lemon Scented Gum

The subject tree is a Corymbia citriodora, Lemon Scented Gum located in the most south/eastern corner of the property and maintains a legislative status as a 'regulated' tree with a trunk circumference of 2.25 metres and attributes that deem it worthy of this status. It is critical that the tree is afforded a noted Tree Protection Zone (TPZ) of 8.00 metres radius. This area must not have any grade changes or excavation, of any kind, within this area. I believe the proposed development can accommodate the above-mentioned conditions with some careful design and construction considerations and see the subject tree sustained moving forward.

Council Street Tree – Vehicle Crossover

The northern property requires the construction of a vehicle crossover to support the development and plans show the vehicle crossover situated 1.5 metres north of the existing street tree, within the Council nature verge. This distance is less than desirable when considering the future growth and sustainability of the street tree. As such, I recommend the distance between the street tree and vehicle crossover to the north is no less than 2.0 metres. This will still provide a generous vehicle crossover width of 3.6 metres and maintain adequate clearance to the mentioned street tree to the south and a stobie pole to the north.

Other Vegetation

It was noted that two (2) further trees, along the frontage of the property, adjacent the 'regulated' Lemon Scented Gum maintain a legislative status. The two (2) trees are mature Olea europaea, Olive with one (1) tree having a trunk circumference of approximately 3.3 metres while the other has a trunk circumference of 2.3 metres and accordingly both have a legislative status despite not appropriately noted within the proposed development application.

The two (2) Olive stand side by side and collectively form a large hedge that forms a notable visual element and therefore the trees together have attributes that are worthy of preservation. While these Olive trees should not prevent reasonable development, it is critical they are considered as part of this current development and may require an amendment to the existing application.

Note: The Olive trees are subject to a declaration by the Minister under the Natural Resource Management Act 2004 and are not a regulated tree.

8. PUBLIC NOTIFICATION

Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period six (6) representations were received as detailed below.

11 URRBRAE AVENUE, MYRTLE BANK (support)	
ISSUES RAISED	APPLICANTS RESPONSE
No issues raised	
12 URRBRAE AVENUE, MYRTLE BANK (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Two storey not in keeping with existing character	Objective 1 of the Residential Zone seeks a “range of dwellings up to two storeys”. PDC 8 of the Residential Zone also anticipates “2 storeys in building height”. While I acknowledge that the locality of the subject site contains existing dwellings with hipped and gabled roof forms, in the context of the Unley Development Plan I do not consider this to mean that flat roofed development is inappropriate within the Residential Zone and Infill Policy Area 12.
Overshadowing of living rooms and passage door	The proposal plans have been amended so that the rear half of the upper level of each dwelling has a side boundary setback of approximately 2.7m. The shadow diagrams have been amended to reflect this change which results in shadow cast from the not falling on the existing solar panels of the adjoining dwelling to the south.
Shadowing of solar panels	As above
Loss of privacy	The upper level windows to the side and rear facades have sill heights of at least 1.7m above finished floor level or fixed obscure glass to 1.7m above

	finished floor level, satisfying Council Wide Principle 39 (b)
Noise pollution from occupants, air conditioning and pump chambers	Air conditioning units have not yet been selected for the proposed dwellings. That will occur through the detailed design documentation. The future air conditioning system will be designed and sited to meet the requirements of the <i>Environment Protection (Noise) Policy 2007</i> .
Impact on trees	All existing vegetation in the front yard will be removed, with the exception of the existing Regulated Lemon Scented Gum tree which will be retained. Front and rear yards will be planted with a variety of grass, shrubs and small/medium feature trees.
Visual impact of retaining walls	The plans have been amended so that there is less fill in the rear yard (max 300mm). This means that most retaining walls and fencing above will have a maximum height of 2.1m.
Concerns with the size, scale and design of the dwellings	Objective 1 of the Residential Zone seeks a “range of dwellings up to two storeys”. PDC 8 of the Residential Zone also anticipates “2 storeys in building height”. While I acknowledge that the locality of the subject site contains existing dwellings with hipped and gabled roof forms, in the context of the Unley Development Plan I do not consider this to mean that flat roofed development is inappropriate within the Residential Zone and Infill Policy Area 12.
15 GLENFORD AVENUE, MYRTLE BANK (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Loss of privacy	The upper level windows to the side and rear facades have sill heights of at least 1.7m above finished floor level or fixed obscure glass to 1.7m above finished floor level, satisfying Council Wide Principle 39 (b)
Trees should be retained	The proposal plans have been amended to show the retention of these trees

Concerns regarding construction and cost of retaining wall and fence	The plans have been amended so that there is less fill in the rear yard (max 300mm). This means that most retaining walls and fencing above will have a maximum height of 2.1m.
Concerns with stormwater runoff during heavy rainfall	The pump system also incorporates a battery backup system to ensure that stormwater can be disposed of to the street when there is no mains power.
10 URRBRAE AVENUE, MYRTLE BANK (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Impact on privacy due to two-storey scale	
The box-shape design is inconsistent with the character of the area	While I acknowledge that the locality of the subject site contains existing dwellings with hipped and gabled roof forms, in the context of the Unley Development Plan I do not consider this to mean that flat roofed development is inappropriate within the Residential Zone and Infill Policy Area 12.
Visual and privacy impacts associated with proposed fencing	The plans have been amended so that there is less fill in the rear yard (max 300mm). This means that most retaining walls and fencing above will have a maximum height of 2.1m.
Concerns regarding additional traffic and on-street car parking	Each of the proposed dwellings include a single garage with space for two vehicles to park on the driveway in front of each garage (11.4m to each garage door). Urrbrae Avenue can readily accommodate the additional vehicle movements resulting from one additional dwelling as proposed i.e. 8-10 vehicle movements per day.
Concerns regarding the amount of earthworks and retaining	The plans have been amended so that there is less fill in the rear yard (max 300mm). This means that most retaining walls and fencing above will have a maximum height of 2.1m.
15 URRBRAE AVENUE, MYRTLE BANK (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Concerns with the flat roof and lack of car parking	Each of the proposed dwellings include a single garage with space

	for two vehicles to park on the driveway in front of each garage (11.4m to each garage door). Urrbrae Avenue can readily accommodate the additional vehicle movements resulting from one additional dwelling as proposed i.e. 8-10 vehicle movements per day.
13 URRBRAE AVENUE, MYRTLE BANK (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
The flat roof does not comply with the zone	While I acknowledge that the locality of the subject site contains existing dwellings with hipped and gabled roof forms, in the context of the Unley Development Plan I do not consider this to mean that flat roofed development is inappropriate within the Residential Zone and Infill Policy Area 12.
Removal of vegetation and minimal landscaping will not be in keeping with the area	All existing vegetation in the front yard will be removed, with the exception of the existing Regulated Lemon Scented Gum tree which will be retained. Front and rear yards will be planted with a variety of grass, shrubs and small/medium feature trees.

(* denotes non-valid planning considerations)

9. **ADMINISTRATION NEGOTIATIONS**

The applicant has amended the original proposal following the public notification process in response to concerns raised by staff.

The amendments to original proposal include:

- The side setback to the rear sections of the upper levels has increased from 2 metres to 2.7 metres for greater separation;
- A reduction in the amount of fill in the rear yards with the retaining walls and fencing along the rear boundary lowered by at least 300mm; and
- The clearance between the driveway crossover for Dwelling 2 and the adjacent street tree has been increased to two metres.

10. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	717m ²	
Frontage	15.54m	
Depth	46.12m	
Building Characteristics (Per Dwelling)		
Floor Area		
Ground Floor	183m ²	
Upper Floor	119m² 65% of ground floor	50% of ground floor
Site Coverage		
Roofed Buildings	51% (minor departure)	□ 50% of site area
Total Impervious Areas	65% approx.	□ 70% of site □
Total Building Height		
From ground level	6.7m	7m max
Setbacks		
Ground Floor		
Front boundary (east)	9.5m min	6.5m
Side boundary (north)	1m	1m
Side boundary (south)	1m	1m
Rear boundary (west)	8m	5m
Upper Floor		
Front boundary (east)	9.5m	Same ref as ground floor
Side boundary (north)	2.0-2.7m	3m
Side boundary (south)	2.0-2.7m	3m
Rear boundary (west)	14.5m	8m
Private Open Space		
Min Dimension	7.7 x 11.5m	□ 4m minimum
Total Area	90m ² (25%)	□ 20%
Car parking and Access		
On-site Car Parking	3	3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Covered on-site parking	1 covered	2 car parking space
Driveway Width	3m	3m Single 5m double
Garage/Carport Width	3.3m (42%)	6.5m or 30% of site width, whichever is the lesser
Colours and Materials		
Roof	Not visible behind parapets	
Walls	Red brick Render (light grey) Scyon panels (dark grey)	
Fencing	Colorbond	

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

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

New development is to achieve positive environmental outcomes through passive energy design, water sensitive design, urban landscaping and biodiversity.

Landscaping, particularly within front yards, garden areas, alongside driveways and parking areas, should be an important consideration to contribute to the character and amenity of the locality.

Assessment

Objective 1 of the Residential Zone envisages “a range of dwelling types up to two storeys”. Furthermore, Objective 2 and the Desired Character encourage the replacement of existing dwellings with “sensitive infill re-development” and smaller sites that facilitate other housing types, such as semi-detached dwellings and small-scale group dwellings.

It is observed that the locality comprises predominantly single storey detached dwellings however there are some notable examples of infill development and variations to the original allotment layout and development pattern. These variations are particularly evident at the northern end of Urrbrae Avenue where there are smaller and narrower allotments and a number of buildings of varying size that form part of an aged care facility.

The desired character recognises that existing residential areas will gradually evolve through the creation of smaller sites and other housing types. Semi-detached dwellings are envisaged on allotments of 350m² or more. As the proposal is for a pair of semi-detached dwellings on allotments greater than 350m², the form (i.e. dwelling type) and density of the development would be consistent with the desired character.

From a built form perspective, the locality displays a variety of building styles that include modern and conventional dwellings amongst traditional villas and bungalows. While dwellings are typically single storey, the objective and desired character do not preclude two storey development provided such development is ‘street fronting’ and is complementary to surrounding dwelling forms. The proposed dwellings are designed to address the street, and while the flat roof design would be different to many existing dwellings in the locality, the contemporary nature of the built form would have sufficient regard for local area context in so far as:

- the existing character is gradually evolving with modern dwelling styles;
- the integrated form would ensure that the dwellings present to the street as one building rather than two narrow fronted buildings;
- the dwellings would not appear cramped or visually overbearing due to their modest building heights and spatial separation to side and rear boundaries;
- the dwellings would have generous front boundary setbacks that would lessen the verticality of the dwellings when viewed from the street; and
- the front setbacks would provide considerable opportunity for landscaping and the retention of a regulated tree.

When balanced against the policy intent of the zone and the changing local area context, the proposal is considered to sufficiently meet the Objectives and Desired Character for the Residential Zone.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 3 <i>Vacant or underutilised land should be developed in an efficient and complementary manner with the pattern of the established residential development but with dwellings at increased densities to provide greater housing choice.</i></p>	<p>The subject land is an existing residential allotment occupied by a detached dwelling. PDC 3 of the Residential Zone encourages the efficient use of land through increased densities to provide greater housing choice. The proposal would provide infill development at an appropriate density and with sufficient regard for the established pattern of development by creating rectangular shape allotments and dwellings that address the street in an appropriate manner.</p>
<p>PDC 7 <i>Low to medium density development that achieves net densities of between 28 to 33 dwellings per hectare.</i></p>	<p>The proposed dwellings would each have a site area of 358m².</p> <p>Based on the land having a total area of 717m², the 'net' residential density of the development has been calculated at 28 dwellings per hectare, which is within the recommended density range. PDC 7 is therefore satisfied.</p>
<p>PDC 8 <i>Development should primarily be in the form of street fronting dwelling types and of low to moderate scale, up to 2 stores in building height, where any upper level should be</i> <i>(a) integrated sympathetically into the dwelling and overall building design;</i> <i>(b) articulated along the façades, between floor levels and around rooflines to minimize building bulk and provide appropriate separation and a gradual transition to adjacent sites;</i> <i>(c) complementary to the contextual design considerations (site and building patterns and forms) within the locality and contributes to the desired character.</i></p>	<p>The proposed dwellings are designed to address the street with legible front entrances.</p> <p>While the proposed dwellings are of two storeys, their overall height of 6.7 metres would mean the buildings would have a “<i>low to moderate scale</i>” as envisaged by PDC 8. The integrated form of the facades with subtle projections and recesses, together with the generous front setbacks would sufficiently minimise the building bulk.</p> <p>As already considered, the modern building design would not detract from the prevailing streetscape character, which is expected to experience further change given that smaller sites and a range of housing types and styles are desirable</p>

Relevant Zone Principles of Development Control	Assessment
	Within the zone.
<p>PDC 9 <i>Buildings should be designed in accord with the following parameters:</i> <i>Maximum height (from ground level) - 7 metres (2 storeys)</i> <i>Minimum setback from primary street boundary - 5 metres (wall height less than or equal to 4 metres)</i> <i>5 metres plus 1 metre for every 2 metres increase in wall height above 4 metres</i></p>	<p>The proposed building height of 6.7 metres satisfies the maximum height parameter outlined in PDC 9.</p> <p>The front setbacks of 9.5 metres to the nearest wall and 11.2 metres to the garages would be well within the street setback parameters of PDC 9.</p>
<p>PDC 10 <i>Land should only be divided where:</i> <i>(a) the resultant allotment(s) conform to minimum site areas and frontage widths of dwellings;</i> <i>(b) the resultant allotment(s) are consistent with the desired character for the zone.</i></p>	<p>The proposal would create dwelling sites with a site area of 358m² and a frontage width of 7.77 metres. The site areas are greater than 350m² as recommended by PDC 2 of Infill Policy Area 2. While the frontages would be less than the recommended width of 8 metres, the shortfall of 230mm is negligible as it would not compromise the design and siting of the dwellings. In this regard, it is noted that the dwellings are designed with single garages and integrated and articulated facades that are setback from their respective side boundaries.</p> <p>Accordingly, the size and configuration of the proposed dwelling sites would be consistent with desired character for the zone in accordance with PDC 10.</p>

Policy Area Desired Character

Infill Policy Area 12
Desired Character
<i>This policy area comprises two precincts with low growth residential compatible infill character and allotment sizes of 300 and 350 square metres. The policy area is widely dispersed in pockets across council from Wayville to Parkside, Fullarton, Malvern and Myrtle Bank in the east.</i>
Assessment
<p>The desired character for the policy area envisages infill development that is compatible with the local area context. New allotments should be in the range of 300 to 350 square metres.</p> <p>As considered above, the dwelling density and built form character of the proposed 'infill development' would contribute to the desired character for the zone and policy area.</p>

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	Objectives	1, 2
	PDCs	1, 2, 3, 9, 10, 12, 13, 14, 19, 20, 21
Energy Efficiency	Objectives	1, 2
	PDCs	1, 2, 3, 4
Form of Development	Objectives	1, 3, 4, 7
	PDCs	1, 2, 3
Interface Between Land Uses	Objectives	1, 2, 3
	PDCs	1, 2, 3
Landscaping	Objectives	1
	PDCs	1, 2
Public Notification	PDCs	1
Regulated and Significant Trees	Objectives	3
	PDCs	4, 5, 6, 7, 8, 9, 11, 12
Residential Development	Objectives	1, 2, 4
	PDCs	1, 5, 6, 7, 13, 14, 15, 16, 17, 19, 20, 23, 24, 32, 33, 34, 35, 36, 37, 40, 41, 42
Transportation (Movement of People and Goods)	Objectives	1, 2, 3, 5, 6
	PDCs	1, 2, 3, 5, 9, 10, 12, 13, 14, 18, 19, 20, 21, 22, 33

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

Relevant Council Wide Provisions	Assessment
Regulated and Significant Trees	
<p>PDC 1, 5 & 6 – Significant Trees</p> <p><i>PDC 1 - Development should have minimum adverse effects on regulated trees.</i></p> <p><i>PDC 5 - Development should be designed and undertaken to retain and protect significant trees and advice should be obtained from suitably qualified persons with regard to such retention and protection</i></p> <p><i>PDC 6 - Where a significant tree or significant tree grouping:</i></p> <p><i>(a) makes an important contribution to the character or amenity of the local area, or</i></p> <p><i>(b) forms a notable visual element to the landscape of the local area, or</i></p> <p><i>(c) contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor</i></p> <p><i>development should be designed and undertaken to retain and protect such significant trees and to preserve these attributes.</i></p>	<p>Council Wide PDC 1, 5 and 6 seek to ensure that development is designed and undertaken to retain and protect regulated and significant trees, particularly where such trees make an important contribution to the visual character and amenity of the local area or contributes to the habitat value of the area.</p> <p>There is a regulated Lemon Scented Gum tree within the front south-eastern corner of the subject land and a significant River Red Gum within the front yard of the adjoining property at no. 12 Urrbrae Avenue.</p> <p>The applicant has provided a Development Impacts Report prepared by a qualified arborist, Alan Cameron Consulting Arborist. Both trees are considered to be in good health and make an important contribution to the visual amenity of the locality. The Tree Protection Zone (TPZ) for the regulated tree would have a radius of approximately 8 metres, which would not be encroached upon by the proposed dwellings. Therefore, the siting of the dwellings would adequately protect the health and longevity of the tree.</p> <p>As the driveway of Dwelling 1 would encroach within the TPZ, the consulting arborist has recommended either the retention or relaying of the existing driveway paving. Conditions to this effect have been recommended.</p> <p>Council's arborist has no objections to the siting and design of the proposed dwellings provided appropriate care is undertaken during construction.</p>
Residential Development	
<p>PDC 13 & 14 – Side and Rear Boundary Setbacks</p>	<p>Council Wide PDC 13 recommends a minimum setback of one metre from side boundaries for single storey walls and 3 metres for two storey walls up to 7 metres in height. The proposal satisfies the ground level setbacks, however the</p>

Relevant Council Wide Provisions	Assessment
<p><i>PDC 13 - Except where specified in a relevant zone or policy area, dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to minimise massing and overshadowing impacts to adjoining properties and should be in accordance with the following parameters:</i></p>	<p>upper storey setbacks on both sides have not been satisfied as the walls are setback between 2 metres and 2.7 metres.</p> <p>Notwithstanding the side setback shortfalls, the siting of the proposed dwellings in relation to the side boundaries would sufficiently minimise any overshadowing or visual intrusion given the modest wall height and flat roof profile.</p> <p>On balance, the siting and design of the proposed development in relation to the side boundaries would not significantly detract from the amenity of neighbouring properties and therefore is considered acceptable.</p>
<p>PDC 19 & 20 – Private Open Space</p> <p><i>PDC 19 - Private and communal open space should be provided as part of a residential development to:</i></p> <ul style="list-style-type: none"> <i>(a) create outdoor living areas;</i> <i>(b) provide ‘soft’ landscapes within an urban setting;</i> <i>(c) allow reasonable entry of natural light;</i> <i>(d) provide opportunities for permeable areas to allow for on-site water harvesting and aquifer recharge;</i> <i>(e) facilitate landscaping, food production and backyard biodiversity.</i> <p><i>PDC 20 - Private open space should be provided for each dwelling and sited and designed to be:</i></p> <ul style="list-style-type: none"> <i>(a) located adjacent or behind the primary street facing building facade and be exclusive of storage areas,</i> 	<p>Approximately 90m² of private open space will be provided for the occupants of each dwelling, which equates to 25% of the site area. The layout, orientation and amount of private open space satisfies Council Wide PDC 20 and is considered suitable for clothes drying, entertaining and other domestic activities.</p>

Relevant Council Wide Provisions	Assessment
<p>outbuildings, carports, driveways, parking spaces and roofed pergolas and associated structures;</p> <p>(b) screened from public areas and adjoining properties with fencing of not less than 1.8 metres above finished ground level;</p> <p>(c) sited to receive direct winter sunlight;</p> <p>(d) of sufficient area with a minimum of 20 percent of the site area (>300 square metre site area per dwelling) and 35 square metres (≤300 square metres site area per dwelling) within a residential zone and 20 square metres for each site within a non-residential zone;</p> <p>(e) useable for residents and visitors with a minimum of 4 metres (residential zone) and 3 metres (non-residential zone) in any one direction, a maximum grade of 1:10, and directly accessible from a habitable room.</p>	
<p>PDC 35 – Fencing</p> <p><i>PDC 35 - Fences and walls that form part of a development should be designed to:</i></p> <p>(a) maintain attractive streetscapes, clearly define the boundary between public and private property, and enhance safety and</p>	<p>Concerns have been raised by some representors regarding the height of proposed retaining walls and boundary fencing. In response to these concerns, the applicant has reduced the amount of fill in the rear yards and subsequently the retaining walls and fencing along the rear boundary has been lowered by at least 300mm. The retaining walls and fencing along sections of the side and rear boundaries would have a maximum combined height of 2.18 metres, which is generally consistent with Council Wide PDC 35.</p>

Relevant Council Wide Provisions	Assessment
<p><i>surveillance by incorporating:</i></p> <p><i>(i) low solid fencing of up to 1.2 metres high (measured from ground level);</i></p> <p><i>(ii) substantially open front fencing (greater than 50 percent transparent) to 2 metres high (measured from finished ground levels or the lower of the two adjoining finished ground levels) that complements the associated development;</i></p> <p><i>(e) create visual privacy between properties on side and 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);</i></p>	
<p>PDC 38 & 39 – Overlooking / Privacy</p> <p><i>PDC 39 - To maintain a reasonable level of visual privacy to adjacent residential properties the following measures are sought:</i></p> <p><i>(a) orientate and stagger windows and upper level viewing areas to prevent direct views into adjoining property indoor and outdoor living areas;</i></p> <p><i>(b) obscure viewing by raising window sills or incorporating obscure</i></p>	<p>All side and rear upper storey window openings are designed with either raised sills or fixed obscure glass to a height of 1.7 metres above the floor level.</p> <p>The proposed window treatments are considered adequate in maintaining the privacy of neighbouring properties in accordance with Council Wide PDC 38 and 39.</p>

Relevant Council Wide Provisions	Assessment
<p><i>glass windows to a height at least 1.7 metres above floor level;</i></p> <p><i>(c) use permanently fixed external screening devices such as screens, fences, wing walls, panels, planter boxes or similar measures adequate to restrict 120 degree views;</i></p> <p><i>(d) provide a separation distance of 15 metre radius to windows of habitable rooms in potentially impacted dwellings and 30 metre radius to private open space as described in the Figure below;</i></p>	
<p>PDC 41 – Overshadowing and Natural Light</p> <p><i>PDC 41 - Development should allow direct winter sunlight access to adjacent residential properties and minimise the overshadowing of:</i></p> <p><i>(a) living room windows, wherever practicable;</i></p> <p><i>(b) the majority of private open space areas, communal open space and upper level balconies that provide the primary open space provision;</i></p> <p><i>(c) roof areas, preferably north facing and suitable for the siting of at least 4 solar panels on any dwelling;</i></p> <p><i>or where such affected areas are already shaded, the additional impact should not</i></p>	<p>Given the orientation of the land and the two-storey scale of the proposed buildings it is reasonable to expect that some shadow would be cast over the adjoining properties during winter months.</p> <p>The applicant has provided a series of shadow diagrams for the winter solstice. While the neighbouring property immediately to the south at 12 Urrbrae Avenue would be most affected, the shadow diagrams confirm that the rear private open space and main habitable room windows of this adjoining property would continue to have adequate access to sunlight in accordance with Council Wide PDC 41. The north-facing solar panels on the adjoining dwelling would also continue to receive adequate access to sunlight. It is likely that the solar panels would have been affected had the proposed dwellings been designed with pitched roofs rather than a flat roof.</p>

Relevant Council Wide Provisions	Assessment
<i>significantly worsen the available sunlight access.</i>	
Transportation (Movement of People and Goods)	
<p>PDC 13 & 20 – Access and Car Parking</p> <p><i>PDC 13 - Development should be provided with safe and convenient access which:</i></p> <p><i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i></p> <p><i>(b) provides appropriate separation distances from existing roads or level crossings</i></p> <p><i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</i></p> <p><i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i></p> <p><i>PDC 20 - Off-street vehicle parking should be in accordance with Table Un/5 Off Street Vehicle Parking Requirements.</i></p>	<p>The existing vehicle crossover will be maintained for Dwelling 1 while a new crossover will be provided for Dwelling 2. The new access would achieve a clearance of 2 metres to the adjacent street tree, which has been accepted by Council's arborist. The location and design of the crossover would maintain adequate lines of sight in both directions and would not conflict with any street infrastructure. The proposed vehicular access arrangements are therefore safe and convenient in accordance with Council Wide PDC 13.</p> <p>When assessed against <i>Table Un/5 – Off Street Vehicle Parking Requirements</i>, there is a requirement for three car parking spaces, with two spaces to be covered. While only one space would be covered, there is adequate area in front of the dwellings for two tandem space. The on-site car parking provision satisfies the intent of Council Wide PDC 20.</p>

12. CONCLUSION

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

- The proposal would provide infill development at an appropriate density and with sufficient regard for the established pattern of development by creating rectangular shape allotments and dwellings that address the street in an appropriate manner;

- The design and siting of the proposed dwellings would not adversely impact upon the amenity of neighbouring properties, in terms of visual impact, loss of privacy or access to natural light; and
- Vehicular access is safe and convenient and each dwelling would be provided with adequate on-site car parking.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/674/2018/C2 at 10A Urrbrae Avenue, Myrtle Bank 5064 to construct two (2) two-storey semi-detached dwellings with garages and verandahs under main roof and associated retaining walls and fencing is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
4. That all side and rear upper floor windows shall be treated to avoid overlooking prior to occupation by being fitted with either permanently fixed non-openable obscure glazed panels or solid privacy screens to a minimum height of 1700mm above floor level with such glazing or screens to be kept in place at all times. Details of privacy treatments shall be provided to the reasonable satisfaction of Council prior to Development Approval.
5. The existing driveway paving for Dwelling 1 shall be retained or, if relayed or replaced, the paving shall not involve surface/grade changes, the use of machinery or the removal of tree roots except for the removal of surface roots and minor earthworks.

6. A Tree Protection Zone of at least 8 metres radius from the centre of the Regulated tree on the site shall be provided. The activities excluded from the TPZ include but are not limited to:
- Trenching (unless necessary for services);
 - cultivation;
 - storage;
 - preparation of chemicals, including preparation of cement products;
 - parking of vehicles and plant;
 - dumping of waste;
 - placement of fill i.e. soil;
 - soil level/grade changes (apart from that required for the relaying of paving);
 - installation of utilities and signs; and
 - physical damage to any part of the tree including leaves, branches, stems, trunk or roots (apart from removing surface roots for the relaying of paving).

Note: Any trenching required within the TPZ for service infrastructure shall only be undertaken with the supervision of a suitably qualified arborist.

7. The Tree Protection Zone shall be defined by the installation of chain wire mesh fence or the like, held in place with concrete feet so as not to enter the ground. The chain wire mesh fence should be clearly signed **'TREE PROTECTION ZONE' - 'NO ACCESS'**

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Administration
C	Response to Representations	Applicant
D	Internal Referral Comments (Arborist)	Administration

ITEM 2**DEVELOPMENT APPLICATION – 090/753/2018/C3 – WALFORD ANGLICAN SCHOOL FOR GIRLS, 8 COMMERCIAL ROAD & 316-320 UNLEY ROAD, HYDE PARK SA 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/753/2018/C3
ADDRESS:	Walford Anglican School for Girls, 8 Commercial Road & 316-320 Unley Road, Hyde Park SA 5061
DATE OF MEETING:	19 February 2019
AUTHOR:	Andrew Raeburn
DEVELOPMENT PROPOSAL:	Carry out alterations and additions to existing educational establishment, associated landscaping; removal of street trees (including a Regulated Sugar Gum); and amend conditions of previous approval (551/1987/DS & 575/1993/DF)
HERITAGE VALUE:	Local Heritage Place – unaffected by development.
DEVELOPMENT PLAN:	19 December 2017
ZONE:	<ul style="list-style-type: none">• Institutional Zone;• Urban Corridor High Street (Unley Road) - Policy Area 20; and• Residential (BUILT FORM) ZONE – Policy Area 9.8
APPLICANT:	Walford Anglican School for Girls
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 3
REPRESENTATIONS RECEIVED:	YES – Five against and one in support.
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Building bulk / mass Streetscape Amenity impacts

1. PLANNING BACKGROUND

The subject land has extensive development application history however, of most relevance to the current application is:

- Development application 551/1987/DS to *'Erect school hall and chapel, construct 2 carparks and convert 2 dwellings to educational use'*, was approved on 28/2/1988;
- Planning Appeals Tribunal determination made 8 August, 1989 that varied conditions of development approval 551/1987/DS;
- Planning Appeals Tribunal determination made 26 March, 1990 that again varied conditions of development approval 551/1987/DS. This decision also took the opportunity to correct an error in the original conditions and for clarity set out all conditions again (as they stood at the time). This decision set out restrictions on the use of the land, particularly the hall/chapel. Refer Attachment B.
- Development application 575/1993/DF to *'vary the restrictions on operation and use of existing hall and chapel'*, was approved on 31 January, 1994. Refer Attachment B.
- Development application 090/00701/96/DX to *'vary original conditions of approval for school hall and chapel'* was refused development plan consent on 16 December 1996.

2. DESCRIPTION OF PROPOSAL

The proposed development consists of the following components:

- Removal of street trees (including a regulated Sugar Gum), landscape upgrades and relocation of vehicle crossover within Woodlyn Avenue;
- Undertake development within the TPZ of a significant Willow Myrtle tree to the north of the Helen Reid hall;
- Construct replacement boundary wall/fencing along Woodlyn Avenue;
- Alterations and change of use of the dwelling at 8 Commercial Road to design and technology classrooms;
- Construction of a two storey education building (linked to the new design and building) for arts and drama use;
- Demolition of the "old hall" near the centre of the site and landscaping upgrades;
- Construction of additions to the eastern and western end of the Helen Reid hall and construct screening structure for climbing plants; and
- Amend conditions relating to development application 551/1987/DS (Refer to Attachment B), as detailed in the table below.

It is noted that the applicant has stated that the development will not increase the number of students attending the school.

Operative conditions will only be extinguished where they are recommended to be replaced with a new condition or where a condition no longer has a purpose.

Development application 090/551/87 Court Decision 26 th of March 1990 – <i>'Application to vary conditions'</i>	Purpose	No action needed or Extinguish
Condition 1	Relates to the 15 Fashoda Street, which has subsequently been demolished.	Extinguish. No longer relevant.
Condition 2	Requires specific amendments to the approved plans – relates to fencing.	Extinguish. No longer relevant.
Condition 3	Restricts sound transmission from the Helen Reid Hall to a maximum of 60dB.	Extinguish. A new condition (7) is recommended to comply with Development Plan policy.
Condition 4	Restricts amplified sound within the Helen Reid Hall to 95dB. The current acoustic assessment (Resonate) has assumed compliance with this condition.	Extinguish. A new condition (8) is recommended to comply with Development Plan policy.
Condition 5	Requires air conditioning plant to be installed.	Extinguish. A new condition (5) is recommended to achieve EPA recommendations.
Condition 6	No exterior amplified sound system shall be installed or used in association with the use of the hall/chapel.	No action needed. Condition remains relevant.
Condition 7	Requires two maintenance gates opening onto Woodlyn Avenue to be locked except when maintenance or emergency access is required.	Extinguish. A new condition (6) is recommended.
Condition 8	Restricts the areas to the west and south of the Helen Reid Hall from being used by student recreation or teaching purposes.	Extinguish. This land is to be developed by the proposed drama and arts building and the extension to the Helen Reid Hall. The remaining undeveloped

		areas that are adjacent the residential properties to the west are small and would be impractical for recreation or teaching purposes.
Condition 9	Requires the pedestrian gate designated as 'emergency gate' on the approved plans shall be signed for "emergency use" and bolted closed from within the property.	Extinguish. A new condition (6) is recommended.
Condition 10	Required a landscaping plan to be submitted to and approved by Council and for the landscaping to be implemented and maintained.	Extinguish. The condition is considered satisfied and is recommended to be replaced by a new condition (9) relating to landscaping information and implementation.
Condition 11	Requires roadways and hard standing areas to be constructed for the use by fire service vehicles and kept clear.	Extinguish. No longer relevant.
Condition 12	Requires car parks to be sealed or paved.	Extinguish. No longer relevant.
Condition 13	Requires vehicle access to Fashoda Street and Commercial Road car parks to be available during set down and pick up times.	Extinguish. A new condition (11) is recommended, as the Commercial Road car park no longer exists.
Condition 14	Sets out how the Commercial Road car park must be operated.	Extinguish. No longer relevant, Commercial Road car park no longer exists.
Condition 15	Sets out how the gates onto Commercial Road and Fashoda Street are to be operated.	Extinguish. Condition is made redundant by condition 1 of development approval 090/00575/93
Condition 16	Sets out the hours of use for the hall.	Extinguish. Condition is made redundant by condition 2 of development approval 090/00575/93
Condition 17	Requires the exit to Woodlyn Lane to be used for egress only from the Commercial Road car	Extinguish. No longer relevant.

	park and signed with a “No Entry”.	
Condition 18	Restricts the use of the hall/chapel for functions or activities that require a liquor license, any wedding reception or discotheque, or any public or other function not related to the use of the building and facilities hereby approved as a school hall, chapel and Christian education centre, being extensions to an established school.	Extinguish. A new condition (10) is recommended.
Condition 19	Restricts the hall/chapel being used for a wedding service or ceremony that would commence later than one hour before sunset.	Extinguish. A new condition (10) is recommended.
Condition 20	Relates to mitigating light spill into adjoining properties.	No action needed. Condition remains relevant and the applicant does not seek any change to the condition.
Condition 21	Relates to the repair of a fence to the rear of 8 Commercial Road.	Extinguish. No longer relevant.
Condition 22	Relates to the repair of a fence to the east of 6 Commercial Road.	Extinguish. No longer relevant.
Condition 23	Requires fences, gates and landscaping referred to in the above conditions to be maintained to the reasonable satisfaction of Council.	No action needed. Condition remains relevant.

Development application 090/00575/93 – <i>‘vary the restrictions on the operation and use of the existing hall & chapel’</i>	Purpose	No action needed or Extinguish
Condition 1	Relates to access arrangements and hours of use for the car parks accessed via Fashoda Street and Commercial Road.	Updated and carried over to Condition 13.
Condition 2	Relates to hours of use for the hall/chapel.	No action needed. Carried over to Condition 14.
Condition 3	Requires the pertinent conditions of development approval 090/551/87 to be adhered to.	No action needed. Condition remains relevant.

3. SITE DESCRIPTION

The subject land is comprised of a number of allotment that are bound by Fashoda Street to the north, Unley Road to the east, Commercial Road to the south and Woodlyn Avenue and Caroon Street to the west.

The site is occupied by Walford Anglican School for Girls and consists of several single and two storey educational buildings, sports and recreation grounds, arts and religious buildings. The site contains a Local Heritage Place (former house positioned near the centre of the site. A number of shops facing Unley Road are also Local Heritage listed.

There are several regulated and significant trees located within or near to the site, however, only two of these would be affected by the proposed development and are located to the north of the Helen Reid Hall and to the northern end of Woodlyn Avenue.

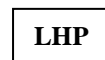
4. LOCALITY PLAN



Subject Site



Representations



Local Heritage



Removal of Regulated Sugar Gum



Retention of Willow Myrtle

5. LOCALITY DESCRIPTION

Land Use and Development Pattern

The locality to the north, south and west of the subject site consists predominantly of residential properties containing character and high quality replacement single storey dwellings with consistent setbacks and well maintained and mature landscaping and street trees. These areas have a high degree of visual amenity and represent a good example of the desired character set out by the Residential Streetscape (Built Form) Zone.

To the east of the site, properties consist of primarily institutional and commercial uses located within one and two storey buildings orientated towards Unley Road and with minimal street setback. The quality of the built form within this area varies considerably and there is no clear identifiable character.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

Council's Arborist: no objection and provides the following advice:

With respect to the proposed development at Walford Anglican School and the impacts of vegetation within Woodlyn Avenue, Hyde Park, I offer the following:

- 1) Council staff have no objection to the proposed removal of the street trees, including the 'regulated' Sugar Gum (Tree 8, Arborman Tree Solutions Report), located on the eastern side of the Woodlyn Avenue road reserve. Albeit, the tree removals will be subject to the protocols outlined within Council's internal Tree Policy and relevant Procedures. To this end, the Council will remove trees at the cost of the applicant.*
- 2) If the Willow Myrtle is retained during the proposed development, despite being at odds with the applicant's advice, I'd suggest a Tree Protection Zone (TPZ) of no less than 3.60 metres. This distance includes the tree's Structural Root Zone (SRZ), which is an area critical to the tree standing upright. Thereafter, tree health can be monitored accordingly, post development.*

Activities excluded from this TPZ include but are not limited to-

- a) excavation of any kind i.e. trenching;*
- b) cultivation;*
- c) storage;*
- d) preparation of chemicals, including preparation of cement products;*
- e) parking of vehicles and plant;*
- f) dumping of waste;*
- g) placement of fill i.e. soil;*
- h) soil level/grade changes;*
- i) installation of utilities and signs;*
- j) physical damage to any part of the tree including leaves, branches, stems, trunk or roots.*

The TPZ must be defined by the installation of a chain wire mesh fence or the like, held in place with concrete feet so as not to enter the ground. The chain wire mesh fence should be clearly signed 'TREE PROTECTION ZONE' - 'NO ACCESS'

Within the TPZ, the following activities are required, prior to the commencement of works-

- a) mulching of the area to a depth no greater than 100mm with a quality organic mulch.*
- b) regular (approx.. monthly) watering of the area by way of flood irrigation.*

Finally, the continued understanding and referral to the Australian Standard 4970-2009 Protection of trees on development sites.

- 3) *Detailed landscaping plans of the Woodlyn Avenue road reserve shall be submitted to and approved by Council prior to the issue of full Development Approval. Any landscaping treatments, plant species and locations etc. shall be discussed with and be to the reasonable satisfaction of Council's Natural Assets Lead. The implementation of the approved landscaping plan shall be at the full cost of the applicant and maintained by the applicant for one (1) year prior to handing over responsibility of the ongoing maintenance to Council, if satisfied with the condition of the road reserve landscaping.*

Assets Management: No objection.

Consultant Heritage Architect: No objection and provides the following advice:

The proposed development is located at the rear of the local heritage place (M J Baker House). The proposed development is sufficiently compatible in scale and distant from the local heritage place such that its impact on the context and setting of the place is acceptable.

The chimneys on the roof of the dwelling at 8 Commercial Road appear to have been altered and damaged. Given the positive aspects of the adaptive re-use of the building and the altered appearance of the chimneys, their removal is supportable.

8. PUBLIC NOTIFICATION

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

Joel Kuanz Khye Tan & Chui Leen Lim- 4 Woodlyn Avenue AGAINST	
ISSUES RAISED	APPLICANT'S RESPONSE
Loss of Willow Myrtle	Our consulting arborist initially recommended removal of this tree for reasons outlined in their report. However, the school would be willing to retain this tree and attempt to remediate it.
Inaccurate noise report	The location of the noise logger device was incorrectly marked on the diagram included in the acoustic report. A corrected diagram has been provided. Our acoustic engineers have assured us that the location where the noise logger was positioned was an appropriate location and that the data collected is both valid and useful. Please note

	that acoustic performance matters have been addressed in the proposed consent conditions.
Deletion of condition 18 relating to the use of the hall and consumption of alcohol on the premises.	No specific response, however, some comments provided in the table of conditions submitted by the applicant (attachment A).
Change to the performance measure of 60dB to 65 dB.	Please note that acoustic performance matters have been addressed in the proposed consent conditions
Lack of clarity on landscaping and planting on road reserve.	<p>The changes proposed to the nature strip along the eastern side of Woodlyn Avenue will result in an improvement to the landscaping and a significant increase to the number of streets. The new trees will be a more appropriate species and will be more effective in terms of visual screening and visual amenity within the street.</p> <p>Tree 1 – Jacaranda Street Tree: We have amended our drawings and now propose to retain this street tree.</p>
Marigold Jacobs - 2 Woodlyn Avenue AGAINST	
ISSUES RAISED	APPLICANT'S RESPONSE
Removal of significant willow myrtle.	Our consulting arborist initially recommended removal of this tree for reasons outlined in their report. However, the school would be willing to retain this tree and attempt to remediate it.
Stormwater impacts from increased hard surfacing.	We believe issues relating to stormwater are sufficiently addressed by the proposed consent conditions together with the submitted Stormwater Management Plan (attachment A).

Comments regarding conditions.	No specific response, however, some comments provided in the table of conditions submitted by the applicant (attachment A).
Deane Kemp - 8 Fashoda Street AGAINST	
ISSUES RAISED	APPLICANT'S RESPONSE
Removal of street trees.	<p>The changes proposed to the nature strip along the eastern side of Woodlyn Avenue will result in an improvement to the landscaping and a significant increase to the number of street trees. The new trees will be a more appropriate species and will be more effective in terms of visual screening and visual amenity within the street.</p> <p>Tree 1 – Jacaranda Street Tree: We have amended our drawings and now propose to retain this street tree.</p>
Concerns raised regarding conditions 5, 13, 15, 16 & 18.	No specific response, however, some comments provided in the table of conditions submitted by the applicant (attachment A).
Darryle Nitshke – 318 Unley Road AGAINST	
ISSUES RAISED	APPLICANT'S RESPONSE
Removal of street trees '(only if dead or dying)'	<p>The changes proposed to the nature strip along the eastern side of Woodlyn Avenue will result in an improvement to the landscaping and a significant increase to the number of street trees. The new trees will be a more appropriate species and will be more effective in terms of visual screening and visual amenity within the street.</p> <p>Tree 1 – Jacaranda Street Tree: We have amended our drawings and now propose to retain this street tree.</p>
Bruce Roberts- 10 Commercial Road AGAINST (resolved)	
ISSUES RAISED	APPLICANT'S RESPONSE
Removal of Jacaranda.	Tree 1 – Jacaranda Street Tree: We have amended our drawings and now propose to retain this street tree.

I agree that tree 8 (Sugar Gum) should be removed.	
Marc Duncan – no street address provided	
ISSUES RAISED	APPLICANT'S RESPONSE
<ul style="list-style-type: none"> •Continuation of existing use; •Will significantly improve the appearance of the locality- especially Woodlyn Avenue; •No impact on overlooking or overshadowing; •Existing conditions in respect to noise will continue; and •No additional traffic impact or increased intensity of use. 	

Non-application or non-planning related matters have not been reported.

9. **ADMINISTRATION NEGOTIATIONS**

Council's Arborist raised concerns regarding the removal of a Jacaranda street tree (identified as Tree 1) and advised that the development could be undertaken without the removing the tree. Subsequently, the applicant has amended the proposal to retain the tree.

10. **DEVELOPMENT DATA**

Building Characteristics	Arts and Drama Building	Hall Additions	Development Plan Provision
Floor Area			
Ground Floor	800m ²	240m ²	
Upper Floor	575m ²	N/A	
Total Building Height			
From ground level	8.4m	6.1m	
Setbacks			
Ground Floor			
West (Woodlyn Avenue)	3.6m	3.05m- 4.8m	
South (Commercial Road)	30.5m	65m	
North	N/A	N/A	
East	N/A	N/A	
Upper Floor			
West (Woodlyn Avenue)	8.3m	30.5m	
South (Commercial Road)	N/A	N/A	
North	N/A	N/A	
East	N/A	N/A	
Wall on Boundary – None.			
Colours and Materials			

Roof	Flat - not visible	Flat - not visible	
Walls	Light timber panel, dark brick, painted precast concrete and black powder-coated steel	Painted precast concrete, dark brick to match and alucabond steel (charcoal colour)	
Fencing	Red brick to match existing fence and black powder-coated steel sections and gates.		

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

11. **ASSESSMENT**

NOTE: Whilst the wider subject site falls within the Urban Corridor Zone, no development is proposed within the zone, therefore no assessment has been undertaken against the Urban Corridor provisions.

Zone Desired Character and Principles of Development Control

INSTITUTIONAL ZONE
<p>Objective 1: <i>A zone primarily accommodating existing educational, health, community or institutional land uses.</i></p> <p>Objective 2: <i>Development compatible with existing adjacent development and in particular respecting the amenity of adjoining residential zones and properties.</i></p>
Assessment
<p>The proposed development would be a relatively modest expansion of the existing educational use of the site and would reinforce the intent of the zone, thereby complying with Objective 1.</p> <p>The proposed built form is considered to be of a high architectural quality that would sit comfortably within the existing school buildings on the site and would complement the surrounding residential development so that when viewed from surrounding streets, would not appear incongruous or harm the character of the area.</p>

Relevant Zone Principles of Development Control	Assessment
<p>PDC 1- 6</p> <p><i>1 Development should be primarily for the purposes of existing education, health, community or institutional establishments and land uses.</i></p> <p><i>2 Residential development, other than that of an institutional nature should be primarily for single storey detached dwellings on individual allotments.</i></p> <p><i>3 Dwelling site areas and design should be in accordance with all relevant Council-wide principles applicable to the adjacent Residential Zone provisions.</i></p> <p><i>4 Development should preserve the amenity and residential character of adjacent residential zones.</i></p> <p><i>5 Development within the portion of the zone adjacent to other zones should:</i></p> <p><i>a) respect and be compatible with the nature and character of existing and appropriate development of the adjoining zone; and</i></p> <p><i>b) at the interface with residential zones in particular be sensitive and complementary to existing residential amenity and buildings</i></p> <p><i>6 Development should not result in significant increases in traffic in residential streets.</i></p>	<p>The development reinforces the educational purpose of the site and would be of a scale and form that would be compatible with existing school buildings within the site and the surrounding residential buildings to the west and south.</p> <p>The proposed development would improve facilities on the site, however, would not increase student capacity or change the movement of staff or students to and from the site. Because of this, there would be no notable change to traffic conditions within the area.</p> <p>Whilst the development would be positioned closer to the residential land uses to the west and south, it is considered that sufficient separation would remain to ensure that there would not be any unreasonable impact on the amenity of neighbouring residents. Any impacts would also be mitigated by the proposed conditions of approval.</p>

RESIDENTIAL STREETSCAPE (BUILT FORM) ZONE
<p>Objective 1: Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</p> <p>Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</p>

Objective 3:

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

Objective 4:

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

Assessment

The southwest corner of the subject site (8 Commercial Road) falls within the Residential Streetscape (Built Form) Zone and currently contains a dwelling that has been owned by the school for approximately five years and is currently vacant.

The proposed development, whereby a dwelling would be adapted and extended for a non-residential land use would generally be contrary to the intent of the zone.

On balance, it is considered that the loss of the residential land use is appropriate, as the two land uses (residential and educational establishment) at such close proximity would not be particularly compatible.

Additionally, the proposal would retain the form of the dwelling and therefore limit the visual change within the streetscape and provide a transition between the educational and residential built forms within the area.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23
Form of Development	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
Heritage	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Interface Between Land Uses	<i>Objectives</i>	1, 2, 3
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Regulated and Significant Trees	<i>Objectives</i>	1, 2, 3
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Transportation (Movement of People and Goods)	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33

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

Relevant Council Wide Provisions	Assessment
Design and Appearance	
PDC 12-16 Relationship to the Street and Public Realm	<p>The proposed development would maintain the form of the existing dwelling fronting Commercial Road and would thereby limit the impact of the development on the character and appearance of the site when viewed from the south.</p> <p>The proposed new buildings positioned to the north of the dwelling, would be of a scale and height commensurate to the function of the building and site.</p> <p>However, the new buildings would provide a comfortable transition to the residential properties, and would have sufficient setbacks and articulation to limit the mass and bulk of the buildings when viewed from the west (Woodlyn Avenue).</p>
Form of Development	
PDC 7-9 Non-residential Development in Residential Zones	<p>Whilst part of the site fall within a residential zone and the development involves adapting and extending a dwelling, it is considered that the development is appropriate, as it would be consistent with the existing non-residential use of the wider site, and would not significantly impact on the character, appearance or amenity of the residential zone.</p>
Heritage	
PDC 3 – Heritage Places	<p>Council's Consultant Heritage Architect supports the proposed development and provides the following advice:</p> <p><i>The proposed development is located at the rear of the local heritage place (M J Baker House). The proposed development is sufficiently compatible in scale and distant from the local heritage place such that its impact on the context and setting of the place is acceptable.</i></p>
Interface Between Land Uses	
PDC 1- 10	<p>The development involves the construction of new buildings closer to the interface with the residential land on the western side of Woodlyn Avenue.</p>

Relevant Council Wide Provisions	Assessment
	<p>Whilst the proposal would reduce the separation to the residential land, the development has been designed so that it would be orientated inwards, towards the school site, and access and building openings to the west have been minimised to prevent noise transmission.</p> <p>Additionally, the proposed buildings have a high degree of articulation, including staggered setbacks between the ground and upper levels, which significantly minimises the mass of the buildings when viewed from Woodlyn Avenue.</p> <p>The applicant has provided an Acoustic Engineer's report that demonstrates compliance with PDC 10, which sets out recommended noise levels above background levels for adjacent existing noise sensitive land uses.</p> <p>As such, it is considered that the proposed noise levels associated with the development, subject to the recommended noise attenuation measures, would be within an acceptable range and would not result in any unreasonable impact upon the neighbouring residents.</p>
Landscaping	
PDC 1	<p>The proposed development includes significant landscape improvements within the site to further support the function of the school.</p> <p>Additionally, the proposal involves new landscaping within the Woodlyn Avenue road reserve and the on-site garden spaces to the west of the proposed buildings.</p> <p>This would increase the amount of landscaping within the Woodlyn Avenue area, soften the visual impact of the development on the residential land to the west, and provide a general buffer between the two land uses.</p> <p>A condition of approval has been included requiring further landscaping details to be provided and approved by Council prior to development approval being granted. This is to ensure a high quality landscaping outcome within the Woodlyn Avenue road reserve.</p>

Relevant Council Wide Provisions	Assessment
Regulated and Significant Trees	
PDC 2 &8	<p>The application as originally submitted included the removal of a significant private tree (<i>Agonis flexuosa</i> – Willow Myrtle) to the north of the proposed hall additions; and one regulated street tree (<i>Eucalyptus cladocalyx</i> – Sugar Gum).</p> <p>Following the representations received against the application, the applicant has amended the proposal and now seeks to retain the significant Willow Myrtle; however, given the proximity of the proposed hall additions, tree-damaging activity would occur.</p> <p>The applicant has provided an Arborist report assessing all trees proposed to be removed or impacted by the development. The report concludes that the regulated Sugar Gum (identified as Tree 8 in the report) has a short life expectancy and this opinion is supported by Council's Arborist. As such, the removal of the tree is considered acceptable, subject to appropriate replacement planting within the road reserve.</p> <p>With regard to the significant Willow Myrtle positioned to the north of the proposed hall additions, the applicant's Arborist report identifies the tree as having a short life expectancy, fair health, poor structure and limited environmental or aesthetic value to the area. Again, this assessment is supported by Council's Arborist.</p> <p>The proposed development would encroach into approximately 30% of the TPZ of the significant tree and therefore would likely have some impact on the long-term health of the tree. However, given that the tree generally fails to meet the criteria for retention under PDC 8, it is considered that the impact is not unreasonable and that the retention of the tree is supported.</p>

12. **DISCUSSION**

Operative period of Development Plan Consent:

The applicant has indicated that the proposed development will be undertaken in stages over a period of approximately 10 years, as detailed in the application documents.

To facilitate this, the applicant has requested that the completion date of the development be 10 years from the date of consent.

Administration is of the view that the period requested is unnecessary for the scale of the development proposed and therefore recommends that the operative period for the Development Plan Consent be extended to three (3) years.

This will allow the applicant additional time to schedule the development and obtain Building Rules Consent in stages if necessary. The applicant will also have the opportunity to apply to Council for an extension to the commencement or completion dates of the development.

13. CONCLUSION

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

- The proposed development is a reasonable expansion of an existing non-residential use;
- The proposed built form has been carefully designed to complement the surrounding development and limit any impacts on the amenity, appearance and character of the area to within acceptable limits;
- The proposed landscaping and tree removal is acceptable and would result in improvements to the landscape quality within the area;
- Any noise associated with the proposed development would be appropriately mitigated to acceptable levels in accordance with development plan policy; and
- The proposed extinguishment of conditions is considered appropriate and would continue to ensure the educational use operates without compromising the amenity of surrounding residents.

The application is therefore recommended for Development Plan CONSENT.

14. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/753/2018/C3 at Walford Anglican School for Girls, 8 Commercial Road, Hyde Park SA 5061 to 'Carry out alterations and additions to existing educational establishment, associated landscaping; removal of street trees (including a Regulated Sugar Gum); and amend conditions of previous approval (551/1987/DS & 575/1993/DF)', 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 detailed stormwater management plan shall be submitted to and approved by Council prior to issue of full Development Approval. Stormwater design must be discussed with and to the reasonable satisfaction of Council's Stormwater Engineers.
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. The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant.
5. Air conditioning plant must be positioned, enclosed or attenuated such that noise levels measured at the property boundary of neighbouring properties does not exceed 50 dB(A) between 7am and 10pm, and 43 dB(A) between 10pm and 7am the following day.
6. All pedestrian and vehicle access gates on Woodlyn Avenue must be kept closed except when loading, maintenance or emergency access is required and shall not be used for student arrival or departures
7. The extension to the Helen Reid Hall shall be constructed such that the following music noise level criteria are achieved at the property boundary of adjacent residences: Less than 8dB above the level of background noise (L90, 15min) in any octave band of the sound spectrum; and less than 5dB(A) above the background noise (LA90, 15min) for the overall (sum of all octave bands) A-weighted level. All external windows addressing Woodlyn Avenue that form part of the extension to the Helen Reid Hall shall have fixed glazing. All external doors addressing or adjacent to Woodlyn Avenue (other than emergency egress doors) shall be fitted with automatic closers and are to be kept closed, other than when in use to permit the passage of people when the Hall and/or Chapel is in use.

8. No amplified sound within the Hall or Chapel shall exceed 100 dB(A). Such level shall be measured at a point situated approximately in the centre of the western wall of the hall, at a point not less than 0.5m below ceiling level. A sound limiting device that monitors and controls the volume of the system shall be installed and maintained such that the maximum internal noise level is not exceeded.
9. Detailed landscaping plans of the Woodlyn Avenue road reserve shall be submitted to and approved by Council prior to the issue of full Development Approval. Any landscaping treatments, plant species and locations etc. shall be discussed with and be to the reasonable satisfaction of Council's Natural Assets Lead. The implementation of the approved landscaping plan shall be at the full cost of the applicant and maintained by the applicant for one (1) year prior to handing over responsibility of the ongoing maintenance to Council, if satisfied with the condition of the road reserve landscaping.
10. The hall/chapel shall not be used for any function that is unrelated to school, educational or community purposes, and in any event is not used as a venue for a private party or wedding reception.
11. The driveway of the Fashoda Street car park shall be available to cars to set down and pick up students between 8.00am and 9.00am and 3.00pm and 4.00pm on all school days.
12. That the existing crossover shall be closed and reinstated with kerb and water table in accordance with Council requirements, and at the applicant's expense, prior to occupation of the development.
13. All gates providing either access to or egress from the Fashoda Street car parks shall be closed and securely locked no later than 11:30pm on Sunday to Thursday inclusive of each week and no later than 12:30am on Friday night (Saturday AM) and Saturday night (Sunday AM) of each week, and shall not be either unlocked or reopened earlier than 6:30am on any day.
14. Except for the purposes of cleaning or maintenance, or for emergency purposes, the hours of use of the hall/chapel shall be restricted to the following hours:
 - Sunday to Thursday inclusive – 8:00am to 11:00pm
 - Friday and Saturday – 8:00am to 12 midnight
15. That the removal of the subject regulated tree (Sugar Gum) shall take place in accordance with the documents and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).

16. A Tree Protection Zone (TPZ) of no less than 2.0 metres be applied to the subject Willow Myrtle. This distance includes the tree's Structural Root Zone (SRZ), which is an area critical to the tree standing upright.

Activities excluded from this TPZ include but are not limited to-

- a) excavation of any kind i.e. trenching;
- b) cultivation;
- c) storage;
- d) preparation of chemicals, including preparation of cement products;
- e) parking of vehicles and plant;
- f) dumping of waste;
- g) placement of fill i.e. soil;
- h) soil level/grade changes;
- i) installation of utilities and signs;
- j) physical damage to any part of the tree including leaves, branches, stems, trunk or roots.

The TPZ must be defined by the installation of a chain wire mesh fence or the like, held in place with concrete feet so as not to enter the ground. The chain wire mesh fence should be clearly signed 'TREE PROTECTION ZONE' - 'NO ACCESS'

Within the TPZ, the following activities are required, prior to the commencement of works-

- a) mulching of the area to a depth no greater than 100mm with a quality organic mulch.
- b) regular (approx.. monthly) watering of the area by way of flood irrigation.

Further, the continued understanding and referral to the Australian Standard 4970-2009 Protection of trees on development sites is required.

17. This Development Plan Consent will lapse after expiration of 3 years from the operative date of the consent.

Proposed Planning Notes:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- The applicant shall contact Council's Infrastructure Section on 8372 5460 to arrange for the removal of the street trees. The work shall be carried out by Council at full cost to the **applicant**.
- 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 issue of Development Approval must occur within 3 years of the Date of Decision (or date of any Appeal is determined) on the earliest consent decision date, or that Consent will LAPSE and become void.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Copy of Previous Approvals	Administration
C	Representations	Administration
D	Response to Representations	Applicant
E	Superseded Plans	Administration
F	Representors further comments	Administration

ITEM 3**DEVELOPMENT APPLICATION – 090/256/2018/DIV – 70 WATTLE STREET,
FULLARTON SA 5063 (PARKSIDE)**

DEVELOPMENT APPLICATION NUMBER:	090/256/2018/DIV
ADDRESS:	70 Wattle Street, Fullarton SA 5063
DATE OF MEETING:	19 March 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Land Division - Torrens Title - Create two allotments from one existing
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential (Landscape) Zone Policy Area 11 Precinct 11.1 Landscape 300
APPLICANT:	Pamela Mary Backen and Paul Clemens Backen
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (one (1) oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Frontage of Allotment 702 Pattern of settlement

1. PLANNING BACKGROUND

One of the allotments proposed as part of this application is subject to a further land division application (Ref: 090/258/2018/DIV) for '*Land Division - Community Title - Create 2 allotments from 1 existing*'. The community title land division application follows this application on the Panel agenda.

2. DESCRIPTION OF PROPOSAL

The applicant is seeking approval to reconfigure the existing allotment into two (2) Torrens Title allotments as follows:

- Lot 701 – to contain the existing street fronting dwelling. This allotment proposes a frontage of 17.86 metres and a site area of 592m²

- Lot 702 – proposed hammerhead allotment with access only frontage of 5 metres to Wattle Street and a total site area of 800m² (inclusive of access handle).

3. SITE DESCRIPTION

The subject site is located on the northern side of Wattle Street, approximately 110 metres east of Fullarton Road. The site has a frontage of 22.86 metres and a total site area of 1393.6m². The allotment is rectangular in shape and is described as Allotment 225 on Filed Plan 15147, Volume 5826, Folio 162. There are no easements affecting the subject allotment.

The site contains a single storey detached dwelling with a number of outbuildings located towards the rear of the property. Access is currently obtained via an existing crossover near the western side boundary.

There are no regulated trees on or near the subject site.

4. LOCALITY PLAN



 Subject Site  Locality  1 Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

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

Dwelling Type / Style and Number of Storeys

The dwelling types and styles within the locality are also rather varied. The locality has detached, semi-detached and group dwellings as well as residential flat buildings. There are a number of character style dwellings within the locality including the subject site. None of these character dwellings however are protected except for one Local Heritage Place located to the south east of the subject site. The heights of the dwellings within the locality do not exceed two storeys.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Council's Assets department as the proposed land division would result in a new crossover to Wattle Street. The following comments were received:

- *From an assets perspective there are no issues with the proposed crossover location.*
- *There is one street tree 9m east of the western boundary.*

8. PUBLIC NOTIFICATION

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

68 Wattle St, Fullarton (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Width of driveway access	No response provided
Insufficient details provided in regards to onsite vehicle manoeuvrability	No response provided
Concerned with impact of traffic movements	No response provided
Concerned with impact to home and amenity	No response provided

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Lot 701	Lot 702	Development Plan Provision
Total Site Area	592m ²	800m ²	300m ²
Frontage	17.86m	5m	10m; OR 6m (where the site has access only frontage to the street)
Depth	31.66m	29.23m (min)	20m

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape (Landscape) Zone
<u>Objective 1:</u> Enhancement of the distinctive and primarily coherent streetscapes by retaining and complementing the built form, setting and surrounding landscape features.
<u>Objective 2:</u> A residential zone for primarily street-fronting Dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.
<u>Objective 3:</u> Sensitive in-fill development opportunities where appropriate and complementary to the desired character and streetscape setting or providing for the improvement of areas of variable character by replacing discordant buildings and their associated landscape patterns.

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

Desired Character

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

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

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

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

Assessment

The subject site is one of the largest remaining allotments within the locality and the wider zone area. By retaining the existing street fronting character dwelling, the site therefore is considered to be ideal for infill development in accordance with Objective 3.

The desired character statement describes the zone as being distinguished from other zones by coherent streetscape patterns. The subject locality however is at odds with this statement as the pattern of subdivision is rather varied and the existing dwellings do not display a consistent pattern of the desired attributes. It is acknowledged however that the existing dwelling that is to remain on site is one of the few dwellings that does display a number of the desired built form attributes. By undertaking a land division for a hammerhead allotment, this allows that dwelling to retain its positive influence upon the streetscape character, whilst also allowing for an increase in housing density.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 3 <i>Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</i></p>	<p>The subject land is just under 1400 m² in area. The dwelling is not protected through heritage legislation and given its siting on the land allows for development to occur without needing to also demolish the existing dwelling.</p> <p>By subdividing off the rear portion of the land allows the dwelling to maintain its positive presentation to the street whilst also allowing for an increase in residential density that will have little impact on the street.</p>
<p>PDC 8 – Form & Character <i>Development should comprise dwellings of a form and setting consistent with the desired character. In this respect:</i> <i>(a) sites should not be amalgamated for the purposes of developing residential flat buildings, group dwellings or non street-fronting dwellings unless it involves existing large sites occupied by buildings of discordant character where the consolidated site and its replacement dwellings produce a streetscape setting and built form that complements the desired character;</i> <i>(b) infill development should maintain and complement the primary streetscape setting of the established settlement pattern, in terms of site width, building siting and providing a single width driveway (for shared use) or utilise a new side road or rear lane driveway where possible, and not impose excessive built form impacts to neighbouring sites and dwellings. Allotment areas may be reasonably varied where the development maintains a consistent primary street frontage and streetscape setting (siting, form and key elements).</i></p>	<p>The applicant does not seek to amalgamate allotments as discussed by PDC 8(a) however the proposed subdivision of the land will allow for non-street fronting dwellings to be developed. PDC 8(a) however does not contemplate a development that includes the retention of an existing dwelling, with a high level of streetscape attributes, that will effectively maintain the current streetscape setting. PDC 8(b) however does have some consideration in this regard and allows for some variation where the development maintains a consistent primary street frontage and streetscape setting. The subject development is considered to satisfy PDC 8(b) as it will maintain a consistent primary street frontage with the only change that will result from the land division being an additional crossover to the eastern side of the site. The site however is of such a width that this will not be of detriment to the streetscape.</p>
<p>PDC 16 – Land Division <i>Land should only be divided where:</i> <i>(a) the resultant allotment(s) conform with the minimum allotment areas and frontage widths; or</i> <i>(b) the resultant allotment(s) are consistent with the desired character or</i></p>	<p>The proposed allotments conform to the minimum allotment areas as described by Policy Area 11 (300m²).</p> <p>Proposed allotment 701 will conform to the minimum frontage widths described by</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>a distinct prevailing pattern and character of a particular locality; or</i> <i>(c) the resultants allotment(s) are consistent with an approved and commenced development.</i></p>	<p>Policy Area 11, being 10 metres for a dwelling.</p> <p>Proposed allotment 702 does not conform to the minimum frontage width for an allotment that has access only frontage to the street. The proposed frontage of 5 metres however is considered to be acceptable as:</p> <ul style="list-style-type: none"> • <i>Council Wide Residential Development PDC 43</i> indicates that for a double crossover, a width of 5 metres is an acceptable design outcome; • <i>Council Wide Residential Development PDC 44</i> indicates that the minimum width of a driveway serving up to two dwellings is 3 metres; • Wattle Street is not an arterial road and therefore a 6m x 6m passing point is not required; • As per <i>Council Wide Residential Development PDC 44</i> a driveway width of 5m is provided for a length of 7 metres to allow for a car to pull over and wait for another vehicle to exit the site; • The length of driveway at 3.78m in width does not exceed 25 metres; • The reduced frontage allows for further landscaping to be retained in front of the existing dwelling; • The location of the boundary won't result in boundary fencing being in front of the dwelling but rather in line with the eastern wall of the dwelling (i.e. will maintain the view of the existing dwelling from the street).

Policy Area Desired Character and Principles of Development Control

Landscape Policy Area 11
Desired Character
<i>This policy area comprises three precincts with allotment sizes of 300, 400 and 560 square metres. Development will seek to retain the prevailing low scale of development and the coherent rhythm, building spacing and landscaped setting. The policy area is confined to Fullarton, Highgate, Malvern (south), Forestville (south) and Myrtle Bank.</i>
Assessment
<p>The proposed subdivision is for land located within Precinct 11.1 where minimum allotment sizes are 300m². The two resultant allotments will satisfy this requirement.</p> <p>It is noted that prevailing pattern of settlement within the locality is rather varied and therefore the proposed development will complement the existing surrounding subdivision pattern by further contributing to the variety of allotments.</p>

Relevant Policy Area Principles of Development Control	Assessment						
<p>PDC 3</p> <p><i>In Policy Area 11 a dwelling should have a minimum site area and a frontage width to a public road not less than that shown in the following table:</i></p> <table><tr><th>Precinct</th><th>Minimum Site Area (square metres)</th><th>Minimum Frontage Width for Dwelling (metres) *</th></tr><tr><td>11.1 Landscape 300</td><td>300</td><td>10</td></tr></table> <p><i>*A minimum frontage of 6 metres applies where the site has access-only frontage to the street.</i></p>	Precinct	Minimum Site Area (square metres)	Minimum Frontage Width for Dwelling (metres) *	11.1 Landscape 300	300	10	<p>The proposed allotments conform to the minimum allotment areas as described by Precinct 11.1 (300m²).</p> <p>Proposed allotment 701 will conform to the minimum frontage widths described by Precinct 11.1, being 10 metres for a dwelling.</p> <p>Proposed allotment 702 does not conform to the minimum frontage width for an allotment that has access only frontage to the street. The proposed frontage of 5 metres however is considered to be acceptable as:</p> <ul style="list-style-type: none">• <i>Council Wide Residential Development PDC 43</i> indicates that for a double crossover, a width of 5 metres is an acceptable design outcome;• <i>Council Wide Residential Development PDC 44</i> indicates that the minimum width of a driveway serving up to two dwellings is 3 metres;
Precinct	Minimum Site Area (square metres)	Minimum Frontage Width for Dwelling (metres) *					
11.1 Landscape 300	300	10					

Relevant Policy Area Principles of Development Control	Assessment
	<ul style="list-style-type: none"> • Wattle Street is not an arterial road and therefore a 6m x 6m passing point is not required; • As per <i>Council Wide Residential Development PDC 44</i> a driveway width of 5m is provided for a length of 7 metres to allow for a car to pull over and wait for another vehicle to exit the site; • The length of driveway at 3.78m in width does not exceed 25 metres; • The reduced frontage allows for further landscaping to be retained in front of the existing dwelling; • The location of the boundary won't result in boundary fencing being in front of the dwelling but rather in line with the eastern wall of the dwelling (i.e. will maintain the view of the existing dwelling from the street); • Increasing the width of access only frontages seems to be in conflict with the desired intent of the zone in regards to front garden landscapes.

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		
Form of Development	<i>Objectives</i>	1, 4, 7
	<i>PDCs</i>	1, 2, 3
Land Division	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
Residential Development	<i>Objectives</i>	1, 2, 3, 4
	<i>PDCs</i>	2, 3, 4, 43, 44

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

Relevant Council Wide Provisions	Assessment
Land Division	
<p>PDC 6 – Residential Neighbourhoods <i>Land division should:</i></p> <ul style="list-style-type: none"> <i>(a) provide access to public open space through provision of land or linkages to existing areas of open space;</i> <i>(b) provide for the protection of significant vegetation, including avoiding substantial tree- damaging activity in relation to a significant tree;</i> <i>(c) minimise impact on landform and drainage systems;</i> <i>(d) retain State and Local Heritage Places, contributory items, and valued buildings contributing to streetscape character, and appropriate settings for such places;</i> <i>(e) enable efficient solar access for dwellings and private open space;</i> <i>(f) minimise risk to personal safety and potential for crime;</i> <i>(g) create allotments complementing the existing surrounding subdivision pattern and desired character of particular localities;</i> <i>(h) provide allotments with energy, water, waste water and waste disposal facilities to serve the needs of prospective users;</i> <i>(i) only occur by Community Title where the proposed division results in an element of the development being shared between two or more dwellings;</i> <i>(j) ensure that common land (eg, shared driveways, visitor parking areas, communal open space, etc) is defined as "common property" as part of any Community Title Scheme;</i> <i>(k) only occur by Torrens Title where the proposed allotments and uses thereon are exclusive and have exclusive access to a public road; and</i> <i>(l) only occur where vehicle access is available from a public road having sufficient width to provide safe and functional access and manoeuvring for resident, visitor and service</i> 	<ul style="list-style-type: none"> • The proposed allotments will be within 500 metres of Fullarton Park and the Community Centre (to the south west) and within 600 metres of the Katherine Street Playground (to the north east) – which given Unley’s lack of public parks is quite beneficial; • There are no significant trees on or near the subject land; • The proposed allotments complement the existing settlement pattern by adding further variety of allotments in a locality that is already highly inconsistent. Particularly noting properties addressed as 45, 53, 60, 62A, 64 (once constructed), 63 and 74 Wattle Street; • The proposed subdivision is to occur by Torrens Title as the allotments are exclusive and have exclusive access to a public road.

<p><i>vehicles, or a private road of similar standard connected to a public road.</i></p>	
<p>PDC 7 – Residential Allotments <i>Residential allotments¹ should have a generally rectangular shape and the appropriate area and dimensions:</i> <i>(a) for siting and constructing a dwelling and ancillary outbuildings;</i> <i>(b) for locating private outdoor space directly accessible to a dwelling;</i> <i>(c) for convenient vehicle access and parking; and</i> <i>(d) to reinforce the desired character of surrounding development in the relevant Zone or Policy Area.</i></p> <p>¹<i>Residential allotments include Torrens title allotments and primary, secondary, tertiary etc allotments created under community schemes.</i></p>	<ul style="list-style-type: none"> • The proposed allotments are rectangular in shape; • The existing dwelling to be retained on Lot 701 will have: <ul style="list-style-type: none"> ○ More than 20 percent of the site area available for private open space that can be directly accessed from the dwelling; ○ A setback to the eastern side boundary of at least 900mm; ○ A setback to the rear boundary of approximately 2.9 metres; ○ Consistent setbacks to the front and western side boundaries; ○ Sufficient space to accommodate vehicles; ○ Sufficient space to locate a garage or carport on site that complies with the relevant provisions of the Development Plan (if required); ○ Sufficient space for landscaping, storage and clothes drying. • Allotment 702 is of an appropriate area to site and construct a dwelling in accordance with the relevant provisions of the Development Plan.

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 allotments complement the existing settlement pattern by adding further variety of allotments in a locality that is already highly varied;
- The proposed allotments satisfy the minimum allotment size requirements of the Residential Streetscape (Landscape) Zone;
- Proposed allotment 701 satisfies the minimum frontage requirement of the Residential Streetscape (Landscape) Zone;
- Proposed allotment 702 has sufficient frontage to allow for safe and functional access and manoeuvring for vehicles;
- Each of the proposed Torrens Title allotments are exclusive and are able to achieve exclusive access to a public road.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/256/2018/DIV at 70 Wattle Street, Fullarton SA 5063 for 'Land Division - Torrens Title - Create two allotments from one existing', 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.

LAND DIVISION CONSENT CONDITIONS:

2. That any existing structures located over the proposed boundaries be demolished prior to the issue of the Section 51 Certificate by the SA Planning Commission. (All demolition is subject to separate Development Approval.)
3. That a carport or garage be constructed to provide undercover vehicle parking for the existing dwelling. This structure shall be approved and constructed prior to issue of section 51 certificate by SCAP.

NOTE: Pursuant to Section 51 of the Development Act 1993, all outstanding requirements and conditions in relation to this approval must be met to the reasonable satisfaction of Council before the required Certificate is issued by the Development Assessment Commission.

STATE COMMISSION ASSESSMENT PANEL CONDITIONS are as follows:

- The financial requirements of SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0070742). The alteration of internal drains to the satisfaction of SA Water is required.
An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard.
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/ owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

- Payment of \$6830 into the Planning and Development Fund (1 allotment(s) @ \$6830/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked “Not Negotiable” and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
- A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certification purposes.

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

ITEM 4**DEVELOPMENT APPLICATION – 090/258/2018/DIV – 70 WATTLE STREET,
FULLARTON SA 5063 (PARKSIDE)**

DEVELOPMENT APPLICATION NUMBER:	090/258/2018/DIV
ADDRESS:	70 Wattle Street, Fullarton SA 5063
DATE OF MEETING:	19 March 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Land Division - Community Title - Create two allotments from one existing
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential (Landscape) Zone Policy Area 11 Precinct 11.1 Landscape 300
APPLICANT:	SA Landmark Developments Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (two (2) oppose + one (1) support)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Frontage width Pattern of settlement

1. PLANNING BACKGROUND

This subject Community Title land division, follows the Torrens Title land division (Ref: 090/256/2018/DIV) which creates the original hammerhead allotment to which the 2 allotments will be created from.

2. DESCRIPTION OF PROPOSAL

The applicant is seeking approval to subdivide one (1) hammerhead allotment into two (2) Community Title allotments and common property.

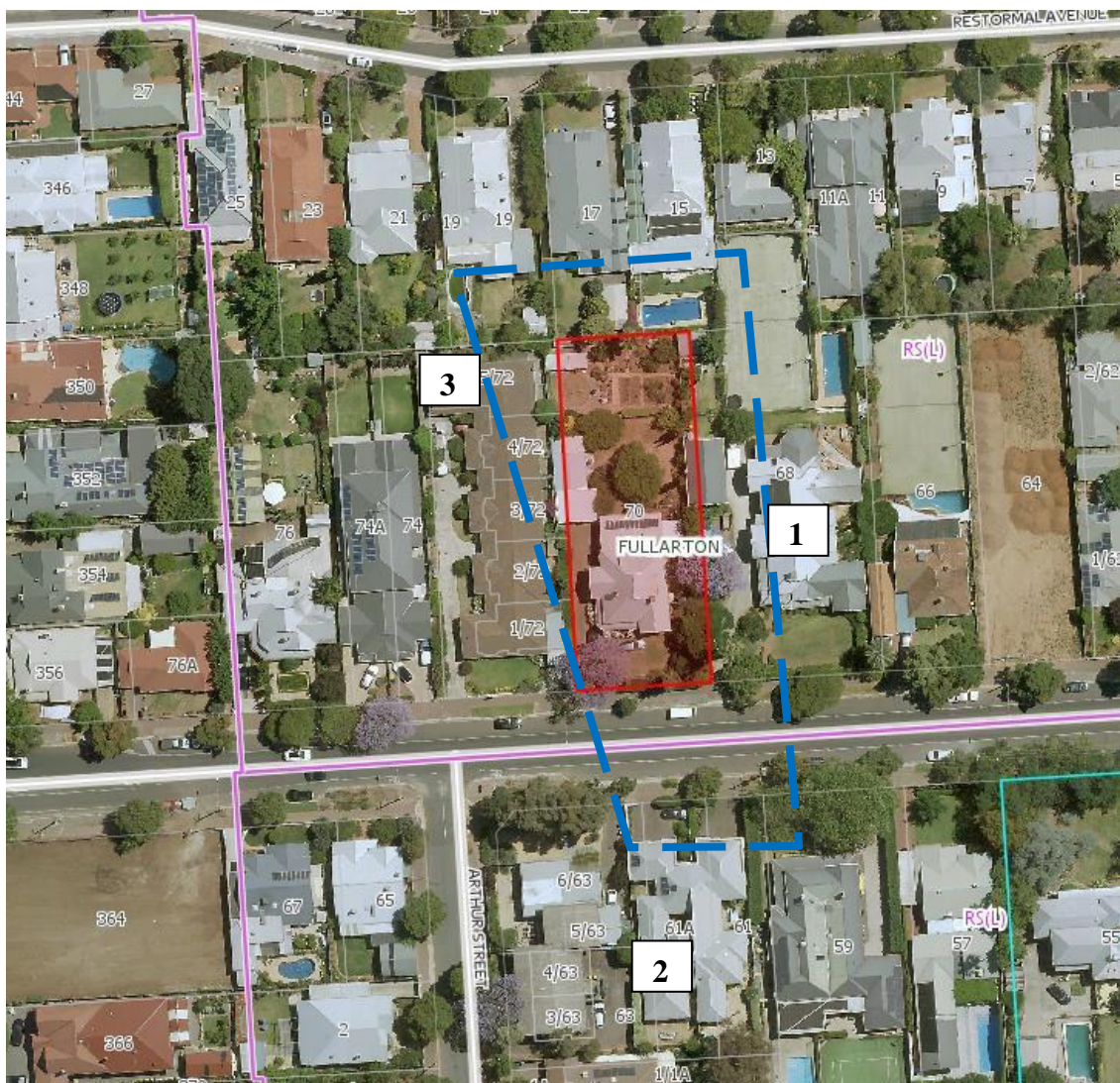
3. SITE DESCRIPTION

The subject site is located on the northern side of Wattle Street, approximately 110 metres east of Fullarton Road. The site has a frontage of 22.86 metres and a total site area of 1393.6m². The allotment is rectangular in shape and is described as Allotment 225 on Filed Plan 15147, Volume 5826, Folio 162. There are no easements affecting the subject allotment.

The site contains a single storey detached dwelling with a number of outbuildings located towards the rear of the property. Access is currently obtained via an existing crossover near the western side boundary.

There are no regulated trees on or near the subject site.

4. LOCALITY PLAN



 Subject Site  Locality  Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

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

Dwelling Type / Style and Number of Storeys

The dwelling types and styles within the locality are also rather varied. The locality has detached, semi-detached and group dwellings as well as residential flat buildings. There are a number of character style dwellings within the locality including the subject site. None of these character dwellings however are protected except for one Local Heritage Place located to the south east of the subject site. The heights of the dwellings within the locality do not exceed two storeys.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Council's Assets department as the proposed land division would result in a new crossover to Wattle Street. The following comments were received:

- *From an assets perspective there are no issues with the proposed crossover location.*
- *There is one street tree 9m east of the western boundary.*

8. PUBLIC NOTIFICATION

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

68 Wattle St, Fullarton (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Width of driveway access	No response provided
Insufficient details provided in regards to onsite vehicle manoeuvrability	No response provided
Concerned with impact of traffic movements	No response provided
Impact on amenity	No response provided
61A Wattle St, Fullarton (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
*Concerns with number of vehicles currently parking on the street	N/A
Ensure adequate parking is provided on site	No response is provided
5/72 Wattle St, Fullarton (support)	
ISSUES RAISED	APPLICANTS RESPONSE
nil	

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Lot 801	Lot 802	Development Plan Provision
Total Site Area	334m ²	300m ²	300m ²
Frontage	5m	5m	6m (where the site has access only frontage to the street)
Width	11.43m	11.43m	-
Depth	29.23-29.25m	26.25m-26.27m	20m

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

10. **ASSESSMENT**

Zone Desired Character and Principles of Development Control

Residential Streetscape (Landscape) Zone
<p><i><u>Objective 1:</u> Enhancement of the distinctive and primarily coherent streetscapes by retaining and complementing the built form, setting and surrounding landscape features.</i></p> <p><i><u>Objective 2:</u> A residential zone for primarily street-fronting Dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</i></p> <p><i><u>Objective 3:</u> Sensitive in-fill development opportunities where appropriate and complementary to the desired character and streetscape setting or providing for the improvement of areas of variable character by replacing discordant buildings and their associated landscape patterns.</i></p> <p><i><u>Objective 4:</u> Development that contributes to the desired character of the zone.</i></p>
Desired Character
<p><i>The Residential Streetscape (Landscape) Zone encompasses much of the living area in the south eastern section of Unley. The zone is distinguished by coherent streetscape patterns. These attributes include the consistent:</i></p> <ul style="list-style-type: none"><i>d) rhythm of building sitings, scale, form and setbacks (front and side) and gaps between buildings;</i><i>e) allotment and road patterns;</i><i>f) landscape features within streetscapes, including the road verge and forward of the building façade.</i> <p><i>Development should respect and contribute positively to the streetscape setting, and where appropriate, the collective features of distinctive and primarily coherent streetscapes. The key considerations are:</i></p> <ul style="list-style-type: none"><i>d) siting - sites with generous front and side setbacks to main dwelling buildings and wide road reserves. Building envelopes should reflect this siting, scale and form to maintain the spatial patterns of traditional settlement. Low open style front fences provide transparent streetscape views of landscaped front yards and compatible development.</i><i>e) form - a consistent pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and form is associated with the various architectural styles. Infill dwellings and dwelling additions should maintain traditional scale, proportions and building forms when viewed from the primary streetscape.</i><i>f) key elements - the articulation of the built form, verandahs and pitched roofs, are important key elements in minimising the visual dominance of buildings to the primary streetscape setting. The careful composition of facades to reduce building mass, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements, assist in complementing the desired character. Low open style front fences complement the style and predominant form of dwellings within the street and streetscape views of landscaped front yards.</i>
Assessment
<p>The desired character statement describes the zone as being distinguished by coherent streetscape patterns. The subject locality however is at odds with this statement as the pattern of subdivision is rather varied and the existing</p>

dwellings do not display a consistent pattern of desired attributes. This incoherence is particularly prominent along Wattle Street, a public road that is described by the Development Plan as having a local crossing / collector function.

The subject application seeks to further subdivide a hammerhead allotment into two smaller allotments that are accessed via a shared driveway. Both of the proposed allotments will meet the minimum allotment sizes as described within the Zone. The allotments however will not be able to contain street fronting dwellings, and as such will have minimal impact on the streetscape. The proposed allotments however will allow for infill development in a location that where the pattern of settlement will not be compromised.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 3 <i>Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</i></p>	<p>The hammerhead allotment has an area of 800m² and is proposed to be subdivided into two Community Title allotments with a shared common access. The original subject site contained one dwelling and therefore the proposed development will increase the density of the site threefold. The proposed development will be consistent with other community/ strata development within the locality, particularly that of the neighbouring property addressed as 72 Wattle St, Fullarton.</p>
<p>PDC 16 – Land Division <i>Land should only be divided where:</i> <i>(a) the resultant allotment(s) conform with the minimum allotment areas and frontage widths; or</i> <i>(b) the resultant allotment(s) are consistent with the desired character or a distinct prevailing pattern and character of a particular locality; or</i> <i>(c) the resultants allotment(s) are consistent with an approved and commenced development.</i></p>	<p>The proposed allotments conform to the minimum allotment areas as described by Policy Area 11 (300m²).</p> <p>The proposed allotments however do not conform to the to the minimum frontage width for an allotment that has access only frontage to the street. The proposed frontage of 5 metres however is considered to be acceptable as:</p> <ul style="list-style-type: none"> • <i>Council Wide Residential Development PDC 43</i> indicates that for a double crossover, a width of 5 metres is an acceptable design outcome; • <i>Council Wide Residential Development PDC 44</i> indicates that the minimum width of a driveway serving up to two dwellings is 3 metres;

Relevant Zone Principles of Development Control	Assessment
	<ul style="list-style-type: none"> • Wattle Street is not an arterial road and therefore a 6m x 6m passing point is not required; • As per <i>Council Wide Residential Development PDC 44</i> a driveway width of 5m is provided for a length of 7 metres to allow for a car to pull over and wait for another vehicle to exit the site; • The length of driveway at 3.78m in width does not exceed 25 metres; • The reduced frontage allows for further landscaping to be retained in front of the existing dwelling; • The location of the boundary won't result in boundary fencing being in front of the dwelling but rather in line with the eastern wall of the dwelling (i.e. will maintain the view of the existing dwelling from the street); • Increasing the width of access only frontages seems to be in conflict with the desired intent of the zone in regards to front garden landscapes. <p>It is also argued that there is justification to consider that the proposed allotments are consistent with the prevailing pattern of the locality, given the variety of allotments that already exist within the area.</p>

Policy Area Desired Character and Principles of Development Control

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

Assessment

The proposed subdivision is for land located within Precinct 11.1 where minimum allotment sizes are 300m². The two resultant Community Title allotments will satisfy this requirement.

It is noted that prevailing pattern of settlement within the locality is rather varied and therefore the proposed development will complement the existing surrounding subdivision pattern and will add further variety of allotments within the locality.

Relevant Policy Area Principles of Development Control	Assessment						
<p>PDC 3</p> <p><i>In Policy Area 11 a dwelling should have a minimum site area and a frontage width to a public road not less than that shown in the following table:</i></p> <table><tr><th>Precinct</th><th>Minimum Site Area (square metres)</th><th>Minimum Frontage Width for Dwelling (metres) *</th></tr><tr><td>11.1 Landscape 300</td><td>300</td><td>10</td></tr></table> <p><i>*A minimum frontage of 6 metres applies where the site has access-only frontage to the street.</i></p>	Precinct	Minimum Site Area (square metres)	Minimum Frontage Width for Dwelling (metres) *	11.1 Landscape 300	300	10	<p>The proposed allotments conform to the minimum allotment areas as described by Precinct 11.1 (300m²).</p> <p>The proposed allotments however do not conform to the to the minimum frontage width for an allotment that has access only frontage to the street. The proposed frontage of 5 metres however is considered to be acceptable as:</p> <ul style="list-style-type: none">• <i>Council Wide Residential Development PDC 43</i> indicates that for a double crossover, a width of 5 metres is an acceptable design outcome;• <i>Council Wide Residential Development PDC 44</i> indicates that the minimum width of a driveway serving up to two dwellings is 3 metres;• Wattle Street is not an arterial road and therefore a 6m x 6m passing point is not required;• As per <i>Council Wide Residential Development PDC 44</i> a driveway width of 5m is provided for a length of 7 metres to allow for a car to pull over and wait for another vehicle to exit the site;• The length of driveway at 3.78m in width does not exceed 25 metres;• The reduced frontage allows for further landscaping to be
Precinct	Minimum Site Area (square metres)	Minimum Frontage Width for Dwelling (metres) *					
11.1 Landscape 300	300	10					

Relevant Policy Area Principles of Development Control	Assessment
	<p>retained in front of the existing dwelling;</p> <ul style="list-style-type: none"> The location of the boundary won't result in boundary fencing being in front of the dwelling but rather in line with the eastern wall of the dwelling (i.e. will maintain the view of the existing dwelling from the street); Increasing the width of access only frontages seems to be in conflict with the desired intent of the zone in regards to front garden landscapes.

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		
Form of Development	<i>Objectives</i>	1, 4, 7
	<i>PDCs</i>	1, 2, 3
Land Division	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13
Residential Development	<i>Objectives</i>	1, 2, 3, 4
	<i>PDCs</i>	2, 3, 4, 43, 44

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

Relevant Council Wide Provisions	Assessment
Land Division	
PDC 6 – Residential Neighbourhoods <i>Land division should:</i> <i>(a) provide access to public open space through provision of land or linkages to existing areas of open space;</i> <i>(b) provide for the protection of significant vegetation, including avoiding substantial tree- damaging activity in relation to a significant tree;</i> <i>(c) minimise impact on landform and drainage systems;</i>	<ul style="list-style-type: none"> The proposed allotments have adequate access to public open space, being within 600m of Fullarton Park (to the south west) and Katherine Street Playground (to the north east) – which given Unley's lack of public parks is quite reasonable; There are no significant trees on or near the subject land and therefore any built form development on the land will not be of detriment to significant vegetation;

Relevant Council Wide Provisions	Assessment
<p><i>(d) retain State and Local Heritage Places, contributory items, and valued buildings contributing to streetscape character, and appropriate settings for such places;</i></p> <p><i>(e) enable efficient solar access for dwellings and private open space;</i></p> <p><i>(f) minimise risk to personal safety and potential for crime;</i></p> <p><i>(g) create allotments complementing the existing surrounding subdivision pattern and desired character of particular localities;</i></p> <p><i>(h) provide allotments with energy, water, waste water and waste disposal facilities to serve the needs of prospective users;</i></p> <p><i>(i) only occur by Community Title where the proposed division results in an element of the development being shared between two or more dwellings;</i></p> <p><i>j) ensure that common land (eg, shared driveways, visitor parking areas, communal open space, etc) is defined as "common property" as part of any Community Title Scheme;</i></p> <p><i>(k) only occur by Torrens Title where the proposed allotments and uses thereon are exclusive and have exclusive access to a public road; and</i></p> <p><i>(l) only occur where vehicle access is available from a public road having sufficient width to provide safe and functional access and manoeuvring for resident, visitor and service vehicles, or a private road of similar standard connected to a public road.</i></p>	<ul style="list-style-type: none"> • The proposed allotments are oriented so that a dwelling can be designed and sited to enable efficient solar access; • The proposed allotments complement the existing settlement pattern by adding further variety of allotments in a locality that is already highly inconsistent. Particularly noting properties addressed as 45, 53, 60, 62A, 64 (once constructed), 63 and 74 Wattle Street; • The proposed land division is to occur by Community Title as the vehicle accessway will be shared by two properties. This is in accordance with PDC 6; • The common land is defined as 'common property' on the plan of proposed division; • The proposed allotments will both have vehicle access to a public road (Wattle Street).

Relevant Council Wide Provisions	Assessment
<p>PDC 7 – Residential Allotments <i>Residential allotments¹ should have a generally rectangular shape and the appropriate area and dimensions:</i> <i>(a) for siting and constructing a dwelling and ancillary outbuildings;</i> <i>(b) for locating private outdoor space directly accessible to a dwelling;</i> <i>(c) for convenient vehicle access and parking; and</i> <i>(d) to reinforce the desired character of surrounding development in the relevant Zone or Policy Area.</i></p> <p><i>¹Residential allotments include Torrens title allotments and primary, secondary, tertiary etc allotments created under community schemes.</i></p>	<ul style="list-style-type: none"> • The proposed allotments are rectangular in shape; • It is considered that the proposed allotments are of appropriate area and dimensions for the siting and design of a dwelling that can address the relevant provisions of the Development Plan.

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 allotments complement the existing settlement pattern by adding further variety of allotments in a locality that is already highly varied;
- The proposed allotments satisfy the minimum allotment size requirements of the Residential Streetscape (Landscape) Zone;
- The proposed allotments have sufficient frontage to allow for safe and functional access and manoeuvring for vehicles
- The size and shape of the proposed allotments have sufficient regard to Council Wide Land Division principles;
- The proposed land division is to occur by Community Title as the vehicle accessway will be shared by two properties as per Council Wide Land Division PDC 6.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/258/2018/DIV at 70 Wattle Street, Fullarton SA 5063 for 'Land Division - Community Title - Create two allotments from one existing', 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 LAND DIVISION CONSENT:

STATE COMMISSION ASSESSMENT PANEL CONDITIONS are as follows:

- The financial requirements of SA Water shall be met for the provision of water supply and sewerage services (SA Water H0070741).

For SA Water to assess this application, the developer must advise SA Water the preferred servicing option. Information can be found at: <http://www.sawater.com.au/developers-and-builders/building,-developing-and-renovating-your-property/subdividing/community-title-development-factsheets-and-information>. For queries call SAW Land Developments on 74241119. An investigation will be carried out to determine if connections to the development will be standard or nonstandard.

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

- Payment of \$6830 into the Planning and Development Fund (1 allotment(s) @ \$6830/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
- A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel (SCAP) for Land Division Certificate purposes.

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

ITEM 5**DEVELOPMENT APPLICATION – 090/46/2018/C2 – 9 JARVIS STREET,
MILLSWOOD 5034 (UNLEY PARK)**

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

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The proposal is for the construction of a two storey detached dwelling with a double garage and rear alfresco under the main roof. A front masonry and steel fence is also to be constructed.

The proposed dwelling is designed with a modern architectural style and form that features gable roofs behind feature perforated metal infill, a recessed upper level, a double garage with vertical timber cladding and a series of glass doors on the front façade. External materials and finishes include brick (Beige), painted cement sheet (Domino) and sheet metal (Stealth) cladding, timber clad garage door and surrounds (Western Red) and aluminium frame windows and doors (Black).

The front of the dwelling is setback a minimum of 4.8 metres from the front boundary, with the garage door setback at a distance of 6.2 metres. The side wall of the garage is sited on the western side boundary for a length of 9.45 metres. A rear section of wall is also located on the western side boundary for a length of 7.78 metres.

A 1.8 metre high masonry fence with powdercoated steel is to be constructed along the front boundary and portion of the eastern side boundary.

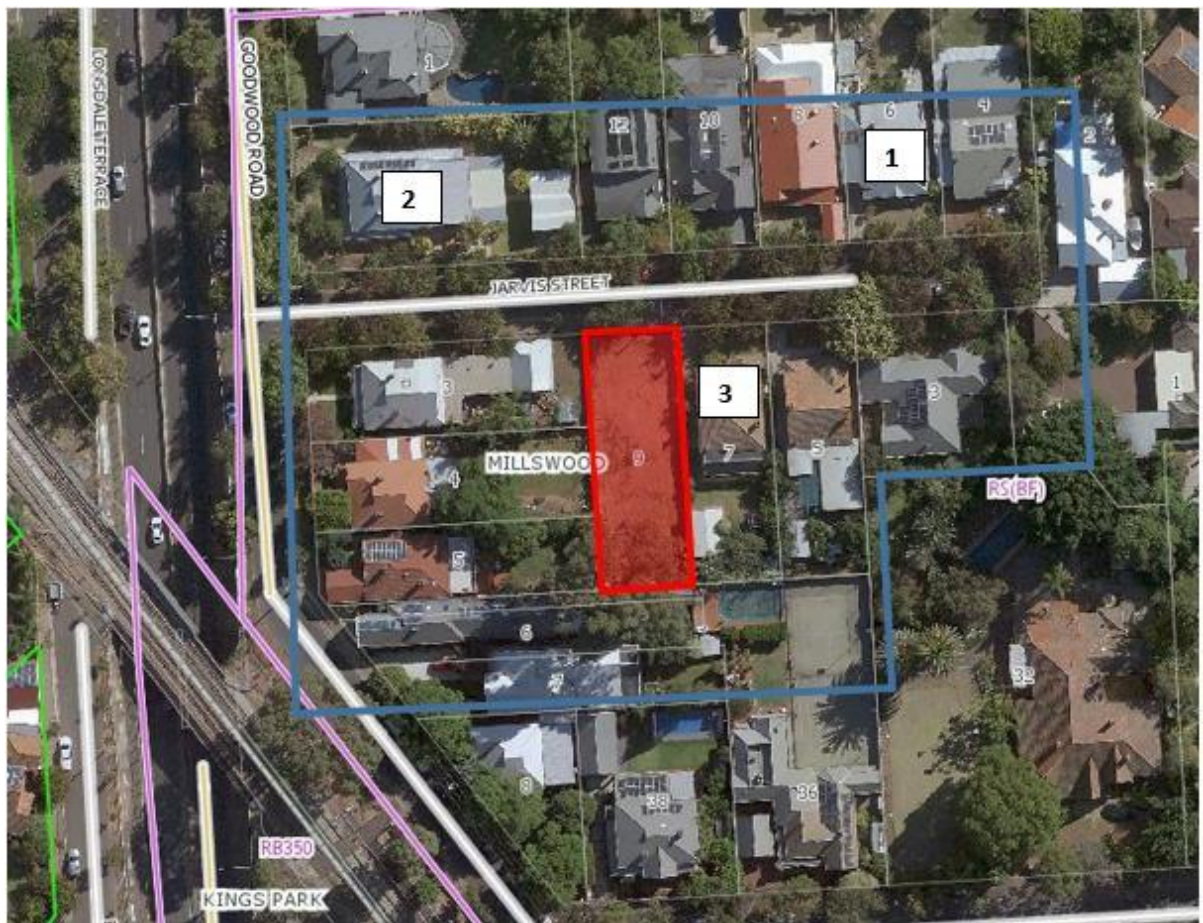
3. SITE DESCRIPTION

The subject land is a residential allotment located at 9 Jarvis Street, Millswood. The allotment is a rectangular shape with a frontage width of 14.33 metres and a total area of 599m².

The land is naturally flat with only a gentle fall from the rear of the property to the road frontage. While the land is devoid of vegetation, there is a large 'Significant' Eucalyptus tree on the adjoining property to the south.

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

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The locality is entirely residential in land use. Existing development consists of detached dwellings at low densities.

Land Division/Settlement Pattern

The original allotment layout and development pattern is largely intact. Allotments are typically rectangular in shape with relatively consistent road boundary setbacks. There are two carports located forward of their respective dwelling within Jarvis Street.

Dwelling Type / Style and Number of Storeys

Existing dwelling styles include bungalows, villas, art deco and conventional. Dwellings are either single storey or have an upper level within the roof space.

Fencing Styles

Fencing styles and heights vary along Jarvis Street and include low pickets, masonry walling, brush and wire mesh.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

Arborist Referral

Street Tree

The subject tree is an 'Ornamental Pear' that contributes to the existing streetscape appeal and is without arboricultural concerns that would support its removal.

The proposed plans show the removal of the tree in order to accommodate a 5.5 metre wide vehicle crossover leading to a double garage located on the western side of the allotment.

I note the distance between the western property boundary and subject tree is approximately 5.6 metres. To this end, I recommend amendments that show a 4.1 metre wide vehicle crossover with gradual widening towards the double garage.

This amendment would allow for the retention of the subject tree with a distance of 1.5 metres between street tree and vehicle crossover.

Neighbouring Tree

The subject tree is a 'River Red Gum' located in the neighbouring property to the immediate south of the allotment. The subject tree is considered 'significant' under current legislation and has attributes that deem it worthy of preservation within the landscape.

In order to ensure the minimal negative impact upon the subject tree, a 'Tree Protection Zone' (TPZ) of 15.00 metres radius is required from the centre of the tree's trunk. This distance cannot be varied as major encroachment of this TPZ has already occurred.

As such, I would suggest the most southern section of the proposed dwelling is no closer than 13.00 metres from the southern boundary fence. That being the case as the subject tree is a further 2.00 metres south of this boundary fence.

The application documents reflect the abovementioned requirements.

8. **PUBLIC NOTIFICATION**

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

6 JARVIS STREET, MILLSWOOD (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Two additions were built on the north side of Jarvis Street in the past 25 years which have their second stories set back and incorporated reasonably into the streetscape built form character. The proposal at No 9 does not achieve this desired objective, with the upper floor form being a poor “fit” in the street.	Through the redesign process of the dwelling since the ‘revision A’ lodgement in August, the overall height of the upper level has been reduced by 510mm (8260 to 7750) and the Floor and Ceiling levels reduced by 150mm (3600 to 3450 Floor / 6300 to 6150 Ceiling). The upper level element of the proposed dwelling is set well behind the primary street façade. It has also been deliberately sited inboard on all other elevations and boundaries placing it well within the building form envelope requirements in the Development Plan.
The upper floor is stridently modern in form and materiality. It picks up no design cues from the neighbourhood character of bungalows and villas. It is appropriate for a modern suburban site, but not in a character location such as the subject site in Millswood.	The form and materiality of the upper level responds to the pitch of traditional Villa & Bungalow roofs in the area and is entirely comprised of wide pan metal sheet cladding traditionally used for roofing. The introduction of perforated metal screening to the street frontage is in response to overlooking concerns raised by a neighbour.
I believe that it is possible to construct a suspended floor building over the tree protection zone which does not affect the significant trees. This would allow the provision of desirable north-facing rooms along the rear boundary, eliminate the need for two storey development, reduce cost, and provide more useful open space with larger courtyards, lawns or a swimming pool.	An arborist was engaged to undertake an assessment of the River Red Gums located in the property to the south of their site. This report identified that these trees are Significant and require a 15m Tree Protection Zone (TPZ). Original designs were amended to comply with the TPZ. The Owners of 9 Jarvis Street are completely satisfied with the proposed design and furthermore are delighted that glazing from their living area to the south provide framed

	views of the magnificent River Red Gums.
2 VARDON TERRACE, MILLSWOOD (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Impact on privacy due to overlooking into rear yard.	<p>Unfortunately, due to the layout and geometry of allotments fronting Vardon and Jarvis, the side & rear of your property are adjacent to (albeit across the road) the front / north elevation of the subject site.</p> <p>We believe the introduction of the perforated metal screen element should address your concerns regarding privacy.</p>
7 JARVIS STREET, MILLSWOOD (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
The development does not meet the desired character of the street and zone.	<p>We believe a contemporary form for any new construction is an appropriate response to residential urban infill in this policy area. As such, any new development need not match or replicate historic building forms, but rather reference elements and demonstrate materiality that is fine grain in nature and of a high-quality finish.</p> <p>This approach has been embedded within the proposed design for the new dwelling at 9 Jarvis Street and reinforced through the use of timber panelling, sandstock masonry, metal sheet cladding and a pitched roof form.</p>
The materials and fence/wall heights would not meet the desired character of the street and zone.	The form and materiality of the proposed dwelling responds to the pitch of traditional Villa & Bungalow roofs in the area and is entirely comprised of wide pan metal sheet cladding traditionally used for roofing and as such is a perfectly acceptable response. All other materiality proposed for the dwelling is commonly found throughout the suburb of Millswood and wider Unley Council Area.
The height of the second storey would result in overshadowing and visual impacts	Through the redesign process of the dwelling since the 'revision A' lodgement in August, the overall height of the upper level has been

	<p>reduced by 510mm (8260 to 7750) and the Floor and Ceiling levels reduced by 150mm (3600 to 3450 Floor / 6300 to 6150 Ceiling).</p> <p>The upper level element of the proposed dwelling is set well behind the primary street façade. It has also been deliberately sited inboard on all other elevations and boundaries placing it well within the building form envelope requirements in the Development Plan.</p>
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9. **ADMINISTRATION NEGOTIATIONS**

The applicant has amended the original proposal following the public notification process, and in response to concerns raised by staff.

The amendments to original proposal include:

- The roof of the ground level has been redesigned to incorporate a gable rather than a single parapet wall (flat roof to gable);
- The upper storey has been positioned further forward in order for the ground floor and upper floor gables to integrate with each other;
- The entrance provided beneath the new gable roof;
- Perforated metal sheeting provided as infill for the front gables for articulation and to address perceived overlooking (applicant was advised that metal sheeting not considered necessary); and
- 1.8 metre high masonry fence with vertical powdercoated steel infill.

Figure 1: Originally Submitted (Front Façade)



Figure 2: Amended Proposal Publicly Notified (front façade)

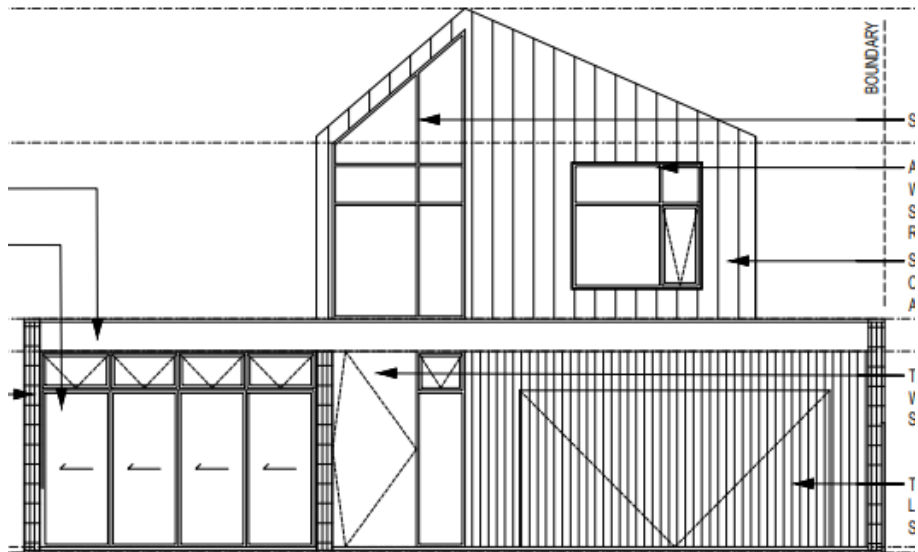
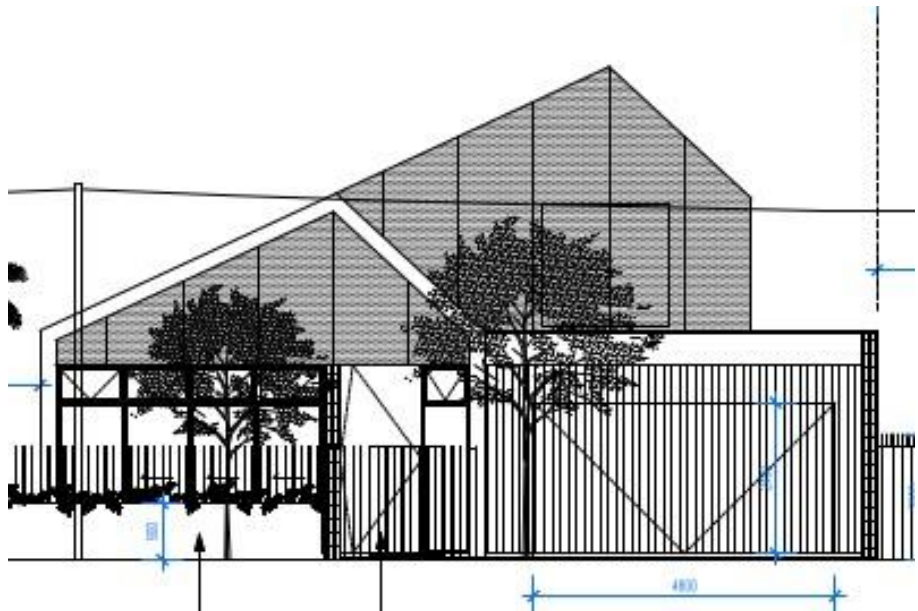


Figure 2: Amended Proposal Final (front façade) Attachment A



10. **DEVELOPMENT DATA**

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	599m ²	
Frontage	14.33m	
Depth	41.83m	
Building Characteristics		
Floor Area		
Ground Floor	279m ²	
Upper Floor	99m ² 35% of ground floor	50% of ground floor
Site Coverage		
Roofed Buildings	46%	□ 50% of site area
Total Impervious Areas	55% approx.	□ 70% of site □
Total Building Height		
From ground level	7.75m	
Setbacks		
Ground Floor		
Front boundary (north)	4.8m	8m or predominant setback
Side boundary (east)	1m	1m
Side boundary (west)	On boundary	1m (can be on boundary)
Rear boundary (south)	13m	5m
Upper Floor		
Front boundary (north)	9.28m	Behind primary street facade
Side boundary (east)	5.53m	3m
Side boundary (west)	2m	3m
Rear boundary (south)	17.93m	8m
Wall on Boundary		
Location	Western boundary	
Length	9.45m + 7.78m	9m or 50% of the boundary length, whichever is the lesser
Height	3m	3m
Private Open Space		
Min Dimension	4m	□ 4m minimum
Total Area	240m ²	40%
Car parking and Access		
On-site Car Parking	2 covered 1 visitor	2 per dwelling where less than 4 bedrooms or 250m ² floor area 3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Driveway Width	4.1m	3m Single 5m double

Site Characteristics	Description of Development	Development Plan Provision
Garage Door Width	4.9m	6.5m or 30% of site width, whichever is the lesser
Colours and Materials		
Roof	Sheet metal (Stealth)	
Walls	Brick (Beige) Painted cement sheet (Domino) Sheet metal (Stealth) cladding	
Fencing	Masonry with steel infill	

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

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

Streetscape Attributes

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

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

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

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

Assessment

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

The existing streetscape along Jarvis Street comprises a mix of dwelling styles that include bungalows, villas, art deco and conventional dwellings. Dwellings are either single storey or have an upper level within the roof space. Although the proposed dwelling is of a modern design, the built form references and carefully responds to the roof pitch and material palette of traditional bungalows. The gable roofs that sit behind feature perforated metal infill and the recessed upper level provide a contemporary design approach that would not replicate nor overwhelm the existing historic dwelling styles within the locality.

The material palette includes brick, painted cement sheet, colorbond sheeting, perforated metal and vertical timber panels in dark and earthy tones. These materials and colour finishes are considered to complement the more traditional building facades. Similarly, the front planter box and open style fencing would contribute positively to the prevailing streetscape character.

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

Relevant Zone Principles of Development Control	Assessment
<p>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 subject land is currently a vacant and under-utilised residential allotment. The land was formerly occupied by a single storey dwelling that was demolished approximately 18 months ago.</p> <p>PDC 2 of the Residential Streetscape (Built Form) Zone envisages new dwellings on vacant or under-utilised allotments provided the dwellings are 'street-fronting'. The proposed dwelling has been designed to address the road frontage and to complement the prevailing streetscape. The proposal is therefore considered to satisfy PDC 2.</p>
<p>PDC 8 <i>Development should comprise street-fronting dwellings exhibiting streetscape attributes consistent with the desired character. In this respect:</i> <i>(a) sites should not be amalgamated for the purposes of developing residential flat buildings, group dwellings or non street-fronting dwellings unless involving existing large sites occupied by buildings of discordant character where the consolidated site and its replacement dwellings produce a streetscape setting and built forms complementing the desired character; and</i> <i>(b) "hammerhead" allotment(s) should not be created, nor should a dwelling be located in a rear yard of an existing street-fronting dwelling site where this</i></p>	<p>As considered above, the proposed dwelling is designed to front the adjacent street in a manner that is consistent with the existing development pattern within the locality.</p> <p>PDC 8 also seeks to ensure that "replacement dwellings produce a streetscape setting and built forms complementing the desired character". When this principle is considered in conjunction with PDC 10, it is evident that the provisions for new development support modern building designs provided cues or references to historic styles are incorporated into the design to maintain coherent streetscapes. PDC 10 discourages the replication or</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>would detrimentally impact on the established settlement pattern or impose on the characteristic spacious setting of neighbouring dwelling sites, exceed single storey, or impose excessive building bulk.</i></p>	<p>reproduction of existing historic building styles.</p> <p>Following concerns raised by Council staff, the applicant has undertaken significant redesigns, particularly to the front facades, to ensure the built form sufficiently responds to the existing and desired streetscape character.</p> <p>The introduction of gable roofs at both ground and upper levels and an earthy material palette is considered to reference the roofs and material context of traditional bungalows. The gable roofs that sit behind feature perforated metal infill and the recessed upper level provide a contemporary design approach that would not replicate nor overwhelm the existing historic dwelling styles within the locality.</p>
<p>PDC 9 <i>Development should present a single storey built scale to the streetscape. Any second storey building elements should be integrated sympathetically into the dwelling design, and be either:</i> <i>(a) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street; or</i> <i>(b) set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.</i></p>	<p>PDC 9 encourages two storey building elements to be integrated sympathetically into the overall design and appearance of the dwelling. While it is also preferred that upper storeys are incorporated into the roof in order to be inconspicuous within the streetscape, the upper storey of the proposed dwelling would not have a bulk or mass that intrudes upon the streetscape or neighbouring properties.</p> <p>The upper storey has a relatively modest floor area of 99m² and wall height of 5.5 metres. Importantly, the roof presents as a continuation of the ground floor gable and pitches away from both side boundaries. The upper storey would also have a recessive street appearance as it is positioned approximately 4.5 metres behind the front wall of the ground floor and 9.28 metres from the road boundary.</p> <p>Accordingly, the proposal is considered to satisfy the intent of PDC 9 of the Residential Streetscape (Built Form) Zone.</p>

Relevant Zone Principles of Development Control	Assessment
<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> <p>(a) scale and form of buildings relative to their setbacks as well as the overall size of the site; and</p> <p>(b) characteristic patterns of buildings and spaces (front and side setbacks), and gaps between buildings; and</p> <p>(c) primarily open front fencing and garden character and the strong presence of buildings fronting the street.</p>	<p>The proposed dwelling is of a contemporary style and form that is considered to respond appropriately to the existing traditional building styles within the locality.</p> <p>As considered in more detail below, the boundary setbacks would maintain the established development pattern and spatial character in accordance with the desired character for the zone.</p>
<p>PDC 14 <i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <p><i>(a) be located to the rear of the dwelling as a freestanding outbuilding; or</i></p> <p><i>(b) where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i></p> <p><i>(i) incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and</i></p> <p><i>(ii) be in the form of a discrete and articulated building element not integrated under the main roof, nor incorporated as part of the front verandah or any other key element of the dwelling design; and</i></p> <p><i>(iii) have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and</i></p> <p><i>(iv) not be sited on a side boundary, except for minor scale carports, and only where the desired building setback from the other side boundary is achieved.</i></p>	<p>The proposed garage is to be recessed behind the main front wall of the dwelling and the panel lift door and surround will be clad with vertical timber panels. The width of the garage door at 4.8 metres will span only 34 percent of the road frontage width and there is sufficient area for landscaping to soften the associated driveway.</p> <p>The siting and design of the garage is such that it would not detract from the appearance of the dwelling or the prevailing streetscape.</p> <p>The proposal is considered to satisfy PDC 14 of the Zone.</p>

Policy Area Desired Character

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

Assessment
<p>The desired character for the policy area seeks to ensure that the streetscape attributes are retained and enhanced. The predominant streetscape attributes within the locality include single and two storey dwellings with upper levels within the roof space, a mix of bungalow, villas, art deco and conventional dwelling styles and varied front fencing heights and styles.</p> <p>As already considered, the proposed dwelling has been specifically designed in a contemporary form so as not replicate existing historic dwelling styles within the locality. The upper storey has also be carefully considered with an integrated and recessive roof form and a relatively modest bulk and mass.</p>

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	Objectives	1, 2
	PDCs	1, 2, 3, 9, 10, 12, 13, 14, 19, 20, 21
Energy Efficiency	Objectives	1, 2
	PDCs	1, 2, 3, 4
Form of Development	Objectives	1, 3, 4, 7
	PDCs	1, 2, 3
Interface Between Land Uses	Objectives	1, 2, 3
	PDCs	1, 2, 3
Landscaping	Objectives	1
	PDCs	1, 2
Public Notification	PDCs	1
Regulated and Significant Trees	Objectives	3
	PDCs	4, 5, 6, 7, 8, 9, 11, 12
Residential Development	Objectives	1, 2, 4
	PDCs	1, 5, 6, 7, 13, 14, 15, 16, 17, 19, 20, 23, 24, 32, 33, 34, 35, 36, 37, 40, 41, 42
Transportation (Movement of People and Goods)	Objectives	1, 2, 3, 5, 6
	PDCs	1, 2, 3, 5, 9, 10, 12, 13, 14, 18, 19, 20, 21, 22, 33

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

Relevant Council Wide Provisions	Assessment
Regulated and Significant Trees	
PDC 5 & 6 – Significant Trees	<p>Council Wide PDC 5 and 6 seek to ensure that development is “<i>designed and undertaken to retain and protect significant trees</i>”, particularly where such trees make an important contribution to the visual character and amenity of the local area or contributes to the habitat value of the area.</p> <p>There is a significant tree inside the neighbouring property to the rear (no. 6 Vardon Terrace) that is in close proximity to the rear boundary of the subject land. The applicant has provided a Development Impact Report prepared by a qualified arborist, Arborman Tree Solutions. The subject tree is a mature River Red Gum that is approximately 25 metres in height and 4 metres in trunk circumference when measured at one metre above ground level. The tree is considered to be in good health and makes an important contribution to the visual amenity of the locality.</p> <p>Arborman Tree Solutions has determined the Tree Protection Zone (TPZ) to be 15 metres, which has been confirm by Council's arborist. The original dwelling design would have resulted in the dwelling encroaching upon the TPZ, however the revised design ensures that the whole of the dwelling footprint is located outside of the TPZ in order to protect the health and longevity of the tree.</p> <p>Council's arborist has no objections to the revised siting and design of the proposed dwelling and has recommended conditions of consent so that the tree is afforded adequate protection during construction. These conditions have been included within the recommendation.</p>
Residential Development	
PDC 13 & 14 – Side and Rear Boundary Setbacks	<p>Council Wide PDC 13 recommends a minimum setback of one metre from side boundaries for single storey walls and three metres for two storey walls up to seven metres in height. The proposal satisfies the side setback requirements with the exception of the ground and upper storeys on the</p>

Relevant Council Wide Provisions	Assessment
	<p>southern side, which include boundary walls and an upper storey setback of two metres.</p> <p>Council Wide PDC 14 provides some allowance for walls on side boundaries provided any associated visual and overshadowing impacts are minimised. From a quantitative perspective, it is noted that PDC 14(c) requires boundary walls to have a maximum height of 3 metres and a maximum length of 9 metres. The proposed garage wall exceeds this requirement by 1.45 metres while the wall to the bedroom and ensuite does not exceed 9 metres in length. It is considered that the visual impacts associated with the boundary walls would not be significant given the modest height of the walls and their location either adjacent to other domestic buildings or the spatial separation from the windows of the neighbouring dwellings.</p> <p>Similarly, the side setback of two metres to the upper storey would not result in any significant overshadowing or visual impacts given that the main yard areas and habitable room windows of the neighbouring dwellings are located at least 13 metres from the side boundary.</p> <p>On balance, the siting and design of the proposed development in relation to the southern side boundary would not significantly detract from the amenity of neighbouring properties and therefore is considered acceptable.</p>
<i>PDC 16 & 17 – Site Coverage</i>	<p>Council Wide PDC 17 prescribes a total roofed area of 50 percent of the area of the site. The proposed development will result in roofs covering approximately 46 percent of the site, which is acceptable.</p>
<i>PDC 19 & 20 – Private Open Space</i>	<p>Approximately 240m² of private open space will be provided for occupants of the dwelling, which equates to 40% of the site area. The layout, orientation and amount of private open space satisfies Council Wide PDC 20 and is considered suitable for clothes drying, entertaining and other domestic activities.</p>

Relevant Council Wide Provisions	Assessment
<p><i>PDC 38 & 39 – Overlooking / Privacy</i></p>	<p>The upper storey of the proposed dwelling is designed with the following window openings:</p> <ul style="list-style-type: none"> • Front elevation – bedroom window • East (side) elevation – staircase and void • South (rear) elevation – bedroom and void • West (side) elevation – bedroom and bathroom <p>The representor at 2 Vardon Terrace, Millswood has raised concerns with the potential for overlooking into their rear yard from the front bedroom window. In response to these concerns, a perforated metal screen has been incorporated into the front façade for screening purposes. While this form of screening would be beneficial in terms of filtering views, it is not necessarily required in this circumstance as views to the adjacent property would be distant (in excess of 25 metres) not 'direct' views.</p> <p>The eastern side window, although quite large, would provide natural light into the staircase and void. As the staircase is not a habitable room and would be used infrequently, privacy screening for this window is not considered necessary.</p> <p>The south (rear) elevation has a bedroom window opening that would have the potential for direct views into neighbouring properties. As details of privacy screening for this window have not been provided, a condition of consent has been recommended.</p> <p>The windows on the western side elevation are designed with raised sill heights to a height of 1.5 metres above the floor level. A condition of consent has been recommended to ensure that the window sills are at least 1.7 metres above the floor level.</p> <p>The proposed window treatments and recommended conditions are considered adequate in maintaining the privacy of neighbouring properties in accordance with Council Wide PDC 38 and 39.</p>

Relevant Council Wide Provisions	Assessment
<i>PDC 41 – Overshadowing and Natural Light</i>	<p>Given the north to south orientation of the subject land and the modest height and size of the upper storey, the shadow cast by the development would not significantly affect the adjoining properties on either side or to the rear.</p> <p>The living room windows and rear yards of neighbouring properties will continue to have adequate access to sunlight in accordance with Council Wide PDC 41.</p>
Transportation (Movement of People and Goods)	
<i>PDC 13 & 20 – Access and Car Parking</i>	<p>The existing vehicle crossover will be widened to a maximum width of 4.1 metres. This will maintain an offset of 1.5 metres to an adjacent street tree, as recommended by Council's arborist. The location and design of the crossover would maintain adequate lines of sight in both directions and would not conflict with any street infrastructure. The proposed vehicular access is therefore safe and convenient in accordance with Council Wide PDC 13.</p> <p>When assessed against <i>Table Un/5 – Off Street Vehicle Parking Requirements</i>, there is a requirement for at least two car parking spaces, with one space to be covered. The proposal would accommodate two covered spaces within the garage and one tandem visitor space in front of the garage. The on-site car parking provision satisfies Council Wide PDC 20.</p>

12. CONCLUSION

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

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

- The size and siting of the proposed dwelling is consistent with the existing development pattern in the locality.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

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

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
1. That the upper floor windows on the southern and western elevations shall be treated to avoid overlooking prior to occupation by being fitted with either permanently fixed non-openable obscure glazed panels or solid privacy screens to a minimum height of 1700mm above floor level with such glazing or screens to be kept in place at all times. Details of privacy treatments shall be provided to the reasonable satisfaction of Council prior to Development Approval.
5. A Tree Protection Zone of 15 metres radius from the centre of the Significant tree at 6 Vardon Terrace, Millswood shall be provided. The activities excluded from the TPZ include but are not limited to:
 - excavation of any kind i.e. trenching;
 - cultivation;
 - storage;
 - preparation of chemicals, including preparation of cement products;
 - parking of vehicles and plant;
 - dumping of waste;

- placement of fill i.e. soil;
 - soil level/grade changes;
 - installation of utilities and signs; and
 - physical damage to any part of the tree including leaves, branches, stems, trunk or roots.
6. The Tree Protection Zone shall be defined by the installation of chain wire mesh fence or the like, held in place with concrete feet so as not to enter the ground. The chain wire mesh fence should be clearly signed **'TREE PROTECTION ZONE' - 'NO ACCESS'**
7. Within the TPZ, the following activities are required to take place within the Tree Protection Zone prior to the commencement of works:
- mulching of the area to a depth no greater than 100mm with quality organic mulch; and regular (i.e. monthly) watering of the area by way of flood irrigation.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

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

ITEM 6**DEVELOPMENT APPLICATION – 090/683/2018/C2 – GRAY STREET,
BLACK FOREST (STREET TREE)**

DEVELOPMENT APPLICATION NUMBER:	090/683/2018/C2
ADDRESS:	Gray Street, Black Forest
DATE OF MEETING:	19 th March 2019
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Remove regulated street tree - Eucalyptus sideroxylon (Red Ironbark)(Alongside 40 Forest Avenue Black Forest)
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential B350 Zone
APPLICANT:	D A Howie
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	Yes – Five Support
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Recommendation for refusal

1. PLANNING BACKGROUND

The tree subject of this application is a Council owned tree, located on the verge of Gray Street, Black Forest. The tree is located directly adjacent number 40 Forest Avenue Black Forest.

The owner of the adjacent residential land (40 Forest Avenue) are applying for the street trees removal.

2. DESCRIPTION OF PROPOSAL

Remove Regulated street tree Eucalyptus sideroxylon (Red Ironbark).

3. SITE DESCRIPTION

The subject tree is situated in the Council owned verge on the eastern side of Gray Street. The tree is located directly adjacent to the kerb line, 2 metres from the boundary of the property at 40 Forest Avenue.

The predominant street tree species along Gray Street are identified as *Koelreuteria paniculata* (Golden Rain tree).

4. LOCALITY PLAN



Representation received

#

Subject tree



5. PUBLIC NOTIFICATION

Category 2 public notification was undertaken in accordance with Schedule 9, Part 2 of the Development Regulations 2008. Five representations were received in support of the subject trees removal.

6. VISUAL TREE ASSESSMENT

Council's Landscape Architect advises that the subject tree makes a positive contribution to the visual amenity of the locality.

7. ARBORICULTURAL ASSESSMENT

The subject application was not accompanied by Arboricultural advice.

The application was referred to Council's Arboricultural Department who engaged Adelaide Arb Consultants to provide an Arboricultural assessment.

A summary of the report prepared by Gary Moran (Adelaide Arb Consultants), dated 18th December 2018 is provided below;

- 'Mature' Eucalyptus sideroxylon – Red Iron Bark, circumference of 2.52 metres ('regulated');
- Height approximately 17 metres, diameter approximately 17 metres;
- Useful life expectancy of greater than 10 years;
- The crown is decurrent, symmetrical, moderately broad and typical of the species;
- The root zone consist of a narrow verge, kerb, public footpath and Gray Street. The root zone within private property includes the boundary fence on a concrete plinth and the dwelling;
- Health is good as indicated by the well-formed buttress leading into good trunk, stem and branch taper. The form is absent of unstable defects, all attachments appear to be sound and no history of substantial branch failure is evident;
- No excessive quantities of leaves, twig litter or sap staining were observed under the tree;
- The tree has received good quality pruning in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees

8. DEVELOPMENT PLAN ASSESSMENT

REGULATED TREE ASSESSMENT

Council Wide Objective 1 - Regulated Trees	
<i>The conservation of regulated trees that provide important aesthetic and/ or environmental benefit.</i>	
REGULATED TREES	
Provisions within the City of Unley Development Plan relating to the assessment of regulated trees include Council Wide Objective 2 and Principle of Development Control 1, 2 and 3. The planning assessment against the relevant principles is detailed in the table below:	
Council Wide Objective 2	Administration Comments
2	<i>Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:</i>
(a)	<i>Significantly contributes to the character or visual amenity of the locality;</i>
	Yes. The subject tree is a large mature specimen with a wide spreading crown. It presents good form and health and forms a prominent feature within the streetscape. The subject tree is considered to provide aesthetic benefit to the local area.

(b)	<i>Indigenous to the locality;</i>	No. The subject tree is indigenous to Victoria, New South Wales and Queensland.
(c)	<i>A rare or endangered species; or</i>	No.
(d)	<i>An important habitat for native fauna.</i>	No. The tree does not present suitable nesting opportunities for indigenous fauna and is not linked to a wildlife corridor.

Principles of Development Control		Administration Comments
2	<i>A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:</i>	
(a)	<i>the tree is diseased and its life expectancy is short;</i>	The species is well adapted to the climate and soils of the greater Adelaide area. The subject tree is in good health and of sound structural integrity therefore indicating it has a long life expectancy.
(b)	<i>the tree represents a material risk to public or private safety;</i>	The TRAQ risk assessment found a low risk rating indicating the tree does not represent a material risk to public or private safety.
(c)	<i>the tree is causing damage to a building;</i>	<p>The subject tree is located in close proximity of a dwelling ('a building').</p> <p>The applicant details in their submission that water damage has occurred, on two occasions, to the dwellings ceiling (and floor). The damage is attributed to the subject trees debris (including stamens and flower filaments) being collected underneath existing protective gutter mesh. As a result, rainwater builds up and overflows in the ceiling space. Further, the applicant has incurred damage to a fence due to limb drop.</p> <p>While it is appreciated that the applicant has incurred costs related to the subject tree, it is Administrations opinion that the tree is not causing unreasonable damage to the dwelling. Frequent cleaning and removal of tree material is not considered to be an unreasonable maintenance requirement where a dwelling and vegetation cohabit.</p>

Principles of Development Control		Administration Comments
		No evidence has been provided to suggest that structural damage to the dwelling has occurred as a result of the trees location.
(d)	<i>Development that is reasonable and expected would not otherwise be possible;</i>	The applicant is concerned that the tree prevents the installation of solar panels (due to roof staining, limb drop and regular maintenance required). The installation of solar panels is reasonable, although it is probable that this is not a defined form of 'development' under the Regulations. No evidence has been provided to suggest that solar panels are unable to be installed.
(e)	<i>The work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.</i>	N/A

9. DISCUSSION

The City of Unley Development Plan seeks to conserve regulated trees that provide important aesthetic benefit.

It is acknowledged that, in their submission, the applicant contests the aesthetic value of the subject tree. It is Administrations opinion that the subject tree contributes to the visual amenity of the locality and should be preserved.

In the case that it were argued that the subject tree is not at the high end of the scale of value, it does make a positive contribution to the locality and should not be removed other than where it can be demonstrated that one or more of the following apply;

- a) The tree is diseased and its life expectancy is short;
- b) The tree represents a material risk to public or private safety;
- c) The tree is causing damage to a building;
- d) Development that is reasonable and expected would not otherwise be possible

It is understood that the applicant has incurred financial cost, and will incur continued maintenance responsibility, as a result of the proximity of the subject tree. However, when assessed against the above criteria, the removal of the subject tree is not warranted.

10. CONCLUSION

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

- The tree provides aesthetic benefit;
- The tree is not diseased and does not have a short life expectancy;
- The tree does not represent a material risk to public or private safety;
- The tree is not considered to be causing damage to a building;
- It has not been proven that development that is reasonable and expected would not otherwise be possible

The application is therefore recommended for Development Plan REFUSAL.

11. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/683/2018/C2 at Gray Street, Black Forest to 'Remove regulated street tree - Eucalyptus sideroxylon (Red Ironbark)(Alongside 40 Forest Avenue Black Forest)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The tree provides aesthetic benefit;
- The tree is not diseased and does not have a short life expectancy;
- The tree does not represent a material risk to public or private safety;
- The tree is not considered to be causing damage to a building;
- It has not been proven that development that is reasonable and expected would not otherwise be possible

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representation	Administration
C	Arborist Report	Administration
D	Further documents submitted by the applicant	Applicant

ITEM 7**DEVELOPMENT APPLICATION – 090/855/2018/C2 – 36 CROMER PARADE, MILLSWOOD SA 5034 (CLARENCE PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/855/2018/C2
ADDRESS:	36 Cromer Parade, Millswood SA 5034
DATE OF MEETING:	19 March 2019
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Extend existing pergola forward of dwelling facade (retrospective)
HERITAGE VALUE:	Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic Conservation Zone, Policy Area 4
APPLICANT:	R Westren
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:	Streetscape character

1. PLANNING BACKGROUND

The subject development was brought to Council's attention as a matter of development compliance (the structure at hand has already been built).

As outlined in the Development Regulations (Schedule 3) a structure of this nature does not require Development Approval whereby *'the construction of a pergola associated with an existing dwelling (whether attached to the building or freestanding) –*

- I. Which does not have a roof; and*
- II. Each freestanding side of which is open; and*
- III. No part of which is higher than 4 metres above the ground; and*
- IV. Which is not being constructed so that any part of the pergola will be in front of any part of the building line of the dwelling to which it is ancillary that faces the primary street.*

The structure satisfies the above criteria except for a portion being located forward of the associated dwelling (part iv), hence the applicant requires approval for the section of the pergola located forward of the dwelling façade.

2. DESCRIPTION OF PROPOSAL

The applicant seeks approval to construct a pergola structure, located forward of the associated building at 36 Cromer Parade Millswood.

3. SITE DESCRIPTION

The subject site is located within the Residential Historic Conservation Zone, Policy Area 4. The site is located on the north-western side of Cromer Parade, between Graham Avenue and Fairfax Avenue. The site is regular in shape, having a frontage to Cromer Parade of approximately 19.8m, a depth of 44m and a total area of 875m².

The site is currently occupied by a single storey dwelling which is identified as a Contributory item (Conventional style approximately 1940s). Vehicle access is located adjacent the southern boundary.

A number of large mature trees are located on the site.

4. LOCALITY PLAN



 Subject Site  Locality  Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Dwelling Type / Style and Number of Storeys

Single storey detached dwellings are predominant within the locality.

There is a relatively high degree of consistency of character within the immediate locality (derived from a predominance of dwellings built in the 1920s and 1940s period).

Conventional dwelling styles such as the subject dwelling are not as prevalent as Tudors and Bungalow styles, however make positive contributions to the prevailing streetscape character.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

Council's Consulting Architect provided comment on the proposed development as follows;

- *The proposed development seeks to extend an existing pergola structure forward of the dwelling. The pergola is used to shelter motor vehicles. It may therefore be considered to be a carport.*
- *Amongst other things, relevant development plan policy seeks to conserve and enhance the heritage value and desired character of the area. Emphasis is placed on maintaining the prominence of historic dwellings and the pattern of development. A pattern of development in which vehicle garaging is not prominent.*
- *Zone PDC 13 is particularly relevant, stating that a carport or garage should form a relatively minor streetscape element. It goes on to say that the carport or garage should be located behind the primary street façade of the dwelling.*
- *It is relevant that the garages and carports of dwellings near the subject dwelling are in line with or behind the main façade of the dwellings. The one exception is a small encroachment on a non-contributory item.*
- *Although the pergola structure is relatively simple in form, its encroachment forward of the dwelling detracts from the appearance and setting of the dwelling, diminishing its contribution to streetscape character. The pergola structure is also relatively high which tends to accentuate its visual impact from the public realm.*
- *The proposed extension of the pergola/carport structure forward of the dwelling therefore appears to be at odds with relevant development plan policy and is inconsistent with the prevailing streetscape character.*

8. **PUBLIC NOTIFICATION**

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

38 Cromer Parade (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Development is not a 'relatively minor streetscape element' and does not 'adopt a recessive building presence'. The section forward of the dwelling should be removed.	The pergola is low key and barely visible from the street. It is located behind the neighbours verandah element.

(* denotes non-valid planning considerations)

9. **DEVELOPMENT DATA**

Site Characteristics	Pergola	Development Plan Provision
Total Site Area	875m ²	
Frontage	19.8m	
Depth	44m	
Building Characteristics		
Setbacks		
Ground Floor		
Front boundary	6.72m 2m forward of main dwelling facade	1m behind main facade
Side boundary	Within 600mm	Can be on the boundary
Details		
Height	3.1m	3m
Roof	Shadecloth	
Width	3m	
Length	2m	12m

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Historic Conservation Zone
<p><i>Objective 1:</i> Conservation and enhancement of the heritage values and desired character described in the respective policy areas, exhibited in the pattern of settlement and streetscapes of largely intact original built fabric.</p> <p><i>Objective 3:</i> Retention, conservation and enhancement of contributory items, and the complementary replacement or redevelopment of non-contributory buildings.</p>
Desired Character
<p><i>A building making a positive contribution to the heritage value and desired character of the respective policy areas is termed a “contributory item”. All contributory items are highly valued and ought not be demolished as this would significantly erode the integrity of the zone. Sensitively designed alterations and additions to a contributory item are appropriate, as are changes removing or making more positive contribution of discordant building features detracting from its contributory value. The adaptation of a contributory item for alternative residential accommodation where this provides for the retention, and ongoing refurbishment, of such items is also appropriate.</i></p>
Assessment
<p>The subject application does not alter or demolish the existing Contributory item.</p> <p>The relationship of the proposed development with the Contributory item is discussed below.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>Contributory Items 3</i></p> <p><i>Development should retain and enhance a contributory item by:</i></p> <ul style="list-style-type: none"><i>a) refurbishing, restoring and improving the original fabric and maintaining its streetscape contribution; and</i><i>b) avoiding works detrimentally impacting on the built form and its characteristic elements, detailing and materials of the front and visible sides as viewed from the street or any public place; and</i><i>c) removing discordant building elements, detailing, materials</i>	<p>The proposed development does not alter the original fabric or dwelling façade of the Contributory item.</p> <p>The proposed development is located to the side of the dwelling, and protrudes approximately 2m forward of the main dwelling façade. The development is located on the common boundary and does not protrude forward of the adjoining dwellings front verandah element.</p> <p>The structure is open, lightweight and does not include a roof. Vehicles will be stored on site, under the proposed structure. As such, principles of development control relating to carports and like structures are applied for the purpose of this report.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>and finishes, outbuildings and site works; and</i></p> <p><i>d) altering or adding to the item and carrying out works to its site only in a manner which maintains or enhances its contribution to the desired character, and responds positively to the characteristic elements and streetscape context of its locality, in terms of the:</i></p> <ul style="list-style-type: none"> <i>I. rhythm of buildings and open spaces (front and side setbacks) of building sites and gaps between neighbouring building sites; and</i> <i>II. building scale and forms (wall heights and proportions, and roof height, volumes and forms); and</i> <i>III. open fencing and garden character; and</i> <i>IV. recessive or low key nature of vehicle garaging and the associated driveway.</i> 	<p>A structure protruding forward of the dwelling façade is not in keeping with the rhythm of buildings in the immediate locality. However, the ‘gaps between buildings’ are not visually impacted due to the lightweight and open nature of the structure.</p> <p>The structure provides a ‘low key nature of vehicle garaging’ and while it can be seen, it does not form a prominent feature of the associated dwelling as viewed from a public vantage point.</p>
<p>Carports and Garages 13</p> <p><i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <ul style="list-style-type: none"> <i>a) be located to the rear of the dwelling as a freestanding outbuilding; or</i> <i>b) where attached to the dwelling be sited alongside the dwelling and behind the primary street façade, and adopt a recessive building presence.</i> 	<p>The proposed structure is located alongside the existing Contributory Item.</p> <p>The subject Zone seeks vehicle storage to be set behind the main dwelling façade. The proposed is not set behind the dwelling façade.</p> <p>The proposed structure is lightweight, articulated from the main dwelling and of a width which is a proportionally minor element relative to the dwelling façade and its primary street frontage.</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
<p><i>Garages, carports and outbuildings</i></p> <p>8. <i>A garage, carport or outbuilding should be setback from the primary street frontage.</i></p> <p>9. <i>A carport only, may be located forward of the dwelling where the existing exceptional site circumstances prevent the practical undertaking of its construction at the rear of the site or behind the front dwelling wall, providing it does not unreasonably diminish the streetscape presence of the dwelling</i></p> <p>29 <i>Garages and carports facing the street (excluding public lanes) should reinforce the prominence of the associated dwelling in the streetscape, and be compatible with the prevailing built form within the zone and locality</i></p>	<p>As discussed above, the proposed structure does not adhere to the recommended setback for carport structures.</p> <p>An existing pergola is located behind the main dwelling façade and provides shade cloth cover over an area used for the storage of vehicles. In said area, it is noted that the existing dwelling has a protrudence, narrowing the available space for vehicle storage. While a vehicle can still be stored, it is of minimal width. The proposed structure located forward of the dwelling will provide more space for vehicle storage in an area not encumbered by the existing dwelling.</p> <p>The proposed structure is partially obscured in the streetscape by the neighbouring dwelling and verandah, existing vegetation and fencing.</p>

11. DISCUSSION

The proposed pergola/carport structure located forward of the dwelling façade is at odds with relevant development plan policy, however, is not considered to be seriously at variance.

12. CONCLUSION

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

- The proposal is for a domestic scaled structure which does not unreasonably diminish the streetscape presence of the associated dwelling

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/855/2018/C2 at 36 Cromer Parade, Millswood SA 5034 to 'Extend existing pergola forward of dwelling facade (retrospective)' 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:

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.

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

ITEM 8**DEVELOPMENT APPLICATION – 090/591/2018/C2 – 6 BLACKETT STREET, GOODWOOD SA 5034 (GOODWOOD)**

DEVELOPMENT APPLICATION NUMBER:	090/591/2018/C2
ADDRESS:	6 Blackett Street, Goodwood SA 5034
DATE OF MEETING:	19 March 2019
AUTHOR:	Reb Rowe
DEVELOPMENT PROPOSAL:	Construct ensuite addition on common boundary
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	(BUILT FORM) ZONE P 8.2
APPLICANT:	Alexander and Maryke Daniel
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (1 in opposition)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representation
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Wall on boundary

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The proposed development involves the construction of an ensuite bathroom to the southern side of the existing dwelling.

3. SITE DESCRIPTION

The subject site is a regularly-shaped allotment of 556sqm, located on the western side of Blackett Street. There are no easements on the land. The land is currently residential in nature and accommodates one single storey double fronted cottage dwelling. There are no regulated trees on the subject site, nor on adjoining properties. Blackett Street is a short street which does not allow through traffic for cars. Lanor Lane at the southern end of Blackett Street allows passage for cyclists and pedestrians only. As such, there is limited vehicle traffic in the street.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

The settlement pattern of the locality appears largely intact from the original division of the estate, being individual allotments with street-fronting dwellings of approx. 500sqm.

Dwelling Type / Style and Number of Storeys

The dwellings in the locality are generally single-storey, detached cottages and inter-war styles.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

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

8 Blackett Street	
ISSUES RAISED	APPLICANT'S RESPONSE
The wall on the boundary, while identified as 3m in height, will likely result in a taller height due to the footing that will be required, resulting in a boundary wall that is not 3m in height, as identified on the plans, but more like 3.3m in height.	Amended plans to confirm a 3m boundary wall height were provided.

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Ensuite	Development Plan Provision
Total Site Area	556m ²	500sqm
Frontage	15.24m	15m
Depth	37m	>20sqm
Ensuite Characteristics		
Floor Area		
Ground Floor	9m ²	N/A
Site Coverage		
Total Roofed Area	45%	<input type="checkbox"/> 50% of site area
Ensuite Setbacks		
Front boundary (east)	6.5m	1m behind dwelling façade
Side boundary (south)	On boundary	On boundary or 600mm off
Side boundary (north)	Attached to dwelling	N/A
Rear boundary (west)	25m	<input type="checkbox"/> 5m
Wall on Boundary		
Location	Southern boundary	One side boundary
Length	4.3m	9m or 50% of the boundary length, whichever is the lesser
Height	3m	3m
Private Open Space		

Min Dimension	10m	□4m minimum
Total Area	45%	□20%
Car parking and Access		
On-site Car Parking	2 (unchanged)	2 per dwelling
Covered on-site parking	1 (unchanged)	1 car parking space
On-street Parking	1 (unchanged)	0.5 per dwelling

(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)
<p>Objective 1: Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</p> <p>Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</p> <p>Objective 3: Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.</p> <p>Objective 4: Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.</p>
Desired Character
<p>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:</p> <ul style="list-style-type: none"> (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. <p>Streetscape Attributes</p>

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

(a) siting - open style front fences delineate private property but maintain the presence of the dwelling front and its garden setting. Large and grand residences are on large and wide sites with generous front and side setbacks, whilst compact, narrow-fronted cottages are more tightly set on smaller, narrower, sites. Infill dwellings ought to be of proportions appropriate to their sites and maintain the spatial patterns of traditional settlement; and

(b) form - there is a consistent and recognisable pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and forms associated with the various architectural styles. Infill and replacement buildings ought to respect those traditional proportions and building forms; and

(c) key elements - verandahs and pitched roofs, the detailing of facades and the use of traditional materials are important key elements of the desired character. The use of complementary materials, careful composition of facades, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements assist in complementing the desired character.

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

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

Assessment

The streetscape value is considered to be maintained with the presence of the proposed ensuite development. The ensuite continues the rhythm of the buildings in the street, allotment patterns and landscape features. In addition to this, the proposed ensuite is of a modest scale of appropriate proportions for the associated dwelling and streetscape character. A forward-projecting carport located on the adjoining site largely obscures any visual impact of the proposed ensuite from street views from the south and it is obscured from views from the north by the existing dwelling on the site. From the front, the proposed ensuite addition is modest in scale to the subject dwelling.

As such, the proposed ensuite addition is considered to satisfy the Objectives and Desired Character of the Residential Streetscape (Built Form) Zone.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 1-4 General</p> <p>1- Development should support and enhance the desired character (as expressed for each of the three policy areas, and the respective precincts).</p> <p>2- Development should comprise: (a) alterations and/or additions to an existing dwelling;</p> <p>3- Development should retain and enhance the streetscape contribution of a building by: (a) retaining, refurbishing, and restoring the building; and (d) altering or adding to the building and carrying out works to its site only in a manner which maintains its streetscape attributes and contribution to the desired character, and responds, positively to the streetscape context of its locality in terms of the: (i) rhythm of buildings and open spaces (front and side setbacks) of building sites; and building scale and forms (wall heights and proportions, and roof height, volumes and forms); and (iii) open fencing and garden character; and (iv) recessive or low key nature of vehicle garaging and the associated driveway.</p> <p>4- Alterations and additions to a building should be located primarily to the rear of the building and not be visible from the street or any public place unless involving the dismantling and replacement of discordant building elements so as to better complement the building's original siting, form and key features.</p>	<p>The subject development is considered to satisfy the Zone as a domestic-scaled addition which ensures the retention of the existing dwelling. Despite being located to the side of the dwelling and visible to the street, existing buildings and structures on the subject site and adjoining reduce the addition's visibility from the street. The addition is considered appropriate as it contributes to the dwelling in a manner which is considered to maintain its streetscape attributes and contribution to the desired character and the rhythm of the buildings in the street.</p>
<p>PDC13 Boundary walls</p> <p>Building walls on side boundaries should be avoided other than: (a) a party wall of semi-detached dwellings or row dwellings; or (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 and not part of, the primary street façade, where: (i) there is only one side boundary wall, and (ii) the minimum side setback prescribed under the desired character is met on the other side boundary; and (iii) the desired gap between buildings, as set out in the desired character, is maintained in the streetscape presentation.</p>	<p>The proposed ensuite boundary wall is considered appropriate as a wall associated with a single storey dwelling addition, which is not under the main roof of the dwelling and is designed to be a minor and subservient element to the main dwelling. The subject wall is to be the only boundary wall for the subject site, the side setback is maintained (albeit, covered with an open carport) on the other side boundary of the subject site, and the rhythm of</p>

Relevant Zone Principles of Development Control	Assessment
	spacing around the buildings is not compromised.

Policy Area Desired Character

Policy Area 8 - Compact
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) compact road verges and building setbacks to the street;</i> <i>(c) building forms and detailing of the predominant cottages and villas; 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 street-fronting dwelling format, primarily detached dwellings, together with semidetached dwelling and row dwelling types. The conversion or adaptation of a building for a multiple dwelling or residential flat building may also be appropriate; and</i> <i>(b) maintain or enhance the streetscape attributes comprising:</i> <ul style="list-style-type: none"> <i>(i) siting - the regular predominant allotment pattern, including the distinctive narrow-fronted sites associated with the various cottage forms produces an intimate streetscape with a compact building siting and low scale built character with generally low and open style fencing and compact front gardens. Street setbacks are generally of some 6 metres and side setbacks are consistently of 1 metre or greater, other than for narrow, single-fronted and attached cottages producing a regular spacing between neighbouring dwellings of generally 3 to 5 metres (refer table below); and</i> <i>(ii) form - the consistent and recognisable pattern of traditional building proportions including wall heights and widths of facades, and roof height, volumes and shapes associated with the identified architectural styles in (iii) below; and</i> <i>(iii) key elements - the defining design features, including the verandahs and pitched roofs, use of wall and roofing materials facades of the predominant architectural styles (Victorian and Turn-of-the-Century double-fronted and single-fronted cottages and villas, and complementary Inter-war bungalows as well as attached cottages).</i>
Assessment
<p>The proposed development is not altering the development pattern of the area. It is considered to support the street-fronting dwelling format and maintain the streetscape attributes of the dwelling, site and locality.</p>

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 5- Street and boundary setbacks	<ul style="list-style-type: none"> While the proposed dwelling addition will be located on a side boundary, the dwelling is considered to meet the intent of PDC 5 in that the streetscape attributes of the allotment are maintained, the ensuite is setback 1m behind the façade of the main dwelling which reduces the appearance of bulk and it does not interfere with landscaping or the functionality of the allotment.
PDC 14- Side and rear boundaries	<ul style="list-style-type: none"> The proposed ensuite addition is located on the southern boundary. It is considered to satisfy PDC 14 being that it is limited in height and length to maintain visual amenity and access to light for adjoining properties. While there is no abutting boundary wall, the height of the proposed ensuite will almost match the height of the existing carport structure on the adjoining site. This lessens any potential streetscape impact as a result of the proposed ensuite. The proposed ensuite is the only boundary wall for the property with the side setback maintained (albeit, covered with an open carport) on the other side boundary of the subject site, and the rhythm of spacing around the buildings is not compromised. The setback of the proposed ensuite wall to the dwelling on the adjoining property is approximately 1.5m which allows the continued access to light to the windows of the neighbouring dwelling.

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 length and height of the proposed ensuite addition, located on boundary, is considered appropriate to ensure the streetscape character is maintained as well as maintaining an acceptable level of amenity for the adjoining property.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/591/2018/C2 at 6 Blackett Street, Goodwood SA 5034 to 'Construct ensuite addition on common boundary' is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.

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

ITEM 9**DEVELOPMENT APPLICATION – 090/697/2018/C2 – 14 ELLA STREET,
PARKSIDE SA 5063 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/697/2018/C2
ADDRESS:	14 Ella Street, Parkside SA 5063
DATE OF MEETING:	19 March 2019
AUTHOR:	Reb Rowe
DEVELOPMENT PROPOSAL:	Carry out alterations and construct single storey addition to boundary, a verandah, a swimming pool and an underground rain water tank
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	(BUILT FORM) ZONE P 8.3
APPLICANT:	Studio Gram Architects
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (2 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Wall on boundary Swimming Pool

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The proposed development involves the construction of an addition at the rear of the existing dwelling, an alfresco/verandah and an in-ground swimming pool.

3. SITE DESCRIPTION

The subject site is a regularly-shaped allotment of 368sqm, located on the northern side of Ella Street. There are no easements on the land. The land is currently residential in nature and accommodates one single-storey double-fronted cottage dwelling. There are no regulated trees on the subject site, nor in proximity of the proposed work on adjoining properties. Ella Street is a relatively short street of regular width. It is considered a street that accommodates a local traffic level.

4. LOCALITY PLAN



 Subject Site  Locality  Representations

5. LOCALITY DESCRIPTION

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

The settlement pattern of the locality appears largely intact from the original division of the estate, being individual allotments with street-fronting dwellings of 368sqm.

Dwelling Type / Style and Number of Storeys

The dwellings in the locality are generally single-storey, detached cottages and modern infill houses.

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 2 representations were received as detailed below.

16 Ella Street- OPPOSE	
ISSUES RAISED	APPLICANT'S RESPONSE
Request confirmation regarding the pool: Location and enclosure of pool pump, size of the pool and its distance from the side fence	<ul style="list-style-type: none">• The location of the pool pump shown on the plan is the location for which is being sought for approval. The pool pump is 7.9m from the north-east corner of the residence at 16 Ella St. Being that it is propose to be in a sound attenuated enclosure, the location meets the requirements of the Unley Development Plan.• The pool is to be 2.5m x 5m, setback 1m from the west boundary and 1.6m from the north.
*Clarification regarding the site survey and current fencing *Clarification of boundary fencing	The new fence is to be constructed along the property boundary as per the Fences Act. The western proposed fence is to be constructed on the western property line. Where there is a boundary wall, there will be no boundary fence.
Confirmation of the boundary wall material MA01.	The wall will be a finished masonry wall. There is no proposal to paint or render this wall.

17 Dunks Street- OPPOSE	
ISSUES RAISED	APPLICANT'S RESPONSE
The proximity of the swimming pool, pool equipment, and alfresco area, and the noise associated, will compromise the peace and privacy enjoyed by 17 Dunks St	The proposed pool is located 1.6m from the northern boundary in line with the Council's 1.5m recommendation. The proposed pool plant, which is to be located within a sound-attenuated enclosure, is 14m from the rear of the dwelling at 17 Dunks St to meet the Council recommendation.
Concerns would be overcome by raising the rear fence height to 3.1m.	No comment provided.

(* denotes non-valid planning considerations)

9. **DEVELOPMENT DATA**

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	368m ²	400sqm
Frontage	12m	15m
Depth	30m	>20m
Building Characteristics		
Floor Area		
Ground Floor	230m ²	
Site Coverage		
Roofed Buildings	60%	<input type="checkbox"/> 50% of site area
Total Impervious Areas	65%	<input type="checkbox"/> 70% of site <input type="checkbox"/>
Total addition height		
From ground level of the adjoining affected land	3.2m	3m
Setbacks		
Front boundary (south)	Attached to dwelling	N/A
Side boundary (west)	On boundary	Sited on boundary or 600mm off
Side boundary (east)	1m	1m
Rear boundary (north)	7m to dwelling; 3.5m to alfresco area	5m for a dwelling
Wall on Boundary		
Location	West	
Length	6.5m	9m or 50% of the boundary length, whichever is the lesser
Height	3.2m	3m
Private Open Space		
Min Dimension	7m	<input type="checkbox"/> 4m minimum
Total Area	30%	<input type="checkbox"/> 20%

Car parking and Access		
On-site Car Parking	2 (unchanged)	2 per dwelling
Covered on-site parking	1 (unchanged)	□ 1 car parking space
On-street Parking	1 (unchanged)	0.5 per dwelling

(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)
<p>Objective 1: Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</p> <p>Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</p> <p>Objective 3: Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.</p> <p>Objective 4: Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.</p>
Desired Character
<p>Streetscape Value</p> <p>The Residential Streetscape (Built Form) Zone encompasses much of the living area in inner and western Unley, (excluding the business and commercial corridors and those areas of heritage value). The zone is distinguished by those collective features (termed “streetscape attributes”) making up the variable, but coherent streetscape patterns characterising its various policy areas and precincts. These attributes include the:</p> <p>(a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and</p> <p>(b) allotment and road patterns; and</p> <p>(c) landscape features within the public road verge and also within dwelling sites forward of the building façade; and</p> <p>(d) scale, proportions and form of buildings and key elements.</p> <p>Streetscape Attributes</p> <p>It is important to create high quality, well designed buildings of individuality and design integrity that nonetheless respect their streetscape context and contribute positively to the desired character in terms of their:</p> <p>(a) siting - open style front fences delineate private property but maintain the presence of the dwelling front and its garden setting. Large and grand residences are on large and wide sites with generous front and side setbacks, whilst compact, narrow-fronted cottages are more tightly set on</p>

smaller, narrower, sites. Infill dwellings ought to be of proportions appropriate to their sites and maintain the spatial patterns of traditional settlement; and

(b) form - there is a consistent and recognisable pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and forms associated with the various architectural styles. Infill and replacement buildings ought to respect those traditional proportions and building forms; and

(c) key elements - verandahs and pitched roofs, the detailing of facades and the use of traditional materials are important key elements of the desired character. The use of complementary materials, careful composition of facades, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements assist in complementing the desired character.

Assessment

The streetscape value is considered to be maintained with the presence of the proposed development as it is largely obscured from view to the street by the existing dwelling, which is to be retained.

As such, the proposed additions are considered to satisfy the Objectives and Desired Streetscape (Built Form) Zone Character of the Residential.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 1-4 General</p> <p>1- Development should support and enhance the desired character (as expressed for each of the three policy areas, and the respective precincts).</p> <p>2- Development should comprise: (a) alterations and/or additions to an existing dwelling; and (b) ancillary domestic-scaled structures and outbuildings; and</p> <p>3- Development should retain and enhance the streetscape contribution of a building by: (a) retaining, refurbishing, and restoring the building; and (b) removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and (c) avoiding detrimental impact on the building's essential built form, characteristic elements, detailing and materials as viewed from the street or any public place (ie only the exposed external walls, roofing and chimneys, verandahs, balconies and associated elements, door and window detailing, and original finishes and materials of the street façade); and (d) altering or adding to the building and carrying out works to its site only in a manner which maintains its streetscape</p>	<p>The subject development is considered to satisfy the related Zone PDC as it is a domestic-scaled addition at the rear of a dwelling, which ensures the retention of the existing dwelling and adds to the dwelling in a manner which is considered to maintain its streetscape attributes and contribution to the desired character of the zone.</p>

Relevant Zone Principles of Development Control	Assessment
<p>attributes and contribution to the desired character, and responds, positively to the streetscape context of its locality in terms of the: (i) rhythm of buildings and open spaces (front and side setbacks) of building sites; and (ii) building scale and forms (wall heights and proportions, and roof height, volumes and forms);</p> <p>4- Alterations and additions to a building should be located primarily to the rear of the building and not be visible from the street or any public place unless involving the dismantling and replacement of discordant building elements so as to better complement the building's original siting, form and key features.</p>	
<p><i>PDC13 Boundary walls</i></p> <p>Building walls on side boundaries should be avoided other than: (a) a party wall of semi-detached dwellings or row dwellings; or (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 and not part of, the primary street façade, where: (i) there is only one side boundary wall, and (ii) the minimum side setback prescribed under the desired character is met on the other side boundary; and (iii) the desired gap between buildings, as set out in the desired character, is maintained in the streetscape presentation.</p>	<p>The proposal demonstrates boundaries development on one side only (albeit for the existing open carport). The setback and rhythm of spacing around the existing dwelling is not impacted.</p>

Policy Area Desired Character

Policy Area 8 - Compact
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) compact road verges and building setbacks to the street;</i><i>(c) building forms and detailing of the predominant cottages and villas; 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 street-fronting dwelling format, primarily detached dwellings, together with semidetached dwelling and row dwelling types. The conversion or adaptation of a building for a multiple dwelling or residential flat building may also be appropriate; and</i><i>(b) maintain or enhance the streetscape attributes comprising:</i><ul style="list-style-type: none"><i>(i) siting - the regular predominant allotment pattern, including the distinctive narrow-fronted sites associated with the various cottage forms produces an intimate streetscape with a compact building siting and low scale built character with generally low and open style fencing and compact front gardens. Street setbacks are generally of some 6 metres and side setbacks are consistently of 1 metre or greater, other than for narrow, single-fronted and attached cottages producing a regular spacing between neighbouring dwellings of generally 3 to 5 metres (refer table below); and</i><i>(ii) form - the consistent and recognisable pattern of traditional building proportions including wall heights and widths of facades, and roof height, volumes and shapes associated with the identified architectural styles in (iii) below; and</i><i>(iii) key elements - the defining design features, including the verandahs and pitched roofs, use of wall and roofing materials facades of the predominant architectural styles (Victorian and Turn-of-the-Century double-fronted and single-fronted cottages and villas, and complementary Inter-war bungalows as well as attached cottages).</i>
Assessment
<p>The proposed development is not altering the development pattern of the area. It is considered to support the street-fronting dwelling format and maintain the streetscape attributes of the dwelling, site and locality.</p>

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 14- Side and rear boundaries	<ul style="list-style-type: none"> The proposed addition is located on the western boundary. It is considered to satisfy PDC 14 being that it is limited in height and length to maintain visual amenity and access to light for adjoining properties. There is an abutting boundary wall of an outbuilding on the adjoining property, albeit not for the full distance of the proposed addition. This outbuilding structure on the adjoining property at 16 Ella St will obscure much of the boundary wall of the proposed addition. The proposed addition wall on boundary is of a similar height to the existing structure on 16 Ella St. Given this and that the proposed addition follows the height of the existing dwelling, the height of 3.2m is considered appropriate. The proposed addition is the only boundary wall for the property with the side setback maintained (albeit, covered with an open-sided carport) on the other side boundary of the subject site. The setback of the proposed wall to the dwelling on the adjoining property is approx. 2.2m. The wall of the courtyard directly abutting the rear of the dwelling at 16 Ella St has a setback of approx. 1.7m.
PDC 16-17 - Site Coverage	<ul style="list-style-type: none"> The proposed addition increases the site coverage of the site to 60%, rather than the recommended 50% of the site. The increased site coverage is considered appropriate as the dwelling setbacks are considered appropriate for the desired character of the locality, private

Relevant Council Wide Provisions	Assessment
	open space for the subject site is maintained above the recommended 20%, the setbacks maintain access to light to the adjoining dwellings and the utility, functionality and enjoyment of the property is not compromised.
PDC 50- Swimming pools	<ul style="list-style-type: none"> • The proposed swimming pool is considered to be appropriate, being that it is in-ground and sited in a location which maintains the privacy and level of amenity for the adjoining properties. While the western setback of the pool is 1m, rather than 1.5m as recommended, the side fencing and setback from adjoining dwellings is considered to be appropriate to maintain privacy and amenity for the neighbouring sites. • Pool equipment is located within a sound-attenuated enclosure in excess of 5m from adjoining properties.

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 length and height of the proposed addition, which has one wall located on boundary, is considered appropriate to ensure the streetscape character is maintained as well as maintaining an acceptable level of amenity for the adjoining property.
- The location of the swimming pool and associated pool equipment is considered appropriate to ensure privacy and amenity for the subject site and adjoining properties is maintained.

The application is therefore recommended for Development Plan CONSENT.

12. **RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/697/2018/C2 at 14 Ella Street, Parkside SA 5063 to 'Carry out alterations and construct single storey addition to boundary, verandah and 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. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
4. That 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.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- Noise generated from ancillary pool and/or spa equipment must not exceed the maximum noise level recommended by the EPA. For this purpose, noise generated from ancillary pool / spa equipment shall not exceed 52 db(a) between 7am and 10pm and 45 db(a) between 10pm and 7am on any day, measured from a habitable room window or private open space of an adjoining dwelling.

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

ITEM 10**DEVELOPMENT APPLICATION – 090/833/2018/C2 – 9 PALMERSTON ROAD, UNLEY 5061 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/833/2018/C2
ADDRESS:	9 Palmerston Road, Unley 5061
DATE OF MEETING:	19 March 2019
AUTHOR:	Brendan Fewster
DEVELOPMENT PROPOSAL:	Demolish existing dwelling and construct two storey dwelling with garage wall and side walls on boundary, basement, verandah and associated in-ground swimming pool and front fence
HERITAGE VALUE:	Non-Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	RESIDENTIAL STREETSCAPE (BUILT FORM) ZONE Policy Area 9 - Spacious Precinct 9.7 Unley (North)
APPLICANT:	B Dowsett
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	NONE YES – (2 oppose & 2 support)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Built form Streetscape character Building bulk and mass Residential amenity Boundary walls

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The proposal includes the following:

1. Demolition of an existing single storey dwelling. The dwelling is a single fronted cottage that is structurally unsound;
2. Construction of a two storey detached dwelling with a single garage and carport under the main roof. The proposed dwelling is designed with a modern architectural style and form that features a series of skillion and flat roofs and a recessive upper level. External materials and finishes include brick and reused bluestone walling, colorbond shadowline roofing (Woodland Grey) and aluminium privacy louvres and windows and doors (Grey).

The front of the dwelling is setback 2.65 metres from the front boundary, with the front carport setback at a distance of 4.4 metres. The bedroom and garage walls are sited on the northern and southern side boundaries respectively;

3. Construction of an in-ground swimming pool measuring 7 metres in length and 3 metres in width. The pool is sited one metre from the rear and southern side boundaries; and
4. Construction of front steel picket fence.

3. SITE DESCRIPTION

The subject land is a residential allotment located at 9 Palmerston Road, Unley. The allotment is a rectangular shape with a frontage width of 11.33 metres and a total area of 485m².

It is noted from the Certificate of Title that the allotment is subject to a free and unrestricted right of way over the driveway of the adjoining property at 11 Palmerston Road. There are also service easements affecting the subject land.

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

4. LOCALITY PLAN



 Subject Site  Locality  1 Representations

5. LOCALITY DESCRIPTION

Land Use

The locality is entirely residential in land use. Existing development consists predominantly of detached dwellings at low densities.

Land Division/Settlement Pattern

The original allotment layout and development pattern is largely intact. Allotments are typically rectangular in shape with relatively consistent road boundary setbacks on the western side of Palmerston Road. Dwellings on the eastern side of Palmerston Road are located close to the road boundary.

Dwelling Type / Style and Number of Storeys

Existing dwelling styles include narrow fronted cottages, double fronted villas and a modern two storey dwelling at 17 Palmerston Road. There is also a two dwelling at 7 Palmerston Road. All other dwellings within the locality are single storey.

Fencing Styles

Fencing styles and heights vary along Palmerston Road and include low pickets, masonry walling, brush and wire mesh.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

Arborist Referral

Previously, I had recommended that no works occur within a 2.5 metre radius of the street tree. However, the applicant has requested that this distance be re-evaluated for the purposes of improved access to the allotment. Subsequently, I support the reduction of this Tree Protection Zone (TPZ) to now stand at a 2 metre radius from the street tree. No excavation or site changes of any kind, including a vehicle crossover, should occur within this revised TPZ.

This revised distance is considered reasonable, as it will allow for the existing shared crossover and driveway to be extended to a total width of approximately 5.0 metres. This distance should be adequate to provide a meaningful shared crossover servicing separate private driveways rather than the existing shared driveway. This compromised outcome should allow for the retention of the subject tree and provision of an acceptable vehicle crossover.

8. **PUBLIC NOTIFICATION**

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

7 PALMERSTON ROAD, UNLEY (support)	
ISSUES RAISED	APPLICANTS RESPONSE
The building design appears to fit within the character of the street. Some concerns regarding impacts from excavation and building on property boundary.	No comment provided
4 PALMERSTON ROAD, UNLEY	
ISSUES RAISED	APPLICANTS RESPONSE
Concerns regarding the low pitched roof that finishes near the front boundary.	We believe the proposed development satisfies the referenced Development Plan objectives regarding a high expectation of new development and built form. We reject the design suggestions outlined in the objection as we believe that it would lead to an inferior 'reproduction' style of architecture that council planning officers specifically outlined they wanted to avoid in the pre-design/planning meeting that was attended on the 1/3/2018. We believe that the retention of bluestone and proposed dwellings design and setback adequately address the existing streetscape and is of an appropriate scale and form. We have deliberately designed the dwelling to be single storey at the front to match neighbouring properties.
10 PALMERSTON ROAD, UNLEY (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
The subject dwelling proposes a streetscape presentation comprising a full-width mono-pitch roof with negligible front boundary setback. This is not consistent with existing typologies.	As above
Existing dwelling has been allowed to fall into disrepair and could be regarded as capable of rehabilitation.	The suggestion that home is able to be renovated and does not meet the criteria for demolition is simply incorrect based on the Structural engineering report dated 18/07/2018. Consequently the recommendation

	to retain the front two rooms of the property is not feasible.
Conditional support subject to the retention of the front two rooms or reconfiguration of the front façade to conform to a cottage or villa typology.	No comment provided
8 PALMERSTON ROAD, UNLEY (support)	
ISSUES RAISED	APPLICANTS RESPONSE
The proposal looks great	No comment provided

9. ADMINISTRATION NEGOTIATIONS

The driveway access arrangements for the proposed dwelling have been amended to ensure that the carport and garage could be accessed safely and conveniently and without adverse impacts upon the existing street tree.

During the assessment process, Council staff recommended that the side upper storey walls associated with the void be removed. The recommended changes have not be made.

10. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	485m ²	
Frontage	11.33m	
Depth	50.29m	
Building Characteristics		
Floor Area		
Ground Floor	300m ²	
Upper Floor	140m ² 46% of ground floor	50% of ground floor
Site Coverage		
Roofed Buildings	62%	<input type="checkbox"/> 50% of site area
Total Impervious Areas	80% approx.	<input type="checkbox"/> 70% of site <input type="checkbox"/>
Total Building Height		
From ground level	7.0m	
Setbacks		
Ground Floor		
Front boundary (west)	2.65m	6m
Side boundary (north)	On boundary	1m
Side boundary (south)	1m	1m
Rear boundary (east)	14.8m	5m
Upper Floor		
Front boundary (west)	11.0m	Behind primary street facade
Side boundary (north)	1.15m	3m

Side boundary (south)	1.25m	3m
Rear boundary (east)	17.93m	8m
Wall on Boundary		
Location	Northern boundary	
Length	8.5m + 9.7m	9m or 50% of the boundary length, whichever is the lesser
Height	3m	3m
Location	Southern boundary	
Length	8m	9m or 50% of the boundary length, whichever is the lesser
Height	3m	3m
Private Open Space		
Min Dimension	14x9m	□ 4m minimum
Total Area	150m ² (31%)	20%
Car parking and Access		
On-site Car Parking	2 covered	2 per dwelling where less than 4 bedrooms or 250m ² floor area 3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Driveway Width	4.0m	3m Single 5m double
Garage Door Width	Single	6.5m or 30% of site width, whichever is the lesser
Colours and Materials		
Roof	Shadowline roofing (Woodland Grey)	
Walls	Brick and reused bluestone walling	
Fencing	N/A	

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

11. **ASSESSMENT**

Zone Desired Character and Principles of Development Control

Residential Streetscape (Built Form) Zone
<p>Objective 1: Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</p> <p>Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</p>

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

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

Desired Character

Streetscape Value

The 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:

- (d) 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
- (e) 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
- (f) key elements - verandahs and pitched roofs, the detailing of facades and the use of traditional materials are important key elements of the desired character. The use of complementary materials, careful composition of facades, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements assist in complementing the desired character.

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

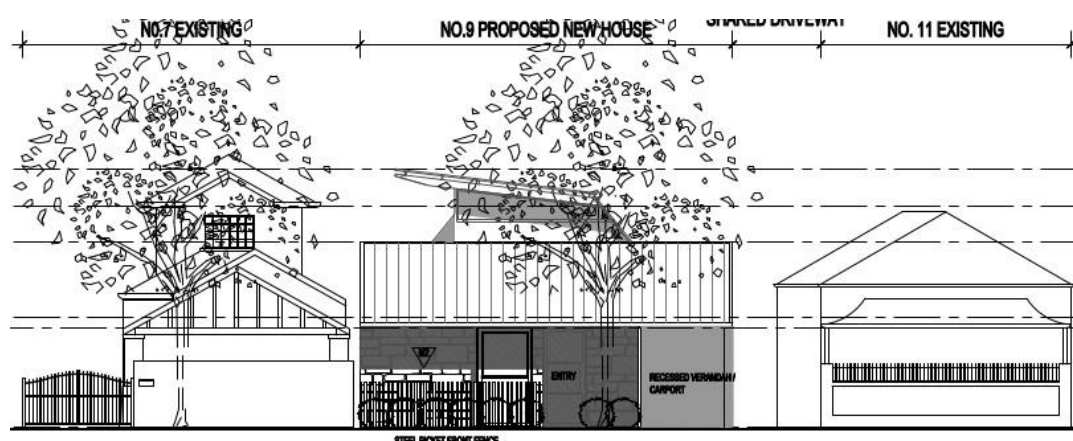
Sites for existing or proposed aged care housing, supported accommodation or institutional housing may include minor ancillary non-residential services providing that the development interface is compatible with adjoining residential development.

Assessment

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

The subject land is within a streetscape comprising of mostly traditional style dwellings that include double fronted villas and narrow cottages. There are examples of modern buildings in the locality, however these buildings appear inconspicuous within the streetscape and therefore do not overwhelm the traditional building forms. There is some two-storey development observed within the immediate locality, with the notable features being the positioning of the upper levels behind the main façade and the modest building scale.

Although the proposed dwelling is of a contemporary design, the built form is considered to carefully reference and respond to the traditional roof elements and material palette of existing dwellings into the locality. The front skillion roof that pitches away from the road is uncomplicated and the eave and gutter height is consistent with the front verandahs of the two adjoining dwellings. Importantly, the upper storey is visually recessive, as it is designed with a low roof profile and is positioned well behind the front single storey façade.



The proposed dwelling references adjoining buildings and the upper storey is visually recessive

The proposed built form is considered to be of a high quality contemporary design that does not attempt to replicate the existing historic dwelling styles within the locality.

The material palette, which includes brick and bluestone walling reclaimed from the original dwelling and colorbond roof sheeting finished in dark and earthy tones, are considered to complement the existing traditional building facades. Similarly, the low and open style of the proposed steel picket fence on the front boundary would also contribute positively to the prevailing streetscape character.

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

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

<p><i>(d) is incongruous with, and makes a poor contribution to the particular character of its streetscape.</i></p>	<p>building design. As already considered, the design and form of the replacement carefully references traditional roof elements and the external materials will include bluestone walling reclaimed from the existing dwelling. The upper storey would also be recessive when viewed within the context of the streetscape.</p> <p>As the streetscape and overall character contribution of the proposed dwelling would be comparable to that of the existing dwelling, the first test of PDC 6 would be satisfied.</p> <p>In circumstances where the first test has not been satisfied, and where the existing building contributes positively to the desired character, it must be demonstrated that the existing building:</p> <p><i>(a) is structurally unsafe or so unsound as to be unreasonably economically rehabilitated; or</i></p> <p><i>(b) is so compromised or altered that there is no reasonable prospect of its original character being revealed</i></p> <p>The applicant has provided a Structural Integrity Report prepared by a Structural Engineer at PT Design. The report concludes that:</p> <p><i>“The rectification work to repair the extensive cracked sections of the structure, and the rear addition that appears to have tilted, would effectively entail demolition and rebuilding large portions of the structure.</i></p> <p><i>It is the opinion of this office, based on the inspection of the building, that the “design life” of the residence has expired and that it is no longer durable, resistant to moisture penetration and that the significant damage to the mortar joints throughout the structure renders its strength and stability under design conditions inadequate.</i></p>
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	<p><i>The building, in its current condition, does not conform to the requirements of the Australian Standards, the Building Code of Australia or any other Building Regulations. This office considers it impracticable and unfeasible to undertake any effective and long term repair to enable the residence to ever comply with such current acceptable building standards”.</i></p> <p>While it appears that the existing dwelling would require significant repairs for it to be habitable, in the absence of a detailed assessment by a Quantity Surveyor, the applicant has not sufficiently demonstrated that the existing building could not be economically rehabilitated to its original character. Notwithstanding this, the demolition of existing dwelling is supported as the first test within PDC 6 has been met.</p>
<p>PDC 8 <i>Development should comprise street-fronting dwellings exhibiting streetscape attributes consistent with the desired character. In this respect:</i> <i>(a) sites should not be amalgamated for the purposes of developing residential flat buildings, group dwellings or non street-fronting dwellings unless involving existing large sites occupied by buildings of discordant character where the consolidated site and its replacement dwellings produce a streetscape setting and built forms complementing the desired character; and</i> <i>(b) “hammerhead” allotment(s) should not be created, nor should a dwelling be located in a rear yard of an existing street-fronting dwelling site where this would detrimentally impact on the established settlement pattern or impose on the characteristic spacious setting of neighbouring dwelling sites, exceed single storey, or impose excessive building bulk.</i></p>	<p>As considered above, the proposed dwelling is designed to front the adjacent street in a manner that is consistent with the existing development pattern within the locality.</p> <p>PDC 8 also seeks to ensure that “replacement dwellings produce a streetscape setting and built forms complementing the desired character”. When this principle is considered in conjunction with PDC 10, it is evident that the provisions for new development support modern building designs provided cues or references to historic styles are incorporated into the design to maintain coherent streetscapes. PDC 10 discourages the replication or reproduction of existing historic building styles.</p> <p>As illustrated in the above ‘streetscape view’, the proposed dwelling sits comfortably on the site and has been designed with reference to the traditional roofs, eave heights and materials of existing traditional style dwellings in the locality. Careful consideration has been</p>

	<p>given to the positioning and scaling of the upper storey so it is visually recessive in the context of the single storey façade and the prevailing streetscape.</p>
<p>PDC 9 <i>Development should present a single storey built scale to the streetscape. Any second storey building elements should be integrated sympathetically into the dwelling design, and be either:</i> <i>(a) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street; or</i> <i>(b) set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.</i></p>	<p>PDC 9 encourages two storey building elements to be integrated sympathetically into the overall design and appearance of the dwelling.</p> <p>While it is also preferred that upper storeys are incorporated into the roof in order to be inconspicuous within the streetscape, the upper storey of the proposed dwelling would not have a bulk or mass that intrudes upon the streetscape or neighbouring properties. This would be due to the linear layout, side walls that pitch away from both side boundaries and the considerable front setback of 11 metres from the road boundary. These design features would ensure that the upper storey has a 'recessive' appearance</p> <p>Accordingly, the proposal is considered to satisfy the intent of PDC 9 of the Residential Streetscape (Built Form) Zone.</p>
<p>PDC 10 <i>Buildings should be of a high quality contemporary design and not replicate historic styles. Buildings should nonetheless suitably reference the contextual conditions of the locality and contribute positively to the desired character, particularly in terms of:</i> <i>(a) scale and form of buildings relative to their setbacks as well as the overall size of the site; and</i> <i>(b) characteristic patterns of buildings and spaces (front and side setbacks), and gaps between buildings; and</i> <i>(c) primarily open front fencing and garden character and the strong presence of buildings fronting the street.</i></p>	<p>The proposed dwelling is of a contemporary style and form that is considered to respond appropriately to the existing traditional building styles within the locality.</p> <p>As considered in more detail below, the boundary setbacks would maintain the established development pattern and spatial character in accordance with the desired character for the zone.</p>
<p>PDC 14 <i>A carport or garage should form a relatively minor streetscape element and should:</i></p>	<p>The proposed carport (and tandem garage) is to be recessed behind the main front wall of the dwelling and would not be enclosed with a roller or panel lift door.</p>

<p><i>(a) be located to the rear of the dwelling as a freestanding outbuilding; or</i></p> <p><i>(b) where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i></p> <p><i>(i) incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and</i></p> <p><i>(ii) be in the form of a discrete and articulated building element not integrated under the main roof, nor incorporated as part of the front verandah or any other key element of the dwelling design; and</i></p> <p><i>(iii) have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and</i></p> <p><i>(iv) not be sited on a side boundary, except for minor scale carports, and only where the desired building setback from the other side boundary is achieved.</i></p>	<p>The single car width of the carport would ensure it does not detract from the appearance of the dwelling or the prevailing streetscape.</p> <p>The proposal is considered to satisfy PDC 14 of the Zone.</p>
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Policy Area Desired Character

Policy Area 9 – Spacious
Desired Character
<p><i>This policy area contains eleven precincts located across the City of Unley from Everard Park and Clarence Park in the west through to Parkside and Fullarton in the east.</i></p> <p><i>The desired character and streetscape attributes to be retained and enhanced for each of these precincts is set out below. The table below identifies in detail the differences between the twelve precincts in terms of the predominant:</i></p> <p><i>a) allotment widths and sizes;</i></p> <p><i>(b) front and side building setbacks including the collective side setbacks; and</i></p> <p><i>(c) the prevailing architectural styles (and characteristic built forms and detailing).</i></p> <p><i>Desired Character</i></p> <p><i>The streetscape attributes include the:</i></p> <p><i>(a) low scale building development;</i></p> <p><i>(b) spacious road verges and front and side building setbacks from the street;</i></p> <p><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></p> <p><i>(d) varied but coherent rhythm of buildings and spaces along its streets.</i></p> <p><i>Development will:</i></p> <p><i>(a) be of a street-front dwelling format, primarily detached dwellings; and</i></p>

(b) maintain or enhance the streetscape attributes comprising:

(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

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

(iii) key elements - the iconic and defining design features including, in particular the detailed composition and use of materials on facades and roofing of the predominant architectural styles identified in the table below.

Assessment

The desired character for the policy area seeks to ensure that the streetscape attributes are retained and enhanced. The predominant streetscape attributes within the locality include single and low scale dwellings of mostly traditional styles such as double fronted villas and narrow cottages. There are some isolated examples of modern buildings in the locality.

As already considered, the proposed dwelling has been specifically designed in a contemporary form so as not replicate existing historic dwelling styles within the locality. The upper storey has also be carefully considered with an integrated and recessive roof form and a relatively modest bulk and mass.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	Objectives	1, 2
	PDCs	1, 2, 3, 9, 10, 12, 13, 14, 19, 20, 21
Energy Efficiency	Objectives	1, 2
	PDCs	1, 2, 3, 4
Form of Development	Objectives	1, 3, 4, 7
	PDCs	1, 2, 3
Interface Between Land Uses	Objectives	1, 2, 3
	PDCs	1, 2, 3
Landscaping	Objectives	1
	PDCs	1, 2
Public Notification	PDCs	1
Residential Development	Objectives	1, 2, 4

	PDCs	1, 5, 6, 7, 13, 14, 15, 16, 17, 19, 20, 23, 24, 32, 33, 34, 35, 36, 37, 40, 41, 42
Transportation (Movement of People and Goods)	Objectives	1, 2, 3, 5, 6
	PDCs	1, 2, 3, 5, 9, 10, 12, 13, 14, 18, 19, 20, 21, 22, 33

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

Relevant Council Wide Provisions	Assessment
Residential Development	
<i>PDC 5 & 6 – Street Setbacks</i>	<p>Council Wide PDC 6 seeks to ensure that dwellings are setback from the primary street frontage at a distance that is consistent with the relevant precinct. Precinct 9.7 specifies a predominant setback of 6 metres. A setback of this distance is not considered appropriate for this development given that the existing dwelling on the land is setback only 1.5 metres and many dwellings on the eastern side of Palmerston Road are also located in close proximity of the road frontage.</p> <p>At the request of the staff, the front setback has been increased to a minimum of 2.65 metres, which is consistent with the front verandah of the adjoining dwelling on the southern side.</p> <p>The siting of the proposed dwelling in relation to the road frontage would maintain a cohesive streetscape in accordance with Council wide PDC 5 and 6.</p>
<i>PDC 13 & 14 – Side and Rear Boundary Setbacks</i>	<p>Council Wide PDC 13 recommends a minimum setback of one metre from side boundaries for single storey walls and 3 metres for two storey walls up to 7 metres in height. The proposal satisfies the ground level setbacks except for boundary walls on both side boundaries. The upper storey setbacks on both sides have not been satisfied as the walls are setback only 1.15 metres and 1.25 metres.</p> <p>Council Wide PDC 14 provides some allowance for walls on side boundaries provided any associated visual and overshadowing impacts are minimised. From a quantitative perspective, it is noted that PDC 14(c) requires boundary walls to have a maximum height of 3 metres and a maximum</p>

Relevant Council Wide Provisions	Assessment
	<p>length of 9 metres. The northern side walls exceed this requirement by only 1.7 metres. It is considered that the visual impacts associated with the boundary walls would not be significant given that the northern walls would abut the side walls of the adjacent dwelling and the garage wall on the southern side would abut an existing driveway.</p> <p>Similarly, the side setbacks of the upper storey would not result in any significant overshadowing or visual impacts given the modest building height and scale that incorporates a roof design that pitches away from the side boundaries.</p> <p>On balance, the siting and design of the proposed development in relation to the side boundaries would not significantly detract from the amenity of neighbouring properties and therefore is considered acceptable.</p>
<i>PDC 16 & 17 – Site Coverage</i>	<p>Council Wide PDC 17 prescribes a total roofed area of 50 percent of the area of the site. The proposed development will result in roofs covering approximately 62 percent of the site, which is at variance to this principle. Notwithstanding this departure, there is considered to be sufficient area on-site for stormwater detention and retention tanks and adequate private open space would be provided. Although exceeding the recommended standard, the proposed roof and impervious surface coverage would not have any perceivable planning impacts.</p> <p>Accordingly, the proposal is not considered to result in an over-development of the site.</p>
<i>PDC 19 & 20 – Private Open Space</i>	<p>Approximately 150m² of private open space will be provided for occupants of the dwelling, which equates to 31% of the site area. The layout, orientation and amount of private open space satisfies Council Wide PDC 20 and is considered suitable for clothes drying, entertaining and other domestic activities.</p>
<i>PDC 38 & 39 – Overlooking / Privacy</i>	<p>The side upper storey window openings are designed with horizontal privacy screens to minimise ‘direct’ views from living room and bedroom windows into neighbouring properties.</p>

Relevant Council Wide Provisions	Assessment
	<p>The screens are designed with a series of angled blades that will be fixed at each end. The angle of the blade will direct views in an upward direction rather than down toward the neighbouring properties. The front balcony will be screened on both sides with the same blade system.</p> <p>The east (rear) elevation has a living room window opening that would have the potential for direct views into neighbouring properties to the rear. As details of privacy screening for this window have not been provided, a condition of consent has been recommended.</p> <p>The proposed measures are considered adequate in maintaining the privacy of neighbouring properties in accordance with Council Wide PDC 38 and 39.</p>
<p><i>PDC 41 – Overshadowing and Natural Light</i></p>	<p>Given the orientation of the land and the two storey scale of the proposed buildings it is reasonable to expect that some shadow would be cast over the adjoining properties during winter months.</p> <p>The applicant has provided a series of shadow diagrams for the winter solstice. While the neighbouring property immediately to the south at 11 Palmerston Road would be most affected, the shadow diagrams confirm that the rear private open space and main habitable room windows of this adjoining property would continue to have adequate access to sunlight in accordance with Council Wide PDC 41.</p>
<p>Transportation (Movement of People and Goods)</p>	
<p><i>PDC 13 & 20 – Access and Car Parking</i></p>	<p>The subject land currently has a free and unrestricted right of way over the driveway of no. 11 Palmerston Road. These arrangements appear to be historical and do not provide safe and convenient access for the occupants of the respective properties.</p> <p>The proposal will involve the widening of the existing crossover to within 2 metres of the adjacent street tree. The offset to the street tree has been supported by Council's arborist. The modified crossover will enable safe and convenient</p>

Relevant Council Wide Provisions	Assessment
	<p>driveway access for the proposed dwelling in accordance with Council Wide PDC 13.</p> <p>When assessed against <i>Table Un/5 – Off Street Vehicle Parking Requirements</i>, there is a requirement for at least two car parking spaces, with one space to be covered. The proposal would accommodate two covered spaces within the carport and garage. The on-site car parking provision satisfies Council Wide PDC 20.</p>

12. **CONCLUSION**

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

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

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/833/2018/C2 at 9 Palmerston Road, Unley 5061 to demolish existing dwelling and construct two storey dwelling with garage wall and side walls on boundary, basement, verandah and associated in-ground swimming pool and front fence is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
4. That all side and rear upper floor windows and the front balcony shall be treated to avoid overlooking prior to occupation by being fitted with either permanently fixed non-openable obscure glazed panels or horizontal screens (as detailed on Screening Plan, Drawing No. PL SCRND dated 10/12/18 prepared by C4 Architects) to a minimum height of 1700mm above floor level with such glazing or screens to be kept in place at all times.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.

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

DECISION REPORT

REPORT TITLE: CONFIDENTIAL MOTION FOR ITEM 12 -
PLANNING APPEAL – ERD COURT
ACTION NO ERD-18-197 - 66 ANZAC
HIGHWAY EVERARD PARK (DA
090/201/2017/C2)

ITEM NUMBER: 11

DATE OF MEETING: 19 March 2019

AUTHOR: AMY BARRATT
ACTING TEAM LEADER

RESPONSIBLE OFFICER: MEGAN BERGHUIS
GENERAL MANAGER COMMUNITY

<p>COMMUNITY GOAL:</p>	<p>GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, co-operation with other levels of Government and social equity.</p>
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PURPOSE

To recommend that Item 12 be consider in confidence at 19 March 2019 Council Assessment Panel Meeting

RECOMMENDATION

MOVED:

SECONDED:

That:

1. The report be received.
2. Pursuant to Regulation 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended, the Council Assessment Panel orders the public be excluded with the exception of the following:
 - Megan Berghuis, General Manager Community
 - Paul Weymouth, Manager Development and Regulatory
 - Amy Barratt, Acting Team Leader Planning
 - Chelsea Spangler, Acting Senior Planning Officer
 - Lily Francis, Development Administration Officer

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

DECISION REPORT

REPORT TITLE:	CONFIDENTIAL MOTION FOR ITEM 15 - PLANNING APPEAL – ERD COURT ACTION NO ERD-18-197 - 66 ANZAC HIGHWAY EVERARD PARK (DA 090/568/2017/C2)
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ITEM NUMBER: 14

DATE OF MEETING: 19 March 2019

AUTHOR: AMY BARRATT
ACTING TEAM LEADER

RESPONSIBLE OFFICER: MEGAN BERGHUIS
GENERAL MANAGER COMMUNITY

<p>COMMUNITY GOAL:</p>	<p>GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, co-operation with other levels of Government and social equity.</p>
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PURPOSE

To recommend that Item 14 be consider in confidence at 19 March 2019 Council Assessment Panel Meeting

RECOMMENDATION

MOVED:

SECONDED:

That:

1. The report be received.
2. Pursuant to Regulation 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended, the Council Assessment Panel orders the public be excluded with the exception of the following:
 - Megan Berghuis, General Manager Community
 - Paul Weymouth, Manager Development and Regulatory
 - Amy Barratt, Acting Team Leader Planning
 - Chelsea Spangler, Acting Senior Planning Officer
 - Lily Francis, Development Administration Officer

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