

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 20 November 2018 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.

Paul Weymouth
ASSESSMENT MANAGER

Dated 12/10/2018

ACKNOWLEDGEMENT

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

MEMBERS: Mr Brenton Burman (Presiding Member)
Ms Nicole Dent
Mr Roger Freeman

APOLOGIES: Mr Rufus Salaman
Mrs Ann Nelson

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED:

SECONDED:

That the Minutes of the City of Unley Council Assessment Panel meeting held on Tuesday, 16 October 2018 as printed and circulated, be taken as read and signed as a correct record.

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

20 November 2018

A G E N D A

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Confirmation

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Any Other Business
Matters for Council's consideration

ITEM 1**DEVELOPMENT APPLICATION – 090/83/2018/C2 – 70 MITCHELL STREET, MILLSWOOD SA 5034 (GOODWOOD)**

DEVELOPMENT APPLICATION NUMBER:	090/83/2018/C2
ADDRESS:	70 Mitchell Street, Millswood SA 5034
DATE OF MEETING:	20 November 2018
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Demolish existing leanto, carryout alterations and construct two storey addition and associated verandah
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape Built Form Zone, Policy Area 9.4
APPLICANT:	B Mills
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	NONE
CAP'S CONSIDERATION IS REQUIRED DUE TO:	CAP Deferral
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Building bulk/mass

1. PLANNING BACKGROUND

At the September 2018 Council Assessment Panel meeting the subject application was deferred so that the applicant could *“consider amendments to reduce the height of the rear extension in order to decrease impacts on the adjacent western property.”*

The applicant has provided amended drawings (refer Attachment A). As described in the accompanying Planning Report, the amendments can be summarised as;

- A reduction in the roof pitch from 40 degrees to 35 degrees;
- 170mm step down added between existing residence FFL and glass link;
- 170mm step down added between glass link and 2 storey building;
- Floor zone thickness in 2 storey addition reduced from 600mm to 450mm

The proposed amendments demonstrate a reduction in the overall roof pitch height from 8.9m to 8m, and wall height from 6m to 5.37m.

The proposal returns the western elevation material treatment to maxline cladding for its entirety, whereas it previously included bricks.

2. DISCUSSION

As detailed within the September CAP report, Administration were primarily concerned that the proposed development demonstrated a mass and bulk that would result in a visual intrusion on the amenity of neighbouring properties.

The proposed amendments result in a reduction in the overall height, and wall height of the structure. While the proposal remains at odds with the Council Wide recommended side and rear setback provisions, Administration are comfortable that the proposal will no longer unreasonably intrude on the amenity of the neighbouring properties. The additional shadow cast by the proposed development is not considered unreasonable, and access to sunlight was largely maintained. Further, direct overlooking from the upper level habitable room windows is minimised through the inclusion of obscure glazing to a height of 1.8m above floor level.

On balance, the proposed development is considered to satisfy relevant Zone and Council Wide provisions such that it is recommended for Planning Consent.

3. 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 two storey addition is set well behind the primary street façade of the dwelling such that it is inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties;
- The proposed development is of a high quality contemporary design that suitably references the contextual conditions and contributes positively to the desired character;
- The proposed development satisfies relevant Council Wide provisions with respect to site coverage; private open space; and on-site vehicle parking;
- Direct overlooking from upper level habitable room windows and useable private open space of other dwellings is minimised.

The application is therefore recommended for Development Plan CONSENT.

4. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/83/2018/C2 at 70 Mitchell Street, Millswood SA 5034 to 'Demolish existing leanto, carryout alterations and construct two storey addition and associated verandah' is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the upper floor windows be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.

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.

List of Attachments		Supplied By:
A	Deferral Response – Applications Documents	Applicant
B	September CAP Minutes	Administration
C	September CAP Report and Attachments (superseded)	Administration

ITEM 2
DEVELOPMENT APPLICATION – 090/573/2018/C2 – 103 YOUNG STREET,
PARKSIDE SA 5063

DEVELOPMENT APPLICATION NUMBER:	090/573/2018/C2
ADDRESS:	103 Young Street, Parkside SA 5063
DATE OF MEETING:	20 November 2018
AUTHOR:	Phil Harnett (Consultant) / Chelsea Spangler
DEVELOPMENT PROPOSAL:	Carry out alterations and construct dwelling additions to common boundaries including a two storey addition with garage and front fence
HERITAGE VALUE:	Nil – Neighbors Local Heritage properties
DEVELOPMENT PLAN:	Unley (City) Council - 19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 8 – Compact Precinct 8.3 – Parkside (North)
APPLICANT:	David Bickmore and Kate Russo
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	Yes – 3 representations received.
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Planning Consent be Granted.
KEY PLANNING ISSUES:	Walls on boundaries

1. PLANNING BACKGROUND

Council holds no planning information relevant to the proposed development.

2. DESCRIPTION OF PROPOSAL

The proposal is for:

- Restoration of original cottage including re-roof and gutters;
- Demolition of old dwelling extensions and some internal walls to original cottage;
- Single storey dwelling additions to include kitchen and laundry;
- Two storey additions including garage at ground level with bedroom and ensuite above; and
- a 1.47m high picket fence to the front of the existing dwelling.

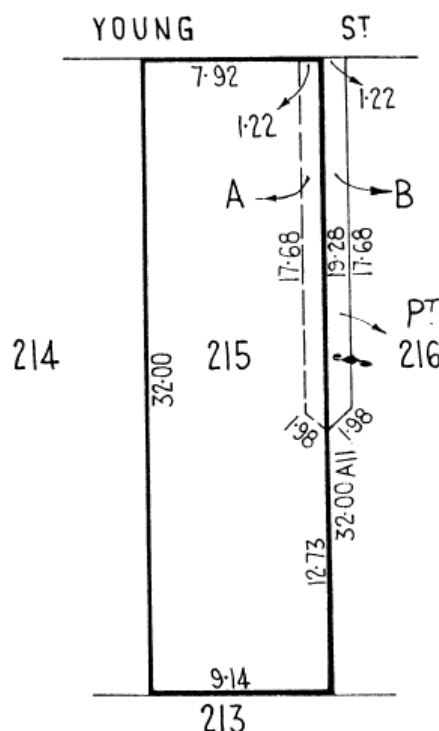
3. SITE DESCRIPTION

The subject land is 103 (allotment 215) Young Street, Parkside.

The land has frontage of 9.14 metres to Young Street and a depth of 32 metres. As such, the land has an approximate area of 292.48 square metres.

The land currently contains a single storey detached dwelling with single storey rear additions.

Vehicle access to the rear of the subject land is afforded by a "Free and Unrestricted Right of Way" shared between 101 Young Street and the subject land. The rights of way are delineated by 'A' and 'B' on the Certificate of Title plan, as pictured below.



4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential however the Parkside Baptist Church is situated at 100 Young Street and a quaint corner store and café/residence is situated at 105-107 Young Street.

Land Division/Settlement Pattern

Allotments within the locality are predominantly rectangular with wide frontages however some of these allotments have been divided to accommodate residential flat buildings which are a departure from the traditional settlement pattern.

Dwelling Type / Style and Number of Storeys

Dwellings throughout the locality are predominantly single storey and have a distinct traditional character derived from Victorian, Turn of the Century and Inter-World War architecture.

Dwellings are generally situated on large allotments that allow for well-spaced landscaped front gardens however some smaller cottages and more recent residential flat buildings exist.

The following buildings within the locality are local heritage places:

- 98-100 Young Street – Parkside Baptist Church.
- 101 Young Street – Cottage.
- 105-107 Young Street – Corner Store.

Fencing Styles

Fencing throughout the locality is generally low and open. Fencing styles vary from timber pickets, metal, masonry and brick.

6. STATUTORY REFERRALS

No statutory referrals are required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred internally to:

- Council's Heritage Architect.
- Council's Traffic and Transport Section.

Heritage Architect Comments

- The retention and adaptation of the existing cottage is encouraged.
- The proposed re-roofing in traditional corrugated galvanised iron is positive.
- New fascia's should be of a traditional moulded profile.
- Minor alterations and additions at the rear of the cottage are acceptable and do not impact on the positive contribution that it makes to the streetscape.
- The proposed two-storey addition at the rear is sufficiently setback from the front boundary and of a scale such that it is inconspicuous in the streetscape.
- The simple form helps to minimise the scale and bulk of the proposal.

- The proposed development is supportable in terms of heritage and character policy.

Traffic and Transport Section Comments

- Vehicle manoeuvrability is acceptable.
- The width of the garage is acceptable despite being less than 5.8 metres in width as detailed by the Development Plan.
- The garage entry width exceeds the minimum 4.8 metres required by Australian Standards.

8. PUBLIC NOTIFICATION

Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan because:

- The development is two storeys in height.
- The development is located within 600mm of an allotment boundary.
- The development does not conform to side and rear boundary setbacks.
- The development is located on a site abutting a Local Heritage Place.

As detailed below three representation were received during the ten (10) business day notification period.

Marcus Latta - 105-107 Young Street, Parkside (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Height and position of garage will overshadow	<p>Please refer to shadow diagrams.</p> <p>When considering the shadow cast by existing structures any additional shadow will fall on:</p> <ul style="list-style-type: none"> • Existing shaded areas of 105-107 Young Street. • The roof of the existing outbuilding on 101 Young Street. <p>With respect to 29 George Street:</p> <ul style="list-style-type: none"> • The proposed development will only cast shadow on the gable roof of the dwelling at 29 George Street or on land which is already shaded by existing buildings.

	<ul style="list-style-type: none"> • The proposed development will not cast shadow on the majority private open space of 29 George Street. • The solar panels situated on 29 George Street are unaffected from 9:30am on the winter solstice. • The proposed development does not significantly worsen available sunlight access. <p>The proposed development allows adequate levels of access to natural light to the neighbouring buildings, while also ensuring no detrimental impact arises in relation to the private open space or functionality of solar panels of the representors' land.</p>
Loss of privacy	<p>A fixed screen has been added to the western window to prevent overlooking.</p> <p>The amended plans satisfy Council Wide, Residential Development PDC's 38 and 39.</p>
Tradesmen and delivery vehicles parking in limited time zones which affect quick pick up's from nearby deli/café.	<p>The construction of the development will be awarded to a reputable licensed building who will maintain a traffic management plan for the duration of the build to coordinate deliveries and trade vehicle access.</p> <p>The City of Unley are responsible for maintaining parking controls to ensure that the allocated time controls are followed.</p> <p>Taking a long term view, the proposal will meet the personal needs of the applicants so as to provide two covered on site car parks as compared to the current single uncovered on-site car park.</p>

Barbara Andreassen - 101 Young Street, Parkside (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Windows to be frosted/obscured.	<p>Windows on eastern elevation will be obscured and restricted to a maximum opening of 100mm.</p> <p>The amended plans satisfy Council Wide, Residential Development PDC's 38 and 39.</p>
Length of double story building on boundary.	<p>The wall located on the boundary shared with 101 Young Street will be 2.8m high. The upper storey wall will be setback 1.1m from the boundary to not visually dominate, or impact, the street elevation.</p>
Overshadowing and enclosure of back garden.	<p>Please refer to shadow diagrams. No additional shading is cast over the garden of 101 Young Street, just a small amount on the shed at 3pm.</p> <p>Summer solstice indicates a very small amount of shading on the rear garden of 101 Young Street.</p>
Max Oxlade – 29 George Street, Parkside (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Overlooking	<p>A fixed screen has been added to the western window to prevent overlooking.</p> <p>The amended plans satisfy Council Wide, Residential Development PDC's 38 and 39.</p>
Overshadowing of solar panels	<p>Please refer to shadow diagrams.</p> <p>The proposed extension does not create an additional shading over the courtyard and adjacent areas that is already cast by the existing shade structure local to your property (29 George Street).</p> <p>The proposed extension will cast a very small amount of additional shade on the lower four panels at winter solstice from 8:30am to</p>

	9:30am. Further, the existing roof pitch currently casts shadow over the panels from 8:30am to 8:50am meaning that the proposal will not adversely affect the efficient output of the panels given only a small portion of the system is affected.
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9. DEVELOPMENT DATA

Site Characteristics	Subject Land	Development Plan Provision
Total Site Area	292.48m ²	400m ²
Frontage	9.14m	15m
Depth	32m	20m
Building Characteristics		
Floor Area		
Ground Floor	Approximately 183.6m ²	Not Applicable
Upper Floor	Approximately 38m ²	Not Applicable
Site Coverage		
Roofed Buildings	64%	50% of site area
Total Impervious Areas	91%	70% of site
Total Building Height		
From ground level	6m (existing dwelling 5.8m to apex of roof)	Not Applicable
From ground level of the adjoining affected land	6m	Not Applicable
Setbacks		
Front boundary	Front setback unchanged as a result of the proposal.	5m
Side boundary (Ground Floor)	0m and 0m	1m 3m collective side setback

Site Characteristics	Subject Land	Development Plan Provision
Side boundary (Upper Floor)	1.1m and 1.7m	2m
Rear boundary (Ground Floor)	0m	3m
Rear boundary (Upper Floor)	0m	6m
Wall on Boundary		
Location	Eastern, Southern and Western Boundary	N/A
Length	Eastern Boundary = 7.1m Southern Boundary = 7.2m Western Boundary = 9.6m	9m
Height	Eastern Boundary = 2.8m Southern Boundary = 6m Western Boundary = 3.8m	3m
Private Open Space		
Min Dimension	3.5m up to 5.1m	4m minimum
Total Area	36.5m ² (Courtyard)	35m ²
Car parking and Access – Detached		
On-site Car Parking	2 spaces	2 on-site spaces
Covered on-site parking	2 spaces	1 space

Site Characteristics	Subject Land	Development Plan Provision
Driveway Width	2.9m (existing driveway retained and shared in free and unrestricted right of way)	3m Single
Colours and Materials		
Roof	Existing cottage – metal roof sheeting, heritage galvanised iron.	
Walls	Brick – painted white	
Fencing	New picket fence – painted white	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape (Built Form) Zone
<p>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>

(c) landscape features within the public road verge and also within dwelling sites forward of the building façade; and

(d) scale, proportions and form of buildings and key elements.

Streetscape Attributes

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

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

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

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

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

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

Assessment

The proposal will be situated to the rear of the existing dwelling and setback approximately 26 metres from the Young Street frontage. The two-storey component of the development will be intermittently visible at the end of the existing driveway when viewed from Young Street and partly over the existing cottage given its two-storey form. Notwithstanding this, the proposal will be inconspicuous when viewed from Young Street given its siting to the rear of the allotment as well as its simple external appearance.

The following streetscape attributes, in which the subject land currently contributes, will be retained:

- Street facing verandah's.
- The existing front setbacks.
- Front garden retention.

The retention of these key attributes mean that the rhythm of Young Street will be retained.

Furthermore, the existing dwelling will remain the focal point of the property when viewed from Young Street given the discreet siting of the proposed additions.

On this basis, the proposal is considered to retain the key streetscape attributes in accordance with the zone.

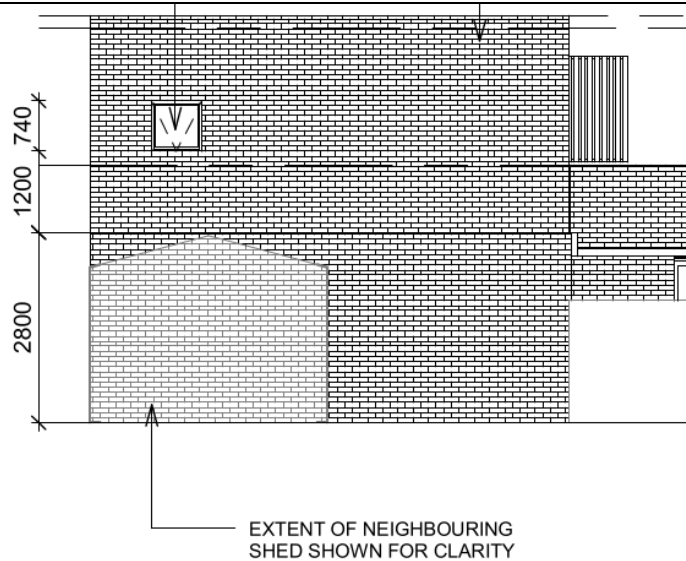
Relevant Zone Principles of Development Control	Assessment
<p>PDC 2 <i>Development should comprise:</i></p> <p>(a) <i>alterations and/or additions to an existing dwelling; and</i></p> <p>(b) <i>ancillary domestic-scaled structures and outbuildings; and the adaptation of, and extension to, a building to accommodate and care for aged and disabled persons, or for a multiple dwelling or residential flat building; and</i></p> <p>(c) <i>selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and</i></p> <p>(d) <i>Replacement of a building or site detracting from the desired character of a precinct with</i></p>	<p>In accordance with Principle 2, the proposal:</p> <ul style="list-style-type: none"> • Includes alterations and additions to the existing dwelling. • Includes development of a domestic scale. <p>The proposed ground floor area will increase by approximately 50 square metres compared to the existing dwelling.</p> <p>The proposed additions will enhance the enjoyment of the property for its occupants and encourage retention of the existing traditional cottage.</p>

<p><i>respectful and carefully designed building(s).</i></p>	
<p>PDC 3 <i>Development should retain and enhance the streetscape contribution of a building by:</i> (a) <i>retaining, refurbishing, and restoring the building; and</i> (b) <i>removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</i> (c) <i>avoiding detrimental impact on the building's essential built form, characteristic elements, detailing and materials as viewed from the street or any public place (i.e. only the exposed external walls, roofing and chimneys, verandahs, balconies and associated elements, door and window detailing, and original finishes and materials of the street façade); and</i> (d) <i>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</i></p>	<p>The proposal satisfies Principle 3 as follows:</p> <ul style="list-style-type: none"> • The existing dwelling and its traditional contribution to the streetscape will be retained. The proposed re-roof and re-guttering is supported by Council's Heritage Architect. • The essential built form characteristics of the existing dwelling will be retained. The characteristics of the existing dwelling will continue to be the primary focal point when viewed from Young Street. • As discussed above, the proposal is discreetly sited behind the dwelling when viewed from the streetscape. • The proposal will retain the rhythm of buildings when viewed from Young Street. This is because: <ul style="list-style-type: none"> ○ Existing front setbacks will be retained. ○ The existing side setbacks of the existing dwelling will be retained. ○ The proposal is situated towards the rear of the subject land and will be inconspicuous within the streetscape. • The proposal will maintain the streetscape attributes as prescribed by the zone and policy area. • The proposed picket fencing is appropriate to the streetscape and retains the open front garden character. • The existing car parking arrangement will be retained.

<p><i>desired character, and responds, positively to the streetscape context of its locality in terms of the:</i></p> <p><i>(i) rhythm of buildings and open spaces (front and side setbacks) of building sites; and</i></p> <p><i>(ii) building scale and forms (wall heights and proportions, and roof height, volumes and forms); and</i></p> <p><i>(iii) open fencing and garden character; and</i></p> <p><i>(iv) recessive or low key nature of vehicle garaging and the associated driveway.</i></p>	
<p>PDC 4 <i>Alterations and additions to a building should be located primarily to the rear of the building and not be visible from the street or any public place unless involving the dismantling and replacement of discordant building elements so as to better complement the building's original siting, form and key features.</i></p>	<p>In accordance with Principle 4, the proposal will be situated to the rear of the existing dwelling on the subject land. Two-storey components of the proposal will be setback approximately 26 metres from the Young Street frontage.</p> <p>The proposed additions will be partly visible from within Young Street given its two-storey form however the proposal would not be prominent given its setback from Young Street and given the existing dwelling will be retained.</p> <p>Although two-storey, the proposal has been designed to minimise its total height and mass by way of the following:</p> <ul style="list-style-type: none"> • The proposal will have a flat roof. This means the total height will be 6 metres above ground level and 190mm above the roof apex of the existing dwelling.

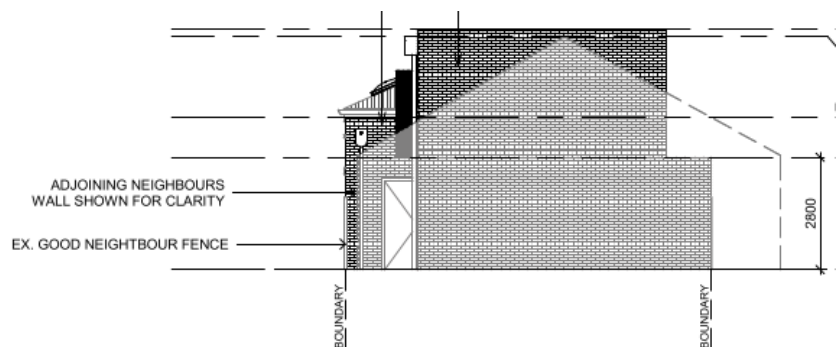
	<ul style="list-style-type: none">• The upper levels of the proposal are partly set in from the ground level garage below.• The upper level will not be wider than the existing dwelling on the land. <p>Although the proposal may be visible in part, it will not be prominent when viewed from Young Street.</p>												
<p>PDC 13 <i>Building walls on side boundaries should be avoided other than:</i> <i>(a) a party wall of semi-detached dwellings or row dwellings; or</i> <i>(b) a single storey building, or outbuilding, which is not under the main dwelling roof and is setback from, and designed such that it is a minor, low and subservient element and not part of, the primary street façade, where:</i> <i>(i) there is only one side boundary wall, and</i> <i>(ii) the minimum side setback prescribed under the desired character is met on the other side boundary; and</i> <i>(iii) the desired gap between buildings, as set out in the desired character, is maintained in the</i></p>	<p>The proposal will have walls situated on the eastern, southern and western boundary as follows:</p> <table><tr><th>Boundary</th><th>Length</th><th>Height</th></tr><tr><td>Eastern</td><td>7.1</td><td>2.8m</td></tr><tr><td>Southern</td><td>7.2</td><td>6m</td></tr><tr><td>Western</td><td>9.6</td><td>3.8m</td></tr></table> <p>The proposal is contrary to Principle 13 in the following ways:</p> <ul style="list-style-type: none">• The boundary walls will not form a party wall.• The southern boundary wall is two-storey.• There is more than 1 side boundary wall proposed.• The minimum 1 metre side setback prescribed by the policy area is not met on the other side boundary. <p>Eastern Boundary</p> <p>The eastern boundary wall will abut a small outbuilding (total height of 2.8m and boundary length of 3.4m) and the private open space of 101 Young Street. The height of the eastern boundary wall is 2.8 metres which is typical of single storey residential buildings. The eastern boundary wall is not considered detrimental to neighbouring amenity. The complete visual impact of the proposal, including the two-storey element above, will be discussed further within this report.</p> <p>An image of the eastern boundary wall in relation to the existing shed is pictured below. Please note that the upper level wall, which is setback 1.1 metres from the boundary, is also included in the image.</p>	Boundary	Length	Height	Eastern	7.1	2.8m	Southern	7.2	6m	Western	9.6	3.8m
Boundary	Length	Height											
Eastern	7.1	2.8m											
Southern	7.2	6m											
Western	9.6	3.8m											

*streetscape
presentation.*



Southern Boundary

The southern boundary wall will abut an existing gable-ended wall which has a total height of 5.8 metres to the ridge. The proposed development is shown against the gable-ended wall in the picture below:



The existing gable wall abutting the southern boundary of the subject land is pictured below:



	<p>On this basis, the southern boundary wall is considered acceptable because:</p> <ul style="list-style-type: none"> • The proposal will have a limited visual impact upon 29 George Street which abuts the southern boundary. • The proposal will not unreasonably overshadow 29 George Street as discussed further within this report. <p>Western Boundary</p> <p>The wall situated on the western boundary will have a length of 9.7 metres. This length is marginally less than the existing wall situated on the western boundary. As such, the proposed length on the western boundary is acceptable.</p> <p>The proposed height of the western boundary wall is 3.8 metres however will not increase overshadowing beyond that of the existing boundary wall. This is demonstrated by shadow diagrams provided by the applicant. Furthermore, the increased visual impact, above that of the existing wall, is not considered detrimental to neighbouring amenity.</p>
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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. 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> <ul style="list-style-type: none"> <i>(a) allotment widths and sizes; and</i> <i>(b) front and side building setbacks including the collective side setbacks.</i> <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 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> <i>(b) maintain or enhance the streetscape attributes comprising:</i>

(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>
(ii)	<i>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>
(iii)	<i>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	
The dimensions of the subject land and the front and side setbacks of the existing cottage will not change as a result of the proposal.	
The proposed development will be situated to the rear of the existing dwelling and setback approximately 26 metres from the Young Street frontage. As discussed earlier within this report, the proposal will retain the streetscape attributes prescribed within the policy area.	

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	Objectives	1
	PDCs	1, 2, 3, 7, 8, 9, 10, 12, 13, 14, 15, 19, 20 and 21
Form of Development	Objectives	1, 7
	PDCs	2, 3
Interface Between Land Uses	Objectives	2
	PDCs	1 and 2
Residential Development	Objectives	1, 2 and 3
	PDCs	1, 5, 8, 13, 14, 16, 17, 18, 19, 20, 23, 24, 32, 33, 34, 36, 38, 39, 41, 45, 46, 47, 48 and 51
Heritage	Objectives	1, 2, 3 and 5
	PDCs	1 and 3

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 1 – Design and Appearance	<p>The traditional aspects of the existing dwelling will remain and continue to be the principal feature of the property when viewed from Young Street. This is because of the prominent siting of the existing dwelling towards the front of the subject land.</p> <p>The height and mass of the proposal has been minimised by comprising a flat roof. This means that the total height of the proposal is 190mm above the total height of the existing dwelling.</p> <p>The mass of the proposal has also been minimised by setting in the upper level from the ground level below and limiting floor areas to a size that is appropriate rather than excessive.</p> <p>The external materials will predominantly be brick with a white painted finish to match the re-painting of the existing dwelling. As such, the external finish will be low-light reflective.</p>
PDC 14 – Residential Development	<p>In accordance with Principle 14 all components of the proposed additions will be setback more than 1 metres behind the main face of the existing/associated dwelling.</p> <p><i>Eastern Boundary</i></p> <p>The eastern boundary ground level wall will abut a small outbuilding (total height of 2.8m and boundary length of 3.4m) and the private open space of 101 Young Street. The length of the eastern boundary wall is 7 metres and the height is 2.8 metres which is typical of single storey residential buildings and in accordance with Principle 14. The eastern boundary wall is not considered detrimental to neighbouring amenity.</p> <p>The upper level would be setback 1.1 metres from the eastern boundary of 101 Young Street. This does not satisfy the 2m setback guideline with the Development Plan however will not impose unreasonable visual impact or overshadowing.</p>

	<p><i>Southern Boundary</i></p> <p>As discussed above, the southern boundary wall will abut an existing gable-ended wall which has a total height of 5.8 metres to the ridge.</p> <p>On this basis, the southern boundary wall is considered acceptable because:</p> <ul style="list-style-type: none"> • The proposal will have a limited visual impact upon 29 George Street which abuts the southern boundary of the subject land. • The proposal will not unreasonably overshadow 29 George Street. <p><i>Western Boundary</i></p> <p>The wall situated on the western boundary will have a length of 9.7 metres. This length is marginally less than the existing wall situated on the western boundary. As such, the proposed length on the western boundary is acceptable.</p> <p>The proposed height of the western boundary wall is 3.8 metres however will not increase overshadowing beyond that of the existing boundary wall. This is demonstrated by shadow diagrams provided by the applicant. Furthermore, the increased visual impact, above that of the existing wall, is not considered detrimental to neighbouring amenity.</p>
PDC 41 – Overshadowing and Natural Light	<p>The applicant has prepared shadow diagrams that compare existing buildings on the land to the shadow cast by the proposal as at 9am, 12pm and 3pm during the winter solstice (June 21).</p> <p>The plans reveal some additional overshadowing upon the private open space and roof of 29 George Street at 9am and 12pm respectively.</p> <p>The plans also reveal some additional overshadowing upon the roof of the outbuilding situated at 101 Young Street.</p> <p>Overall however, the proposal will not unreasonably increase the existing level of overshadowing upon neighbouring properties. This is primarily given the orientation of the subject land in relation to the northern path of the sun.</p>
PDC 16 – Site Coverage	<p>In accordance with Principle 16:</p> <ul style="list-style-type: none"> • The proposed setbacks are appropriate with specific reference to the desired character prescribed within the zone and policy area.

	<ul style="list-style-type: none"> • The dwelling will have suitable access to natural light. • Stormwater from the property will be managed without discharge to neighbouring properties. • A suitable number of car parking spaces will be available on the property. • Vehicle access and parking on the property is acceptable as confirmed by councils Traffic and Transport Section. • The proposed plans designate a service yard that accommodates suitable space for a clothes drying area. • Storage space will be available within the proposed garage.
PDC 17 – Site Coverage	<p>The proposal does not satisfy the numeric site coverage guidelines prescribed by Principle 17. Notwithstanding this, the land will not appear overdeveloped and the proposal is not considered not considered excessive. As such, the proposal will not impact upon the character of the locality.</p> <p>Furthermore, the proposal satisfies Principle 16 as explained above.</p> <p>The proposed site coverage has no planning consequence and is therefore acceptable.</p>
PDC 19 & 20 – Private Open Space	<p>The subject site has an area of less than 300m² and therefore should be provided with at least 35m² of private open space. The proposal includes a courtyard and service yard that when combined provide a 'private open space' area of 45m².</p> <p>Although the service yard does not meet the minimum dimensions as recommended by PDC 20, it is noted that the service yard:</p> <ul style="list-style-type: none"> • Has direct access to the laundry and garage; • Contains the clothes line and rainwater tanks; • has the ability to also be utilised as a storage area. <p>The proposed courtyard has an area of 36m² and thereby satisfies the minimum private open space area on its own accord. The courtyard however also forms part of the vehicle access to the rear garage. PDC 19 advises that a private open space area should be exclusive of driveways, parking spaces etc. The courtyard however is considered to be appropriate to be utilised as private open space as:</p>

	<ul style="list-style-type: none"> • it is directly accessible from a living area of the dwelling; • it is designed to be of a format the can be easily adapted to an outdoor entertainment space; • As vehicle access is achieved through a right of way easement, on site car parking can only be provided to the rear of the site. With the angle of the access into the rear yard, it would be impossible to utilise this area for anything other than a driveway i.e. would not be able to extend the dwelling through this area. • The courtyard area could be used for additional onsite parking and therefore frees up on street parking; • The courtyard is to be provided with a tree planting.
PDC 39 – Overlooking	<p>The applicant has confirmed the following:</p> <ul style="list-style-type: none"> • The east facing upper level bathroom window will comprise frosted glass and have a maximum opening of 100mm. • The upper level west facing window will comprise a fixed external timber screen angled to obscure views directly to the north-west. • Views from the north facing upper level windows of bedroom 3, along with the proposed balcony, will be obscured using a purpose designed, permanently fixed, timber screen device that will only open up to 90 degrees and prevent westerly views towards 101 Young Street. This is detailed on drawing number DA09 – ‘Section’ and DA11 – ‘Northern Window Screen’. <p>In accordance with Principle 39, the proposed screening devices will orientate views from upper level viewing areas to prevent direct views into neighbouring outdoor living areas and habitable rooms.</p> <p>The orientation will allow some views towards 105-107 Young Street however these will be orientated towards the roof of buildings rather than public open space areas.</p> <p>Furthermore, the upper level east facing window will be obscured and only openable up to 100mm to prevent overlooking in accordance with Principle 39.</p> <p>The proposed screening devices achieve the intent of Principle 39 to maintain a reasonable level of privacy to adjacent residential properties.</p>

11. CONCLUSION

In summary, the application is not considered to be seriously at variance with the Development Plan. The proposal warrants Development Plan Consent for the following reasons:

- The proposal retains the streetscape attributes as prescribed by the desired character of the zone and policy area.
- The proposal will not be prominently visible within Young Street due to its discreet siting.
- Although two-storey, the proposal has been designed to minimise its height and mass by having a flat roof and setting in the upper levels from side boundaries.
- The proposed boundary walls will not have a detrimental impact upon the amenity of neighbouring properties by way of visual impact or overshadowing.
- The proposal provides a sufficient number of on-site car parking spaces in accordance with the Development Plan.
- The area of private open space satisfies the minimum area guidelines of the Development Plan and proposed minimum dimensions are acceptable.
- The proposed site coverage is acceptable because the land will not appear over-developed and the proposal satisfies Council Wide, Residential Development Principle 16.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/573/2018/C2 at 103 Young Street, Parkside SA 5063 for 'Dwelling alterations and additions to common boundary, up to two storey's with garage', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the upper floor windows and balcony be treated to avoid overlooking prior to occupation as per Studio-Gram Elevation Drawings DA07, DA08, DA09 and DA11, and Studio-Gram Detail Window Drawings (Rev. C, dated 22-October-2018) and is to be kept in place at all times.

3. That all external materials and finishes shall be the same as or complementary to the existing building(s) on the site.
4. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.

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

ITEM 3**DEVELOPMENT APPLICATION – 090/380/2018/C2 – 13 INVERGOWRIE AVENUE, HIGHGATE SA 5063 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/380/2018/C2
ADDRESS:	13 Invergowrie Avenue, Highgate SA 5063
DATE OF MEETING:	20 November 2018
AUTHOR:	Reb Rowe
DEVELOPMENT PROPOSAL:	Erect carport
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential (Landscape) Zone PA11.2 (400)
APPLICANT:	M Tyrrell
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (1 in opposition)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Building location

1. PLANNING BACKGROUND

Application 534/2017/C1 was granted Development Approval for alterations and additions to the existing dwelling at 13 Invergowrie Avenue. This application included a habitable addition to the front of the dwelling.

2. DESCRIPTION OF PROPOSAL

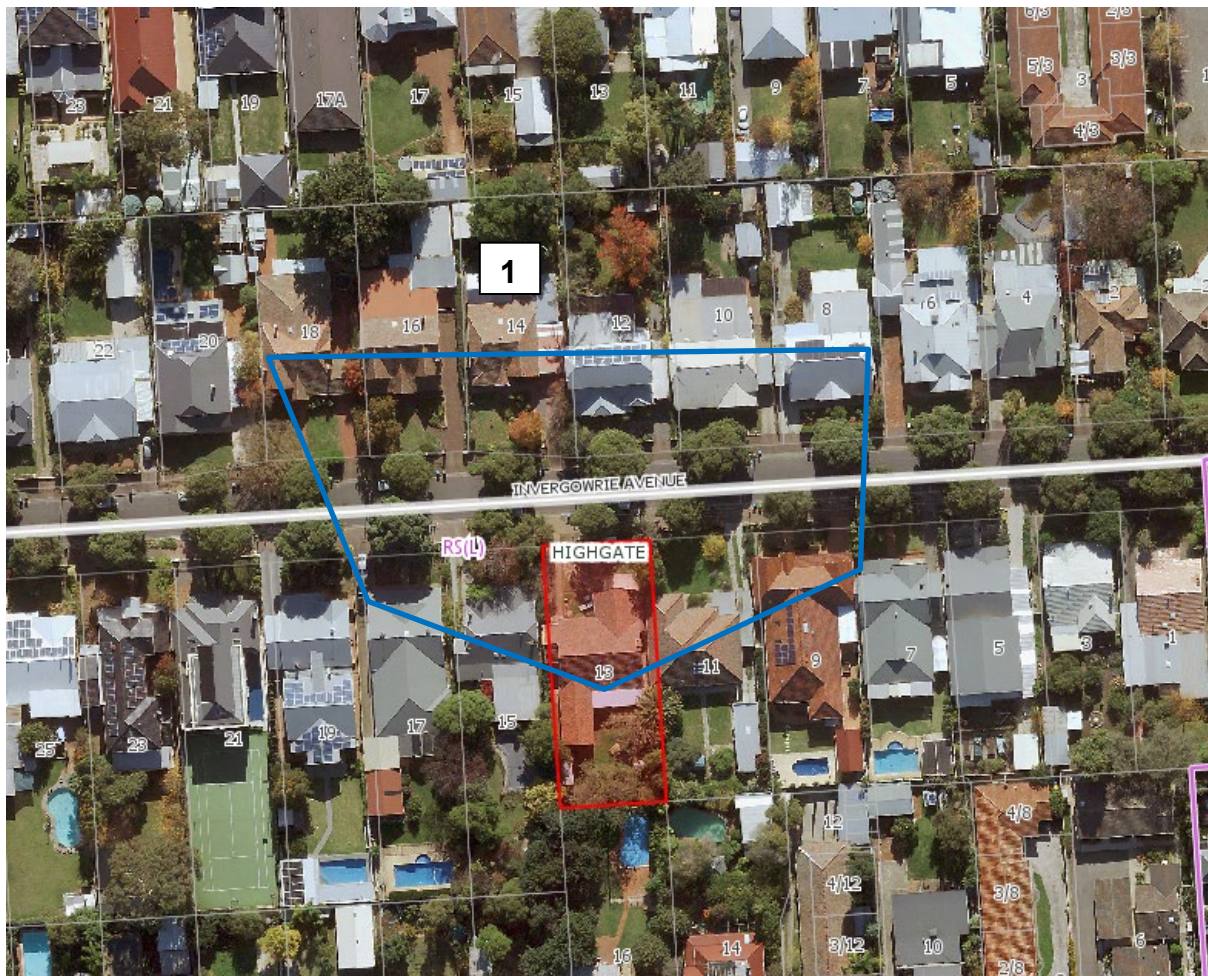
The subject application seeks consent for a carport located to the front of the existing garage on the subject property.

3. SITE DESCRIPTION

The subject property is a regularly-shaped residential allotment of 841sqm, located on the southern side of Invergowrie Avenue. There are no easements or encumbrances on the land.

There are no regulated trees on or directly adjacent 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 land division pattern / settlement pattern is regular in this section of Invergowrie Ave with sites presenting frontages of between 15.5m-20m and depths of an average of 50m. Dwellings sited on the allotments have approximately 8m front setbacks, of which the subject site has been brought more into conformity with, following the addition to the front of the dwelling approved with application 534/2017, as the dwelling on the subject site is sited further back on the allotment than the surrounding dwellings.

Dwelling Type / Style and Number of Storeys

Dwellings in the area are generally single-storey and detached of a mix of bungalow, Tudor and Inter-war dwelling 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.

14 Invergowrie Ave	
ISSUES RAISED	APPLICANT'S RESPONSE
The carport should not project closer to the street than the dwelling. There is an existing garage located behind the proposed carport.	The proposed carport is sympathetic to the dwelling, particularly as it has a new front addition and is still located 1.2m behind the façade of the dwelling next-door at 15 Invergowrie. The proposed garage is to be well-designed and complement the property. The proposed carport is necessary to accommodate a covered car space which the existing narrow garage does not allow.

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	841m ²	400sqm
Frontage	18m	12.5m
Depth	45m	20m
Carport Characteristics		
Floor Area	19.3m ² (2% of site)	≤80m ² or 10% of the site, whichever is the lesser

Site Characteristics	Description of Development	Development Plan Provision
Site Coverage		
Roofed Buildings	36%	≤50% of site area
Total Impervious Areas	36%	≤70% of site
Total Building Height		
Total Height	2.8m	≤5m
Setbacks		
Front boundary (north)	9.5m	1m behind dwelling facade
Side boundary (east)	14.6m	1m
Side boundary (west)	390mm	On boundary or 600mm
Rear boundary (south)	Attached to garage	N/A
Private Open Space		
Min Dimension	10.5m	≥4m minimum
Total Area	32%	≥20%

(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>Objective 1: Enhancement of the distinctive and primarily coherent streetscapes by retaining and complementing the built form, setting and surrounding landscape features.</i></p> <p><i>Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</i></p> <p><i>Objective 3: Sensitive in-fill development opportunities where appropriate and complementary to the desired character and streetscape setting or providing for the improvement of areas of variable character by replacing discordant buildings and their associated landscape patterns.</i></p> <p><i>Objective 4: Development that contributes to the desired character of the zone.</i></p>
Desired Character
<p><i>The Residential Streetscape (Landscape) Zone encompasses living areas in the west and south eastern section of the City of Unley. The zone is distinguished by coherent streetscape patterns. These attributes include the consistent:</i></p> <ul style="list-style-type: none"> <i>(a) rhythm of building siting, scale, form and setbacks (front and side) and gaps between buildings;</i> <i>(b) allotment and road patterns;</i> <i>(c) 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>(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</i>

style front fences provide transparent streetscape views of landscaped front yards and compatible development.

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

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

Assessment

The proposed carport is considered to complement and maintain the setting and built form of the surrounding area. Being that the existing dwelling has a larger front setback than the majority of the other surrounding dwellings, the presence of a carport in front of the existing garage is considered to have limited impact on the streetscape character, building setting, landscape features or amenity level of the locality.

Relevant Zone Principles of Development Control	Assessment
<p>PDC#13 <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;</i> <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> <ul style="list-style-type: none"> <i>(i) incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling;</i> <i>(ii) be in the form of a discrete and articulated building element not integrated under the main roof, nor incorporated as part of the front verandah or any other key element of the dwelling design;</i> <i>(iii) have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage;</i> 	<p>The subject carport is a light-weight structure which is open-sided, flat-roofed and located off boundary.</p> <p>While the proposed carport is located forward of the existing garage, the carport retains a front setback of more than 9m and remains behind the dwelling adjoining to the west and is only slightly forward of the recently-constructed dwelling addition on the subject site. As such, it is considered that the proposed carport satisfies PDC13 as it is recessive and separate to the associated</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>	dwelling and modest in its design and dimensions.
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Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC #8 A garage, carport or outbuilding should be setback from the primary street frontage: (a) at least 1.0 metres further than the setback of the associated dwelling;	<ul style="list-style-type: none"> The subject carport does not satisfy PDC8 as it is located forward of the associated dwelling's front wall by 2 metres.
PDC #9 A carport only, may be located forward of the dwelling where the existing exceptional site circumstances prevent the practical undertaking of its construction at the rear of the site or behind the front dwelling wall, providing it does not unreasonably diminish the streetscape presence of the dwelling and the following parameters are met: <ul style="list-style-type: none"> (a) a single width and permanently open on all sides; (b) setback no less than half the setback of the nearest adjacent dwelling. 	<ul style="list-style-type: none"> The internal width of the existing garage restricts its use and limits the functionality of the garage for car storage. It is not possible to locate the carport to the side or rear of the dwelling The proposed carport is single width and open-sided The proposed carport is set behind the dwelling on the western adjoining site Based on the above and due to the carport's lightweight and modest design, it is considered the carport is recessive to the associated dwelling, does not compromise the streetscape amenity, is important to enhance functionality of the allotment and is considered appropriate.

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:

- It is considered that there are existing site circumstances that limit the function of the site and the possible locations for the proposed carport
- The design of the carport is considered recessive and complementary to the dwelling
- The carport is not considered to compromise the streetscape character

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/380/2018/C2 at 13 Invergowrie Avenue, Highgate SA 5063 to 'Erect carport 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

ITEM 4**DEVELOPMENT APPLICATION – 090/613/2018/C2 – 6 HART AVENUE, UNLEY SA 5061 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/613/2018/C2
ADDRESS:	6 Hart Avenue, Unley SA 5061
DATE OF MEETING:	20 November 2018
AUTHOR:	Phil Harnett – Consultant Planner
DEVELOPMENT PROPOSAL:	Single storey alterations and additions to existing dwelling on common boundary.
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	Unley (City) Council - 19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone. Policy Area 8 – Compact Precinct 8.5 – Unley (West) and Hyde Park
APPLICANT:	Black Rabbit Architecture & Interiors
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (1 - against)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Wall on boundary

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The proposal is for:

- Single storey dwelling alterations and additions as well as removal of the existing entertaining area and shed.

Specifically, the alterations and additions will:

- Replace the existing kitchen and meals area with an enlarged kitchen and living room.
- Reconfigure existing bathroom 1 into an ensuite for bedroom 3.

- Marginally extend existing bathroom 2.

The proposed additions include wall situated on the western side boundary shared with 8 Hart Avenue.

3. SITE DESCRIPTION

The subject land is 6 (allotment 334) Hart Avenue, Unley.

The land has frontage to Hart Avenue of 15.24 metres and a depth of 33.53 metres. As such, the land has an approximate area of 510.99 square metres.

The land currently contains a single storey detached dwelling, verandah, outdoor entertaining area and shed.

A street tree is situated directly in front of the subject land which contributes to the tree-lined character of Hart Avenue. The land does not comprise any regulated trees and the Certificate of Title does not label any easements or encumbrances.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality, particularly Hart Avenue, is residential.

Unley Road is situated approximately 75 metres from the subject land to the east. Unley Road is situated within the Urban Corridor Zone and comprises a mixture of land uses including shops, offices and the like.

Land Division/Settlement Pattern

Allotments within Hart Avenue are predominantly rectangular with wide frontages and consistent depths. These wide allotments allow for well-spaced detached dwellings with broad facades and landscaped gardens.

Allotments fronting Unley Road to the east vary and have been divided to suit a variety of commercial land uses.

Dwelling Type / Style and Number of Storeys

Dwellings throughout the locality are predominantly single storey and have a distinct traditional character derived from Victorian, Turn of the Century and Inter-World War architecture.

Dwellings are generally situated on large allotments that allow for landscaped front gardens.

Fencing Styles

Fencing throughout the locality is generally low and open. Fencing styles vary from timber pickets, metal spears, masonry and brick, brush and natural hedging.

6. STATUTORY REFERRALS

No statutory referrals are 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.

Alex Long – 8 Hart Avenue, Unley (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Wall to be built on boundary.	The length and height of the boundary wall is within the parameters outlined in Council's Development.
Boundary wall to be higher than adjoining carport structure.	The adjoining property has boundary construction with a total length of approximately 26.4 metres (or 76% of the boundary length).
Boundary wall will box in the carport.	The roof cladding of the adjoining carport already limits light gain to this property.

Boundary wall will combine to be approximately 15m of wall above 3m in height on the boundary.	The adjoining property has a carport and garage on the boundary with a total length of approximately 26.4 metres (or 76% of the boundary length).
Boundary wall will impact upon natural light.	The roof cladding of the adjoining carport already limits light gain to this property.
<i>Construction methodology of wall and footings – potential to undermine or damage existing structures.</i>	<i>The construction methodology is not a planning consideration. Boundary construction is common and can be undertaken without damage to adjacent buildings.</i>

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	510.99m ²	500m ²
Frontage	15.24m	15m
Depth	33.53m	Not Applicable
Building Characteristics		
Floor Area		
Ground Floor	Approximately 202.4m ²	Not Applicable
Upper Floor	Not Applicable	Not Applicable
Site Coverage		
Roofed Buildings	39.6%	50% of site area
Total Impervious Areas	67%	70% of site
Total Building Height		
From ground level	4.8m (existing dwelling 5.2m)	Not Applicable

Site Characteristics	Description of Development	Development Plan Provision
From ground level of the adjoining affected land	4.8m (existing dwelling 5.2m)	Not Applicable
Setbacks		
Ground Floor		
Front boundary	4.4m (to front verandah) 6.5m (to front wall) Front setback unchanged as a result of the proposal.	6m
Secondary Street	Not Applicable	Not Applicable
Side boundary	0m and 1.25m	1m on one side 4m collective side setback
Rear boundary	9.5m	5m
Wall on Boundary		
Location	Western Boundary	
Length	7.19m	9m
Height	2.7m (to eave) 3.1m (to front and rear facing parapet)	3m
Private Open Space		
Min Dimension	9.5m	4m minimum
Total Area	159.3m ²	20%
Car parking and Access – Detached		

Site Characteristics	Description of Development	Development Plan Provision
On-site Car Parking	3 spaces	2 per dwelling where less than 4 bedrooms or
Covered on-site parking	0 spaces	1 car parking space
On-street Parking	2 spaces	0.5 per dwelling
Driveway Width	3.1m	3m Single
Colours and Materials		
Roof	Revolution Roofing (Surfmist)	
Walls	Colorbond (Surfmist) Austral Bricks Lightweight Render	
Fencing	Not Applicable	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape (Built Form) Zone
<p>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

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:

- (e) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and*
- (f) allotment and road patterns; and*
- (g) landscape features within the public road verge and also within dwelling sites forward of the building façade; and*
- (h) 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 proposal will be situated to the rear of the existing dwelling yet visible at the end of the existing driveway when viewed from Hart Avenue. The proposal would be setback approximately 16 metres from the Hart Avenue frontage. As such, the following streetscape attributes, in which the subject land contributes, will be retained given the discreet siting of the proposed addition:

- Traditional building proportions and materials.
- Traditional roof heights and volumes.
- Street facing verandahs.
- Generous front setbacks.
- Front gardens and street tree retention.

The retention of these attributes mean that the rhythm and character of Hart Avenue will be retained.

The existing dwelling is pictured below.

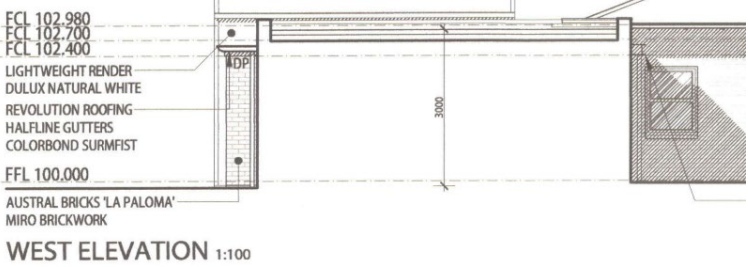


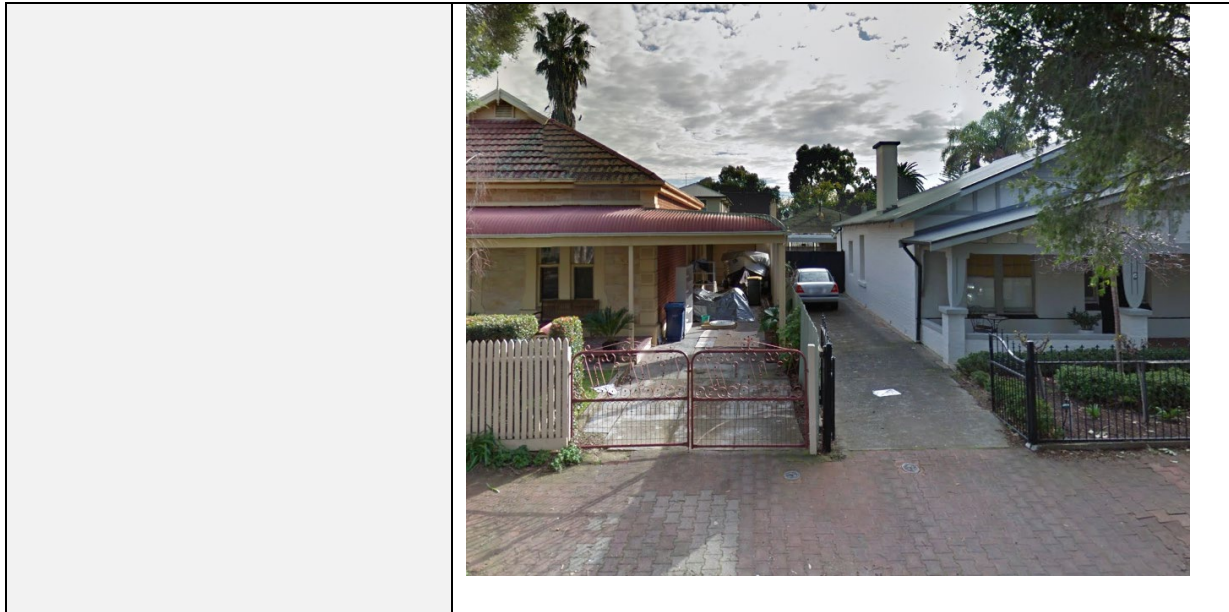
Relevant Zone Principles of Development Control	Assessment
PDC 2 2 Development should comprise:	The proposal does not include alteration to the façade of the existing dwelling. The proposal is sympathetic to the character of Hart Avenue given the streetscape attributes are retained, as discussed above.

<p>(e) alterations and/or additions to an existing dwelling; and</p> <p>(f) ancillary domestic-scaled structures and outbuildings; and</p> <p>(g) 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</p> <p>(h) selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and</p> <p>(i) replacement of a building or site detracting from the desired character of a precinct with respectful and carefully designed building(s).</p>	<p>In addition, the proposed addition will be sympathetic because:</p> <ul style="list-style-type: none"> • The total height will be lower than that of the host dwelling. • The eave height of the additions will be consistent, or lower than, those of the host dwelling. • The external materials and finishes will be complementary. • The form and roof pitch will be subservient to the host dwelling yet remain attractive. • Broad rear setbacks and large private open space areas are retained. <p>On this basis, the proposal satisfies Principle 2.</p>
<p>PDC 3</p> <p>3 Development should retain and enhance the streetscape contribution of a building by:</p> <p>(e) retaining, refurbishing, and restoring the building; and</p> <p>(f) removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</p>	<p>The proposal satisfies Principle 3 as follows:</p> <ul style="list-style-type: none"> • The existing dwelling and its traditional contribution to the streetscape will be retained. • As discussed above, from a streetscape perspective, the proposal is discreetly sited behind the dwelling and will have external finishes and materials that blend and complement those of the host dwelling. • The proposal will retain the rhythm of buildings and open spaces when viewed from Hart Avenue. This is because: <ul style="list-style-type: none"> ○ Existing front setbacks will be retained.

<p>(g) avoiding detrimental impact on the building's essential built form, characteristic elements, detailing and materials as viewed from the street or any public place (i.e. 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</p> <p>(h) 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:</p> <p>(v) rhythm of buildings and open spaces (front and side setbacks) of building sites; and</p> <p>(vi) building scale and forms (wall heights and proportions, and</p>	<ul style="list-style-type: none"> ○ The section of the building extending to the western boundary will be setback approximately 16 metres from Hart Avenue and would not be prominently visible within the streetscape. ● The scale of the proposed addition is subservient to the host dwelling. ● The open fencing and front garden character will be retained. ● The existing car parking arrangement will be retained.
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<p>roof height, volumes and forms); and</p> <p>(vii) open fencing and garden character; and</p> <p>(viii) recessive or low key nature of vehicle garaging and the associated driveway.</p>	
<p>PDC 4</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 proposal will be situated to the rear of the existing dwelling on the subject land. As such, the proposed addition will not be prominently visible from within Hart Avenue and in any case, will appear subservient.</p> <p>On this basis, the proposal satisfies Principle 4.</p>
<p>PDC 13</p> <p>13 Building walls on side boundaries should be avoided other than:</p> <p>(c) a party wall of semi-detached dwellings or row dwellings; or</p> <p>(d) 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</p>	<p>The proposal includes a building wall on a side boundary. The wall will have:</p> <ul style="list-style-type: none"> • A length of 7.19 metres. • A height of 2.7 metres to the eave. • A height of 3.1 metres to the front and rear facing parapets. <p>An image of the proposed boundary wall is pictured below.</p>

<p>subservient element and not part of, the primary street façade, where:</p> <p>(iv) there is only one side boundary wall, and</p> <p>(v) the minimum side setback prescribed under the desired character is met on the other side boundary; and</p> <p>(vi) the desired gap between buildings, as set out in the desired character, is maintained in the streetscape presentation.</p>	 <p>WEST ELEVATION 1:100</p> <p>In accordance with Principle 13, the proposed boundary wall is not prominently visible against the façade of the host dwelling when viewed from Hart Avenue and serves a subservient component of the building. This is because of its siting towards the rear of the existing dwelling and its low-scale form.</p> <p>In addition:</p> <ul style="list-style-type: none"> • The opposing side (eastern boundary) of the proposal satisfies the minimum 1 metre setback expressed in the Desired Character of the policy area. • The majority of the building retains a setback of 3-5 metres between the host dwelling and the majority of the existing dwelling at 8 Hart Avenue, as encouraged by the Desired Character of the policy area. • An open sided carport at 8 Hart Avenue currently extends to the side boundary of the subject land. <p>The side boundary between the subject land and 8 Hart Avenue is pictured below.</p>
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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 style="padding-left: 40px;"><i>(b) 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 style="padding-left: 40px;"><i>(d) low scale building development;</i></p> <p style="padding-left: 40px;"><i>(e) compact road verges and building setbacks to the street;</i></p> <p style="padding-left: 40px;"><i>(f) 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 style="padding-left: 40px;"><i>(c) be of street-fronting dwelling format, primarily detached dwellings, together with semi-detached dwelling and row dwelling types. The conversion or</i></p>

adaptation of a building for a multiple dwelling or residential flat building may also be appropriate; and

(d) maintain or enhance the streetscape attributes comprising:

(iv) 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

(v) 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

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

Assessment

The existing allotment width and size will remain. The front setback of the existing dwelling will not change thus retaining the rhythm of buildings within Hart Avenue and the front garden of the subject land. All components of the proposal will continue to be single storey and low scale.

The traditional aspects of the existing dwelling will remain as well as the principal features of the property when viewed from Hart Avenue.

Portion of the proposal will encroach into the side setback guideline from the western boundary however this is acceptable in the context of the desired character of the policy area because:

- The length of the wall on the boundary is 7.19 metres. This is below the general Development Plan allowance of 9 metres.
- The height of the wall on the boundary is 2.7 metres to the eave. This is typical of modern dwellings as well as lower than the eave height of the host dwelling and the eaves of the dwelling on 8 Hart Avenue.
- The 3.1 metre parapet heights do not travel along the side boundary but rather face the front and rear of the property. As such, there impact upon neighbouring amenity is negligible.

- The opposing side of the proposal (eastern side) satisfies the minimum 1 metre setback expressed in the Desired Character of the policy area.
- The majority of the building retains a setback of 3-5 metres between the host dwelling and the existing dwelling at 8 Hart Avenue, as encouraged by the Desired Character of the policy area.
- An open sided carport/verandah at 8 Hart Avenue currently extends to the side boundary of the subject land as pictured above.

The impact of the boundary wall upon the neighbouring amenity will be discussed further within this report.


Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 9, 10, 12, 13, 14, 15, 19, 20 and 21
Form of Development	<i>Objectives</i>	1, 7
	<i>PDCs</i>	2, 3
Interface Between Land Uses	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 4
Residential Development	<i>Objectives</i>	1, 2, 4,
	<i>PDCs</i>	1, 2, 5, 13, 14, 16, 17, 18, 19, 20, 23, 24, 31, 32, 33, 34, 36, 41, 43, 44, 45, 46, 47, 48, 49, 51

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 1 – Design and Appearance 1 Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:	<p>The traditional aspects of the existing dwelling will remain as well as the principal features of the property when viewed from Hart Avenue.</p> <p>The height, mass and proportions of the proposed additions are subservient to the host dwelling and the external materials and finishes are complementary.</p> <p>The roof form and pitch differ to provide an asymmetrical modern twist however remains lower than the host dwelling so as not to be visible from Hart Avenue or dominant against the existing dwelling.</p>

<p>(a) building height, mass, proportion and siting;</p> <p>(b) external materials, patterns, colours and decorative elements;</p> <p>(c) roof form and pitch;</p> <p>(d) façade articulation and detailing;</p> <p>(e) verandahs, eaves, parapets and window screens.</p>	<p>The design and appearance of the proposal is appropriate with respect to the desired character of the locality.</p>
<p>PDC 4 – Interface between Land Uses</p> <p>4 Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.</p>	<p>The eastern boundary of the subject land abuts the Urban Corridor Zone which envisages a mixture of uses including:</p> <ul style="list-style-type: none"> • Residential flat buildings. • Tourist Accommodation. • Shops. • Offices. <p>Notwithstanding this, the eastern neighbour (4 Hart Avenue) currently comprises a detached dwelling that is characteristic of residences within Hart Avenue and the Residential Streetscape (Built Form) Zone.</p> <p>4 Hart Avenue is pictured below.</p> 

	<p>The proposal is reasonable with respect to the zone interface because:</p> <ul style="list-style-type: none"> • An existing residence is situated on the property. The zone interface does not prohibit the reasonable development of an existing lawful use. • Future development in the Urban Corridor Zone will need to consider the impact upon the amenity of the subject land. • The dwelling addition has been designed to comprise a blank enclosed wall adjacent the eastern boundary, apart from a thin window that will enhance natural light into the living room. This will assist to minimise interface impacts into the proposed living room.
<p>PDC 14 – Residential Development</p> <p>14 Dwellings sited on side boundaries (other than on secondary road frontages) should be located and limited in length and height to maintain visual amenity and allow adequate provision of natural light to adjacent properties (habitable room windows and private open space) and should be in accordance with the following parameters:</p> <ul style="list-style-type: none"> (a) the same or lesser length and height dimensions of any abutting boundary wall; (b) setback at least 1 metre behind the main face of the associated dwelling and the nearest adjoining dwelling; 	<p>In accordance with Principle 14: the proposed boundary wall:</p> <ul style="list-style-type: none"> • The proposed boundary wall will be setback more than 1 metre behind the main face of the associated dwelling and the nearest adjoining dwelling (8 Hart Avenue). • The proposed boundary wall will have an eave height up to 2.7 metres and a roof height up to 3 metres. The 3.1 metre high parapets at the front and rear of the boundary wall are considered acceptable given they do not project along the boundary. • The proposed boundary wall will have a maximum length along the boundary of 7.1 metres. This is below the 9 metres guided by Principle 14. Furthermore, it should be acknowledged that 8 Hart Avenue also has boundary walls, some of which abut the proposed boundary wall for a limited length. • The dwelling is setback more than 1 metre from the opposite side boundary. • The boundary wall is not within 0.9 metres of a habitable room window of an adjacent dwelling.

<p>(c) up to 3 metres above ground level and a maximum length of 9 metres (including all other attributable boundary walls) or 50 percent of the boundary length that is not forward of the dwelling, whichever is the lesser amount;</p> <p>(d) developed along one side boundary only with the other side setback of no less than 1 metre or as prescribed;</p> <p>(e) not within 0.9 metres of a habitable room window of an adjacent dwelling.</p>	<p>On this basis, the boundary wall is considered acceptable despite not satisfying the 1 metre specified within the desired character of the policy area.</p>
<p>PDC 41 – Overshadowing and Natural Light</p> <p>41 Development should allow direct winter sunlight access to adjacent residential properties and minimise the overshadowing of:</p> <p>(a) living room windows, wherever practicable;</p> <p>(b) the majority of private open space areas, communal open</p>	<p>The subject land, the existing dwelling and its neighbours are orientated from south to north. As such, back gardens receive excellent northern sun.</p> <p>The proposed boundary wall is situated on the western boundary of the subject land and therefore would present some morning overshadowing and enclosure to the carport of 8 Hart Avenue. However this area is currently covered/shaded by a broad verandah approximately 3 metres wide. As such, the proposal will:</p> <ul style="list-style-type: none"> • Not significantly increase overshadowing to 8 Hart Avenue or other neighbouring properties. This is because the affected area is already shaded by the carport/verandah. • Not overshadow living room windows. • Not overshadow private open spaces.

<p>space and upper level balconies that provide the primary open space provision;</p> <p>(c) roof areas, preferably north facing and suitable for the siting of at least 4 solar panels on any dwelling;</p> <p>or where such affected areas are already shaded, the additional impact should not significantly worsen the available sunlight access.</p>	<ul style="list-style-type: none"> • Not overshadow solar panels.
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11. **CONCLUSION**

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

- The proposal is sympathetic to the character of Hart Avenue given the streetscape attributes are retained.
- The proposed addition will not be prominently visible from within Hart Avenue and in any case, will appear subservient.
- The height, mass and proportions of the proposed additions are subservient to the host dwelling and the external materials and finishes are complementary.
- The proposed boundary wall will not have a detrimental impact upon the amenity of 8 Hart Avenue.
- The proposal will not significantly increase overshadowing to 8 Hart Avenue or other neighbouring properties.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/613/2018/C2 at 6 Hart Avenue, Unley SA 5061 to 'Carry out alterations and construct single storey addition on common boundary including verandah', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The external materials and finishes of the proposal shall blend with those of the existing dwelling and be low-light reflective to preserve the amenity of the locality.

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.

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

ITEM 5**DEVELOPMENT APPLICATION – 090/469/2018/C2 – 72 WINCHESTER STREET, MALVERN SA 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/469/2018/C2
ADDRESS:	72 Winchester Street, Malvern SA 5061
DATE OF MEETING:	20 November 2018
AUTHOR:	Andrew Raeburn
DEVELOPMENT PROPOSAL:	Carry out alterations and construct upper storey additions, verandah on common boundary, inground swimming pool, pool equipment shed and extend existing carport.
HERITAGE VALUE:	Contributory item
DEVELOPMENT PLAN:	19 December, 2017
ZONE:	CONSERVATION ZONE POLICY AREA 6
APPLICANT:	D De Luca and M R De Luca
APPLICATION TYPE:	Meri
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	Two representations received – one opposed and one resolved.
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representation
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Building bulk / mass Wall on boundary

1. PLANNING BACKGROUND

No relevant planning history.

2. DESCRIPTION OF PROPOSAL

The applicant proposes the following development:

- Demolition of existing rear additions;
- Ground floor rear dwelling additions set off all boundaries and comprising a living area and kitchen;
- Ground floor alfresco area with a solid wall positioned on the west side boundary;
- A cantilevered entrance canopy positioned on the west side boundary;

- Flat roofed upper level additions set off all boundaries and comprising two bedrooms and a bathroom; and
- Swimming pool and storage shed to house pool equipment.

3. SITE DESCRIPTION

The subject site is located on the north side of Winchester Street and is a rectangular shaped allotment with a frontage width of 15.24 metres, a depth of 44.19 metres and a total site area of 673m². The site is flat and there are no regulated or significant trees on the site or within close proximity of the development.

The subject site contains a single storey Victoria villa that is recognised as a contributory item under the Development Plan.

4. LOCALITY PLAN



Subject Site



Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Development Pattern

The surrounding area is characterised by single storey symmetrical and asymmetrical Victorian villas with a relatively uniform appearance, scale, setbacks and materials. The immediate area is considered to be a good representation of the desired character described by the Policy Area.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period two representations were received, one of which is considered resolved through the submission of amended plans showing obscured glazing to overcome overlooking concerns. The unresolved representation is detailed below.

74 Winchester Street, Malvern	
ISSUES RAISED	APPLICANTS RESPONSE
Height and scale causing visual intrusion	To address these concerns, the applicant has amended the proposed upper level by increasing the setback from the west side boundary from 1.23 metres to 3.3 metres.
Overlooking	To address these concerns, the applicant has amended the proposed upper level by including obscured glazing to 1.7 metres above the finished floor level to minimise overlooking potential.
Overshadowing	To address these concerns, the applicant has amended the proposed upper level by increasing the setback from the west side boundary from 1.23 metres to 3.3 metres.

9. DEVELOPMENT DATA

Site Characteristics	Dwelling additions	Development Plan Provision
Total Site Area	673m ²	
Frontage	15.24m	
Depth	44.19m	
Building Characteristics		
Site Coverage		
Roofed Buildings	57%	≤50% of site area
Total Impervious Areas	62%	≤70% of site
Total Building Height		
From ground level	7.0m	
Wall Height		
From ground level	Alfresco = 3.2m GF additions = 4.0m FF additions = 7.0m Carport = 2.8m	
Setbacks		
Ground Floor		
Front boundary (south)	N/A	
Side boundary (west)	0m – alfresco, carport and entrance canopy 1.03 – dwellings additions	On boundary on one side, or 1.0m On boundary on one side, or 1.0m
Side boundary (east)	1.07m – dwelling additions	On boundary on one side, or 1.0m
Rear boundary (north)	7.0m to alfresco 10.2m to dwelling additions	5.0m for alfresco and 8m for upper level dwelling additions
Upper Floor		
Front boundary (south)	23m	
Side boundary (west)	3.3m	3.0m
Side boundary (east)	1.07m	3.0m
Rear boundary (north)	10.2m	8.0m
Wall on Boundary		
Location	West side boundary	
Length	4.5m – alfresco 2.4m – canopy 5.4m – carport	≤9m or ≤50% of the boundary length, whichever is the lesser – dwelling additions. ≤12m – open sided carports and verandahs

Site Characteristics	Dwelling additions	Development Plan Provision
Height	3.3m – alfresco 2.85m – canopy and carport	≤3m
Private Open Space		
Total Area	23%	≥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	2	≥1 car parking space
Outbuildings		
Wall Height	2.1m	≤3m
Total Height	2.1m	≤5m
Total Floor Area	14m ²	≤80m ² or 10% of the site, whichever is the lesser
Colours and Materials		
Roof	Flat roof set behind parapets	
Walls	Face brickwork and rendered (white texture coat finish) panels.	
Fencing	N/A	

(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>OBJECTIVES</p> <p>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.</i></p> <p>Objective 2: <i>A residential zone for dwellings primarily in street-fronting format, together with the use of existing buildings and sites used for non-residential purposes for small-scale local businesses and community facilities supporting an appealing, pleasant and convenient living environment.</i></p> <p>Objective 3: <i>Retention, conservation and enhancement of contributory items, and the complementary replacement or redevelopment of non-contributory buildings.</i></p>

Objective 4: Sensitive adaptation of contributory items for alternate, small household, living where offering tangible benefit in the retention and refurbishment of such items.

Desired Character - Policy Area 6 - Spacious Unley & Malvern Trimmer Estate

The spacious streetscape character is founded on wide, tree-lined streets, grid street layout (with axial views focussed on the central oval feature in 'New Parkside') and generous front gardens. Intrinsic to the area is an extensive, intact collection of contributory items including distinctive Victorian and Turn-of-the-Century villas (asymmetrical and symmetrical), double-fronted cottages and limited complementary, Inter-war era, styles. More affluent, original owners developed some larger, amalgamated allotments in the southern areas establishing grander residences and gardens.

Development will:

- (a) conserve contributory items, in particular symmetrical and asymmetrical villas of Victorian and Turn-of-the-Century era and double-fronted cottages; and
- (b) be of a street-fronting dwelling format, primarily detached dwellings; and
- (c) maintain or enhance the predominant streetscapes and regular road and allotment patterns with:
 - (i) dwelling sites typically of 15 metres in street frontages and with site areas of 750 square metres; and
 - (ii) front set backs of some 7 metres; and
 - (iii) side setbacks of between 1 metre and 3 metres so as to maintain a total spacing between neighbouring dwelling walls, of some 4 metres; and
- (d) maintain and respect important features of architectural styles of contributory items having typically:
 - (i) building wall heights in the order of 3.6 metres; and
 - (ii) total roof heights in the order of 5.6 metres or 6.5 metres; and
 - (iii) roof pitches in the order of 27 degrees and 35 degrees.

Assessment

The dwelling additions, alfresco, outbuilding and carport are all set back a significant distance from the front boundary; and the upper level additions are sufficiently set in from the side boundaries to ensure that they would appear inconspicuous when viewed from the street.

As such, the additions would allow for the retention and improvement of the existing contributory item without interrupting or harming the important characteristic of the building or the quality of the streetscape.

Relevant Zone Principles of Development Control	Assessment
PDC3/4 Contributory Items	The proposed development allows for the retention of the existing façade, thereby avoiding works that would detrimentally impact on the characteristic elements of the building.

	The proposed additions are set to the rear and would have minimal impact on the existing historic streetscape.
PDC6 Demolition	The structures proposed for demolition are not considered essential built form and are later additions to the contributory item.
PDC12 Boundary Walls	<p>The proposed development would result in structures on one side-boundary only, which would be set well back from the front boundary.</p> <p>As such, the spacious and uniform streetscape character of the area would be unharmed and this policy is considered to be satisfactorily met.</p>
PDC 13 Carports and Garages	The proposed carport extension would be positioned to the rear of the existing carport and would mimic its form and height so that it would not be readily visible when viewed from the street.

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 13 – side and rear setbacks	<ul style="list-style-type: none"> The proposed east side boundary setback of the upper level additions would be 1.07 metres, which is 1.93 metre less than the 3.0 metre setback recommended under this policy.

	<ul style="list-style-type: none"> • Despite the setback shortfall, it is considered that the upper level additions would not give rise to any unreasonable impacts upon the nearest neighbour to the east. • This is largely due to additions being positioned adjacent to a secondary private open space area and away from the primary living spaces (which are orientated to the north) of the adjacent residence to the east. • For these reasons it is considered that the policy is adequately met.
PDC 30 – outbuildings and like structures	<ul style="list-style-type: none"> • The length of the boundary wall associated with the proposed alfresco area would be significantly less than the recommended 9.0 metre maximum length; however, would be 0.2 metres taller than the recommended 3.0 metre maximum height. • It is considered that the proposed variance to the recommended height is negligible and would not result in any unreasonable harm upon the amenity of the neighbouring residents to the west. • The proposed wall would not notably interfere with light afforded to neighbouring habitable room windows and a large portion the side boundary (within the private open space of the property to the west) would remain free of boundary development. • As such, the proposed boundary development is considered to be reasonable and expected development that would not result in any unreasonable harm upon the amenity of neighbouring residents.
PDC 50 – Swimming pools	<ul style="list-style-type: none"> • The proposed swimming pool would be setback approximately 0.2m less than the 1.5m boundary setback recommended under this policy. However, all other quantitative recommendations would be met. • It is considered that the setback variation is very modest and given the positioning of the pool away from any sensitive habitable rooms of neighbouring dwellings, it would not result in any unreasonable amenity impacts upon neighbouring residents.

11. CONCLUSION

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

- The proposed development is reasonable and expected development within the residential context that would allow for the retention and improvement of a contributory dwelling without compromising its appearance or the important streetscape characteristics within the area; and
- The proposed development meets a significant majority of the relevant quantitative policies and where the development falls short of the recommendations, the variations are considered to be modest and would not result in any unreasonable harm to the amenity of neighbouring residents.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/469/2018/C2 at 72 Winchester Street, Malvern SA 5061 to 'Carry out alterations and construct upper storey additions, verandah on common boundary, inground swimming pool, pool equipment shed and extend existing carport' 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 the upper floor windows be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
5. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure which is at least 5 metres from a habitable room window on an adjoining property prior to the operation of said equipment.

6. 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.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- 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

DECISION REPORT

REPORT TITLE: CONFIDENTIAL MOTION FOR ITEM 7 - PLANNING
APPEAL – ERD COURT ACTION NO ERD-18-118 –
Goodwood Oval, 1 Curzon Avenue, Millswood 5034
(D.A. 090/845/2017/C3)

ITEM NUMBER: 6

DATE OF MEETING: 20 November 2018

AUTHOR: AMY BARRATT
ACTING SENIOR PLANNER

RESPONSIBLE OFFICER: MEGAN BERGHUIS
GENERAL MANAGER COMMUNITY

COMMUNITY GOAL:	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.
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PURPOSE

To recommend that Item 8 be consider in confidence at the 20 November 2018 Council Assessment Panel Meeting

RECOMMENDATION

MOVED:

That:

1. The report be received.
2. Pursuant to Section 56A(12)(a) (viii) and (ix) of the Development Act 1993, as amended, the Development Assessment Panel orders the public be excluded with the exception of the following:
 - Megan Berghuis, General Manager Community
 - Paul Weymouth, Manager Development and Regulatory
 - Andrew Raeburn, Acting Team Leader Planning
 - Amy Barratt, 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.