

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 16 October 2018 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.

Paul Weymouth
ASSESSMENT MANAGER

Dated 05/10/2018

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
Mrs Ann Nelson
Mr Rufus Salaman

APOLOGIES:

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED:

SECONDED:

That the Minutes of the City of Unley Council Assessment Panel meeting held on Tuesday, 18 September 2018 as printed and circulated, be taken as read and signed as a correct record.

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

16 October 2018

A G E N D A

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Matters for Council's consideration

ITEM 1**DEVELOPMENT APPLICATION – 090/731/2017/C2/A – 47 MARLBOROUGH STREET,
MALVERN SA 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/731/2017/C2/A
ADDRESS:	47 Marlborough Street, Malvern SA 5061
DATE OF MEETING:	16 October 2018
AUTHOR:	Reb Rowe
DEVELOPMENT PROPOSAL:	Variation to 090/339/2017/C2 - Enclose northern elevation and increase height of structure including ensuite.
HERITAGE VALUE:	Non-Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	CONSERVATION ZONE AREA 6
APPLICANT:	P Miro
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – 1 in opposition
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Deferred application Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Wall on boundary

1. PLANNING BACKGROUND

The subject application was presented to the Council Assessment Panel meeting held 21 August 2018, where the item was DEFERRED to allow the applicant an opportunity to provide a boundary survey demonstrating the location of the subject structure relative to the property boundaries.

The Applicant has subsequently provided a boundary identification survey prepared by ZainaStacey dated 30 September 2018 (see Appendix B). This boundary survey identifies the subject verandah structure to be located on the western boundary, in keeping with the original Development Approval, yet 120mm off the rear (south) boundary. To address the potential vermin trap created by this 120mm setback from the rear boundary, a flashing material is proposed to enclose the gap.

The original report that was presented to the August 2018 Council Assessment Panel is included in this report as Attachment C.

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

The settlement pattern in the area presents with predominantly spacious allotments with single storey detached dwellings which are mostly of Villa and Bungalow 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.

49 Marlborough St	
ISSUES RAISED	APPLICANT'S RESPONSE
Amenity impact as a result of the ensuite addition and the height increase to the structure	The original approved plans gave consent for a wall height of 2560mm. The proposed new wall height is to be 2810mm which is within the guidelines of the Unley Development Plan for walls adjacent boundaries. The ensuite is 600mm setback from the boundary which provides appropriate distance.
Vermin and leaf litter trap and water pooling area created by the 130mm space left between the subject structure and the existing fence. Water will spill into 49 Marlborough St if there is flashing of the gap. Removal of the fence and hedge is not acceptable.	Perforated metal 'gutter guard' material is to be used as flashing between the gazebo walls and existing fences and carried down to ground level at the corner ends of the gazebo walls such that the gap between the wall and fence is fully isolated.

(* denotes non-valid planning considerations)

9. ADMINISTRATION NEGOTIATIONS

The flashing material chosen to address the gap between the gazebo wall and the southern boundary fence is considered appropriate to address the concerns of the representation as the perforated metal material stops the access of vermin and leaf litter, provides air flow, retains the fence yet does not force unacceptable levels of water to spill into the adjoining property. This measure is also considered sufficient as a solution to ensure the development can be issued full Development Approval.

10. DEVELOPMENT DATA

Site Characteristics	47 Marlborough	Development Plan Provision
Total Site Area	883.8m ²	750m ²
Frontage	18.3m	15m
Depth	45.7m	>20m
Outbuilding Characteristics		
Floor Area		
Total Floor Area	37.5m ² (4% of site)	≤80m ² or 10% of the site, whichever is the lesser
Site coverage	35%	≤50% of site area
Total Building Height		
Wall Height	2.81m	≤3m
Total Height	4.17m	≤5m
Setbacks		
Front boundary (North)	37.5m	Behind dwelling
Side boundary (East)	13.3m	4m
Side boundary (South)	130mm	On boundary or 600mm
Rear boundary (West)	On boundary	On boundary or 600mm

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Historic Conservation Zone
Objective 1: 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.
Objective 2: 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.
Objective 3: Retention, conservation and enhancement of contributory items, and the complementary replacement or redevelopment of non-contributory buildings.
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
<i>Desired Character The grand streetscape character is founded on wide streets with avenues of substantial trees and expansive allotments, street frontages and gardens. Intrinsic to the area is an extensive collection of contributory items of a grand scale, being unique Victorian and Turn-of-the-Century villas and mansions, 1930's and 1940's International styles, together with Gentleman's Tudors and Bungalows. These contributory items are individualised by original architectural inspirations.</i>
Assessment
The existing street-fronting dwelling obscures view of the subject structure which is located to the rear resulting in no change to the streetscape amenity or character.

Relevant Zone Principles of Development Control	Assessment
PDC2 Development should comprise: (b) ancillary domestic-scaled structures and outbuildings	The subject single-storey structure is considered to be of an appropriate scale for a residential property in the context of its locality as its height is not incongruous to a domestic outbuilding.
PDC12 Building walls on side boundaries should be avoided other than: (b) a single storey building, or outbuilding, which is not under the main dwelling roof and is setback from, and designed such that it is a minor, low and subservient element and not part of, the primary street façade, where: (i) there is only one side boundary wall; and (ii) the minimum side setback prescribed under the desired character is met on the other side boundary	The subject single-storey structure is located in the rear yard of the subject allotment and is not visible in the context of the streetscape. The subject structure is not under the main roof of the dwelling with its proposed siting maintaining one side setback that exceeds the minimum side setback of 4m prescribed under the desired character of the Policy Area.

Policy Area Desired Character

Spacious Unley And Malvern Trimmer Estate Area 6
Desired Character
<i>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.</i> <i>Development will:</i> <i>(a) conserve contributory items, in particular symmetrical and asymmetrical villas of Victorian and Turn-of-the-Century era and double-fronted cottages; and</i> <i>(b) be of a street-fronting dwelling format, primarily detached dwellings; and</i>

Spacious Unley And Malvern Trimmer Estate Area 6	
Desired Character	
<p>(c) maintain or enhance the predominant streetscapes and regular road and allotment patterns with:</p> <p>(i) dwelling sites typically of 15 metres in street frontages and with site areas of 750 square metres; and</p> <p>(ii) front set backs of some 7 metres; and</p> <p>(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</p> <p>(d) maintain and respect important features of architectural styles of contributory items having typically:</p> <p>(i) building wall heights in the order of 3.6 metres; and</p> <p>(ii) total roof heights in the order of 5.6 metres or 6.5 metres; and</p> <p>(iii) roof pitches in the order of 27 degrees and 35 degrees.</p>	
Assessment	
<p>The existing street-fronting dwelling is being retained, with the subject structure located to the rear and not visible to the street. The subject structure is considered to satisfy the provisions for outbuildings in regards to its impact on the locality and character of the area.</p>	

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
<p>PDC 15 Garages, carports, verandahs, pergolas, outbuildings and like structures should be sited and designed to be ancillary to the dwelling and not visually dominate the locality and should:</p> <p>(a) site any solid wall at least 600 millimetres off the boundary or on the boundary</p>	<ul style="list-style-type: none"> The subject outbuilding is not located 600mm from the rear boundary, nor has it been located on the rear boundary itself. While this is not ideal, there are reasonable solutions to avoid potential detrimental consequences of debris collection and vermin issues through the Building Code of Australia. Being located in the rear yard of the property, the subject structure is ancillary

Relevant Council Wide Provisions	Assessment
	<p>to the main dwelling on the site and does not visually dominate the locality.</p> <ul style="list-style-type: none"> • The ensuite addition to the subject structure is considered an appropriate use with appropriate siting and dimensions to support the function of the site • Enclosing the northern elevation of the subject structure around the proposed ensuite is considered appropriate as it will enhance acoustic and visual privacy for both the subject site and the neighbouring property without imposing unreasonable visual impacts
<p>PDC30 Outbuildings and like structures should be sited and designed to be ancillary to the dwelling and not visually dominate the locality by having:</p> <p>(a) a maximum wall height of 3 metres and roof height of 5 metres (sited at least 2 metres from the side boundary) above ground level;</p>	<ul style="list-style-type: none"> • The overall wall height of the subject structure is to be 2810mm and the roof height is 4168mm with highest point of the roof, the ridgeline, being located 2650mm from the boundary.

12. **CONCLUSION**

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

- The subject structure is considered to satisfy the Zone and Policy Area requirements as a domestically-scaled structure that supports the use and functionality of the main dwelling and site
- The subject structure does not visually dominate the locality
- Amenity impacts on neighbouring properties are considered limited

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/731/2017/C2/A at 47 Marlborough Street, Malvern SA 5061 for 'Variation to 090/339/2017/C2- Enclose northern elevation and increase height of structure including ensuite', 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 development herein approved shall be undertaken in accordance with the amended plans and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
3. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
4. The conditions, where pertinent, of any Development Decisions in respect to the original overall (090/339/2017/C2) development shall be complied with to the reasonable satisfaction of Council at all times.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- That any necessary alterations to existing public infrastructure (street 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.
- 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	August 2018 Council Assessment Panel report	Administration
C	August 2018 Council Assessment Panel attachments	Administration

ITEM 2
DEVELOPMENT APPLICATION – 090/303/2018/C2 – 129 YOUNG STREET,
PARKSIDE SA 5063 (UNLEY)

DEVELOPMENT APPLICATION NUMBER:	090/303/2018/C2
ADDRESS:	129 Young Street, Parkside SA 5063
DATE OF MEETING:	16 October 2018
AUTHOR:	Julie Paine
DEVELOPMENT PROPOSAL:	Demolish existing dwelling and construct single storey dwelling including outbuilding and in-ground swimming pool
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape Built Form Zone, Policy Area 8.3
APPLICANT:	Ashley Halliday Architects
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – Two (2) Oppose
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations Deferral
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Character

1. PLANNING BACKGROUND

At the 18 September 2018 meeting, the Council Assessment Panel resolved that the subject application be DEFERRED and the applicant is requested to:

- Provide further and more detailed information in relation to the streetscape elevation and the materials and finishes proposed.

The applicant provides Drawing No. SK07 'Perspectives' which has been included in Attachment A.

The 'Perspective' Drawing demonstrates that the front setback is consistent with the immediately adjoining dwellings and identifies the following façade material and detailing;

- Chillingham white Bowral brick work;
- Steel (painted black) verandah post; and
- Extended aluminium mesh screen powder-coated white (privacy screen/window awning). The awning(s) can be closed and when closed will lay flush with dwelling

2. DISCUSSION

The additional information does not alter Administrations previous recommendation that the application is not considered to be seriously at variance with the Development Plan and is considered to satisfy the provisions of the Development Plan for the following reasons:

- The proposed demolition of the existing dwelling satisfies Zone PDC6 as the replacement dwelling is considered to make at least a comparable contribution to the streetscape;
- The proposed replacement dwelling is of a high quality contemporary design, which does not replicate historic styles and makes suitable reference to the contextual conditions of the locality, contributing positively to the desired character

The application is therefore recommended for Development Plan CONSENT.

3. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/303/2018/C2 at 129 Young Street, Parkside SA 5063 to 'Demolish existing dwelling and construct single storey dwelling including outbuilding and in-ground swimming pool' is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That 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.
3. 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.
4. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

5. The finished floor levels at the rear boundary serving the proposed rear garage building must be constructed at the same level as the existing road/laneway.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- 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	Additional Information	Applicant
B	CAP Report September 2018	Administration
C	Application Documents	Applicant
D	Representations	Administration
E	Response to Representations	Applicant
F	Consultant Architect Referral Comments	Administration

ITEM 3**DEVELOPMENT APPLICATION – 090/262/2018/C2 – 15 ALMA ROAD, FULLARTON SA 5063 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/262/2018/C2
ADDRESS:	15 Alma Road, Fullarton SA 5063
DATE OF MEETING:	16 October 2018
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Construct two, two storey dwellings (one facing Alma Road and one facing Hall Street) with associated garages
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2018
ZONE:	Residential (Landscape) Zone PA11.2 (400)
APPLICANT:	Chasecrown
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (Two (2) - oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Deferred Application Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Front, side and rear boundary setbacks Building bulk / mass Overshadowing

1. PLANNING BACKGROUND

The subject application was presented to the Council Assessment Panel meeting held 18 September 2018 where the item was DEFERRED and the applicant requested to consider amendments to the Alma Road dwelling including:

- An increase in the front setback from Alma Road; and
- The garage setback off the southern side boundary.

The applicant has now submitted amended plans, which include the following changes to Dwelling A (the Alma Rd facing dwelling):

- The garage has been setback off the southern side boundary by 1 metre;
- The dwelling has been setback a further 300mm from the front boundary, resulting in a minimum front setback of 5.8 metres;
- The existing crossover to Alma Road has been modified to allow better access to the double garage.

The above changes were able to be achieved due to the following changes:

- Reduced hallway entry width;
- Reduced width of garage (from 6.2m to 6.0m);
- Reducing the width of Bedroom 4 and changing intended use to a study (assuming based on reduced floor area);
- Reducing the overall floor areas of the dining and living area;
- Altering the east (rear) and south facing façade of the dwelling by altering the roof form to include parapets and a box gutter.

It is also noted that:

- The applicant has supplied a near map image that indicates some of the reduced setbacks along Alma Road (these have been measured off Near Maps and not surveyed);
- There are no changes to the ground floor setbacks to the northern side boundary and the rear boundary;
- There are no changes to any of the setbacks of the upper floor;
- There are no changes to Dwelling B.

In regards to the change to the crossover, Condition 5 suggested in the recommendation section of this report, is particularly pertinent as Council Administration has not had sufficient time to verify with the Assets Department as to whether the proposed crossover would be in accordance with Council standards. Regardless of whether this comment could be received in time, the developer would be required to obtain a s221 road alteration permit from the Assets department where such issues would be rectified at that stage. The only major implication to come from this would be that the Stobie Pole may need to be relocated which would be to the cost of the developer anyway. No other Council infrastructure would be affected.

On a final note, the site plan was further amended in relation to the rear façade of Dwelling A and the front fence of both dwellings. When originally presented to the CAP, the site plan showed a discrepancy between it and the elevation plan in relation to fence heights. The site plan is now consistent with the elevation plan in that a 1.2m high front fence is proposed for both dwellings.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to:

- Construct 2 x two storey dwellings with associated garages and verandahs;
- Construct a new vehicle crossover from Hall Street to Dwelling B;
- Modify an existing crossover to Alma Road.

3. SITE DESCRIPTION

The subject site is located between Hall Street to the east and Alma Road to the west. The site has a frontage of 16.76 metres to both streets. Although the site has been approved for subdivision the final survey plan has yet to be received by Council. The original allotment has a site area of 816m².

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

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

The blocks of land between Hall Street and Alma Road have all been subdivided to allow for two dwellings on site, one facing Alma Road and the other facing Hall Street. The subject site is the last east-west orientated allotment along this block to be subdivided.

Within the wider locality, the settlement pattern is rather varied as it reflects the different dwelling types found throughout the area.

Dwelling Type / Style and Number of Storeys

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

- 2 storey detached contemporary style dwellings (of particular note is the dwelling immediately north of proposed Dwelling B);
- Single and double storey semi-detached dwellings;
- Single storey contemporary style detached dwellings;
- Single and double storey residential flat buildings.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The following internal Council departments provided comment in relation to the proposed development:

- Traffic;
- Arboriculture; and
- Assets.

The following are the responses which remain relevant to the latest amended plans:

Arboriculture

The following comments were provided by the Arboricultural Department as part of the land division application:

- *Visited the 15 Alma Road, Fullarton site 17/08/2017. My comments relate to potential impact the land division may have on the street tree in Alma Road and the two street trees in Hall Street.*
- *All 3 trees were identified as Lophostemon Confertus (Qld Box). All 3 were approximately 8 metres high with a radius around 4m. Any future development of this site which requires the removal of any of these trees will require approval based on the Clause 4.14 from the Vegetation Management Policy.*
- *The Hall Street frontage has 2 Lophostemon confertus that are both in reasonable to good condition with no obvious flaws. The value of both trees if removal is sought would be similar to the Alma Road street tree (\$5 000).*
- *No crossover exists to this site from Hall Street and as such any proposed development which includes the removal of either of the trees will require payment of around \$5 000 as outlined above. This cost could be avoided if any proposed crossovers can be located around 1.5 – 2m from the trees.*

Originally the proposed application did not include the removal of a street tree and underwent public notification as such. Given changes made to the plans following the receipt of the representations and the advice from the Traffic department, the applicant will need to lodge a Street Tree Removal application with Councils Assets department and undertake a form of notification in accordance with the Vegetation Management Policy.

It is noted that the Council Arborist has also confirmed that the above details in regards to the costs of the street tree removal, replacement and tree amenity value are still correct.

Assets

- *I have no issues with the proposed new crossover location, subject to the approval of the existing street tree being removed.*

The above comment only relates to the Hall Street crossover as the Alma Rd crossover was existing at the time. This has now been altered so the Alma Rd crossover is to be modified. The applicant however is still required to obtain an s221 Road Alteration Permit and comply with Council standards.

8. PUBLIC NOTIFICATION

Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period two (2) representations were received as summarised below. Please refer to Attachments B & C for a complete copy of the representations and the applicants' response.

17 Alma Road, Fullarton (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>Bulk & Scale</p> <ul style="list-style-type: none"> • The height and bulk of the proposed dwelling is considered to be incompatible with adjoining single-storey California bungalows. • Refers to Zone Objective 2, PDC 3 	<p>The built form character of the locality is characterised by a mix of single and two storey dwellings. There is no consistent pattern of development, as such. Buildings are of varying age and architectural styles on varying allotment sizes.</p> <p>The plans have however been amended to:</p> <ul style="list-style-type: none"> • reduce the overall size of the upper levels of both dwellings • stagger the garage doors; • adjusted and reduced roof pitch on both levels of both dwellings
<p>Streetscape Character</p> <ul style="list-style-type: none"> • The proposed development, by virtue of its height and bulk erodes the prevailing low scale 	<p>Whilst the term streetscape is not specifically defined in the Development Plan, it is taken to mean a view of a particular</p>

17 Alma Road, Fullarton (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>development sought by the Desired Character of the Policy Area. With its height, dominant garage element and siting on the southern boundary, it forms an anomaly to the coherent rhythm existing within the streetscape.</p> <ul style="list-style-type: none"> • By virtue of its height and inadequate side and front setbacks, it will form an conspicuous form in the streetscape. • The double garages form a dominant and disruptive element to the streetscape and no attempt has been made to diminish their dominance; • Refers to Zone PDC 6, Policy PDC 1, 2 and the Zone and Policy Area Desired Character Statements. 	<p>expanse as seen by a person at or near street level. Whilst it is accepted that there is relatively consistent pattern of development in the immediate vicinity of Alma Road, the locality cannot be so narrowly drawn in this instance, as it includes the larger locality of Hall Street and Osmond Terrace, the existing streetscape context of which is neither distinctive nor primarily cohesive and does not give rise to sense of unity. The plans have however been amended to:</p> <ul style="list-style-type: none"> • reduce the overall size of the upper levels of both dwellings; • stagger the garage doors; • adjusted and reduced roof pitch on both levels of both dwellings; • provide a separate roof over the garage on the boundary of Dwelling A; • Increased width of the front lower level of Dwelling A to reduce the potential garage dominance.
<p>Garage</p> <ul style="list-style-type: none"> • The proposed double garage is recessed by 0.7m from the primary façade but sits proud of the main building entry and would form a dominant streetscape element. • Refers to Zone PDC 13. 	<p>As noted above, the garages are now staggered with two single doors and a separate roof over the garage on the boundary and the width of the front lower level has been increased. In accordance with Residential Development PDCs 14 & 15:</p> <ul style="list-style-type: none"> • Garage has a height of 3m above ground level and a maximum length of 6.5m on the boundary; • The side boundary wall is developed along one side boundary only; • The habitable room window of the adjacent dwelling is approximately 3.5m to the east of the boundary wall.

17 Alma Road, Fullarton (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>Height</p> <ul style="list-style-type: none"> • Whilst the upper level of the proposed dwelling is setback over 6 metres from the primary frontage, it is not considered to be integrated adequately into the dwelling design. • It presents an unreasonable bulk that intrudes upon sunlight and space. • A 6.6m northern wall height will present excessive bulk to 13 Alma Rd • The height of the subject building is 8.4m from natural ground level. • Refers to Zone PDC 9 & 10 	<p>The plans have however been amended to:</p> <ul style="list-style-type: none"> • reduce the overall size of the upper levels of both dwellings; • adjusted and reduced roof pitch on both levels of both dwellings.
<p>Setbacks</p> <ul style="list-style-type: none"> • The proposed dwelling proposes a setback of 5.3m from the front boundary, given this is more than 40% less than the 9m average setback for the adjacent dwellings at 13 and 17 Alma St, the setback proposed is at odds with the Desired Character for the Zone. • Side boundary setbacks should be 5.4m. The proposal presents a side setback shortfall of 2.9m from the northern side boundary and a 5.4m shortfall from the southern side boundary; • The rear boundary setback should be 9.4m. Being built within 2.5m of the rear boundary presents a significant intrusion towards the rear boundary; • The proposed garage is at odds with Policy Area PDC 2 which calls for a minimum side setback of 1m. • Refers to Council wide Residential PDC 6, 13 & 14. 	<p>There are a number of discrepancies provided in the representation is regards to setbacks. We say that No 13 and 17 Alma Road are setback 7.9m and 8.2 m respectively so that the proposed building will be 2.6-2.9m forward of the adjacent buildings.</p>
<p>Overshadowing</p>	<p>Given the orientation of the site and the relative position and path of travel of the sun, some degree</p>

17 Alma Road, Fullarton (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
<ul style="list-style-type: none"> • The dwelling at 17 Alma Rd currently receives unimpeded solar access from the north. • The shadow diagrams indicate that the entire extent of the northern façade of 17 Alma Rd will be in shade from 9am to 3pm during winter solstice. This includes a large window to the living area that provides daylight and winter warmth. • The private open space within the backyard and rear verandah will be overshadowed for the majority of the daylight hours in the winter months. • The proposed development will seriously impact on the thermal and daylight comfort of my clients dwelling over a significant portion of the year. • Refers to Council Wide PDC 41 	<p>of overshadowing is inevitable. The amended plans show that with the increased side boundary setbacks, noting that No. 17 Alma Rd is built relatively close to the corresponding side boundary, the amount of overshadowing has been significantly reduced/ minimised.</p>
7 Hall Street, Fullarton (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>Overshadowing</p> <ul style="list-style-type: none"> • The proposed dwellings will cast considerable shadow in winter to the southern adjacent dwellings and their private open space areas. • Refers to Council Wide Design and Appearance PDC 9, Energy Efficiency PDC 2, Residential Development PDC 1, 13 & 41. 	<p>The plans have however been amended to:</p> <ul style="list-style-type: none"> • reduce the overall size of the upper levels of both dwellings; • adjusted and reduced roof pitch on both levels of both dwellings. <p>No 7 Hall Street is built relatively close to the side boundaries. The changes made to the proposed development has significantly reduced the incidence of overshadowing noting that, in the particular circumstances of this case, a similar storey dwelling is likely to have similar impacts.</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> • The proposed development does not maintain a reasonable level of 	<p>All upper level windows, including the stairwell, are obscured to a</p>

17 Alma Road, Fullarton (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
visual privacy to adjacent residential property. • Dwelling B has a first floor family room and stairwell that has direct views into habitable spaces and the private open space of the adjacent property.	height of 1.76m above the finished floor level.

(* denotes non-valid planning considerations)

It is noted that the second representor from 7 Hall St, submitted a letter indicating that the concerns raised have been met in regards to overshadowing and visual privacy. The representor goes on to state that they wish to withdraw their representation on the condition that should further amendments be made to the plans, they reserve the right to review such amendments and expect that they will be notified by Council. Given the complexity of the legislative processes in regards to variations, minor variations and public notification triggers to which Council Administration is bound, Council cannot be held to such a condition. As such, this original representation remains as part of the assessment of the application.

9. DEVELOPMENT DATA

Site Characteristics	Dwelling A	Dwelling B	Development Plan Provision
Total Site Area	408m ²	408m ²	400m ²
Frontage	16.76m	16.76m	12.5m
Depth	24.36m	24.36m	20m
Building Characteristics			
Floor Area			
Ground Floor	192m ²	196m ²	
Upper Floor	75m ² (39% of ground floor)	101m² (51.5% of ground floor)	≤50% of ground floor
Site Coverage			
Roofed Buildings	47%	48%	≤50% of site area
Total Impervious Areas	77.5% max (as some permeability expected with paving)	76.7% max (as some permeability expected with paving)	≤70% of site
Total Building Height			
From ground level	7.7m	7.75m	
Setbacks			
Ground Floor – Dwelling A			
Front boundary (west)	5.8m		Not less than the average of the two adjoining dwellings

Side boundary (north)	1.5m	On boundary or 1.0m (on boundary on one side only)	
Side boundary (south)	1.0m	On boundary or 1.0m (on boundary on one side only)	
Rear boundary (east)	2.49m	5m (where building height is less than 4m)	
Upper Floor – Dwelling A			
Front boundary (west)	12.1m	-	
Side boundary (north)	2.5m	3m (where building height is between 4m-7m)	
Side boundary (south)	4.9m	3m (where building height is between 4m-7m)	
Rear boundary (east)	4.25m	8m (where building height is between 4m-7m)	
Ground Floor – Dwelling B			
Front boundary (east)	5.3m	Not less than the average of the two adjoining dwellings	
Side boundary (north)	2.5m	On boundary or 1.0m (on boundary on one side only)	
Side boundary (south)	0m	On boundary or 1.0m (on boundary on one side only)	
Rear boundary (west)	2.49m	5m (where building height is less than 4m)	
Upper Floor – Dwelling B			
Front boundary (east)	5.3m	-	
Side boundary (north)	2.5m	3m (where building height is between 4m-7m)	
Side boundary (south)	3.15m	3m (where building height is between 4m-7m)	
Rear boundary (west)	9.58m	8m (where building height is between 4m-7m)	
Wall on Boundary			
Location	Southern side boundary of Dwelling B		
Length	6.5m (26.7%)	≤9m or ≤50% of the boundary length, whichever is the lesser	
Height	3m	≤3m	
Private Open Space			
Min Dimension	10.9 x 3m	11m x 3m	≥4m minimum
Total Area	25.7%	27%	≥20%
Car parking and Access			

On-site Car Parking	3 spaces	3 spaces	2 per dwelling, one of which is covered, where less than 4 bedrooms or 250m ² floor area (Dwelling B); OR 3 per dwelling, two of which are covered where 4 bedrooms or more or floor area 250m ² or more (Dwelling A)
Covered on-site parking	2 spaces	2 spaces	≥1 car parking space – Dwelling B ≥2 car-parking spaces – Dwelling A
On-street Parking	2 spaces	2 spaces	0.5 per dwelling
Crossover Width	3.2m	5m	3m Single 5m double
Garage Width	6.3m (37.5%)	6.6m (39.4%)	≤6.5m or ≤30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	6m x 6m	6m x 6.2m	5.8m x 6m for double
Colours and Materials			
Roof	Custom Orb Roof Sheets - Monument		
Walls	Brick veneer, Rendered Panels in Intoxicate (beige) and Monument		
Fencing	1.2m high rendered piers and plinths with open palings (likely steel)		

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

improvement of areas of variable character by replacing discordant buildings and their associated landscape patterns.

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

Desired Character

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

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

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

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

Assessment

The applicant proposes to construct two double storey dwellings, one facing Alma Road and the other to face Hall Street. The streetscapes of Hall Street and Alma Road vary considerably and therefore the proposed development is best considered in two parts, one for the dwelling within the streetscape of Alma Road and the other that will be within the streetscape of Hall Street.

Alma Road

Alma Road has a fairly consistent streetscape in terms of retention of traditional dwelling styles, setbacks, and rhythm of buildings. The front fencing mainly consists of solid fences, 1.8 metres in height and as such, screens a majority of the front garden character of the individual properties.

Hall Street

Hall Street is best described as having an incoherent streetscape with dwellings largely not being of a traditional style nor of a detached nature. As such the desired contextual conditions of the streetscape are difficult to determine.

The locality on the whole is highly varied and this is likely due to a change in planning policy over time. For instance, this area was within the RB400 Zone until July 2017. The RB400 Zone has far less consideration in terms of streetscape character and dwelling design. As such, much of the variety of the current housing stock has arisen due to more relaxed planning guidelines. If there is anything of importance to note within the locality is that the block bound by Osmond Terrace, Hall St, Fisher St and Alma Road have all been subdivided to allow for two dwellings to face either Alma Rd or Hall St. The subject site is the only remaining allotment that has kept its original size and shape.

Given the above, when assessing whether the proposed dwellings fit within their respective streetscape, it is considered on balance that they display sufficient merit to satisfy the desired character for the Residential Streetscape (Landscape) Zone. Further information regarding this assessment has been detailed below.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 3 <i>Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</i></p>	<p>The proposed built form application is to replace an existing dwelling that faces Alma Road and to construct a new dwelling on previously vacant land. The proposed land use are consistent with the pattern of settlement in the immediate locality.</p>
<p>PDC 7 <i>Development should retain and enhance its streetscape contribution by being sited and designed to respond positively to the streetscape context of its locality in terms of the:</i></p> <ul style="list-style-type: none"> <i>a) rhythm and setting of buildings and open spaces (front and side setbacks);</i> <i>b) dominant garden and landscape vistas;</i> <i>c) recessive or low key nature of vehicle garaging and the associated driveway and minimising the number and width of access points to public roads.</i> 	<p>The two dwellings have been designed to respect their individual streetscape settings. The dwelling to Alma Road has been designed so that:</p> <ul style="list-style-type: none"> • its upper storey is set well behind the primary street façade of the ground floor; • it incorporates a front verandah element and large masonry piers reflective of the predominant bungalow style; • the garage is of a lesser width than the dwelling when viewed from the street; • the existing crossover is to be retained and utilised. <p>The dwelling to Hall Street has then been allowed to have a bit more freedom in terms of its bulk and scale, which is in</p>

Relevant Zone Principles of Development Control	Assessment
	<p>direct correlation with its much more diminished streetscape setting. This dwelling however has respected those few elements of the streetscape that are somewhat consistent, being front setbacks as well as introducing a front garden that is a focal point of the zone provisions.</p>
<p>PDC 9 <i>Development should present a single storey built scale to its streetscape. Any second storey building elements should be:</i></p> <ul style="list-style-type: none"> <i>(a) integrated sympathetically into the dwelling design and landscape setting;</i> <i>(b) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street;</i> <i>(c) set well behind the primary street façade of the dwelling so as to be inconspicuous from the streetscape.</i> 	<p>The dwelling to Alma Road has been designed so its upper level is set well behind the primary street façade. Furthermore the upper level is also partially screened from the street by the roof form of the lower level.</p> <p>The upper level of the dwelling to Hall Street has not been designed to accord with PDC 9. On balance and in respect of its streetscape setting, it is considered that the upper level of Dwelling B is acceptable as:</p> <ul style="list-style-type: none"> • The upper level is of consistent bulk, scale and design with the dwelling immediate north of the subject site; • The previous RB400 Zone did not require for a second storey to be inconspicuous with the streetscape and therefore there are other examples of similar style two storey dwellings in the locality including 24 & 24A Osmond Terrace, which are located at the top of Hall Street. • The dwellings along Hall Street do not currently experience 'spacious conditions' as suggested by PDC 9(b). Due to the historical land division along the street, allotments are quite compact with reduced setbacks and large site coverage; • The upper level mostly meets the required setback provisions, and does meet those that have impacts in terms of overshadowing of the southern adjacent properties.
<p>PDC 13 <i>A carport or garage should form a relatively minor streetscape element and should:</i></p>	<p>Both of the dwellings have a double garage located along the southern side.</p>

Relevant Zone Principles of Development Control	Assessment
<p>(a) <i>be located to the rear of the dwelling as a freestanding outbuilding; or</i></p> <p>(b) <i>where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i></p> <ul style="list-style-type: none"> <i>i. incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and</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; and</i> <i>iii. have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and</i> <i>iv. not be sited on a side boundary, except for minor scale carports, and only where the desired building setback from the other side boundary is achieved.</i> 	<p>In terms of the garage design it is noted that:</p> <ul style="list-style-type: none"> • The garages have been staggered and provided with separate single doors; • Only a single garage has been incorporated under the main roof whereas the other garage has been provided with a separate flat roof; • Planting is proposed along the sides of the garages as per the Planting Schedule (Plan reference 100, Issue D); • The garages are to be painted in dark grey colour. Darker colours appear to recede into the background from a landscape perspective. <p>Given this, it is considered that the garages have been sufficiently designed in order to ensure the associated dwellings remain the dominant feature of their respective sites when viewed from the street.</p>

Policy Area Desired Character and Principles of Development Control

Landscape Policy Area 11
Desired Character
<i>This policy area comprises three precincts with allotment sizes of 300, 400 and 560 square metres. Development will seek to retain the prevailing low scale of development and the coherent rhythm, building spacing and landscaped setting. The policy area is confined to Fullarton, Highgate, Malvern (south), Forestville (south) and Myrtle Bank.</i>
Assessment
The proposed development is for the built form component of land previously approved for subdivision. The approved allotments satisfy the minimum site areas, frontages and depths required for this Policy Area. The settlement pattern for the immediate locality is quite unique to this street and the proposed development will continue this allotment pattern.

Relevant Policy Area Principles of Development Control	Assessment
<p>PDC 2</p> <p><i>Development should:</i></p> <p><i>(a) be primarily detached dwellings, with sensitive infill development sited and designed so as to be inconspicuous from the streetscape, and maintain the desired character and key streetscape setting features.</i></p> <p><i>(b) conserve the physical attributes and key streetscape setting features comprising:</i></p> <p><i>(i) setting - the regular prevailing subdivision and allotment pattern that produces a characteristic streetscape pattern of allotment frontages, buildings and gardens spaced behind generally open fenced front boundaries. Primary street setbacks are generally 6m to 8m and side setbacks consistently no less than 1 m and most often greater.</i></p> <p><i>(ii) form - the characteristic features of consistent scale and proportions of buildings including wall heights and roof designs to the streetscape</i></p> <p><i>(iii) key elements - good articulation of walls and roofs to street facades to reduce the scale, bulk and dominance of buildings to the streetscape.</i></p>	<p>Both of the proposed detached dwellings will be on Torrens Title allotments that have exclusive frontage and access to public streets.</p> <p>The dwellings are proposed to be constructed in a locality that has a consistent pattern of existing infill development that has already taken place. The proposed development is therefore an ideal opportunity to increase the number of dwellings within the area, without compromising the prevailing, but varied, streetscape and settlement pattern.</p>

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Crime Prevention	<i>Objectives</i>	1
	<i>PDCs</i>	2
Design and Appearance	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 19, 21
Energy Efficiency	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Form of Development	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Residential Development	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 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 5 & 6 Street Setbacks	<p>The front setback of the Alma Road dwelling is set forward of the existing building line of the two neighbouring dwellings. This is likely a result of the approved land division as it is observed that:</p> <ul style="list-style-type: none"> • The land division divided the allotment directly through the middle so that both allotments were identical in area, depth and shape. This allowed both allotments to meet the minimum policy requirements for subdivision; • The subdivision boundary went through the existing dwelling, requiring this dwelling to be demolished (or having the dwelling sited along the new rear boundary); • There are no provisions that protect existing dwellings (especially character style dwellings) from being demolished in this zone; • When viewing the land division pattern between Alma Road and Hall Street, it is observed that the original dwellings to Alma Road were retained and as such the subdivision line is set closer to Hall Street;

	<ul style="list-style-type: none"> • In order to achieve a setbacks to the rear boundary, minimise site coverage and the provision of private open space, the dwelling has needed to be sited closer to Alma Road; • So by virtue of ensuring the subdivision was compliant with the quantitative policy provisions, has resulted in the built form not being able to be fully satisfy other provisions of the Development Plan; • The applicant has made some effort to increase the setback to the front boundary. <p>The front setback of the Hall Street dwelling is in accordance with PDC 6.</p>
PDC 13 Side and Rear Boundaries (Dwellings)	<ul style="list-style-type: none"> • Both of the proposed dwellings to do not meet the minimum side setbacks for the upper level. As this is to the northern boundary only, there will be no impacts in regards to overshadowing as a result of this departure from the Development Plan provision. • All other side setbacks are met for the proposed dwellings. • Other than the upper floor level of Dwelling B, the dwellings do not satisfy the rear setback provisions. The proposed siting of the dwellings is considered acceptable however, as the rear setback: <ul style="list-style-type: none"> ○ will largely only impact on the two new dwellings in regards to massing; ○ is more generous than the rear boundary setbacks of the adjacent properties; ○ allow for a functional and sufficient amount of private open space and landscaping.
PDC 16, 17 & 18 Site Coverage	<ul style="list-style-type: none"> • Both dwellings appear to exceed the maximum impervious area provision. However specific details regarding the paving areas (driveway, footpaths etc.) have not been provided. There may be some permeability of these areas and therefore the impervious areas calculation in the data table above may be overly exaggerated. • Whilst it is optimal that permeable areas are provided to allow water to percolate into the soil, the inclusion of impervious areas is only a recent addition to the Unley Development Plan. Restricting impervious area coverage will be difficult to monitor as anyone can later alter the impervious areas of a site by putting in more pathways, hard stand areas etc. as these are not

	<p>defined as development and essentially cannot be controlled through the development approvals process.</p> <ul style="list-style-type: none"> • The floor area of the upper level of Dwelling B slightly exceeds fifty percent of the ground floor area. This excess is considered to be only marginal and will make no discernible difference if the design was altered to meet the relevant provisions.
<p>PDC 41 Overshadowing and Natural Light</p>	<p>Prior to the latest set of amended plans, the applicant supplied shadow diagrams to demonstrate the level of overshadowing that will be a result of the proposed development. These diagrams depict shadowing on the 21 June, being the winter solstice. It is noted that the applicant has made some amendments to the plans to reduce the bulk and massing of the upper levels. The shadow diagrams therefore show the difference between the original plans (dotted line) and the amended plans in terms of their overshadowing impacts.</p> <p>Given the orientation of the site, the adjacent properties of concern are those directly south, being 17 Alma Road and 7 Hall Street. From these shadow diagrams it appears that the northern facades of these dwellings will be in shadow for the whole of the winter solstice. These facades more than likely include habitable room windows. It is noted however that:</p> <ul style="list-style-type: none"> • Other than the northern facades, the rest of the dwelling and the private open space areas will have access to sunlight at some point during the day; • A vast majority of the shadowing is a result of the ground floor element of the new dwellings. As it is a Residential Zone a dwelling of some description will be sited on the two allotments. Overshadowing of southern adjacent allotments therefore will occur, especially of the two properties are located close to their northern boundary. • The ground floor level of new dwellings that result in overshadowing is generally disregarded; • The upper floor levels satisfy the side boundary setbacks to the southern common boundary; • The upper level of Dwelling A exceeds the minimum side boundary setbacks to the southern boundary by 1.9 metres; • The overshadowing resulting from the upper storeys is considered to be minimal;

	<ul style="list-style-type: none"> • Overall the shadowing of the southern allotments by the proposed development is considered to be reasonable; • The shadow diagrams provide an indication on the level of shadow on the day of the year that receives the least amount of daylight. They therefore show the worst-case scenario for shadowing impacts. More sunlight will be available throughout the rest of the year. <p>Whilst the above comments are still applicable, the latest plan amendments will provide some further overshadowing relief to the southern neighbouring properties as the Dwelling A is no longer sited along the southern common boundary.</p>
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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 subject is ideal for infill development as it will maintain the existing pattern of settlement in the immediate locality;
- The proposed dwellings have been designed in consideration of their respective streetscape characters;
- The upper level of the proposed dwellings have been sited and designed to ensure that any overshadowing of the southern adjacent properties is minimal;
- The setbacks provisions of the proposed dwellings are generally satisfied and where they are not satisfied they will cause no undue impact to the neighbouring properties;
- The proposed garages are not considered to have detrimental impact on the character of the street and do not dominate their associated dwellings.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/262/2018/C2 at 15 Alma Road, Fullarton SA 5063 to 'Construct two, two storey dwellings (one facing Alma Road and one facing Hall Street) with associated garages', 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 (excluding those on the front facades) 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.
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. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
5. The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- The applicant shall contact Council's Infrastructure Section on 8372 5460 to arrange the removal of the street tree. The work shall be carried out by the Council at no cost to the **applicant**.
- The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is reminded that unless specifically stated, conditions in previous relevant development approvals remain active.
- The applicant and owner are reminded that development approval must be obtained where any fencing, including fencing combined with a retaining wall, exceed 2.1 metres in height.

List of Attachments		Supplied By:
A	Application Documents (including Amended Plans)	Applicant
B	Previous Panel Report	Administration
C	Representations	Administration
D	Response to Representations	Applicant

ITEM 4**DEVELOPMENT APPLICATION – 090/397/2018/DIV – 102 EAST AVENUE,
CLARENCE PARK SA 5034 (CLARENCE PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/397/2018/DIV
ADDRESS:	102 East Avenue, Clarence Park SA 5034
DATE OF MEETING:	16 October 2018
AUTHOR:	Julie Terzoudis
DEVELOPMENT PROPOSAL:	Land Division - Torrens Title - Create 3 allotments from 1 existing
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential B350
APPLICANT:	Lemon Tree Construction Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (8 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Undersized allotments

1. PLANNING BACKGROUND

Development application 090/249/2018/C2 to *Demolish existing dwelling and construct three (3), two storey dwellings with associated garages and the removal of a council street tree along Lorraine Avenue*, is also before the Council Assessment Panel and supports this proposed land division application.

2. DESCRIPTION OF PROPOSAL

The application proposes:

- A Torrens Title land division to create three allotments from one existing allotment. The proposed allotments will each have a frontage of 16.3 metres wide to Lorraine Avenue and a total area 327m².

3. SITE DESCRIPTION

The subject land is a corner allotment with a frontage width of 48.77 metres to Lorraine Avenue and a total area of 981m². The proposed development would reorientate the site with the primary frontage and access points to Lorraine Avenue.

Existing structures on the site include a single storey detached dwelling with attached garaging that is accessed from a crossover on East Avenue. There is a second crossover on Lorraine Avenue with gated access.

There are no regulated or significant trees on or directly adjacent to the subject site and the land is not affected by any registered easements, encumbrances or Land Management Agreements.

4. LOCALITY PLAN



Subject Site



Representations

5. LOCALITY DESCRIPTION

The locality comprises an established residential area with a relatively mixed built form character. Existing development includes detached and semi-detached dwellings, group dwellings and residential flat buildings at low to medium densities. A relatively diverse allotment pattern is evident as result of several battleaxe developments and blocks of flats.

Land to the north and east of the subject land is characterised by predominantly single storey detached dwellings on rectangular allotments. To the south and west, the development pattern is more diverse as there is a variety of dwelling types and allotment sizes. The overall amenity of the locality is considered only moderate due to the mixed built form character and traffic volumes along East Avenue.

6. STATUTORY REFERRALS

SA Water

SA Water has raised no concerns with the proposal. The developer will be required to meet the requirements of SA Water for the provision of water and sewerages services. Standard conditions of consent have been recommended.

State Commission Assessment Panel (SCAP)

SCAP has raised no concerns with the proposal. Standard conditions of consent have been recommended.

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, eight (8) representations were received as detailed below.

1 Lorraine Avenue - opposed	
ISSUES RAISED	APPLICANTS RESPONSE
Non Compliance with Development Plan particularly as it relates to setbacks, scale, bulk and overshadowing.	The two storey building scale (8m ridge height) is appropriate in the context of the existing streetscape.
Development should reflect character and improve amenity of the area. Would have negative amenity impacts for the area.	The allotment sizes and built form are considered to be complementary to development within the locality.
Needs to be restricted to two dwellings.	The allotment sizes are considered to be complementary to development within the locality.
Land division creates blocks smaller than 350m ² required by the zone.	The proposed allotments would be have a minor shortfall of 23m ² (6.5%).

2 Lorraine Avenue - opposed	
ISSUES RAISED	APPLICANTS RESPONSE
The proposed developments may be occupied by large families. This would lead to an overflow of parking needs onto Lorraine Avenue. With the number of proposed crossovers required for driveways, there would be insufficient street parking in front of these dwellings.	Each dwelling can accommodate three car parking spaces which satisfies Table Un/5.
Only two dwellings should be built on the allotment which would allow for landscaping, spacing, and retain on-street parking with less bulk and improved visibility at the intersection.	The allotment sizes are considered to be complementary to development within the locality.
The subdivision does not comply with the recommended allotment area or frontage widths.	The allotment sizes are considered to be complementary to development within the locality.
2A Lorraine Avenue - opposed	
ISSUES RAISED	APPLICANTS RESPONSE
Zoning is for allotments of 350m ² and the proposed divisions in only 327m ² which is a shortfall of 69m ² .	The proposed allotments would be have a minor shortfall of 23m ² (6.5%).
Minimum street frontages is 22m for 3 dwellings – the proposal allows for 16.25m only.	As each allotment would accommodate a detached dwelling, the proposed frontages exceed the minimum requirement of 9 metres.
Increase to 3 driveways will be a danger for vehicles and pedestrians.	No comment
2A Lorraine Avenue - opposed	
ISSUES RAISED	APPLICANTS RESPONSE
Zoning is for allotments of 350m ² and the proposed divisions in sonly 327m ² which is a shortfall of 69m ² .	The proposed allotments would be have a minor shortfall of 23m ² (6.5%).
Minimum street frontages is 22m for 3 dwellings – the proposal allows for 16.25m only.	As each allotment would accommodate a detached dwelling, the proposed frontages exceed the minimum requirement of 9 metres.
3/104 East Avenue - opposed	
ISSUES RAISED	APPLICANTS RESPONSE
<i>*The project will last a long time and is going to be noisy and dusty. Should start from 9am on weekends.</i>	These are not planning matters.

4/104 East Avenue + oppose (Leigh Cardinal) Wishes to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
The sites are less than the recommended 350m ² .	The proposed allotments would be have a minor shortfall of 23m ² (6.5%).
4/104 East Avenue - opposed	
ISSUES RAISED	APPLICANTS RESPONSE
No matters directly relating to the land division have been raised.	
69 East Avenue + oppose (Jon Widdison) Does not wish to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
Keep existing dwelling or build 2 single storey dwellings.	The development is considered to be complementary to development within the locality.

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	981m ²	
Frontage	48.77m	
Depth	20.1m	
Building Characteristics		
Site Area		
	327m ² per dwelling	350m² minimum (Not satisfied)
Site Frontage		
	16.25m	9m

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

RESIDENTIAL B350 ZONE
<p>Objective 1: Provision for a range of dwelling types of up to two storeys compatible in form, scale and design with the existing positive elements of the character of the area.</p>
Desired Character
<p>This Zone is intended to continue as an attractive and established living area with limited infill development. All types of single storey and two-storey housing development in this Zone should ensure that the character and levels of amenity of the locality enjoyed by existing residents is substantially maintained.</p>
<p><u>Housing Types</u></p>

Given the extended period over which areas of the Residential 8350 Zone developed a wide range of housing types is evident in the Zone. These include single fronted detached dwellings on small allotments to larger villas and bungalows on larger allotments. Residential flat buildings constructed in the 1960's and 1970's are also scattered throughout the Zone. Development should reflect the character and improve the amenity of the immediate area in which it is proposed having particular regard to wall height, roof form, external materials, siting and front and side boundary set-backs.

Allotment sizes vary but are generally between 500 and 700 square metres with sound buildings, thus limiting individual site infill redevelopment opportunities. As such infill development is envisaged through aggregation of larger sites or the replacement of unsound dwellings. Areas formed by the older buildings in the zone, close to railway stations may offer better opportunities for new higher density development.

Streetscape

A wide variety of mature vegetation in private gardens and in street reserves is evident in the Zone.

Landscaping associated with development should complement and enhance existing planting thereby improving the established character of the area.

Assessment

Objective 1 and the Desired Character for the Residential B350 Zone envisage “a range of dwelling types up two storeys compatible in form, scale and design with the existing positive elements of the character of the area”. The proposed division of land will create three ‘detached dwelling’ allotments, as demonstrated by the built form proposal (DA 090/249/2018).

The proposal to create allotments for detached dwellings would ensure that the future development of the land would be consistent with the objective and desired character for the zone from a land use and general built form perspective.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 2 <i>Dwellings should have a site area of not less than 350 square metres (averaged for three or more dwellings sharing a common access). In the case of hammerhead allotments or allotments incorporating a right of way or shared access for one or two dwellings, the area of the "handle" or right of way is excluded from individual dwelling site areas.</i></p>	<p>The proposed division would create allotments with a site area of 327m². When assessed against Principle of Development Control 2 of the Residential B350 Zone, which prescribes a minimum site area of 350m², there would be a site area shortfall of 23m² (6.5%) per dwelling.</p> <p>The intent of minimum allotment sizes is to achieve a residential density that is consistent with the desired character for the area. The desired character supports a mix of housing provided the existing amenity within the locality is maintained.</p>

Relevant Zone Principles of Development Control	Assessment
	<p>As demonstrated by the built form proposal (DA 090/249/2018), the site area shortfalls would not be perceivable in a visual context as the proposed dwellings have been carefully designed to present to the street and articulated so as not to appear cramped or overbearing. Similarly, there would be no material consequences for the development pattern given the mix of dwelling types and styles and allotment sizes.</p> <p>The proposed allotment density is compatible with the existing and desired built form and spatial characteristics of the locality. The intent of Principle of Development Control 2 of the Residential B350 Zone is therefore satisfied.</p>
<p>PDC 3 <i>Dwelling sites should have a primary street frontage and site width consistent with the typical ranges specified in the following table in order to make a positive contribution to the desired character: Detached dwellings – 9m</i></p>	<p>The proposed allotments would each have a primary frontage of at least 16.25 metres to Lorraine Avenue. The frontages would be considerably wider than 9 metres, as prescribed by Principle of Development Control 3 of the Residential B350 Zone.</p>

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Land Division	Objectives	1, 2, 4
	PDCs	1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15
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
Land Division	
PDC 1 – Intended Use of Land	<p>Council Wide Principle of Development Control 1 seeks to ensure that when land is divided it is suitable for the purpose for which it is to be used or developed. The proposed division of land is seeking to create three Torrens Title allotments for the development of detached dwellings.</p> <p>Notwithstanding that the size of the proposed allotments is less than the recommended standard, it has been demonstrated by the built form proposal that the allotments are large enough and configured so that a two storey detached dwelling on each allotment could reasonably satisfy the quantitative requirements relating to building height and scale, private open space, boundary setbacks and vehicle access and car parking.</p> <p>Therefore, the site area deficiencies would not undermine the orderly division and future development of the land.</p>
PDC 2 & 6 – Services & Infrastructure	<p>As required under Section 33 of the <i>Development Act 1993</i>, the applicant will be required to provide all necessary water supply, electricity and sewerage services to the proposed allotments. The provision of such services would not be problematic as the subject land is within an established residential area that is serviced with the appropriate civil works infrastructure. Council Wide Principle of Development Control 2 and 6 are therefore satisfied.</p>
PDC 7 – Residential Allotments	<p>The proposed allotments are regular in shape and have a north to south orientation. This allows dwellings to be designed with north and east-facing windows to maximise energy efficiency. As demonstrated by the built form proposal, the size, layout and orientation of the proposed allotments is acceptable.</p>
PDC 11 – Allotment Depth	<p>Council Wide Principle of Development Control 11 requires allotments to be at least 20 metres in depth in order to maintain an orderly allotment pattern. The proposed allotments satisfy this requirement.</p>

11. CONCLUSION

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

- The proposed allotments are of a size, layout and orientation that would be suitable for their intended use;
- The site area deficiencies would not undermine the orderly division and future development of the land;
- The allotment density is compatible with the existing and desired built form and spatial characteristics of the locality; and
- The proposed allotments would be provided with adequate public utility services;

The application is therefore recommended for DEVELOPMENT PLAN CONSENT, LAND DIVISION CONSENT and DEVELOPMENT APPROVAL.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/397/2018/DIV at 102 East Avenue, Clarence Park SA 5034 for Land Division - Torrens Title - Create 3 allotments from 1 existing allotment is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Development Plan Consent, Land Division Consent and Development Approval subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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

LAND DIVISION CONSENT CONDITIONS:

1. That the existing building on site be demolished prior to the issue of the Section 51 Certificate by the Development Assessment Commission. (All demolition is subject to separate Development Approval.)

NOTES PERTAINING TO LAND DIVISION CONSENT:

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

STATE COMMISSION ASSESSMENT PANEL CONDITIONS:

1. The financial requirements of SA Water Corporation shall be met for the provision of water supply and sewerage services.
2. The alteration of internal drains to the satisfaction of SA Water is required.
An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non standard.
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
3. Payment of \$13660 into the Planning and Development Fund (2 allotments @ \$6830/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certification purposes.

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

ITEM 5**DEVELOPMENT APPLICATION – 090/249/2018/C2 – 102 EAST AVENUE,
CLARENCE PARK SA 5034 (CLARENCE PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/249/2018/C2
ADDRESS:	102 East Avenue, Clarence Park SA 5034
DATE OF MEETING:	16 October 2018
AUTHOR:	Julie Paine
DEVELOPMENT PROPOSAL:	Demolish existing dwelling and construct three (3), two storey dwellings with associated garages and the removal of a Council street tree along Lorraine Avenue
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential B350
APPLICANT:	Lemon Tree Construction Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (8 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Undersized allotments

1. PLANNING BACKGROUND

There is no relevant planning background for this site.

2. DESCRIPTION OF PROPOSAL

The application seeks to:

- Demolish all the existing structures on site;
- Construct three (3) two-storey detached dwellings with associated double garages. The proposed dwellings are designed with a common architectural style and form that include modern facades with front porticos, feature tile clad blade walls, recessed upper levels and pitched roofs. All of the dwellings are designed with frontage to Lorraine Avenue; and
- The vehicle access for Dwelling 2 will require the removal of a street tree from the Lorraine Avenue verge.

3. SITE DESCRIPTION

The subject land is a corner allotment with a frontage width of 48.77 metres to Lorraine Avenue and a total area of 981m². The proposed development would reorientate the site with the primary frontage and access points to Lorraine Avenue.

Existing structures on the site include a single storey detached dwelling with attached garaging that is accessed from a crossover on East Avenue. There is a second crossover on Lorraine Avenue with gated access.

There are no regulated or significant trees on or directly adjacent to the subject site and the land is not affected by any registered easements, encumbrances or Land Management Agreements.

4. LOCALITY PLAN



Subject Site



Locality

Representations

5. LOCALITY DESCRIPTION

The locality comprises an established residential area with a relatively mixed built form character. Existing development includes detached and semi-detached dwellings, group dwellings and residential flat buildings at low to medium densities. A relatively diverse allotment pattern is evident as result of several battleaxe developments and blocks of flats.

Land to the north and east of the subject land is characterised by predominantly single storey detached dwellings on rectangular allotments. To the south and west, the development pattern is more diverse as there is a variety of dwelling types and allotment sizes. The overall amenity of the locality is considered only moderate due to the mixed built form character and traffic volumes along East Avenue.

6. STATUTORY REFERRALS

No statutory referrals were required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to **Council's Assets Team** and their comments are summarised below:

- *From a civil assets perspective I can see no real issues with the proposed locations.*
- *Please note the existing crossover on East Ave will be need to be closed and returned back to kerb and gutter. Matching the existing footpath level and type of paver.*

The application was referred to **Council's Traffic Team** on 26 September 2018 and their comments are summarised below:

The size of garages and accessibility of the garage for dwelling 3 will be inconvenient to an extent.

- *Each dwelling provides three off-street parking spaces, which is required for dwellings with >250m² of floor area or four bedrooms.*
- *Crossovers are located to minimise loss of parking – a loss of one parking space on Lorraine Avenue occur. Closing the crossover on East Avenue will not result in additional parking due to the proximity to the intersection. However they should still close the existing crossover.*
- *Based on a desktop analysis the fence will not compromise sight distance to/from northbound traffic on East Avenue and Lorraine Avenue.*

- *Manoeuvrability in and out of the western parking space of dwelling 3 will be difficult. The attachment indicates that at several points in the manoeuvre the vehicle will be approximately 100mm from a solid object. In practice motorists will not be comfortable manoeuvring this close to their dwelling wall. This will increase the number of manoeuvres to enter and exit the driveway.*
- *Double garages for dwellings 1 and 2 are 6.3m wide x 5.5m in length, and the garage spaces for dwelling 3 are 3.4x5.5m and 3.1x5.5m. This does not meet the minimum in the Development Plan which specifies a 6m length. A B85 vehicle (representing a large passenger vehicle) is 4.91m in length and a B50 vehicle (representing a small passenger vehicle) is 4.45m in length. This suggests that depending on the size of a potential resident's vehicle, they will have 600-1000mm of space at either end of the vehicle. This indicates that if they have a large vehicle and leave 300mm of space at the rear (assuming entering in a forward direction) they will have difficulty walking around the front from the drivers' side.*

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 eight (8) representations were received as detailed below.

Seven (7) representors have requested to be heard

1 Lorraine Avenue wishes to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
Non Compliance with Development Plan particularly as it relates to setbacks, scale, bulk and overshadowing.	The two storey building scale (8m ridge height) is appropriate in the context of the existing streetscape.
Development should reflect character and improve amenity of the area. Would have negative amenity impacts for the area.	The allotment sizes and built form are considered to be complementary to development within the locality.
Needs to be restricted to two dwellings.	The allotment sizes are considered to be complementary to development within the locality.
Land division creates blocks smaller than 350m ² required by the zone.	The proposed allotments would be have a minor shortfall of 23m ² (6.5%).
Insufficient setbacks from any boundary on upper and lower levels.	The boundary setbacks are acceptable given the articulated building design.
Overshadowing concerns – could shift dwelling off the boundary. Would also remove the potential for solar panels to be installed at a	Shadow diagrams have been provided for the winter solstice which show minimal shadowing of the private open space and

1 Lorraine Avenue wishes to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
later date. Should be considering winter and summer solstice.	habitable room windows of adjoining properties.
Front setback of 4.3m not in accordance with my dwelling which is 13.0m.	The front setbacks are staggered and the garage setback of Dwelling 3 is well setback at 7 metres.
The upper level floor area exceeds the 50% of the lower ground level and would visually dominate my property.	The upper storeys are not excessive in size and are well articulated.
Safe sight lines would be compromised by the proposed location of the dwelling and any boundary fencing on the corner of Lorraine Avenue and East Avenue.	There is adequate sight lines as the road verges are 2.4 metres wide.
No attractive landscaping is proposed in the front gardens.	There is adequate opportunity for landscaping within the front, side and rear yards.
Site coverage is too high and stormwater may not be managed effectively on the site with a history of flooding.	There is adequate private open space and boundary setbacks.
Significant risk of overlooking from windows, particularly upper level windows.	All upper storey windows that do not face the street would have raised sills and obscure glass to a height of 1.7 metres above the floor level.
2 Lorraine Avenue wishes to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
No landscaping is proposed for the front gardens with reliance on the existing street trees which one they wish to remove.	There is adequate opportunity for landscaping within the front, side and rear yards.
The applicant should be made to protect and nurture the existing verge trees during the construction phase.	No comment
Front setbacks not consistent with the street at 4.3m.	The front setbacks are staggered and the garage setback of Dwelling 3 is well setback at 7 metres.
Only a side setback of 2.0m proposed from East Avenue, and coupled with the building height, would not accord with guidelines.	The boundary setbacks are acceptable given the articulated building design.
Visibility and traffic on the secondary road will have trouble navigating the intersection.	There is adequate sight lines as the road verges are 2.4 metres wide.

1 Lorraine Avenue wishes to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
The bulk and mass of these multiple structures is not in keeping with the character of the street.	The two storey building scale (8m ridge height) is appropriate in the context of the existing streetscape.
The proposed developments may be occupied by large families. This would lead to an overflow of parking needs onto Lorraine Avenue. With the number of proposed crossovers required for driveways, there would be insufficient street parking in front of these dwellings.	Each dwelling can accommodate three car parking spaces which satisfies Table Un/5.
The materials proposed do not accord with materials in the street landscape.	Render, feature tile and colorbond cladding is acceptable.
The lack of spacing between the dwellings conflicts with the amenity of the street – even with the more dense developments which have already occurred.	The siting and two storey building scale is appropriate in the context of the existing streetscape.
The proximity to No 1 Lorraine Street is not suitable and would be an eyesore overshadowing the existing dwelling and property value could fall.	The front setbacks are staggered and the garage setback of Dwelling 3 is well setback at 7 metres.
Only two dwellings should be built on the allotment which would allow for landscaping, spacing, and retain on-street parking with less bulk and improved visibility at the intersection.	The allotment sizes are considered to be complementary to development within the locality.
2A Lorraine Avenue wishes to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
Zoning is for allotments of 350m ² and the proposed divisions is only 327m ² which is a shortfall of 69m ² .	The proposed allotments would be have a minor shortfall of 23m ² (6.5%).
Minimum street frontages is 22m for 3 dwellings – the proposal allows for 16.25m only.	As each allotment would accommodate a detached dwelling, the proposed frontages exceed the minimum requirement of 9 metres.
Dwelling 1 is only setback 2.0m from the boundary – this will cause a danger for vehicles turning into and out of Lorraine Ave.	A 2 metre setback to the secondary street boundary would not restrict sight lines.
Increase to 3 driveways will be a danger for vehicles and pedestrians.	No comment

1 Lorraine Avenue wishes to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
The proposed front setback of 5.0m is not in keeping with the character as the existing dwellings are setback 10m or more.	The front setbacks are staggered and the garage setback of Dwelling 3 is well setback at 7 metres.
2A Lorraine Avenue does not wish to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
Zoning is for allotments of 350m ² and the proposed divisions in only 327m ² which is a shortfall of 69m ² .	The proposed allotments would be have a minor shortfall of 23m ² (6.5%).
Minimum street frontages is 22m for 3 dwellings – the proposal allows for 16.25m only.	As each allotment would accommodate a detached dwelling, the proposed frontages exceed the minimum requirement of 9 metres.
3/104 East Avenue wishes to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
The project will last a long time and is going to be noisy and dusty. Should start from 9am on weekends.	These are not planning matters.
3/104 East Avenue wishes to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
The project will last a long time and is going to be noisy and dusty. Should start from 9am on weekends.	These are not planning matters.
4/104 East Avenue wishes to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
The sites are less than the recommended 350m ² .	The proposed allotments would be have a minor shortfall of 23m ² (6.5%).
Additional shadow diagrams were not provided showing the equinox and the summer solstice.	Not required for summer solstice as shadow cast is less in summer.
The height of the rear windows have not been supplied – should be 1.7m from floor level.	All upper storey windows that do not face the street would have raised sills and obscure glass to a height of 1.7 metres above the floor level.
No fencing is shown on the plans – issues with visibility on the corner.	There is adequate sight lines as the road verges are 2.4 metres wide.
Plans of the existing house should be submitted so we are able to compare heights.	No comment
4/104 East Avenue wishes to be heard	
ISSUES RAISED	APPLICANTS RESPONSE

1 Lorraine Avenue wishes to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
Two single storey dwellings should be built.	The allotment sizes are considered to be complementary to development within the locality.
69 East Avenue does not wish to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
Not in-keeping with the existing streetscape.	The two storey building scale (8m ridge height) is appropriate in the context of the existing streetscape.
Too close to East Avenue boundary.	A 2 metre setback to the secondary street is acceptable. The upper storey is setback 3 metres.
Family sized homes will mean issues with car parking.	Each dwelling can accommodate three car parking spaces which satisfies Table Un/5.
Keep existing dwelling or build 2 single storey dwellings.	The development is considered to be complementary to development within the locality.

(* denotes non-valid planning considerations)

9. ADMINISTRATION NEGOTIATIONS

- Fencing details to be submitted;
- Reduced upper levels to create setback;
- Introduced hip roof sections to reduce visibility of upper level walls; and
- Reduced extent of wall on boundary forming garage for dwelling 3.

10. DEVELOPMENT DATA

Site Characteristics		Development Plan Provision
Total Site Area	981m ²	
Frontage	48.77m	
Depth	20.1m	
Building Characteristics		
Site Area		
	327m² per dwelling	350m ² minimum (Not satisfied)

Floor Area		
Ground Floor	D1 - 154m ² D2 - 165m ² D3 - 165m ²	
Upper Floor	D1 - 71m ² D2 - 71m ² D3 - 71m ² (max 46% of ground floor)	N/A
Site Coverage		
Roofed Buildings	D1 – 47% D2 – 50% D3 – 50%	≤50% of site area
Total Impervious Areas	<70%	≤70% of site
Total Building Height		
From ground level	8m	Two storey
Setbacks		
Ground Floor		
Front boundary (north)	4.4m main wall	Average of Adjoining buildings – 10m (Not satisfied)
Secondary Street (east)	2m	4m (Not satisfied)
Side boundary (west)	3.18m	1m
Rear boundary (south)	4m	5m (Not satisfied)
Upper Floor		
Front boundary (north)	5.5m	Same as ground floor
Side boundary (west)	2.9m	3m
Rear boundary (south)	6m	8m
Wall on Boundary		
Location	Western boundary	
Length	5.8m	≤9m or ≤50% of the boundary length, whichever is the lesser
Height	3.2m	≤3m
Private Open Space		
Total Area	D1 - 88m ² (27%) D2 - 88m ² (27%) D3 - 84m ² (26%)	≥20%
Car parking and Access		
On-site Car Parking	3 per dwelling	2 per dwelling where less than 4 bedrooms or 250m ² floor area 3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Covered on-site parking	2 per dwelling	≥1 car parking space ≥2 car-parking spaces

Driveway Width	3m	3m Single 5m double
Garage/Carport Width	30%	≤6.5m or ≤30% of site width, whichever is the lesser
Colours and Materials		
Roof	Colorbond	
Walls	Rendered Hebel & tile feature wall	
Fencing	Render blueboard or similar and metal railing	

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

RESIDENTIAL B350 ZONE
<p>Objective 1: Provision for a range of dwelling types of up to two storeys compatible in form, scale and design with the existing positive elements of the character of the area.</p>
Desired Character
<p><i>This Zone is intended to continue as an attractive and established living area with limited infill development. All types of single storey and two-storey housing development in this Zone should ensure that the character and levels of amenity of the locality enjoyed by existing residents is substantially maintained.</i></p> <p><u>Housing Types</u> Given the extended period over which areas of the Residential 8350 Zone developed a wide range of housing types is evident in the Zone. These include single fronted detached dwellings on small allotments to larger villas and bungalows on larger allotments. Residential flat buildings constructed in the 1960's and 1970's are also scattered throughout the Zone. Development should reflect the character and improve the amenity of the immediate area in which it is proposed having particular regard to wall height, roof form, external materials, siting and front and side boundary set-backs.</p> <p>Allotment sizes vary but are generally between 500 and 700 square metres with sound buildings, thus limiting individual site infill redevelopment opportunities. As such infill development is envisaged through aggregation of larger sites or the replacement of unsound dwellings. Areas formed by the older buildings in the zone, close to railway stations may offer better opportunities for new higher density development.</p> <p><u>Streetscape</u> A wide variety of mature vegetation in private gardens and in street reserves is evident in the Zone. Landscaping associated with development should complement and enhance existing planting thereby improving the established character of the area.</p>

Assessment

Objective 1 and the Desired Character for the Residential B350 Zone envisage “a range of dwelling types up to two storeys compatible in form, scale and design with the existing positive elements of the character of the area”. The replacement of existing dwellings with infill development is encouraged, particularly on large sites and when replacing dwellings that are unsound.

The proposal to replace an existing dwelling, which is not considered to contribute to the existing positive elements of the area, with two storey detached dwellings at relatively low densities is considered to be an orderly and desirable form of development from a land use and general built form perspective.

The proposal is therefore considered to be consistent with the Objective and Desired Character for the zone.

Relevant Zone Principles of Development Control	Assessment
<p>PDC1 <i>Development should be primarily for dwellings of up to two storeys compatible in form, scale and design with existing positive elements of the character of the area.</i></p>	<p>The locality has a mixed character and diverse allotment pattern that is derived from several existing battleaxe developments and blocks of flats in amongst conventional detached dwellings. While buildings are typically single storey, there are instances of two storey buildings and dwellings with tall gable roofs within the locality.</p> <p>The proposed dwellings are of two storey scale with a maximum ridge height of 8 metres. The walls of the dwellings are approximately 6 metres in height above the top of the footings.</p> <p>Principle of Development Control 1 of the Residential B350 Zone envisages dwellings up to two storeys provided the built form and scale is such that it would maintain the existing amenity of the area. The modern building design would not detract from the prevailing streetscape character as the building facades address the road frontages and are well articulated with front porticos, feature blade walls, recessed upper levels and pitched roofs. The existing streetscape is also somewhat mixed, with conventional style dwellings,</p>

Relevant Zone Principles of Development Control	Assessment
	<p>bungalows and tudor dwellings along Lorraine Avenue.</p> <p>In terms of building scale, the upper storey of each dwelling sits comfortably within the ground floor envelope and incorporates variations in the façade. The recessing of the front facades by approximately 1.5 metres would minimise the dominance of the upper levels when viewed from the adjacent street.</p> <p>The form, scale and appearance of the proposed dwelling would sufficiently maintain the existing streetscape character.</p>
<p>PDC 2 <i>Dwellings should have a site area of not less than 350 square metres (averaged for three or more dwellings sharing a common access). In the case of hammerhead allotments or allotments incorporating a right of way or shared access for one or two dwellings, the area of the "handle" or right of way is excluded from individual dwelling site areas.</i></p>	<p>The proposed dwellings would each have a site area of 327m². When assessed against Principle of Development Control 2 of the Residential B350 Zone, which prescribes a minimum site area of 350m², there would be a site area shortfall of 23m² (6.5%) per dwelling.</p> <p>The intent of minimum allotment sizes is to achieve a residential density that is consistent with the desired character for the area. The desired character supports a mix of housing provided the existing amenity within the locality is maintained.</p> <p>The site area shortfalls would not be perceivable in a visual context as the proposed dwellings have been carefully designed to present to the street and articulated so as not to appear cramped or overbearing. Similarly, there would be no material consequences for the development pattern given the mix of dwelling types and styles and allotment sizes.</p> <p>The overall density of the proposed development is considered reasonably compatible with the existing and desired built form characteristics of the locality. The intent of Principle of Development</p>

Relevant Zone Principles of Development Control	Assessment
	Control 2 of the Residential B350 Zone is therefore satisfied.
PDC 3 <i>Dwelling sites should have a primary street frontage and site width consistent with the typical ranges specified in the following table in order to make a positive contribution to the desired character: Detached dwellings – 9m</i>	The proposed dwellings would each have a primary frontage of at least 16.25 metres to Lorraine Avenue. The frontages would be considerably wider than 9 metres, as prescribed by Principle of Development Control 3 of the Residential B350 Zone.
PDC 4 <i>Development should be primarily accommodated by infill between existing sound and attractive dwellings or replacement of incompatible land uses and unsatisfactory dwellings.</i>	The proposed development will replace an existing tudor style dwelling that makes a modest positive contribution to the character and amenity of the area. While the dwelling appears to be in reasonable condition, the curtilage of the dwelling is un-kept and the boundary fencing detracts somewhat as it consists of weathered metal sheeting. Principle of Development Control 4 of the Residential B350 Zone is satisfied.
PDC 6 <i>Development should provide for attractive front garden landscaping, including the planting of at least one tree per dwelling.</i>	<p>The width of the frontages would ensure there is adequate area in front of the dwellings with landscaping to soften and screen the built form and driveway paving.</p> <p>A condition of consent has been recommended that will require a detailed landscape plan to be submitted for approval prior to the granting of Development Approval.</p>

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	Objectives	1, 2
	PDCs	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23
Energy Efficiency	Objectives	1
	PDCs	1, 2
Landscaping	Objectives	1
	PDCs	1, 2
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
Transportation (Movement of People and Goods)	Objectives	1, 2, 3, 5, 6
	PDCs	1, 2, 3, 12, 13, 14, 19, 20, 21, 22

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 5 & 6 – Street Setbacks	<p>The main front ground level walls of the proposed dwellings would be setback a minimum of 4.4 metres from the road boundary. The garages of the dwellings are setback further at a distance of between 5.5 metres and 7 metres.</p> <p>Council Wide Principle of Development Control 5 and 6 seek to ensure that new buildings maintain the existing streetscape by complementing the setback of adjacent buildings. The adjoining dwelling on the western side (no. 1 Lorraine Avenue) is setback approximately 10 metres from the road boundary and there is no adjoining buildings on the eastern side. While the proposed dwellings would be positioned well forward of the neighbouring dwelling, there should be some flexibility to the Development Plan standard given that the subject land is a corner allotment (i.e. dual frontages) and there is a range of building setbacks evident within the locality. It is observed that the dwelling immediately opposite the site is setback at a distance of around 5 metres. When these locality characteristics are considered, the siting of dwellings would sufficiently maintain the development pattern and streetscape character.</p>
PDC 7 – Secondary Street Setbacks	<p>Given the two storey height of Dwelling 1 that is located adjacent to the road intersection, Council Wide Principle of Development Control 7 recommends a minimum setback of 4 metres from the secondary street boundary for the upper storey. Although the upper storey is setback only 3 metres, the lesser setback would not result in any significant</p>

Relevant Council Wide Provisions	Assessment
	<p>visual impacts nor cause a visual obstruction to motorists on the adjacent road. The bulk and scale of the building adjacent to the road is modest as the upper storey wall is only 8.5 metres in length and 6 metres high.</p>
<p>PDC 13 - Rear Boundary Setbacks</p>	<p>The ground and upper levels of the dwellings are setback from the rear boundary at a distance of 4 metres and 6 metres respectively. Council Wide Principle of Development Control 13 recommends a rear setback of 5 metres at ground level and 8 metres for the upper level.</p> <p>Notwithstanding the rear setback deficiencies, the siting of the proposed dwellings in relation to the rear boundary is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> • The upper storeys are of moderate height and scale and only small sections are located within 8 metres of the boundary; • The adjoining development on the southern side has a long concrete driveway adjacent to boundary; • The rear yards of the adjoining dwellings are located on the opposite side of the property; and • The locality is characterised by dwellings and outbuildings located in close proximity to rear boundaries. <p>The proposal is therefore considered to satisfy the intent of Principle of Development Control 13.</p>
<p>PDC's 47 and 48 – Access and Car Parking</p>	<p>Principle 47 states that a garage should have the following minimum internal dimension:</p> <ul style="list-style-type: none"> • 3 metres by 6 metres for a single vehicle. • 5.8 metres by 6 metres for two vehicles. <p>Dwellings 1 and 2 will have garages for two vehicles with minimum dimensions of 6.3 metres by 5.5 metres.</p>

Relevant Council Wide Provisions	Assessment
	<p>Dwelling 3 will have a staggered garage arrangement which is effectively 2 single car garages side by side, the smaller of which will be 3.1 metres by 5.5 metres.</p> <p>On this basis, the length of each garage is contrary to Principle 47. Council's traffic team have provided comment on this matter indicating that:</p> <ul style="list-style-type: none"> • A large passenger vehicle (B85) is 4.91 metres in length. • A small passenger vehicle (B50) is 4.45 metres in length. <p>If all occupants had large passenger vehicles, approximately 300 millimetres would be available at the front and rear of each parked vehicle.</p> <p>Principle 48 states that car parking spaces should be provided in accordance with Australian Standard 2890.1 (latest version). The Australian Standard only requires an internal garage length of 5.4 metres. On this basis, the length of each garage satisfies the Australian Standards.</p> <p>Additionally, the garage width would exceed the recommendations of the development plan and AS2890.1 and therefore provide more storage and circulation space to compensate for the marginal shortfall in garage depth.</p>
<p>PDC 41 – Overshadowing and Natural Light</p>	<p>The proposed development would be positioned to the north of the residential flat building at 104 East Avenue; however, given the substantial separation between the residential flat building and the upper levels of the proposed dwellings, there would not be any unreasonable loss of natural light to the residential flats to the south.</p> <p>This is confirmed by the shadow diagrams provided by the applicant.</p>
<p>PDC 43 – Access and Car Parking</p>	<p>Principle 43 guides that driveways should provide adequate spaces for vehicles to park and manoeuvre on-site.</p>

Relevant Council Wide Provisions	Assessment
	<p>The staggered façade of the garage serving dwelling 3 may make it difficult to manoeuvre a vehicle into the western-most garage space. Council's traffic team have considered this matter and indicated:</p> <ul style="list-style-type: none"> • Several point turns may be required to access the western garage parking space of Dwelling 3. • Motorists may need to manoeuvre within 100 millimetres of a solid object to access the western garage parking space of Dwelling 3. <p>Notwithstanding this, the proposed arrangement is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> • Dwelling 3 provides more car parking spaces than is required by the Development Plan (3 spaces instead of 2). This is whether or not the western garage space is used for the parking of a vehicle. • The western garage space can continue to be used for the parking of a motor-bike or bicycle. • The western garage space could be used for storage purposes thus preventing the need for an outbuilding. <p>On this basis, the garage arrangement for Dwelling 3 is suitable.</p>

12. CONCLUSION

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

- The proposal is an orderly and desirable form of development within the Residential B350 Zone as it would replace an existing dwelling, which is not considered to contribute to the existing positive elements of the area, with residential development that would maintain the existing amenity of the area;
- The dwelling density is reasonably compatible with the existing and desired built form characteristics of the locality;
- The modern building design would not detract from the prevailing streetscape character as the building facades address the road frontages and are well articulated;

- The upper storey of each dwelling sits comfortably within the ground floor envelope and incorporates variations in the façade;
- Vehicular access is safe and convenient and each dwelling would be provided with adequate on-site car parking.

The application is therefore recommended for DEVELOPMENT PLAN CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/249/2018/C2 at 102 East Avenue, Clarence Park SA 5034 to demolish existing dwelling and construct three (3) two-storey dwellings with associated garages is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Development Plan 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 on the southern and western elevations shall be treated to avoid overlooking prior to occupation by being fitted with either raised sills or fixed obscure glass to a minimum height of 1700mm above the floor level with such glazing to be kept in place at all times.
3. A detailed landscape plan, including a plant species schedule, shall be submitted to Council for the planting of suitable trees, shrubs and ground covers on the site between the front of the dwellings and the road frontages. The landscape plan shall be submitted prior to the issue of Development Approval and the landscaping established prior to occupation of the development and maintained in a healthy condition at all times. Any plantings that die or become seriously diseased must be replaced.
4. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
5. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

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

ITEM 6**DEVELOPMENT APPLICATION – 090/49/2018/C3 – 85 LEICESTER STREET, PARKSIDE SA 5063 (PARKSIDE)**

DEVELOPMENT APPLICATION NUMBER:	090/49/2018/C3
ADDRESS:	85 Leicester Street, Parkside SA 5063
DATE OF MEETING:	16 October, 2018
AUTHOR:	Andrew Raeburn
DEVELOPMENT PROPOSAL:	Change of use from vacant to hotel (to be used between the hours of 7am to 10pm, 7 days a week)
HERITAGE VALUE:	Local Heritage
DEVELOPMENT PLAN:	19 December 2017
ZONE:	(BUILT FORM) ZONE P 8.3
APPLICANT:	Intro Design Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 3
REPRESENTATIONS RECEIVED:	YES – seven (7) opposed
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Representations; and Recommended for Refusal
RECOMMENDATION:	Refusal
KEY PLANNING ISSUES:	Impact on residential amenity

1. PLANNING BACKGROUND

There is no development application history on the site relevant to this proposal.

However, of relevance, is an application made to Consumer and Business Services to extend the liquor license pertaining to the existing hotel on the site. The liquor license application seeks to include the area of land to the front of the hotel building within the licensed area.

Council has opposed the liquor license application as it contends that the existing 'hotel' land use does not extend to the entire site and that the small section of land to the front of the hotel building is 'vacant' and does not benefit from the 'hotel' use. The liquor license application has now been adjourned pending consideration of this development application.

This development application has been lodged to resolve the concerns raised by Council to the liquor license application and is made without prejudice to the matter before Consumer and Business Services.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to change the use of a portion of land between the front of the hotel building and the footpath to the north from 'vacant' to 'hotel'. The subject section of land has a depth of approximately 1.3 metres, a width of approximately 10.2 metres and the submitted plans indicate the area accommodating four tables and eight bench seats, with an approximate capacity of between 16 and 24 patrons.

The proposed hours of use are 7am to 10pm, 7 days a week.

3. SITE DESCRIPTION

The subject site is located on the south side of Leicester Street and is a square shaped allotment that extends through to the Glen Osmond Creek reserve to the south. The site contains a two storey local heritage building to the front of the site and more recent single storey additions to the rear that are occupied by the Earl of Leicester Hotel. The site also contains large car parking areas to either side of the building.

4. LOCALITY PLAN



Subject Site



Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential; the hotel land use on the subject site appears to be the only non-residential land use within the vicinity.

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 seven (7) representations were received as detailed below.

82 & 84 Leicester Street, Parkside 89 & 91 Leicester Street, Parkside 80 Leicester Street, Parkside 88 Leicester Street, Parkside 2/89 Leicester Street, Parkside 82 Leicester Street, Parkside – second resident from this address to respond 92 Leicester Street, Parkside	
ISSUES RAISED	APPLICANTS RESPONSE
Loss of privacy	<i>The residences will not have their privacy diminished as a result of the establishment of an outdoor seating area. The opportunity for public view into the dwellings and driveways of Leicester Street will be no greater than for a pedestrian walking along the street.</i>
Increase in noise	<p><i>There will be no change to the manner in which entertainment is provided to patrons as a result of this application. The music will not be turned up for the enjoyment of patrons in the outdoor area.</i></p> <p><i>The noise generated by patrons in the outdoor area will be monitored by the hotel staff and be maintained at a reasonable level during the defined hours of operation in line with Liquor Licensing requirements.</i></p> <p><i>The arrival and departure of guests to the Earl of Leicester is reasonably frequent and as such the front doors are constantly opened and closed. The proposed development will have little to no effect on the frequency of the use of these doors.</i></p> <p><i>In any event the doors are fitted with automatic closure to limit the noise emissions beyond the building.</i></p> <p><i>At the time of closure of the outdoor area, patrons will be asked to move on or inside and furniture will be packed away. As a result it is not anticipated that the location of the outdoor area will have any bearing on the noise generated by patrons after closing hours.</i></p>

	<p><i>The daily setting up and packing down of the furniture will be sensitively undertaken by staff so as to not generate any significant noise.</i></p> <p><i>It is important to note that the Earl of Leicester, in its function as a local hotel, predates the surrounding residential occupants. Those residing or owning properties on the street chose to purchase and/or reside with full knowledge of the functioning historic hotel within proximity of their respective dwellings. Just as the Hotel needs to be mindful of its continued operations within a residential area so too the residential owners/occupiers must accept that this long-standing community hotel will generate noise and activities above that of a residential property.</i></p> <p><i>Given that context, I would assert that given the proximity of the long-standing, pre-existing hotel, those dwellings on the street should already have adequate noise attenuation measures so as to enable the continued reasonable operation of the Hotel whilst maintaining amenity levels for the residents.</i></p> <p><i>A small provision of outdoor seating for patrons wholly within the hotel's allotment is a reasonable expectation for a local community hotel in South Australia.</i></p> <p><i>Notwithstanding the above, the additional provision of outdoor seating is not anticipated to unreasonably impact upon the receiving noise levels within the surrounding dwellings.</i></p>
Parking congestion	<p><i>The spatial increase of the land use will have no impact on the capacity of the venue. The venue's capacity is set by the Liquor Licensing Authority and is noted on the licence. This capacity will not increase, rather the additional seating, will offer existing patrons an alternative sunny place to enjoy a drink and meal during the day, or alternatively, a quieter environment to converse during the hotel's busier times. The proposed outdoor seating is particularly valuable to those clients who have impaired hearing.</i></p> <p><i>The proposal is spatially removed from the car parking area and will have no impact on the frequency or number of patrons greeting and farewelling each other in the car parking area or otherwise using the car parking area.</i></p>

(non-planning related concerns have not been reported)

9. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape (Built Form) Zone - Policy Area 8 Compact
<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 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.</p> <p>These attributes include the:</p> <ul style="list-style-type: none">(a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and(b) allotment and road patterns; and(c) landscape features within the public road verge and also within dwelling sites forward of the building façade; and(d) scale, proportions and form of buildings and key elements. <p>Streetscape Attributes</p> <p>It is important to create high quality, well designed buildings of individuality and design integrity that nonetheless respect their streetscape context and contribute positively to the desired character in terms of their:</p> <ul style="list-style-type: none">(a) siting - open style front fences delineate private property but maintain the presence of the dwelling front and its garden setting. Large and grand residences are on large and wide sites with generous front and side setbacks, whilst compact, narrow-fronted cottages are more tightly set on smaller, narrower, sites. Infill dwellings ought to be of proportions appropriate to their sites and maintain the spatial patterns of traditional settlement; and(b) form - there is a consistent and recognisable pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and forms associated with the various architectural styles. Infill and replacement buildings ought to respect those traditional proportions and building forms; and(c) key elements - verandahs and pitched roofs, the detailing of facades and the use of traditional materials are important key elements of the desired character. The use of complementary materials, careful composition of facades, avoidance of disruptive

elements, and keeping outbuildings, carports and garages as minor elements assist in complementing the desired character.

Assessment

The proposed land use would generally be at odds with the objectives and desired character express under the zone; however, as the proposal would be consistent with the existing land use on the site and would result in only a modest increase in total usable area, it is considered that the proposal would not result in any demonstrable harm to the objectives of the zone, or the character of the area.

Relevant Zone Principles of Development Control	Assessment
<p>PDC5 <i>Adaptation, expansion or redevelopment of a building for a community or non-residential use should be:</i> (a) <i>confined to an existing non-residential building or its site; and</i> (b) <i>of a form and nature readily able to accommodate such a use; and</i> (c) <i>of a small scale and low impact, or serving a local community function, and in any event have minimal impact on abutting or nearby residential occupiers.</i></p>	<p>The proposal would result in the modest expansion of an existing non-residential use, and in this respect, the proposal would meet paragraph (a) of this PDC.</p> <p>With respect to paragraph (c), the proposal would be small scale, would serve a community function and would be a reasonable and expected development given the existing use on the site.</p> <p>However, it is considered that using the land to the front of the hotel on Sunday mornings and in the evening hours would not be compatible with the predominant surround residential properties. The proposed hours of operation, particularly between the more sensitive times of 7pm and 10pm, would lead to unreasonable noise and disturbance and detrimentally harm the amenity of surrounding residents.</p>

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Interface Between Land Uses	<i>Objectives</i>	1, 2, 3
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16

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

Relevant Council Wide Provisions	Assessment
Interface Between Land Uses	
PDC 6 Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.	<ul style="list-style-type: none"> • The proposed change in land use is adjacent residential properties and no noise mitigation measures have been proposed. • The proposed hours of use, particularly the early morning and evening hours between 7pm and 10pm, would not be compatible with the surrounding residential land uses. • For the reasons above, it is considered that the proposal does not adequately meet PDC6
PDC 9 Outdoor areas (such as beer gardens or dining areas) associated with licensed premises should be designed or sited to minimise adverse noise impacts on adjacent existing or future noise sensitive development.	<ul style="list-style-type: none"> • The proposed land use has not been sensitively sited in relation to the surrounding residential properties and no noise mitigation measures have been designed into the proposal. Additionally, the proposed use within the early morning and evening hours, seven days a week, would not minimise the impact of the use on surrounding sensitive residential uses. • As such, the proposal does not adequately meet this PDC.

10. CONCLUSION

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

- The hours of use associated with the proposal would not be compatible with the surrounding residential properties, and in the absence of any mitigation measures, would result in an unreasonable increase in noise and disturbance, particularly within the more sensitive morning and evening hours. The proposal is thereby contrary to Residential Streetscape (Built Form) Zone Principle of Development Control 5; and Council Wide (Interface Between Land Uses) Principles of Development Control 6 and 9.

The application is therefore recommended for REFUSAL.

11. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/49/2018/C3 at 85 Leicester Street, Parkside SA 5063 for 'Change of use from vacant to hotel (to be used between the hours of 7am to 10pm, 7 days a week) is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The hours of use associated with the proposal would not be compatible with the surrounding residential properties, and in the absence of any mitigation measures, would result in an unreasonable increase in noise and disturbance, particularly within the more sensitive morning and evening hours.
- The proposal is thereby contrary to Residential Streetscape (Built Form) Zone Principle of Development Control 5; and Council Wide (Interface Between Land Uses) Principles of Development Control 6 and 9.

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

ITEM 7**DEVELOPMENT APPLICATION – 090/521/2018/C2 – 64 DOVER STREET, MALVERN 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/521/2018/C2
ADDRESS:	64 Dover Street, Malvern 5061
DATE OF MEETING:	16 October 2018
AUTHOR:	Julie Terzoudis
DEVELOPMENT PROPOSAL:	Demolition of existing shed, carport, rear verandah and lean-to. Construction of single storey rear extension including alfresco, attached carport on common boundary, & in-ground swimming pool with associated shed.
HERITAGE VALUE:	Contributory item
DEVELOPMENT PLAN:	19 December 2017
ZONE:	CONSERVATION ZONE AREA 6
APPLICANT:	B Sutton
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (one (1) opposed)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representation
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Impact on historic conservation area Streetscape impact, Building on boundary

1. PLANNING BACKGROUND

An application for a two storey rear extension with associated carport and swimming pool was submitted 31 March 2017. Subsequent public notification triggered the submission of two representations objecting to the proposed development. The application was withdrawn on 12 July 2018.

2. DESCRIPTION OF PROPOSAL

The application seeks planning consent for the following:

- Demolition of existing shed, carport, rear verandah and lean-to;
- Construction of single storey rear extension with lower ground cellar and an associated alfresco;
- Construction of carport on the common boundary; and
- Installation of an in-ground swimming pool.

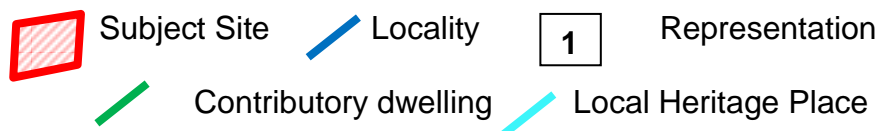
3. SITE DESCRIPTION

The subject site consists of a level, rectangular shaped allotment located between Unley Road and Rugby Street with primary frontage to Dover Street, and falls within the Residential Historic Conservation Zone. The allotment is orientated in a south to north direction and has a frontage width of 15.24m, a depth of 42.67m and an overall site area of 650m². The site has an existing vehicle crossover to Dover Street on the south western corner of the allotment. No restrictive easements have been applied to the land.

The site currently contains a single storey dwelling with additions, an attached garage and a shed to the rear.

Dover Street is lined with medium sized street trees. There are no Regulated or Significant trees on the allotment or within the immediate locality which could be impacted by the above proposal.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential. The allotment is located 60m to the east of the Mixed Use 3 Zone, which seeks to accommodate small scale offices, consulting rooms and residential development of a medium density up to two storeys in height.

Settlement Pattern/Dwelling Type

The existing use on the site is residential which would continue through the subject proposal. Almost all the allotments along Dover Street contain single storey detached dwellings, cottages or bungalows.

The majority of dwellings within the immediate locality are considered 'Contributory', with Local Heritage Place status applied to the dwelling at 68 Dover Street.

Fencing Styles

The majority of fencing in the immediate proximity of the subject site remains relatively low and open or consists of relatively low brush fencing. However, as Dover Street progresses towards the Mixed Use 3 Zone the range of primary fencing styles becomes more varied with higher fencing of a more enclosed nature.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to **Council's Heritage Architect** on 27 July & after amendments on 16 August to give direction as to whether the replacement building would make a comparable or more positive contribution than the character building to be demolished. The comments are summarised below:

27 July 2018

The subject dwelling is an Inter-War Tudor style dwelling. Of high integrity, it makes a positive contribution to the historic streetscape character and is consistent with the desired character for the area mentioned in Council's development plan.

Proposed alterations and additions to the rear of the dwelling will not impact on the streetscape appearance nor the contribution that the place makes to streetscape character and are therefore supportable.

The existing garage is an early structure but may have been built slightly later than the dwelling as it is a separate structure. While of early origins, it projects slightly forward of the dwelling, (which is not typical of vehicle garaging in the area), and its retention is not essential in maintaining the contribution that the dwelling makes to streetscape character. Its demolition is therefore supportable.

The proposed "carport" is more of a garage because it is enclosed by a front wall and garage door and side boundary fencing. It therefore presents to the streetscape as a relatively solid and prominent element.

This is inconsistent with relevant policy which seeks to maintain side setbacks and the space between dwellings (Zone PDCs 12 and 13 and Policy area Desired Character are relevant).

It is therefore recommended that the proposed garage be setback further, preferably around 3 metres from the front corner of the dwelling.

16 August 2018

The applicant is reviewing an alternative solution in the form of an open carport. An open carport is considered acceptable if the clearance height were lowered to around 2.1 to 2.2 metres and the structure was setback around 1.0 metre from the front corner of the dwelling.

To resolve the above concerns raised by Council's Architect, the applicant opted to retain the existing wall and front façade of the garage, and construct the remainder of the carport as an open timber structure behind. This ensures no alteration would be made to the existing streetscape or the original facade of the building. This design solution is supported by Council's Heritage Architect.

8. PUBLIC NOTIFICATION

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

66 Dover Street + (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Encroachment over boundary fence	The fence line in question we believe to already be inside our client's property as indicated on our site plan. We are proposing to build in relation to the boundary location and not the fence location. A boundary identification survey will be conducted before construction commences on site and therefore the relocation of the side fence is a civil matter between our client and the neighbour and should not have any bearing on council's decision.
Carport roof and addition roof overshadowing	The single storey and lower pitch of the roofs will not overshadow during the peak of the day due to the neighbour being on the western side of the property and the addition being one meter away from the side boundary. We do not believe this is an issue for planning consent.
600w eaves encroaching too close to the boundary	Although this is a BRC issue and should not have any impact to council's decision of Planning Consent, we have amended the plans to show a 500mm wide eave to this side of the addition to satisfy ERC.
Noise intrusion from the proposed pool pumps	The location of the pool pumps to the rear of the property is approximately 24m away from the rear of the neighbour's residence. We do not believe that there will be a noise pollution issue for the neighbour.
Drainage concerns to the rear of the property	The rear north/west corner of the property naturally falls away to approx. 600mm below the existing dwellings FFL. We have amended the

	plans to show a sump and pump in this location to be connected to the stormwater overflow to Dover St. Final details of the design will be included with BRC documentation.
Question of required retaining	No retaining is required to any boundaries as the existing site levels not being amended for the proposed addition.

(* denotes non-valid planning considerations)

9. **DEVELOPMENT DATA**

Site Characteristics	Dwelling Additions	Development Plan Provision
Total Site Area	650m ²	750m ²
Frontage	15.24m	15.0m
Depth	42.67m	
Building Characteristics		
Floor Area (addition)		
Basement Floor (Cellar)	35m ²	-
Ground Floor (including alfresco)	174m ²	-
Site Coverage		
Roofed Buildings	46.3% (347m ²)	≤50% of site area
Total Impervious Areas	51% (382m ²)	≤70% of site
Total Building Height		
From ground level	6.0m (max ridge height)	5.6m or 6.5m (PA)
Wall Height		
From ground level	3.7m	3.6m (PA)
Setbacks		
Ground Floor		
Front boundary (south)	8.5m	7.0m (PA)
Side boundary (west)	1.0m	Between 1.0m & 3.0m (PA)
Side boundary (east)	1.1m	Between 1.0m & 3.0m (PA)
Rear boundary (north)	11.4m	8.0m (CW)
Wall on Boundary - carport		
Location	Western Boundary	
Length	12.0m	≤12m if open structure
Height	2.8m on boundary rising to 3.0m	≤3m
Private Open Space		
Min Dimension	15m x 11m	≥4m minimum
Total Area	22% (165m ²)	≥20%

Car parking and Access		
On-site Car Parking	Two covered parking spaces and one tandem uncovered space provided	3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Covered on-site parking	2 covered spaces provided	≥2 car-parking spaces
On-street Parking	The proposal would not change the existing on-street parking	0.5 per dwelling
Driveway Width	No change from existing	3m Single
Carport Width	3.2m	≤6.5m or ≤30% of site width, whichever is the lesser
Carport Internal Dimensions	3.16m x 12.0m	Minimum 3m x 6m for single
Outbuilding – pool shed		
Wall Height	2.5m	≤3m
Total Height	2.7m	≤5m
Total Floor Area	4.5m ²	≤80m ² or 10% of the site, whichever is the lesser
Wall on boundary	Northern Boundary	-
Length	3.0m	<9.0m
Height	2.7	3.0m
Swimming Pool		
Total Area	4.40 x 8.20 = 36m ²	-
Setback (north)	2.17m	1.5m
Setback (west)	1.5m	1.5m
Colours and Materials		
Roof	Colourbond Roofing	-
Walls	Render brick and cladding	-
Fencing	Existing to remain	-

(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
OBJECTIVES 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>

Objective 2: *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.*

Objective 3: *Retention, conservation and enhancement of contributory items, and the complementary replacement or redevelopment of non-contributory buildings.*

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 rear alterations and additions proposed are set far back from the front boundary and would not be highly visible form in the streetscape, or impact the positive contribution that the contributory dwelling makes to the existing streetscape character.

The retention of the original garage façade ensures no change would occur to the existing presentation of the dwelling to the streetscape. An open timber carport would be constructed behind the façade allowing the conservation of the existing historic streetscape.

Relevant Zone Principles of Development Control	Assessment
PDC3/4 Contributory Items	The proposed development allows for the retention of the existing façade avoiding works which would impact on the characteristic elements. 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 would not be highly visible elements within the streetscape.
PDC12 Boundary Walls	The built form on one boundary consists of an open sided carport which would not fall under the main dwelling roof and would preserve the existing façade and streetscape.
PDC 13 Carports and Garages	Although the carport is not significantly set behind the principal elevation of the dwelling, the original garage façade is to be retained ensuring no change is made to the historic fabric. The carport structure would be of a low and open nature and considered a discrete form of development not integrated under the main roof.

Policy Area Desired Character and Principles of Development Control

Policy Area 6 - Spacious Unley And Malvern Trimmer Estate
Desired Character
<p><i>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.</i></p> <p><i>Development will:</i></p> <p><i>(a) conserve contributory items, in particular symmetrical and asymmetrical villas of Victorian and Turn-of-the-Century era and double-fronted cottages; and</i></p> <p><i>(b) be of a street-fronting dwelling format, primarily detached dwellings; and</i></p> <p><i>(c) maintain or enhance the predominant streetscapes and regular road and allotment patterns with:</i></p> <p><i>(i) dwelling sites typically of 15 metres in street frontages and with site areas of 750 square metres; and</i></p>

- (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 proposed development preserves the existing character of the contributory item and incorporates wall heights, roof heights and roof pitches of an appropriate order.

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC41 Overshadowing and Natural Light	<p>The carport is proposed as a single storey open structure with a maximum height of 2.7m extending to 3.0m maximum roof height on the western boundary. The proposed carport would extend in length 12.0m on the boundary, correlating with that considered acceptable for an open structure in the Development Plan.</p> <p>The scale and location of development on the boundary would not be considered to create any significant overshadowing or loss of light to the occupiers of the neighbouring dwelling at 66 Dover Street.</p>
PDC50 Swimming Pools and Outdoor Spas	The swimming pool is set at distances from the neighbouring boundaries considered appropriate within the Development Plan.

	The associated pool equipment is proposed to be located over 15.0m from any habitable windows. A condition will be placed on the planning consent to ensure the pool equipment is kept within a sound attenuated enclosure.
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11. DISCUSSION

In response to drainage concerns raised by the representor, the applicant has relocated a sump and pump in the north western corner of the allotment which will be connected to the stormwater overflow on Dover Street. Appropriate rainwater tanks in excess of that required within the City of Unley Stormwater Policy have also been added to the proposed development.

12. CONCLUSION

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

- The proposed development retains the contributory value of the heritage item and the historic significance of the streetscape.
- The proposed development would not result in any unreasonable impacts upon the amenity of neighbouring residents.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/521/2018/C2 at 64 Dover Street, Malvern 5061 for 'Demolition of existing shed, carport, rear verandah and lean-to. Construction of single storey rear extension including alfresco, attached carport on common boundary, and in-ground swimming pool with associated shed' is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure which is at least 5 metres from a habitable room window on an adjoining property prior to the operation of said equipment.

3. 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.
4. 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.
5. 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.
6. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

DECISION REPORT

REPORT TITLE: CONFIDENTIAL MOTION FOR ITEM 8 - PLANNING
APPEAL – ERD COURT ACTION NO ERD-18-118 –
Goodwood Oval, 1 Curzon Avenue, Millswood 5034
(D.A. 090/845/2017/C3)

ITEM NUMBER: 8

DATE OF MEETING: 16 October 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 16 October 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.