

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 22 January 2019 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.

Paul Weymouth
ASSESSMENT MANAGER

Dated 22/1/2019

ACKNOWLEDGEMENT

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

MEMBERS:

Mr Brenton Burman (Presiding Member),
Ms Nicole Dent
Mr Roger Freeman
Mrs Ann Nelson
Mrs Jennie Boisvert

APOLOGIES:

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED:

SECONDED:

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

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

22 January 2019

A G E N D A

Apologies
Conflict of Interest
Confirmation

Item No	Development Application	Page
1.	<u>67 East Avenue Clarence Park 641/2018</u>	3-24
2.	<u>40 Hill Street Parkside 640/2018</u>	25-43
3.	<u>33 George Street Parkside 754/2018</u>	44-63
4.	<u>45 Cheltenham Street Highgate 839/2018</u>	64-73
5.	<u>176 Greenhill Road Parkside 710/2018</u>	74-85
6.	<u>59 Marlborough Street Malvern 295/2018</u>	86-106
7.	<u>40 Marlborough Street Malvern 700/2018</u>	107-116
8.	<u>8 Cootra Avenue Fullarton 605/2017</u>	117-125
9.	<u>30 Maple Avenue Forestville 543/2018</u>	126-140

Any Other Business
Matters for Council's consideration

ITEM 1**DEVELOPMENT APPLICATION – 090/641/2018/C2 – 67 EAST AVENUE,
CLARENCE PARK 5034 (CLARENCE PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/641/2018/C2
ADDRESS:	67 East Avenue, Clarence Park 5034
DATE OF MEETING:	22 January 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Combined Application - Land Division - Torrens Title: Create 2 Allotments from 1; and carry out partial demolition, alterations and single storey additions including a verandah and replacement of existing roof to existing dwelling
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 9 – Spacious Precinct 9.1 – Clarence Park
APPLICANT:	Giberan Superannuation Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (One oppose + Two support)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Undersized allotments Pattern of settlement Impact to streetscape

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to:

- Demolish the rear dwelling addition and freestanding garage;
- Carry out alterations and additions to the existing dwelling including the construction of a verandah; and
- Subdivide one (1) Torrens title allotment into two (2) Torrens title allotments.

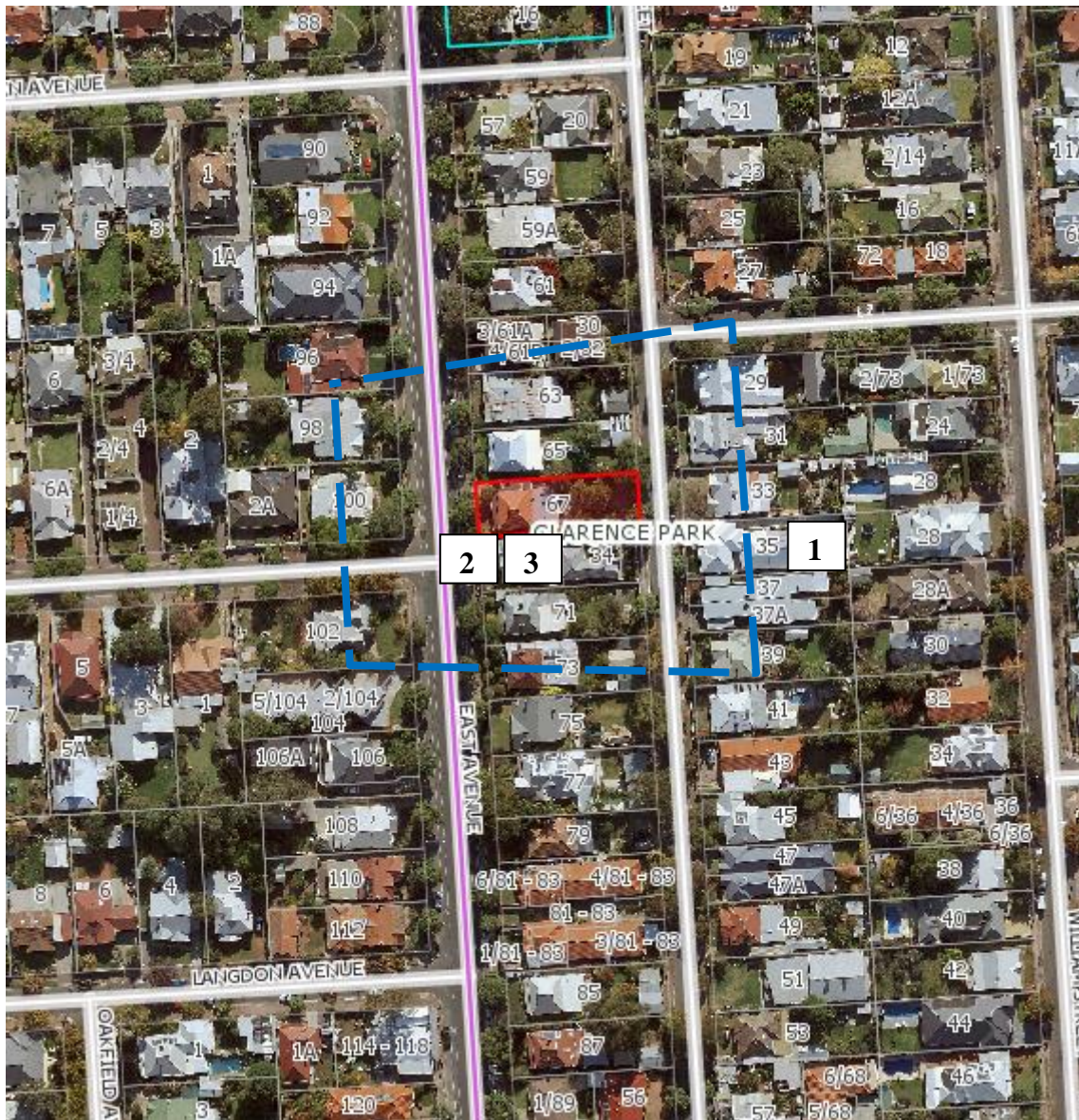
3. SITE DESCRIPTION

The subject site consists of Allotment 27 on DP676. The allotment is rectangular in shape with an east –west orientation. The allotment has an area of 697m², a frontage of 15.24 metres and a depth of 45.72 metres.

The site contains a single storey detached dwelling with a front verandah, carport and freestanding shed along the rear boundary. The dwelling fronts onto East Avenue however the rear eastern boundary is to Frederick Street. There is one vehicle crossover to East Avenue and two crossovers to Frederick Street.

There are no easements or 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 predominant allotment pattern within the wider area is rectangular allotments of approximately 700m² in area. There is however some variation to the allotment pattern with a number allotments subdivided into smaller lots.

The allotments located between East Avenue and Frederick Street (like the subject site) generally have dwellings that front onto East Avenue and have garages/ rear access from Frederick Street.

Dwelling Type / Style and Number of Storeys

The predominant dwelling type is single storey detached dwellings however there is also a mix of semi-detached and residential flat buildings up to a height of two storeys.

Fencing Styles

The fencing styles along East Avenue and the eastern side of Frederick Street are generally low and open in design. On the western side of Frederick Street, fencing tends to be solid, corrugated iron fencing up to 1.8 metres in height. This is likely due to Frederick acting as the rear boundary for a majority of those properties along the western side of Frederick Street.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

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

35 Frederick St, Clarence Park (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
It will create more traffic and parking issues on a narrow street	The current dwelling provides for car parking via both East Avenue (this car parking area is to be retained) and further parking is currently afforded via a rear gate and an additional carport. The proposed works will enable the existing dwelling to continue to provide vehicular access via East Avenue, with the car-parking rate complying in full with Table Un/5. No car parking or traffic concerns will result from the dwelling

	<p>additions and the existing dwelling.</p> <p>In considering the impact of the land division and a future dwelling, it is reasonable to assume that the dwelling will comply with the quantitative provisions of Table Un/5 seeking 2 to 3 off street car parks, again reinforced by the indicative dwelling. There is also potential to close one of the existing crossovers to allow for increased on street parking opportunities.</p>
<p>The argument of varied allotment pattern is incorrect as only a small number of allotments have been subdivided and those predate existing Development Plan policies</p>	<p>On review of PDC 17, this principle recognises a historic allotment size of a minimum of 700m² within Precinct 9.1, whilst an allotment width of 15 m is also noted. However, it is evident that PDC 17(a) is not intended to be read in isolation, with PDC 17(c) recognizing variance within the locality and an ability for site areas to be considered within this context, and not constrained by PDC 17(a) where appropriate.</p> <p>The dual street frontages enjoyed by the allotments located amongst East Avenue and Frederick Street have resulted in multiple orderly land divisions, notably located at 69 East Avenue and 34 Frederick Street (adjoining the subject site) and also at 61A and 61B East Avenue and 30 and 32 Frederick Street, located 35 metres to the north of the subject site.</p>
<p>Increase density and decrease the sense of spaciousness along Frederick Street</p>	<p>It is reasonable to assume that the proposed land division will lead to a future application for a dwelling. As this stage no dwelling forms part of the application, however the indicative dwelling provides guidance on how a future dwelling will likely achieve Development Plan provisions.</p>

	<p>The proposal will assist in achievement of the policies expressed within the Zone which seek for the removal of discordant development and the improvement of the streetscape. The proposal will enable activation of a street frontage, the removal of excessive vehicle crossovers, ensure landscaping and open fencing within an 'unsightly' portion of Frederick Street.</p>
<p>It is suggested that the indicative dwelling plans are there to mislead or deceive neighbours as to what the consequences of the land division could be.</p>	<p>Upon request from Council, the applicant provided an indicative dwelling to detail the suitability of the future allotment, with it now very clear that the proposed allotment is able to provide for a future dwelling which is able to achieve the provisions pertinent to the Residential Streetscape (Built Form) Zone.</p> <p>I submit that there has been no attempt to mislead or deceive neighbours. This aspect of the representation is poorly made and does not diminish the planning merit of the proposed development.</p>
69 East Ave, Clarence Park (support subject to conditions) x 2	
ISSUES RAISED	APPLICANTS RESPONSE
<p>We feel it is important to maintain the streetscape and character of the area and welcome the decision to use recycled red brick to match the existing brick work.</p>	<p>The applicant confirms they will utilise reclaimed red brick for the wall that is located on the side boundary shared with 69 East Avenue.</p>
<p>*We have a water feature and landscaping allocated on the boundary and as such wish to work with the builders/ developers to discuss options and ensure our property is not damaged.</p>	<p>The owners of 67 East Avenue are willing to co-operate with the adjoining property owner to ensure the water feature and bamboo is not damaged during the building process. The applicant is appreciative of the representatives' welcoming approach in dealing with the delicate matter of building 'on boundary'.</p>

(* denotes non-valid planning considerations)

It is noted that further correspondence has been received from the applicant advising that direct discussions have taken place with the neighbours at 69 East Avenue and that the neighbours:

- Are happy with the recycled red brick as specified for the dwelling addition wall on boundary;
- The bamboo' as noted in the representation could be removed or cut back and allowed to regrow if access is required during construction to enable a quality finish to the brickwork.

9. ADMINISTRATION NEGOTIATIONS

Upon lodgement of the application, the applicant made it clear that no new dwelling is to be proposed as part of this 'combined application'. References to the 'Kokkotos principle' and court matters *Kokkotos v City of Mitcham* [2000] SAERDC 13 and *Gatea v City of Burnside* [2005] SAERDC 1 were also made. The applicant advised that in determining whether the land in question is suitable for division into separate residential allotments is one that is undertaken "in a generic, rather than particular, sense". Furthermore it was surmised that the 'test' should not be at this stage to define in a specific sense a dwelling design on the proposed allotment, but rather to determine whether the proposed site can generally accommodate a future dwelling consistent with the intended purpose for which it is to be created.

Council Administration acknowledges the applicants discussion above however an indicative dwelling plan was requested given the detailed design principles for development (particularly new dwellings) within the Residential Streetscape (Built Form) Zone. This Zone not only seeks residential development but residential development that 'exhibit streetscape attributes consistent with the desired character'. As streetscape attributes include rhythm of building sitings, setbacks and gaps between buildings, the indicative dwelling demonstrates these elements as well as the potential design.

10. DEVELOPMENT DATA

Site Characteristics	Land Division + Dwelling Alterations & Additions	Development Plan Provision
Total Site Area	Lot 1 - 349m ²	700m ²
	Lot 2 - 349m ²	
Frontage	Lot 1 - 15.24m	15m
	Lot 2 - 15.24m	
Depth	Lot 1 – 22.9m	20m
	Lot 2 – 22.9m	
Building Characteristics		
Floor Area		
Ground Floor	170m ²	
Site Coverage		
Roofed Buildings	55%	<input type="checkbox"/> 50% of site area
Total Impervious Areas	86% (max)	<input type="checkbox"/> 70% of site <input type="checkbox"/>

Site Characteristics	Land Division + Dwelling Alterations & Additions	Development Plan Provision
Setbacks		
Ground Floor		
Front boundary (west)	As existing	Same distance as the adjoining dwelling with the same street frontage
Side boundary (north)	3.88m – as existing	On boundary or 1.0m (on boundary on one side only)
Side boundary (south)	0m	On boundary or 1.0m (on boundary on one side only)
Rear boundary (east)	0.9m	5m
Wall on Boundary		
Location	Southern Boundary	
Length	5.4m (23.6%)	□9m or □50%□ of the boundary length, whichever is the lesser
Height	3.365m	□3m above ground level
Private Open Space		
Min Dimension	8m x 6m	□4m minimum
Total Area	60m² (17.2%)	□20%
Car parking and Access		
On-site Car Parking	2 spaces	2 per dwelling where less than 4 bedrooms or 250m ² floor area
Covered on-site parking	1 space	□1 car parking space
Colours and Materials		
Roof	Roof to be replaced with Colorbond sheeting – Colour: Woodland Grey	
Walls	Recycled red brick	

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape (Built Form) Zone
<p><i>Objective 1: Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</i></p> <p><i>Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</i></p> <p><i>Objective 4: Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.</i></p>
Desired Character
<p>Streetscape Value</p> <p><i>The zone is distinguished by those collective features (termed “streetscape attributes”) making up the variable, but coherent streetscape patterns characterising its various policy areas and precincts. These attributes include the:</i></p> <p><i>(a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and</i></p> <p><i>(b) allotment and road patterns; and</i></p> <p><i>(c) landscape features within the public road verge and also within dwelling sites forward of the building façade; and</i></p> <p><i>(d) scale, proportions and form of buildings and key elements.</i></p> <p>Streetscape Attributes</p> <p><i>It is important to create high quality, well designed buildings of individuality and design integrity that nonetheless respect their streetscape context and contribute positively to the desired character in terms of their:</i></p> <p><i>(a) siting —open style front fences delineate private property but maintain the presence of the dwelling front and its garden setting. Large and grand residences are on large and wide sites with generous front and side setbacks, whilst compact, narrow-fronted cottages are more tightly set on smaller, narrower, sites. Infill dwellings ought to be of proportions appropriate to their sites and maintain the spatial patterns of traditional settlement; and</i></p> <p><i>(b) form – there is a consistent and recognisable pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and forms associated with the various architectural styles. Infill and replacement buildings ought to respect those traditional proportions and building forms; and</i></p> <p><i>(c) key elements – verandahs and pitched roofs, the detailing of facades and the use of traditional materials are important key elements of the desired character. The use of complementary materials, careful composition of facades, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements assist in complementing the desired character.</i></p>
Assessment

The streetscape character of the locality is best described in two parts. The first part of the streetscape is that to East Avenue. It is evident that when this land was originally developed, the allotments contained dwellings that were to front onto East Avenue and gain rear access from Frederick Street. The eastern side of East Avenue is therefore fairly coherent with a majority of the allotments retaining character style dwellings. There are however some variations to this, which are likely to be dwellings/ development that occurred at a later stage.

As the western side of Frederick Street was used as rear access/ rear boundary for the East Avenue properties, it is quite apparent that the streetscape is in discord with the desired character. The streetscape is dominated by outbuildings, corrugated iron fencing and large crossovers. Essentially the western side of the street appears like a rear access laneway. The eastern side of Frederick Street however is quite different given the street-fronting dwellings that address it.

The proposed alterations and additions to the existing dwelling will have minimal impact to the streetscape of East Avenue as the additions will be located to the rear. The only notable change will be the roof replacement, however the roof form and height will not be altered.

By proposing to subdivide the land to create a new allotment to rear, this will provide an opportunity for a dwelling to be designed that fronts onto Frederick Street. Changing the streetscape from the current iron fence and garage to a dwelling is a vast and positive improvement that will continue the desired infill development pattern.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 2 <i>Development should comprise:</i> (a) <i>alterations and/or additions to an existing dwelling; and</i> (b) <i>ancillary domestic-scaled structures and outbuildings; and the adaptation of, and extension to, a building to accommodate and care for aged and disabled persons, or for a multiple dwelling or residential flat building; and</i> (c) <i>selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and</i> (d) <i>Replacement of a building or site detracting from the desired</i></p>	<p>The proposed development satisfies PDC 2(a) and (c), as it involves alterations and additions to an existing dwelling as well as subdivision of the existing allotment to allow for a further street fronting dwelling.</p>

Relevant Zone Principles of Development Control	Assessment
<i>character of a precinct with respectful and carefully designed building(s).</i>	
<p>PDC 4 <i>Alterations and additions to a building should be located primarily to the rear of the building and not be visible from the street or any public place unless involving the dismantling and replacement of discordant building elements so as to better complement the building's original siting, form and key features.</i></p>	<p>The proposed alterations and additions to the dwelling will replace an existing addition located at the rear of the existing dwelling. The only notable difference to the street will be the roof, which is to be replaced and extended so that the rear addition is located under the main roof.</p>
<p>PDC 7 <i>Demolition of portion only of a building should only be undertaken where it does not involve the essential built form, characteristic elements, detailing and materials of the front or visible sides of the building as viewed from the street or any public place.</i></p>	<p>The applicants seeks to remove the existing rear addition, which does not form part of the essential built form of the character style dwelling when viewed from the street.</p>
<p>PDC 17 – Land Division <i>Land should only be divided:</i></p> <ul style="list-style-type: none"> <i>(a) on a detached dwelling site - where the resultant allotment(s) conform with the minimum street frontage and site area set out in the desired character; or</i> <i>(b) on a site of other dwelling types - to give separate title to approved dwelling(s) site(s) (including any common land of a community land division) upon which the dwelling construction or conversion has been substantially commenced; or</i> <i>(c) in those parts of the zone where the prevailing settlement pattern is clearly at variance with the desired character of the respective policy area - where the resultant allotment(s) are consistent with those in the locality, providing the allotment(s) provide for dwellings of street-fronting format and the building</i> 	<p>The existing allotment currently conforms to the described predominant allotment area and width for Precinct 9.1 – Clarence Park. By proposing to subdivide the site, the two resulting allotments will have an area that falls well short of the predominantly allotment size of 700m².</p> <p>As the two proposed allotments are Torrens Title, one including the existing detached dwelling, it is deduced that the new vacant allotment will contain a detached dwelling, therefore PDC 17 (b) does not apply.</p> <p>The applicant has submitted to Council that the land division should be assessed against Zone PDC 17 (c). In undertaking an assessment of the settlement pattern within the locality of the subject site, it is noted that:</p> <ul style="list-style-type: none"> • the allotments to the west of East Avenue fall within a different zone and are fairly varied in size;

Relevant Zone Principles of Development Control	Assessment
<p><i>settings and proportions which reinforce the desired character.</i></p>	<ul style="list-style-type: none"> • residential allotments along East Avenue vary greater in width and area with some small patterns of consistency throughout; • The road layout has resulted in the land between Frederick Street and East Avenue being unique in that it is only approximately 45 metres wide, instead of 90 metres wide to allow for two allotments back to back; • Of the 29 parcels of land that are located between Frederick Street and East Avenue, 11 do not conform quite obviously to either the minimum site area or frontage; • Outside of the above and within a 100 metre radius of the subject site, there are approximately 15 properties that also do not conform to the minimum street frontage and site area. <p>At the very minimum, over a third of the properties within the locality are at variance with the minimum site area. Whilst this is not the majority, it is still a rather substantial amount. It is considered that this amount of variance lends the proposed land division to having sufficient merit to also deviate from the described predominant allotment size.</p>

Policy Area Desired Character

Policy Area 9 - Spacious
Desired Character
<p><i>The streetscape attributes include the:</i></p> <ul style="list-style-type: none"> (a) <i>low scale building development;</i> (b) <i>spacious road verges and front and side building setbacks from the street;</i> (c) <i>forms and detailing of the predominant architectural styles (variously Victorian and Turn-of-the-Century double-fronted cottages and villas, and Inter-War era housing, primarily bungalow but also tudor and art deco and complementary styles); and</i> (d) <i>varied but coherent rhythm of buildings and spaces along its streets.</i> <p><i>Development will:</i></p> <ul style="list-style-type: none"> (a) <i>be of a street-front dwelling format, primarily detached dwellings; and</i>

(b) maintain or enhance the streetscape attributes comprising:

(i) siting - the regular predominant subdivision and allotment pattern, including the distinctive narrow-fronted sites associated with the various cottage forms (found only in the Unley (North) and Wayville Precincts). This produces a streetscape pattern of buildings and gardens spaces set behind generally open fenced front boundaries. Street setbacks are generally 6 to 8 metres and side setbacks consistently no less than 1 metre and most often greater, other than for narrow fronted cottages. Such patterns produce a regular spacing between neighbouring dwellings of generally between 5 metres and 7 metres (refer table below); and

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

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

Precinct	Predominant Architectural Style	Predominant Allotment Size		Predominant Setbacks			
		Area	Width	Street setbacks	Minimum side setbacks	Collective side setbacks†	
9.1 Clarence Park	Cottages, Villas, Bungalows, Tudor and Art Deco	700m ²	15m	7.0m	1.0m	6.0m	

Assessment

The applicant seeks to carry out alterations and addition to an existing dwelling (Cottage style dwelling). These will be largely located to the rear and will maintain the form and presentation of the existing dwelling to street as desired by Policy Area 9.

The applicant also seeks to subdivide the land resulting in two allotments, one to contain the existing dwelling to East Avenue and the other to present to Frederick Street. The two allotments will have a frontage width of 15.24 meters and therefore maintain the described allotment pattern when viewed from the street. The two allotments however will result in site areas, half of that described as the predominant allotment size. The allotment pattern within this specific locality however is rather varied. The allotments will however be capable of containing dwellings of appropriate form and detailing that will enhance the desired character.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 9, 10, 12, 19, 20, 21
Land Division	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14
Residential Development	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 13, 14, 15, 16, 17, 19, 20, 23, 24, 32, 33, 34, 35, 36, 37, 41, 45

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 2 – Site Dimensions and Configurations	<ul style="list-style-type: none"> • It has been demonstrated that both of the proposed allotments are capable of containing a dwelling with private open space and vehicle parking, that can positively reinforce the desired character of the respective Zone; • The existing dwelling will maintain its front setback to East Avenue; • The rear allotment will be of the same size as that site directly south. This site further demonstrates that a dwelling of suitable size and form is able to be sited on the proposed allotment; • The Frederick Street allotment will not be out of context with the surrounding pattern of settlement; • A future street-fronting dwelling to Frederick Street will vastly improve the current streetscape character.
PDC 13 – Rear Boundaries	<p>Given the proposed land division, the addition to the existing dwelling will not satisfy the rear boundary setback provisions of PDC 13, being a 5-metre setback. It is argued however that:</p> <ul style="list-style-type: none"> • The proposed allotment to the east is vacant and therefore any developer of this site will be aware of the reduced rear setbacks; • The rear setbacks are consistent with other properties between Frederick street and East Avenue that have been divided, including the land directly south; • The existing addition is extended further back along the property and therefore the massing and overshadowing impacts to adjacent dwellings to both the north and south will be no different.

<p>PDC 14 – Side & Rear Boundaries</p>	<p>The proposed addition is to be located along part of the southern side boundary. The length of the boundary wall satisfies PDC 14 in that it is less than 9 metres in length. The height of the wall on boundary however exceeds 3m when measured from ground level. In assessing the merits of this wall it is noted that:</p> <ul style="list-style-type: none"> • the wall has a height that allows the addition to have a ceiling height and floor level that matches that of the existing dwelling; • proposed wall on the boundary meets all other requirements of PDC 14; • the owner has been in early discussions with the affected neighbour in relation to a water feature and bamboo, to ensure that minimal impact to these neighbours is made in terms of damage etc.; • the wall will be finished in recycled red brick; • the wall only accounts for 23 per cent of the new southern boundary of proposed Lot 1. <p>As such it is considered that this boundary wall will have limited impact to the adjacent neighbour.</p>
<p>PDC 17 – Site Coverage</p>	<p>Given the proposed land division, the existing dwelling including the proposed additions will now exceed 50 percent site coverage and will have more than 70 percent of site as impervious areas. In reference to PDC 16 however it is noted that:</p> <ul style="list-style-type: none"> • The dwelling meets the front and side setback provisions; • the land will not appear overdeveloped and the proposal is not considered excessive; • space is provided for private open space and landscaping, storage and clothes drying areas; • given the orientation of the site, the dwelling will have sufficient access to northern sunlight; • the relevant provisions for pedestrian and vehicle access and parking have been satisfied; • 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; • the proposed site coverage will be similar to that of a number of properties within the

	<p>area (if not less) and therefore is not out of character with the locality;</p> <p>It is considered that the proposed site coverage, particularly that of the roofed buildings, is acceptable.</p>
PDC 19 & 20 – Private Open Space	<p>Given the proposed land division, the proposed allotment of the existing dwelling will fail to meet the minimum private open space provisions as per PDC 20. In reference to PDC 19 however it is noted that:</p> <ul style="list-style-type: none"> • the private open space is inclusive of suitably sized ‘alfresco area’ that is orientated to the north to maximise its usage during the winter months; • the calculation is not inclusive of the fairly generous front garden and landscaping areas; • there is area for landscaping along the boundaries; • there is sufficient area for pedestrian access and rainwater tanks etc.; • the private open space that is provided is functional and is capable of being utilised for a range of entertainment and domestic activities; • the private open space area is consistent with that of the allotments of similar size within the locality.

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 pattern of settlement is considered to be at variance with that described for Precinct 9.1 and therefore the proposed land division will be consistent with those in the locality;
- The proposed Frederick Street allotment is capable of containing a dwelling that will enhance the streetscape of Frederick Street;
- The proposed Frederick Street allotment is capable of containing a dwelling that can be designed to have sufficient regard to desired form and siting of the Residential Streetscape (Built Form) Zone;
- The proposed alterations and additions to the existing dwelling will not be conspicuous within the streetscape of East Avenue;

- The dwelling additions are appropriately designed and sited to support the desired character of the Residential Streetscape (Built Form) Zone and Spacious Policy area;
- The wall on boundary is limited in length and has a height that complements that of the existing dwelling and its associated floor levels.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/641/2018/C2 at 67 East Avenue, Clarence Park 5034 for 'Combined Application - Land Division - Torrens Title: Create 2 Allotments from 1; and carry out partial demolition, alterations and single storey additions including a verandah and replacement of existing roof to existing dwelling', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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

LAND DIVISION CONSENT CONDITIONS:

3. That the existing rear dwelling addition (as per Glasshouse Drawing No PL101, Rev A) and garage be demolished prior to the issue of the Section 51 Certificate by the State Commission Assessment Panel. (All demolition is subject to separate Development Approval.)

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

STATE COMMISSION ASSESSMENT PANEL CONDITIONS are as follows:

- The financial requirements of SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0076110).

The alteration of internal drains to the satisfaction of SA Water is required.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

- Payment of \$7253 into the Planning and Development Fund (1 allotment(s) @ \$7253/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 Department of Planning, Transport and Infrastructure marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
- A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certification purposes.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- The applicant 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 granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.

- 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.

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

ITEM 2**DEVELOPMENT APPLICATION – 090/640/2018/C2 – 40 HILL STREET,
PARKSIDE SA 5063 (PARKSIDE)**

DEVELOPMENT APPLICATION NUMBER:	090/640/2018/C2
ADDRESS:	40 Hill Street, Parkside SA 5063
DATE OF MEETING:	22 January 2019
AUTHOR:	Brendan Fewster
DEVELOPMENT PROPOSAL:	Construct alterations and additions to dwelling, including an upper storey, carport, verandah, front gates and removal of front fence
HERITAGE VALUE:	Non-Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 8 – Compact Precinct 8.4 – Parkside (South)
APPLICANT:	Hamish & Alison Mount
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (3 received - 1 support and 2 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Building bulk and mass Streetscape character Amenity impacts

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The proposal is for the construction of additions to the rear of an existing dwelling that include a new upper storey. The additions comprise new ground floor living areas, a kitchen, bathrooms and a covered alfresco area. The additions are designed with a series of flat roofs behind parapet walls and materials that include fibre cement and brick wall cladding and aluminium frame windows and doors.

A flat roof carport is to be constructed along the western side of the existing dwelling. The carport would be located one metre behind the main front wall of the dwelling and 1.1 metres from the side boundary. A two metre high timber panel gate/fence is to be erected in front of the proposed carport for security purposes and the existing front wire fence is to be removed.

3. SITE DESCRIPTION

The subject land is a residential allotment located at 40 Hill Street, Parkside. The allotment is a rectangular shape with a frontage width of 18.29 metres and a total area of 665m².

The land is naturally flat and does not contain any regulated trees.

Currently occupying the land is a single storey symmetrical cottage that was built in the early 1900's. There is also a garage located on the side and rear boundaries.

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. LOCALITY DESCRIPTION

Land Use

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

Land Division/Settlement Pattern

The original allotment layout and development pattern is largely intact. Allotments are rectangular in shape with road boundary setbacks that are relatively consistent, particularly on the northern side of Hill Street.

Dwelling Type / Style and Number of Storeys

There are several modern dwellings in amongst traditional cottages and villas. Although dwellings are typically detached and single storey, there are maisonettes on either side of the subject land and a modern dwelling with an upper storey immediately opposite.

Fencing Styles

Fencing styles and heights are varied and include solid brick, low timber pickets, masonry pillars and aluminium panels.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Council's Heritage Advisor as the proposal relates to a character dwelling (non-contributory). The heritage advice is summarised as follows:

The amendments are positive in that they reduce the streetscape impact of the proposed additions so that they are sufficiently "inconspicuous" in the streetscape. Further information regarding the carport structure indicates that proposed materials, finishes and structure are compatible with the dwelling. In accordance with previous advice, the proposed carport has been setback 1.0 metre from the front corner of the dwelling. The proposed alterations and additions are supportable in relation to heritage impact. The proposed replacement of the existing non-historic front fence with soft landscaping is acceptable.

8. PUBLIC NOTIFICATION

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

42 Hill Street, Parkside (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Height of chimney and overshadowing of existing windows	The chimney is lower than the existing roof ridgeline and the existing chimney height
Queries regarding boundary fencing when garage is removed	A new good neighbour fence will replace the garage wall. The height and finish of the fence will be determined between neighbours under the Fences Act
Soft landscaping should be provided along western fence line	Additional landscaping is to be provided – refer to updated drawing
43 Hill Street, Parkside (support)	
ISSUES RAISED	APPLICANTS RESPONSE
The proposal is in keeping and is tasteful	No response provided
38B Hill Street, Parkside (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Overshadowing and accuracy of shadow diagrams	The development will cast some shadow over 38B Hill Street in late summer afternoons when the sun is at its harshest. The development will provide solar protection to 38B Hill Street
Impact on amenity of adjoining garden	As above
Clarification needed regarding building dimensions on eastern side	The height of the new parapet will be 150mm above the existing roofline on the eastern side
Overlooking	The privacy screening provided will obscure an potential downward views of the adjacent property

(* denotes non-valid planning considerations)

9. ADMINISTRATION NEGOTIATIONS

The following amendments were made to the original proposal in response to the representations and concerns raised by Council staff:

- The height of the upper storey reduced from 6.9 metres to 6.6 metres (300mm reduction);

- Front of the carport setback one metre behind the main face of the dwelling;
- Provision of rainwater tanks for stormwater retention and detention; and
- Landscaping and fencing to replace the existing garage along the western side boundary.

10. DEVELOPMENT DATA

Site Characteristics	Dwelling Additions and carport	Development Plan Provision
Total Site Area	665m ²	Existing allotment
Frontage	18.29m	Existing allotment
Depth	36.58m	Existing allotment
Building Characteristics		
Floor Area		
Ground Floor	248m ²	
Upper Floor	120m ² 48% of ground floor	□ 50% of ground floor
Site Coverage		
Roofed Buildings	48%	□ 50% of site area
Total Impervious Areas	65% approx.	□ 70% of site □
Total Building Height		
From ground level	6.9m	
Setbacks		
Ground Floor		
Front boundary (south)	6m - carport	Behind main face of dwelling
Side boundary (east)	1.25m	1m
Side boundary (west)	1.1m	1m
Rear boundary (north)	8m	5m
Upper Floor		
Front boundary (south)	12.25m behind primary street facade	Behind primary street facade
Side boundary (east)	3m	3m
Side boundary (west)	6.7m excluding chimney	3m
Rear boundary (north)	8m	8m
Private Open Space		
Min Dimension	10m	□ 4m minimum
Total Area	190m ² (29%)	□ 20%
Car parking and Access		
On-site Car Parking	3 spaces total	3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Covered on-site parking	2 spaces	□ 1 car parking space
Driveway Width	Existing	3m Single
Garage/Carport Width	3.2m	□ 6.5m or □ 30% of site width, whichever is the lesser

Garage/ Carport Internal Dimensions	3.2m x 10.5m	3m x 6m for single 5.8m x 6m for double
Colours and Materials		
Roof	Light Grey	
Walls	Brick & Fibre Cement	
Fencing	Timber Panels	

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

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

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

- (b) form - there is a consistent and recognisable pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and forms associated with the various architectural styles. Infill and replacement buildings ought to respect those traditional proportions and building forms; and*
- (c) key elements - verandahs and pitched roofs, the detailing of facades and the use of traditional materials are important key elements of the desired character. The use of complementary materials, careful composition of facades, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements assist in complementing the desired character.*

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

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

Assessment

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

The proposal comprises additions to the rear of an existing dwelling that include a new upper storey located behind the existing ridgeline. Although the building design would not match the historic style and appearance of the dwelling, the upper storey has been carefully designed with a low roof profile, a simple modern form and a complementary material palette. Council's Heritage Advisor has confirmed that the proposed additions would be *“sufficiently inconspicuous in the streetscape”*.

The inconspicuous appearance of the additions and carport within the streetscape would ensure that the built form and spatial characteristics of the locality are sufficiently maintained. The proposal is therefore considered to be consistent with the objectives and desired character for the zone.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 2 <i>Development should comprise:</i> <i>(a) alterations and/or additions to an existing dwelling; and</i> <i>(b) ancillary domestic-scaled structures and outbuildings; and</i> <i>(c) the adaptation of, and extension to, a building to accommodate and care for aged and disabled persons, or for a multiple dwelling or residential flat building; and</i> <i>(d) selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and</i> <i>(e) replacement of a building or site detracting from the desired character of a precinct with respectful and carefully designed building(s).</i></p>	<p>The proposed dwelling additions and alterations are ancillary and subordinate to the existing dwelling. The proposal therefore would not change the existing residential use of the land.</p> <p>PDC 2 of the Residential Streetscape (Built Form) Zone envisages dwelling alterations, outbuildings and other domestic structures. The proposed additions and alterations are an orderly and desirable form of development within the Zone.</p>
<p>PDC 3 <i>Development should retain and enhance the streetscape contribution of a building by:</i> <i>(a) retaining, refurbishing, and restoring the building; and</i> <i>(b) removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</i> <i>(c) avoiding detrimental impact on the building's essential built form, characteristic elements, detailing and materials as viewed from the street or any public place (ie only the exposed external walls, roofing and chimneys, verandahs, balconies and associated elements, door and window detailing, and original finishes and materials of the street façade); and</i> <i>(d) altering or adding to the building and carrying out works to its site only in a manner which maintains its streetscape attributes and contribution to the desired character, and responds, positively to the streetscape context of its locality in terms of the:</i> <i>(i) rhythm of buildings and open spaces (front and side setbacks) of building sites; and</i></p>	<p>The proposal will not alter the front façade of the original circa 1880's cottage.</p> <p>The proposal will however remove a rear lean-to that is considered a discordant building element as it does not form part of the original fabric of the dwelling. Some internal improvements will be made and a timber panel gate is to be erected on either side of the dwelling for security purposes. The height and style of the fencing and timber materials would be complementary to the dwelling façade.</p>

Relevant Zone Principles of Development Control	Assessment
<p>(ii) <i>building scale and forms (wall heights and proportions, and roof height, volumes and forms); and</i></p> <p>(iii) <i>open fencing and garden character; and</i></p> <p>(iv) <i>recessive or low key nature of vehicle garaging and the associated driveway.</i></p>	
<p>PDC 4 <i>Alterations and additions to a building should be located primarily to the rear of the building and not be visible from the street or any public place unless involving the dismantling and replacement of discordant building elements so as to better complement the building's original siting, form and key features.</i></p>	<p>The proposed additions are located to the rear of the dwelling, and while the upper storey would be visible from the street, the main building mass would be concealed by the existing roofline. The siting of the addition approximately 18 metres from the road frontage would also minimise views of the addition within the streetscape.</p>
<p>PDC 9 <i>Development should present a single storey built scale to the streetscape. Any second storey building elements should be integrated sympathetically into the dwelling design, and be either:</i> <i>(a) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street; or</i> <i>(b) set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.</i></p>	<p>As the original façade of the dwelling would be retained and the proposed upper storey addition is to be set well behind the primary street façade, the overall scale and massing of the additions would not adversely impact upon the streetscape. Similarly, the additions would be well removed from side and rear boundaries so as to maintain the visual and spatial amenity of neighbouring properties.</p> <p>Council's Heritage Advisor has also confirmed that the proposed additions would be "<i>sufficiently inconspicuous in the streetscape</i>".</p> <p>The design, siting and overall size of the additions are considered to satisfy PDC 9 of the Residential Streetscape (Built Form) Zone.</p>
<p>PDC 14 <i>A carport or garage should form a relatively minor streetscape element and should:</i> <i>(a) be located to the rear of the dwelling as a freestanding outbuilding; or</i></p>	<p>The proposed carport would form a minor element within the streetscape by virtue of its siting behind the primary façade of the dwelling and open and lightweight timber frame design.</p>

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

Policy Area Desired Character

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

produces an intimate streetscape with a compact building siting and low scale built character with generally low and open style fencing and compact front gardens. Street setbacks are generally of some 6 metres and side setbacks are consistently of 1 metre or greater, other than for narrow, single-fronted and attached cottages producing a regular spacing between neighbouring dwellings of generally 3 to 5 metres (refer table below); and

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

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

Assessment

The desired character for the policy area seeks to ensure that the streetscape attributes are retained and enhanced. The predominant streetscape attributes within the locality include single storey detached dwellings with road frontage, modern and conventional dwelling styles amongst several traditional cottages and villas, and relatively consistent road boundary setbacks. Fencing styles and heights are also varied and comprise solid brick, low timber pickets, masonry pillars and aluminium panels.

As considered above, the proposed additions are set well back from the front of the dwelling and are designed with a low roof profile and simple modern form. This would sufficiently maintain the low building scale of the existing dwelling. The dwelling immediately opposite the subject land at no. 43 Hill Street incorporates a similar two storey building element that is designed and sited in a manner that maintains a low scale built character.

Relevant Council Wide Objectives and Principles of Development Control

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

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

Public Notification	PDCs	1
Residential Development	Objectives	1, 2, 4
	PDCs	1, 5, 6, 7, 13, 14, 15, 16, 17, 19, 20, 23, 24, 32, 33, 34, 35, 36, 37, 40, 41, 42

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 13 & 14 – Side and Rear Boundary Setbacks	Based on the height of the proposed additions, Council Wide PDC 13 recommends minimum side boundary setbacks of 1 metre and 3 metres for the ground and upper levels respectively. The proposal generally satisfies the side setback requirements with the exception of a brick clad chimney that is 6 metres in height and located within 900mm of the western side boundary. Given that the chimney is only 2 metres wide, the visual impact upon the adjoining property would not be significant. The rear setback of 8 metres also satisfies Council Wide PDC 13.
PDC 16 & 17 – Site Coverage	Council Wide PDC 17 prescribes a total roofed area of 50 percent of the area of the site. The proposed development will result in roofs covering approximately 48 percent of the site, which is acceptable.
PDC 19 & 20 – Private Open Space	Approximately 190m ² of private open space will be retained with the dwelling, which equates to 29% of the site area. The layout, orientation and amount of private open space satisfies Council Wide PDC 20 and is considered suitable for clothes drying, entertaining and other domestic activities.
PDC 38 & 39 – Overlooking	<p>The eastern side and rear facing upper storey window openings are designed with horizontal privacy screens to minimise 'direct' views from living room and bedroom windows into neighbouring properties. The screens are designed with a series of angled fins that will be fixed to the facade at each end. The angle of the fins will direct views in an upward direction rather than down toward the neighbouring properties.</p> <p>Views from the west-facing bedroom window will be shielded by the roof the ground floor addition below.</p>

Relevant Council Wide Provisions	Assessment
	<p>The proposed measures are considered adequate in maintaining the privacy of neighbouring properties in accordance with Council Wide PDC 38 and 39.</p>
<p>PDC 41 – Overshadowing and Natural Light</p>	<p>Given the north to south orientation of the subject land and the modest height and size of the additions, the shadow cast by the development would not significantly affect the adjoining properties on either side or to the rear. Most shadow during winter would be cast over the existing dwelling and the road frontage.</p> <p>The applicant has provided a series of shadow diagrams for the winter solstice on 21 June that show both adjoining properties (no. 38B and 42) receiving well in excess of three hours of sunlight. No shadow would cast over the adjoining properties to the rear (north). The living room windows and rear yards of neighbouring properties will continue to have adequate access to sunlight in accordance with Council Wide PDC 41.</p>

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 additions and alterations are ancillary and subordinate to the existing dwelling and therefore would not change the existing residential use of the land;
- The proposal is an orderly and desirable form of development within the Residential Streetscape (Built Form) Zone, which envisages alterations and additions to existing dwellings;
- The proposed additions have been carefully designed with a low roof profile, a simple modern form and a complementary material palette that would retain the original form and features of the dwelling;
- The design and siting of the proposed development would not adversely impact upon the amenity of neighbouring properties, in terms of visual impact, privacy and access to natural light; and
- The size, scale and siting of the proposed addition is consistent with the existing development pattern in the locality.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/640/2018/C2 at 40 Hill Street, Parkside SA 5063 to construct alterations and additions to dwelling, including an upper storey, carport, verandah, front gates and removal of front fence is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
4. That the upper floor windows be treated to avoid overlooking prior to occupation by being fitted with either permanently fixed non-openable obscure glazed panels or horizontal screens (as detailed on Elevations Plan, Drawing No. 05-029-P08 dated 13/12/18 prepared by Atelier Bond) to a minimum height of 1700mm above floor level with such glazing or screens to be kept in place at all times.
5. That the landscaping, as approved by the Council (Site Plan prepared by Atelier Bond, Drawing No. 05-029-P01 dated 23/11/2018), be established prior to occupation of the development and that the landscaping and site be generally maintained to the reasonable satisfaction of Council at all times.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.

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

ITEM 3**DEVELOPMENT APPLICATION – 090/754/2018/C2 – 33 GEORGE STREET, PARKSIDE SA 5063 (PARKSIDE)**

DEVELOPMENT APPLICATION NUMBER:	090/754/2018/C2
ADDRESS:	33 George Street, Parkside SA 5063
DATE OF MEETING:	22 January 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Carry out alterations and construct a two storey addition to an existing habitable outbuilding
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 8 – Compact Precinct 8.3 – Parkside (North)
APPLICANT:	G & J Manolakos
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (two oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Building bulk / mass Overlooking Floor area of dependent accommodation unit

1. PLANNING BACKGROUND

090/335/2015/C2 – Development Approval was granted to 'Carry out alterations and construct addition, verandah and carport to common boundary'. This did not include any alterations to the outbuilding. It was however noted in the application documentation that the solid brick outbuilding was constructed c1948 and has connections to sewer, water and power.

The outbuilding included a three car garage (separated by a wall into a double and a single garage) towards the northern boundary, a shed towards the southern boundary and a habitable component located in the middle with a living area, kitchen and combined laundry/ bathroom.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to:

- carry out alterations to an existing freestanding outbuilding;
- raise the height of southern part of the outbuilding to match the existing walls;
- convert the shed component of the outbuilding to a habitable living area;
- construct a second storey addition to the outbuilding.

Given the changes proposed, the outbuilding will be able to be utilised as dependent accommodation.

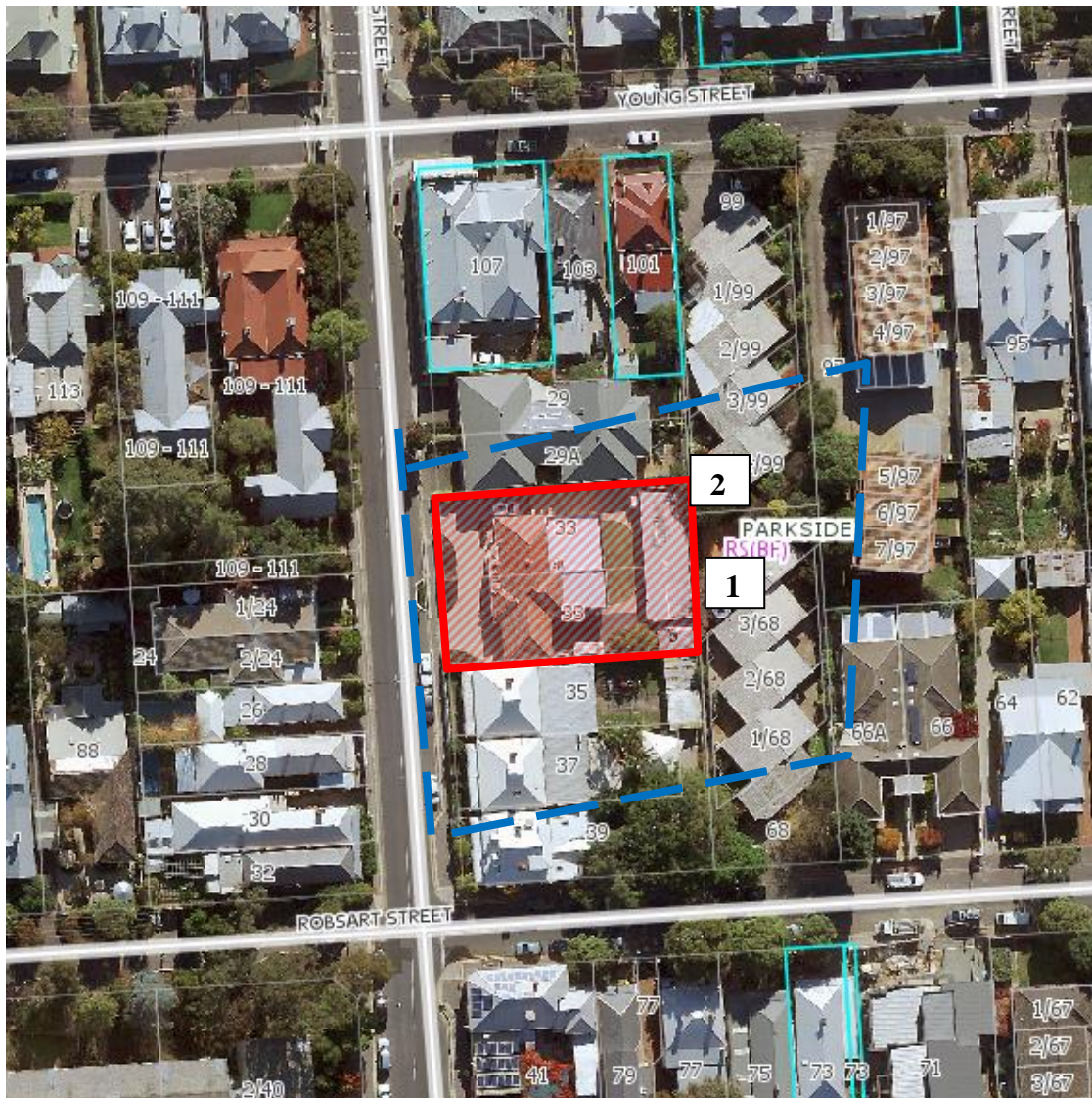
3. SITE DESCRIPTION

The subject site comprises two allotments, being Allotment 24 on DP52671 and Allotment 211 on FP14671. Lot 24 includes a party wall easement along its northern boundary. The combined site area of the two allotments is 900m² and a frontage of 24.6 metres.

The site is rectangular in shape and contains a single storey dwelling with a double garage and a freestanding outbuilding that includes another garage and habitable rooms. The site has two crossovers to George Street.

The site does not contain any regulated trees.

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential however the Parkside Baptist Church and a corner store and café/residence is situated to the north of the site, along Young Street.

Land Division/Settlement Pattern

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

Dwelling Type / Style and Number of Storeys

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

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

The following buildings within the locality are local heritage places:

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

Fencing Styles

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

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

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

4/ 68 Robsart St, Parkside (oppose – wishes to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
The 2 storey development would directly impact on the skyline and privacy of my property.	The design complements the existing forms, scale and appearance and reinforces and contributes to the existing building fabric with construction materials and setbacks.
The distance from the western wall/ proposed structure is only 3m.	The proposed upper level studio is setback 2 metres from the rear boundary.
The development is overlooking and overshadowing.	The design has minimal impact on adjoining properties visually and

	<p>with no overlooking or overshadowing between 9am and 3pm to Unit 4 68 Robsart Street.</p> <p>The existing brickwork wall on the west boundary and the existing tree in Unit 4 68 Robsart St already overshadow the rear yard of Unit 4 68 Robsart St.</p>
The development breaches Council wide Design & Appearance PDC 2 and Residential Development PDC 1.	The design complements the existing forms, scale and appearance and reinforces and contributes to the existing building fabric with construction materials and setbacks.
4/ 99 Young St, Parkside (oppose – does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
Lack of fresh air*	No direct response has been provided.
The childcare centre at 4/68 Robsart St will be disturbed by noise and dangerous debris	We are not aware of any Childcare Centres in the adjacent properties.
No windows are to overlook the children of the child care	The north and south faces are clad in charcoal grey Maxline and the east face has both charcoal grey Maxline and high level windows 1700mm above the floor level.
Suggest to build further away from the boundary.	<p>The proposed upper level studio is setback 2 metres from the rear boundary.</p> <p>The design has minimal impact on adjoining properties visually and no overlooking or overshadowing of Unit 4 99 Young St, Parkside.</p>

(* denotes non-valid planning considerations)

Council Administration notes that there is no child care centre approval for 4/68 Robsart St, Parkside. It is suggested that perhaps a 'Family Day Care' operates from this site to which the representor is referring. A 'Family Day Care' does not require Development Approval for a residential property as it falls under the definition for a 'Home Activity'.

9. DEVELOPMENT DATA

Site Characteristics	2 storey outbuilding addition	Development Plan Provision
Total Site Area	900m ²	400m ² also for dependent accommodation need a site area greater than 600m ²
Frontage	24.6m	15m
Depth	36.58m	20m
Building Characteristics		
Floor Area		
Ground Floor	150m ² (Total Outbuilding as existing)	
Upper Floor	27.5m ² 18.3% of ground floor	
Total Floor Area of Outbuilding	Total - 177.5m²	
Total Floor Area of Dependent Accommodation	115m²	60m ²
Site Coverage – total site		
Roofed Buildings	46.6% (as existing)	<input type="checkbox"/> 50% of site area
Total Building Height		
Wall Height on Boundary	As existing	<input type="checkbox"/> 3m
Total Height	5.55m	<input type="checkbox"/> 5m
Setbacks		
Ground Floor		
Front boundary (west)	30m - existing	
Side boundary (north)	0.9m - existing	
Side boundary (south)	0m - existing	
Rear boundary (east)	0m - existing	
Upper Floor		
Front boundary (west)	30m	At least 1m further than the setback of the associated dwelling
Side boundary (north)	10m	On boundary or at least 600mm off the boundary Where the roof height is 5m it must sited at least 2m from the side boundary.

Side boundary (south)	8m	On boundary or at least 600mm off the boundary Where the roof height is 5m it must be sited at least 2m from the side boundary.
Rear boundary (east)	2m to wall 1.4m to eave	On boundary or at least 600mm off the boundary
Private Open Space		
Total Area	210m ² (23%)	<input type="checkbox"/> 20% (given it is a min of 120m ² where a dependent accommodation also exists on site)
Car parking and Access		
On-site Car Parking	5 spaces (minimum)	3 spaces (Residential PDC 55)
Covered on-site parking	5 spaces	<input type="checkbox"/> 1 car parking space
Colours and Materials		
Roof	Colorbond (grey) roof cladding	
Walls	Colorbond cladding	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape (Built Form) Zone
<p>Objective 1: Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</p> <p>Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</p> <p>Objective 3: Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.</p> <p>Objective 4: Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.</p>

Desired Character

Streetscape Value

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

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

Streetscape Attributes

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

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

Assessment

The streetscape of the locality is described as rather mixed with both character style dwellings (including Local Heritage Places) and contemporary dwellings. Front setbacks and spacing between dwellings are also rather varied. It is recognised however that the existing dwelling located on the subject site is not

of a traditional character style. It however contributes to the variety of styles within the locality.

The proposal involves alterations and additions to an existing outbuilding for dependent accommodation, situated to the rear of the existing dwelling and setback approximately 30 metres from the George Street frontage. The two-storey component of the development will have minimal visibility to the street and is considered to be inconspicuous within the streetscape given:

- the height of the existing dwelling (approx. 5.1m);
- its siting to the rear of the allotment;
- its simple external appearance.

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

Relevant Zone Principles of Development Control	Assessment
<p>PDC 2 <i>Development should comprise:</i> (e) <i>alterations and/or additions to an existing dwelling; and</i> (f) <i>ancillary domestic-scaled structures and outbuildings; and the adaptation of, and extension to, a building to accommodate and care for aged and disabled persons, or for a multiple dwelling or residential flat building; and</i> (g) <i>selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and</i> (h) <i>Replacement of a building or site detracting from the desired character of a precinct with respectful and carefully designed building(s).</i></p>	<p>The proposed development is for alterations and additions to an existing outbuilding for dependent accommodation. Whilst this type of development is not explicitly listed under PDC 2, PDC 2(b) does allow for ancillary domestic-scaled structures and outbuildings.</p> <p>It is noted that there is not a clear definition of 'domestic scale'. Generally, 'domestic-scale' is applied to ensure that any ancillary buildings have a bulk and scale that is consistent with the residential nature of the use i.e. not of such a scale that would be found within an industrial/commercial precinct. Furthermore, outbuildings should remain ancillary to the associated dwelling and make this evident through being subservient to that dwelling.</p> <p>The height of the outbuilding will be discussed later in the report, but for the purposes of this PDC it is considered that the proposed development is such that is envisaged within the Zone.</p>
<p>PDC 4 <i>Alterations and additions to a building should be located primarily to the rear of the building and not be visible from the street or any public place unless involving the dismantling and replacement of discordant building</i></p>	<p>In accordance with Principle 4, the proposal will be situated to the rear of the subject land and more specifically, will be separated from and setback from the rear of the existing dwelling. Two-storey components of the development proposal</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>elements so as to better complement the building's original siting, form and key features.</i></p>	<p>will be setback approximately 30 metres from the George Street frontage.</p> <p>The proposed additions will be partly visible from within George Street given its two-storey form however the proposal would not be prominent given its considerable setback from George Street and given the existing dwelling will be retained.</p> <p>Although two-storey, the proposal has been designed to minimise its total height and mass by way of the following:</p> <ul style="list-style-type: none"> • The proposal will have a flat roof. This means the total height will be 5.55 metres above ground level and only approx. 0.5m higher than the existing single storey dwelling; • The width of the second storey component is 6.2m which is only 25% of the width of the entire site; • The upper floor is to be grey in colour, a neutral colour that will not stand out within a landscape.
<p>PDC 13 <i>Building walls on side boundaries should be avoided other than:</i> <i>(a) a party wall of semi-detached dwellings or row dwellings; or</i> <i>(b) a single storey building, or outbuilding, which is not under the main dwelling roof and is setback from, and designed such that it is a minor, low and subservient element and not part of, the primary street façade, where:</i> <i>(i) there is only one side boundary wall, and</i> <i>(ii) the minimum side setback prescribed under the desired character is met on the other side boundary; and</i> <i>(iii) the desired gap between buildings, as set out in the desired</i></p>	<p>The alteration to the southern portion of the outbuilding to convert it to a habitable living area, will include raising the height of the walls so that they match the rest of the outbuilding. The wall heights will be raised to 3m on the rear boundary only. This is an increase of only 585mm. The proposed development does not include work along the side boundaries.</p>

Relevant Zone Principles of Development Control	Assessment
<i>character, is maintained in the streetscape presentation.</i>	

Policy Area Desired Character

Policy Area 8 - Compact
Desired Character
<p><i>This policy area contains five precincts located across the northern parts of City of Unley near the Parklands fringe, from Forestville in the west to Parkside in the east.</i></p> <p><i>The desired character and streetscape attributes to be retained and enhanced for each of these precincts is set out below. The table below identifies in detail the differences between the six precincts in terms of the predominant:</i></p> <ul style="list-style-type: none"> <i>(a) allotment widths and sizes; and</i> <i>(b) front and side building setbacks including the collective side setbacks.</i> <p><i>The streetscape attributes include the:</i></p> <ul style="list-style-type: none"> <i>(a) low scale building development;</i> <i>(b) compact road verges and building setbacks to the street;</i> <i>(c) building forms and detailing of the predominant cottages and villas;</i> <i>and</i> <i>(d) varied but coherent rhythm of buildings and spaces along its streets.</i> <p><i>Development will:</i></p> <ul style="list-style-type: none"> <i>(a) be of street-fronting dwelling format, primarily detached dwellings, together with semi-detached dwelling and row dwelling types. The conversion or adaptation of a building for a multiple dwelling or residential flat building may also be appropriate; and</i> <i>(b) maintain or enhance the streetscape attributes comprising:</i> <ul style="list-style-type: none"> <i>(i) siting - the regular predominant allotment pattern, including the distinctive narrow-fronted sites associated with the various cottage forms produces an intimate streetscape with a compact building siting and low scale built character with generally low and open style fencing and compact front gardens. Street setbacks are generally of some 6 metres and side setbacks are consistently of 1 metre or greater, other than for narrow, single-fronted and attached cottages producing a regular spacing between neighbouring dwellings of generally 3 to 5 metres (refer table below); and</i> <i>(ii) form - the consistent and recognisable pattern of traditional building proportions including wall heights and widths of facades, and roof height, volumes and shapes associated with the identified architectural styles in (iii) below; and</i> <i>(iii) key elements - the defining design features, including the verandahs and pitched roofs, use of wall and roofing materials</i>

facades of the predominant architectural styles (Victorian and Turn-of-the-Century double-fronted and single-fronted cottages and villas, and complementary Inter-war bungalows as well as attached cottages).

Assessment

The subject allotment well exceeds the described predominant allotment provisions of Precinct 8.3. This however is rather typical of the locality with a varied allotment pattern with range of housing designs being evident.

The proposed development will be situated to the rear of the existing dwelling and setback approximately 30 metres from the George Street frontage. The applicant proposes to retain the existing dwelling on site and therefore the building form will be retained to the street. The alterations and additions to the outbuilding will be located to the rear of the dwelling and therefore have minimal impact on the property's contribution to the streetscape.

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

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Crime Prevention	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Design and Appearance	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 19, 20, 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
Residential Development	<i>Objectives</i>	1, 2, 4, 5
	<i>PDCs</i>	1, 8, 15, 16, 17, 19, 20, 23, 24, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 55

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 15 – Side & Rear Boundaries –	<ul style="list-style-type: none"> The existing outbuilding is located along the rear eastern boundary. Part of the wall along the boundary is to be raised to 3m. The remaining

Relevant Council Wide Provisions	Assessment
Outbuildings and the like structures	<p>additions will greater than 600mm from all boundaries.</p> <ul style="list-style-type: none"> • The outbuilding (both proposed addition and existing) is setback more than 1.8 metres from a habitable room window of an adjacent dwelling; • The proposed development satisfies PDC 15.
PDC 30 – Building Form, Scale, Mass and Height - Outbuildings and the like structures	<ul style="list-style-type: none"> • PDC 30 considers outbuildings that are proposed to be built on a common boundary. In this case, the existing outbuilding is already located along the eastern rear boundary but is to be altered so that part of the wall height is raised so that it matches the rest of the structure. The wall is a maximum of 3 metres in height, thereby satisfying PDC 30. • The length of the boundary wall exceeds 8 metres however is already existing. There is no changes to the length of the boundary wall. • The total floor area of the existing outbuilding already exceeds that recommended by PDC 30. The proposal does not alter the total roofed area of the outbuilding as the additional storey is to be placed directly above the ground floor. • PDC 30 recommends a maximum wall height of 3m. The existing outbuilding meets this however with the additional storey, a portion of the outbuilding has a wall height of 5.55m. Assessing the wall height on its merits, it is noted that: <ul style="list-style-type: none"> ○ The wall is setback 2 metres from the nearest boundary; ○ The outbuilding is set well behind the existing dwelling so the additional wall height will not be visible to the street or any public place; ○ The upper floor wall will only be an additional 2.4m above the existing parapet; ○ The only solid length of continuous wall that is 5.55m in height (i.e. not articulated or interrupted by roof) is more than 5m from the rear boundary. • PDC 30 recommends a maximum building height 5m that is to be setback at least 2 metres from a side boundary. The building height exceeds 5m by 0.55m. It is considered however that: <ul style="list-style-type: none"> ○ It is only a portion of the outbuilding that will include an upper level;

Relevant Council Wide Provisions	Assessment
	<ul style="list-style-type: none"> ○ A majority of the outbuilding is only single storey in height, particular those portions that are within 2 metres of the side boundaries; ○ The upper level portion of the outbuilding is setback at least 8 metres from both side boundaries; ○ The upper level wall is setback 2 metres from the rear boundary however, PDC 30 does not contemplate setbacks to the rear boundary; ○ a majority of the traditional character style dwellings have wall heights that exceed 3 metres and high pitched roof forms so the outbuilding will not dominate the skyline.
PDC 38 & 39 - Overlooking	<ul style="list-style-type: none"> • The applicant seeks to construct an upper level addition to an existing outbuilding. The upper level is to be utilised as a 'studio'. There will be no balconies, roof patios or terraces included. • There are no windows to either the northern or southern facades. • The windows along the eastern façade are to be obscured to height of 1700mm and therefore satisfy the recommendations of PDC 39. • Although not clear on the elevation plans provided, it appears that there are also windows along the western façade. Given the location of the structure and the potential for overlooking of private open space areas and habitable room windows of the adjacent properties, a condition has been recommended to prevent overlooking from all upper level windows.
PDC 41 – Overshadowing & Natural Light	<ul style="list-style-type: none"> • As the proposed development includes an upper storey, representors have raised concerns in relation to overshadowing. • It is noted that: <ul style="list-style-type: none"> ○ The upper level addition is to be setback 2 metres from the rear boundary and 8m from the southern boundary; ○ Given the orientation of the site (east to west facing), any shadowing will move west to east and therefore will not completely shadow any one particular area (including those of the adjacent properties) for an entire day;

Relevant Council Wide Provisions	Assessment
	<ul style="list-style-type: none"> ○ The subject site is the property that will receive a vast majority of any shadowing but will still receive sufficient sunlight to private open space areas and habitable room windows; ○ It is considered that any overshadowing resulting from the proposed development will not be detrimental to adjacent residential properties.
PDC 55 – Dependent Accommodation	<p>The proposed dependant accommodation would satisfy all recommendations of this PDC, albeit, the size of the dependant accommodation would considerably exceed the recommended 60m² floor area.</p> <p>Despite this, it is considered that the proposed dependant accommodation would not result in any unreasonable impacts upon the amenity of neighbouring residents for the following reasons:</p> <ul style="list-style-type: none"> • The extent of site coverage and length of wall on boundary will not be altered; • Only minor works to the existing boundary wall will occur; • It is intended for a majority of the dependent accommodation to be utilised as a studio and anything that is carried out within the studio will need to be a domestic or home activity as per the Development Regulations as no further approval has been sought; • The second storey addition is not located on the boundary and is located to ensure it has minimal impact on the streetscape and adjoining residents; • The total site area well exceeds 600m² and therefore has sufficient capacity to cater for the additional floor area; • Will need to be constructed to Class 1A Building Code Standards and therefore will be fire rated and soundproofed; • The building will continue to be associated with and ancillary to the existing dwelling, and any changes to this will need to obtain Development Approval.

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 alterations and additions to the outbuilding for dependent accommodation are appropriately designed and sited to support the desired character of the Residential Streetscape (Built Form) Zone and Compact Policy area;
- The bulk and scale of the two storey outbuilding addition is set well behind the existing dwelling and will have minimal visibility from a public street or place;
- The proposed development will not have a detrimental impact upon the amenity of neighbouring properties by way of visual impact or overshadowing;
- Although two-storey, the proposal has been designed to minimise its height and mass by having a flat roof and being appropriately setback from side and rear boundaries;
- The area of the outbuilding for dependent accommodation remains smaller than the existing dwelling and therefore is still considered to be an ancillary structure to the main residence.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/754/2018/C2 at 33 George Street, Parkside SA 5063 to 'Carry out alterations and construct a two storey addition to an existing habitable outbuilding', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the upper floor windows be treated to avoid overlooking prior to occupation by being fitted with 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. 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 associated outbuilding addition subject of this Approval shall only be used for purposes and activities ancillary to the residential use of the property and at no time be used for any commercial and/or industrial purpose.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.

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

ITEM 4**DEVELOPMENT APPLICATION – 090/839/2018/C2 – CONCORDIA COLLEGE, 45 CHELTENHAM STREET, HIGHGATE SA 5063 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/839/2018/C2
ADDRESS:	Concordia College, 45 Cheltenham Street, Highgate SA 5063
DATE OF MEETING:	22 nd January 2019
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Changes to and continued use of existing car park (variation to Condition 2 and 3 of 090/733/2015/C2)
HERITAGE VALUE:	Local Heritage
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Institutional
APPLICANT:	Concordia College
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (One oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Land Use

1. PLANNING BACKGROUND

Development application 090/733/2015/C2 was granted consent in November 2015 to establish a *'temporary car park facility to be located adjacent existing car park at 40 Cheltenham Street'*.

Pursuant to Condition 2 of the approval, the car park should be removed by 31 December 2018 and a landscaped area to Council's satisfaction be reinstated (refer Attachment D).

2. DESCRIPTION OF PROPOSAL

The applicant seeks approval for continual use of the car park, including modifications.

3. SITE DESCRIPTION

The college extends from Balmoral Street (west) to Highgate Street (east), also having a frontage to Cheltenham Street (north) and Winchester Street (south).

The subject car park is located in the north-western corner of the allotment adjacent the existing tennis courts (highlighted in red in the locality plan below). Vehicle access to the site is via an existing driveway shared with 40 Cheltenham Street.

4. LOCALITY PLAN



1

5. LOCALITY DESCRIPTION

Land Use

The immediate locality demonstrates a number of land uses including; educational; low density residential; student accommodation; and retirement living.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

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

42 Cheltenham Street (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Supports changing the temporary nature to permanent, however, objects to the removal of car parks to accommodate landscaping	<p>My client is not seeking to reduce car parking supply, but rather balance the interests of all concerned.</p> <p>This car parking area is not a requirement imposed upon my client in terms of a statutory obligation associated with previous development approvals. Rather, it was an initiative to increase supply.</p> <p>Should the current approval lapse and resume as land as part of the College grounds, the loss of car parking would be significantly greater than 4 spaces.</p>

(* denotes non-valid planning considerations)

9. ASSESSMENT

Zone Desired Character and Principles of Development Control

Institutional Zone
<p>Objective 1: A zone primarily accommodating existing educational, health, community or institutional land uses.</p> <p>Objective 2: Development compatible with existing adjacent development and in particular respecting the amenity of adjoining residential zones and properties.</p>
Principles of Development Control
<ol style="list-style-type: none">1. <i>Development should be primarily for the purposes of existing education, health, community or institutional establishments and land uses.</i>4. <i>Development should preserve the amenity and residential character of adjacent residential zones</i>5. <i>Development within the portion of the zone adjacent to other zones should:</i><ol style="list-style-type: none">a) <i>respect and be compatible with the nature and character of existing and appropriate development of the adjoining zone; and</i>b) <i>at the interface with residential zones in particular be sensitive and complementary to existing residential amenity and buildings in regard to:</i><ol style="list-style-type: none">i. <i>building function, bulk, scale, form and design;</i>ii. <i>building set-backs to road and property boundaries, where more generous provision should be provided to appropriately separate buildings and activities of a more intensive nature;</i>iii. <i>locating intensive and/or potentially noisy development and activities, indoor and outdoor, in central areas of sites, with less intensive development and activities at the perimeter of the site and adjacent to residential boundaries; and</i>iv. <i>incorporating suitable boundary fencing and substantial landscaping to screen and provide a buffer to non-residential activities and development.</i>6. <i>Development should not result in significant increases in traffic in residential streets</i>
Assessment
<p>The proposed application relates to an existing educational establishment which is a desired land use within the Institutional Zone.</p> <p>The subject car park is located within the north-western corner of the allotment, adjacent existing tennis courts (to the east) and off-street parking in association with 40 Cheltenham Street (to the west).</p>

The subject car park is not highly visible from a public vantage point, however, is visible from the adjoining residential land uses (at 40 Cheltenham Street and Living Choice 123 Fisher Street). The proposal replaces four existing car parking spaces at the northern end of the car park with landscaping, thereby softening the appearance of the car park from the adjacent residential land uses.

The subject application provides off-street parking within the immediate locality and aids in reducing on-street vehicle parking in residential streets.

The proposal adequately satisfies the Objectives and relevant Principles of Development Control for the Institutional Zone.

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
Transportation (Movement of People and Goods)	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33

For the reasons discussed above, the continued use of the subject car park is unlikely to cause unreasonable interference with the adjoining residential land uses, and will not detrimentally affect the amenity of the locality.

10. CONCLUSION

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

- The continued use of the established car parking facility is not at variance to the desired land uses within the Institutional Zone;
- Whilst located within close proximity of residential development, the proposed landscaping (and removal of car parks closest to the northern boundary) improves the visual appearance as viewed from the adjacent residences;
- The proposal development provides an increase in the availability of off-street vehicle parking within the immediate locality; and
- The proposed development will not detrimentally affect the amenity of the locality

The application is therefore recommended for Development Plan CONSENT.

11. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/839/2018/C2 at Concordia College, 45 Cheltenham Street, Highgate SA 5063 for 'Changes to and continued use of existing car park (variation to Condition 2 and 3 of 090/733/2015/C2)' is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The approved landscaping shall be established prior to the commencement of the car park use and shall be irrigated, maintained and nurtured at all times with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Administration
C	Response to Representations	Applicant
D	Decision Notification Form (090/733/2015/C2)	Administration

ITEM 5**DEVELOPMENT APPLICATION – 090/710/2018/C2 – 176 GREENHILL ROAD, PARKSIDE SA 5063 (PARKSIDE)**

DEVELOPMENT APPLICATION NUMBER:	090/710/2018/C2
ADDRESS:	176 Greenhill Road, Parkside SA 5063
DATE OF MEETING:	22 nd January 2018
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Alter and extend existing car park
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Urban Corridor Zone, Boulevard (Greenhill Road) Policy Area 19
APPLICANT:	ECH Inc. - Damien Smith
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (Two oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Land Use Interface Traffic

1. PLANNING BACKGROUND

Development Application 603/2017/BA to '*Demolish all buildings and structures on the subject land and make safe*' was granted Development Approval on 12 August, 2017.

2. DESCRIPTION OF PROPOSAL

The applicant proposes to upgrade and extend the existing carpark at 176 Greenhill Road Parkside:

- Construct a total of 85 car parking spaces;
- The car park will operate between the hours of 7.30am until 5.30pm, Monday to Friday and is locked outside of these times;
- Vehicle access to the car park will be via a 6m wide crossover located along Anglo Avenue (adjacent the northern property boundary); and

- Landscaping is provided adjacent the Anglo Avenue frontage.

3. SITE DESCRIPTION

The subject site is identified as 176 Greenhill Road Parkside, and is located within the Urban Corridor Zone (Policy Area 19). The rear (southern) boundary of the site abuts the Residential Streetscape Built Form Zone.

The site is located on the southern side of Greenhill Road between George Street and Anglo Avenue. The site is made up of three allotments, reflecting a back to front 'L' shape, and extends from Greenhill Road to Anglo Avenue. As such the site has three road frontages as follows;

- A primary street frontage to Greenhill Road of 26.57m;
- A George Street frontage of 99.67m; and
- An Anglo Avenue frontage of 28.96m.

The site is currently vacant as a result of recent demolition undertaken in accordance with Development Authorisation 090/603/2017/BA; albeit a small area of car parking hardstand has been retained. Solid fencing encloses the northern and eastern boundaries. Existing vehicle access is gained via Anglo Avenue. The vehicle access arrangements to the site, while remaining on Anglo Avenue, are proposed to be altered as part of the proposal.

[illegible]

Land Use

The allotments within the section of Greenhill Road between George Street and Anglo Avenue (namely 174, 175 and 176 Greenhill Road) are noted to be under the same ownership. The subject site is currently used in conjunction with the existing offices located at 174 Greenhill Road.

This is page 62 of the Council Assessment Panel Agenda for 22 January 2019

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Council's Assets Department who do not object in principle to the proposal and require the existing/unused crossover to be closed and kerb reinstated*.

Council's Traffic Department have provided detailed advice, refer Attachment C. A summary of the response is provided below;

- The new vehicle car park would likely have a positive impact on parking and traffic in surrounding streets if no increased activity subsequently occurs at the ECH site.
- The car park is largely compliant with AS2890.1 however the access should be widened to at least 6.0m* so it can accommodate entering and exiting vehicles concurrently

*the applicant has provided amended plans demonstrating compliance

The application has been reviewed by Council's Strategic Assets Manager who advises that the proposal is supported.

8. PUBLIC NOTIFICATION

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

A summary of the matters raised by each of the opposing representations are provided below.

ISSUES RAISED	APPLICANTS RESPONSE
Visual impact (and lack of landscaping)	The applicant has provided an amended plan improving the landscaping and visual amenity of the car park.
Detrimental to amenity of the locality (with regards to noise, dust and traffic impact)	

(* denotes non-valid planning considerations)

9. ASSESSMENT

Zone Desired Character and Principles of Development Control

Urban Corridor Zone
<i>Objective 1: A mixed use zone accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor.</i>

Objective 3:

A mix of land uses that enable people to work, shop and access a range of services close to home.

Objective 4:

Adaptable and flexible building designs that can accommodate changes in land use and respond to changing economic and social conditions.

Objective 5:

A built form that provides a transition down in scale and intensity at the zone boundary to maintain the amenity of residential properties located within adjoining zones.

Desired Character

The urban corridor roads function as major metropolitan transport movement systems as well as for local movement, access and parking. Restricted and consolidated vehicle access points will be available and access will be mainly from secondary road frontages, limited rear access lanes and through-site integrated and shared rights-of-way. Controlled pedestrian and cycle crossing points will be focused and consolidated at key locations. Development design and function will be people orientated with safe and convenient accessibility to and through buildings from roads and parking.

Parking areas will be consolidated and shared and screened from public view. Access and parking are to be sited and designed to minimise negative impacts on adjoining residential areas, including appropriate separation and screen and buffer landscaping. Road treatments are to be provided at the interface of the zone that correspond with the likely associated uses and discourage non-related traffic in residential streets.

Well-designed landscaping will assist to visually soften large building façades, screen and buffer parking/service areas/zone interface areas, and provide amenity, biodiversity and micro-climate benefits.

Assessment

The Urban Corridor Zone seeks an integrated mix of land uses that enable people to work, shop and access a range of services close to home. Currently, the subject land is vacant and the applicant seeks approval to utilise a portion of the land to accommodate off-street car parking for the adjoining commercial businesses. The proposed development is of a design that can be altered and adapted in order to respond to future development of the site and as such is not detrimental to the Desired Character and intent of the Urban Corridor Zone.

Further, the proposed development is located adjacent an adjoining residential zone and as a ground level car park with no significant built scale, the development achieves a 'low scale' use at the zone boundary.

Relevant Zone Principles of Development Control	Assessment
PDC 6	The proposed carpark area is located to the rear of the development site and will not be visible from the primary road frontage.
PDC 11	The existing vehicle access point is to be utilised and is located on the secondary (side) street.

The abovementioned Objectives and PDCs relating to car parking are repeated in the subject Policy Area.

Relevant Council Wide Objectives and Principles of Development Control

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

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

The proposed car park would be located adjacent the rear site boundary, which is shared with low-density residential development. The proposed development will not detrimentally affect the amenity of the locality or cause unreasonable interference for the following reasons;

- The car park is to be utilised during regular business hours (i.e. 7.30pm to 5.30pm);
- The car park is to be locked after hours preventing potential noise disturbance to residents;
- The development rationalises vehicle access to the site, utilising the access point furthest from the adjoining residential Zone (and closing the access point adjacent the residential Zone); and
- Landscaping is provided along the Anglo Avenue boundary providing a visual buffer when viewed from a public vantage point.

The proposed car park design is consistent with Australian Standard AS 2890 Parking facilities.

10. CONCLUSION

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

- The proposed development would not significantly restrict the future development of the site in accordance with the Urban Corridor Zone;
- The proposed development will not detrimentally affect the amenity of the locality or cause unreasonable interference through noise, traffic impacts, or hours of operation.

The application is therefore recommended for Development Plan CONSENT.

11. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/710/2018/C2 at 176 Greenhill Road, Parkside SA 5063 to 'Alter and extend existing car park' is not seriously at variance with the provisions of the City of Unley Development Plan and should be granted Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All surface runoff from car parking and hardstand areas shall be directed through a suitably sized on-site pollutant treatment device or WSUD system capable of removing oils, silts, greases, and gross pollutants to Council satisfaction prior to discharge to Council's stormwater drainage system.
3. The approved landscaping shall be established prior to the commencement of the car parking use and shall be irrigated, maintained and nurtured at all times with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.
4. The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site for the City of Unley Driveway Crossover specifications
<https://www.unley.sa.gov.au/forms-and-applications#>

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Administration
C	Traffic Advice	Administration
D	Superseded Documents	Administration

ITEM 6**DEVELOPMENT APPLICATION – 090/295/2018/C2 – 59 MARLBOROUGH STREET, MALVERN SA 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/295/2018/C2
ADDRESS:	59 Marlborough Street, Malvern SA 5061
DATE OF MEETING:	22 January 2019
AUTHOR:	Brendan Fewster
DEVELOPMENT PROPOSAL:	Remove and replace verandah, carry out dwelling alterations and construct addition and verandah, garage to boundary, new boundary fencing, install swimming pool and remove Significant Tree
HERITAGE VALUE:	Contributory Item
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic (Conservation) Policy Area 6 – Spacious Unley and Malvern Trimmer Estate
APPLICANT:	F J Lines
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (1 support)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Recommendation for refusal
RECOMMENDATION:	Refusal
KEY PLANNING ISSUES:	Building bulk and mass Streetscape character Amenity impacts Tree damaging activity

1. PLANNING BACKGROUND

090/870/2017/C2 – Demolish previous addition, carport and verandah and retain front portion of dwelling – **Approved**

090/870/2017/C2 – Remove significant tree - *Eucalyptus viminalis* subsp. *cygnetensis* (Rough Barked Manna Gum) - **Pending**

At the request of the applicant, the proposal to remove the significant tree is to be considered under the current built form application. Development Application 090/870/2017/C2 has therefore been put on-hold.

2. DESCRIPTION OF PROPOSAL

The proposal includes the following:

1. Construction of a single storey addition and alterations to the rear of an existing dwelling comprising living areas, study, kitchen, bathroom, covered alfresco area and garage on side boundary. The addition is designed with flat roofs behind parapets at a maximum height of 4.5 metres above the existing ground level. External materials and finished include painted render and panel cladding in white and grey tones and aluminium frame windows and doors;
2. Remove and replace existing return-verandah with a new bullnose verandah finished in colorbond Basalt to match the dwelling;
3. Installation of an in-ground swimming pool measuring 8 metres in length and 4 metres wide; and
4. Removal of a significant tree - *Eucalyptus viminalis* subsp. *cygnetensis* (Rough Barked Manna Gum) that is located adjacent to the rear property boundary.

3. SITE DESCRIPTION

The subject land is a residential allotment located at 59 Marlborough Street, Malvern. The land is situated between Rugby Street to the east and Unley Road to the west.

The land is a rectangular shape allotment with a frontage of 24.08 metres and total site area of approximately 1174.4m². The land has a gentle fall toward the road in a northerly direction.

Occupying the land is a single storey detached dwelling that is identified as a Contributory Item. There is a significant tree (Rough Barked Manna Gum) located in the rear yard adjacent to the southern boundary.

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. LOCALITY DESCRIPTION

Land Use

The locality is predominantly residential in land use. Existing development comprises dwellings at low densities with the exception of three two-storey residential flat buildings that are located immediately to the west between the subject land and Unley Road.

Land Division/Settlement Pattern

The original allotment layout and development pattern is largely intact. Allotments are typically rectangular in shape with relatively consistent road boundary setbacks.

Dwelling Type / Style and Number of Storeys

Existing dwellings include traditional cottages and villas and several conventional brick dwellings. The residential flat buildings to the west are the only two storey buildings within the locality.

Fencing Styles

Fencing is typically low styles and of varying styles that include solid brick, timber pickets, brush and wire mesh.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

A site meeting was held between the architect and Council's Heritage Advisor and planning staff on 29 March 2018. The heritage advice provided at this meeting has been incorporated into the proposed development.

As the proposal includes the removal of a significant tree, the application has been referred to Council's independent arborist (Treevolution Arboricultural Consultants) for assessment. The arboricultural advice is summarised as follows:

- The tree has a single upright stem that supports a small wound on its northern aspect at one metre above ground level. The wound is showing good woundwood formation and reaction wood around the edges of the wound indicative of good overall health;
- A risk assessment has deemed the tree to be posing an acceptable level of risk from a human occupation and property safety perspective;
- When the tree is assessed against Principles of Development Control 6 contained within the Unley (City) Development Plan, under the heading Significant Trees, it clearly fulfils the criteria to deem it to be a significant tree with attributes worthy of retaining;
- When the tree is considered against the criteria contained within PDC 8 with regard to the removal of significant trees, it fails to adequately fulfil any of the provisions to support its removal;

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:

68A Marlborough Street, Malvern (support)	
ISSUES RAISED	APPLICANTS RESPONSE
Support	

9. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	1174.4m ²	Existing
Frontage	24.08m	Existing
Depth	48.77m	Existing
Building Characteristics		
Floor Area		
Ground Floor	429.13m ²	
Site Coverage		
Roofed Buildings	37%	□50% of site area
Total Impervious Areas	65% approx.	□70% of site
Total Building Height		
From ground level	4.5m (excluding chimney)	
From ground level of the adjoining affected land	4.5m approx.	
Setbacks		
Front boundary (north)	Rear of dwelling (new varandah in same location)	N/A
Side boundary (east)	1m	1m
Side boundary (west)	On boundary (garage)	1m
Rear boundary (south)	9m	5m
Wall on Boundary		
Location	Western boundary	
Length	8.63m	□9m or □50%□ of the boundary length, whichever is the lesser
Height	3.3m	□ 3m
Private Open Space		
Min Dimension	4m+	□4m minimum
Total Area	270m ² (23%)	□20%
Car parking and Access		
On-site Car Parking	4+ spaces	2 per dwelling where less than 4 bedrooms or 250m ² floor area
Colours and Materials		
Roof	Colorbond sheeting	
Walls	Painted render	
Fencing	1.8m-2m high colorbond	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Historic (Conservation) Zone
<p>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.</p> <p>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.</p> <p>Objective 3: Retention, conservation and enhancement of contributory items, and the complementary replacement or redevelopment of non-contributory buildings.</p> <p>Objective 4: Sensitive adaptation of contributory items for alternate, small household, living where offering tangible benefit in the retention and refurbishment of such items.</p>
Desired Character
<p>Heritage Value</p> <p>The Residential Historic (Conservation) Zone and its 7 policy areas have particular significance to the history of Unley's settlement. These areas tell a story about life in the late 19th and early 20th Century, and of the features and circumstances of the original European communities in Unley. It is for this reason, as well as the appealing and coherent streetscapes of largely intact original building stock, that these areas merit particular attention and protection.</p> <p>The important defining heritage values and statements of desired character are expressed for each of the zones seven distinctive policy areas. These values stem from the original road layout and settlement patterns. There is a strong consistency and an identifiable pattern in the way buildings, of varying proportions, are sited and massed relative to the site sizes and widths of street frontages. There is also an identifiable rhythm of spaces between buildings and their street setbacks. Dwellings are of a traditional street-fronting format and adopt a strong street "address" with open front gardens and fencing, and with outbuildings and garaging being a recessive or minor streetscape element. There is also a consistency in the built fabric itself with characteristic use of building forms, detailing, materials and colours.</p> <p>Contributory Items</p> <p>A building making a positive contribution to the heritage value and desired character of the respective policy areas is termed a "contributory item". All contributory items are highly valued and ought not be demolished, as this would significantly erode the integrity of the zone. Sensitive designed alterations and additions to a contributory item are appropriate, as are changes removing or making more positive contribution of discordant building features</p>

detracting from its contributory value. The adaptation of a contributory item for alternative residential accommodation where this provides for the retention, and ongoing refurbishment, of such items is also appropriate.

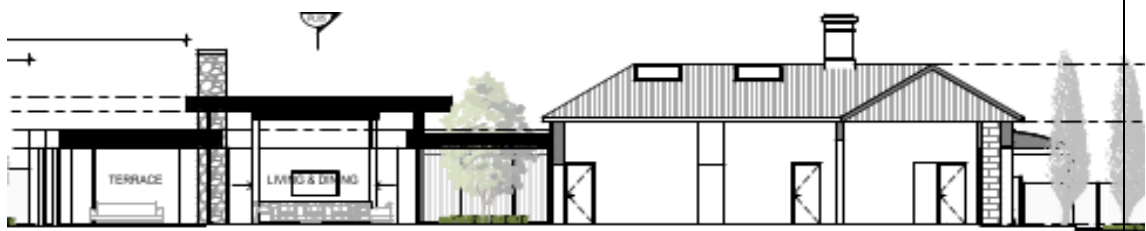
Non-contributory Buildings

A building which detracts from the heritage value and desired character of the zone is termed a “non-contributory building”. The demolition and replacement of a non-contributory building with carefully designed infill is supported subject to meeting stringent design parameters to ensure compatible building forms and complementary, rather than inferior reproduction, buildings or building elements.

Assessment

The objectives of the Residential Historic (Conservation) Zone seek to conserve and enhance areas of historic significance, with particular importance given to the built form and spatial characteristics of the original settlement. Objective 3 and the desired character for the zone identify the need for the retention, conservation and enhancement of contributory items as these buildings make a positive contribution to the heritage value of the area.

The proposal comprises a single storey addition to the rear of an existing contributory item. The addition will replace a ‘non-original’ addition with a modern building that would not be readily visible from the road frontage. Although the building design would not match the historic form and appearance of the existing dwelling, the siting of the addition some 18 metres behind the front façade and below the ridgeline of the existing roof would ensure the built form is inconspicuous within the streetscape. The proposal would therefore replace a discordant building feature with a sensitively designed addition that would protect the original form and features of the dwelling.



Section drawing showing the roof of the proposed addition below the ridge of the dwelling

Relevant Zone Principles of Development Control	Assessment
<p>PDC 1 <i>Development should conserve and enhance the desired character as expressed for each of the seven policy areas.</i></p>	<p>The subject land is situated within Policy Area 6 – Spacious Unley and Malvern Trimmer Estate. The desired character within this policy area requires new development to “conserve contributory items, in particular symmetrical and asymmetrical villas of Victorian and Turn-of-the-Century era and double-fronted cottages”. As considered above, the modest building height and the siting of the addition to the rear of the dwelling would ensure that the historic features of the contributory item are maintained.</p>
<p>PDC 2 <i>Development should comprise:</i> <i>(a) alterations and/or additions to an existing dwelling; and</i> <i>(b) ancillary domestic-scaled structures and outbuildings; and</i> <i>(c) the adaptation of, and extension to, a contributory item to accommodate and care for aged and disabled persons, or for a multiple dwelling or residential flat building; and</i> <i>(d) selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and</i> <i>(e) replacement of a non-contributory building or site detracting from the desired character with respectful and carefully designed building(s).</i></p>	<p>The proposed addition, swimming pool and boundary fencing is ancillary and subordinate to the existing dwelling and therefore would not change the existing residential use of the land.</p> <p>PDC 2 of the Residential Historic (Conservation) Zone envisages dwelling alterations, outbuildings and other domestic structures. The proposal is therefore an orderly and desirable form of development within the zone.</p>
<p>PDC 3 <i>Development should retain and enhance a contributory item by:</i> <i>(a) refurbishing, restoring and improving the original fabric and maintaining its streetscape contribution; and</i> <i>(b) avoiding works detrimentally impacting on the built form and its characteristic elements, detailing and materials of the front and visible sides as viewed from the street or any public place (ie the exposed external walls; roofing and chimneys; verandahs, balconies and associated elements; door and window detailing; and original</i></p>	<p>The proposed addition would not affect the street appearance of the contributory item. Although a small section of the addition would extend beyond the western side of the dwelling, the addition would not be readily visible from the street as it would be located well behind the front façade.</p> <p>The proposal would also replace a rear addition (already removed) that does not contribute positively to the contributory item.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>finishes and materials) together with any associated original fencing forward of the main building façade; and</i></p> <p><i>(c) removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</i></p> <p><i>(d) altering or adding to the item and carrying out works to its site only in a manner which maintains or enhances its contribution to the desired character, and responds positively to the characteristic elements and streetscape context of its locality, in terms of the:</i></p> <p><i>(i) rhythm of buildings and open spaces (front and side setbacks) of building sites and gaps between neighbouring building sites; and</i></p> <p><i>(ii) building scale and forms (wall heights and proportions, and roof height, volumes and forms); and</i></p> <p><i>(iii) open fencing and garden character; and</i></p> <p><i>(iv) recessive or low key nature of vehicle garaging and the associated driveway.</i></p>	
<p>PDC 4</p> <p><i>Alterations and additions to a contributory item should be located primarily to the rear of the building and not be visible from the street or any public road unless involving the dismantling and replacement of discordant building elements so as to reinstate or better complement the building's original fabric, form and key features.</i></p>	<p>The proposed addition is located to the rear of the dwelling and the low profile roof design would ensure that the new building is not visible from the street. PDC 4 of the zone is therefore satisfied.</p>
<p>PDC 9</p> <p><i>Development should present a single storey built scale to the streetscape. Any second storey building elements should be integrated sympathetically into the dwelling design, and be either:</i></p> <p><i>(a) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions nor increasing the evident wall heights as viewed from the street; or</i></p>	<p>The proposed addition is single storey with a maximum roof height of 4.5 metres. The roof of the addition would sit below the existing ridgeline of the dwelling.</p>

Relevant Zone Principles of Development Control	Assessment
<i>(b) set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.</i>	
<p>PDC 10 <i>Buildings should be of a high quality contemporary design and not replicate historic styles. Buildings should nonetheless suitably reference the contextual conditions of the locality and contribute positively to the desired character, particularly in terms of:</i> <i>(a) scale and form of buildings relative to their setbacks as well as the overall size of the site; and</i> <i>(b) streetscape setting or the characteristic pattern of buildings and spaces (front and side setbacks), and gaps between buildings; and</i> <i>(c) primarily open front fencing and garden character and the strong presence of dwellings fronting the street.</i></p>	<p>The addition is designed with flat roofs behind parapets. The modern design is clean and simple and is not intended to replicate the historic style of the contributory item. The size, scale and siting of the proposed addition is considered to be consistent with the existing development pattern in the locality, which comprises rear additions and outbuildings located on or in close proximity to side and rear boundaries.</p>
<p>PDC 12 <i>Building walls on side boundaries should be avoided other than:</i> <i>(a) a party wall of semi-detached dwellings or row dwellings; or</i> <i>(b) a single storey building, or outbuilding, which is not under the main dwelling roof and is setback from, and designed such that it is a minor, low and subservient element and not part of, the primary street façade, where:</i> <i>(i) there is only one side boundary wall; and</i> <i>(ii) the minimum side setback prescribed under the desired character is met on the other side boundary; and</i> <i>(iii) the desired gap between buildings, as set-out in the desired character, is maintained in the streetscape presentation.</i></p>	<p>The proposal comprises a wall on the western side boundary measuring 8.63 metres in length and 3.3 metres in height. The adjoining property owners on this side have not raised any concerns with the boundary wall.</p> <p>The proposal is considered to satisfy the intent of PDC 12 of the zone as the addition has a relatively low profile, would not affect the primary street façade and would be sufficiently setback from the opposite side boundary.</p> <p>From an amenity perspective, the impacts upon the eastern neighbour would not be significant for the following reasons:</p> <ul style="list-style-type: none"> • The length and height of the wall is not unreasonable given the size of the subject land and the spatial separation to the adjoining units; • The wall would be located immediately adjacent to the rear service areas of the adjoining units; and

Relevant Zone Principles of Development Control	Assessment
	<ul style="list-style-type: none"> The subject land and the adjoining property have a north to south orientation resulting in only minimal overshadowing.

Policy Area Desired Character

Policy Area 6 – Spacious Unley and Malvern Trimmer Estate
Desired Character
<p>Heritage Value</p> <p>An important appreciation of the heritage value is formed by the comprehensive subdivision by Trimmer (and Grainger) during 1881-1884 of the area originally known as 'New Parkside', 'Malvern' and 'Malvern Extension'. This subdivision demonstrates the extensive growth of Unley as a suburban area in the late 19th Century.</p> <p>Desired Character</p> <p>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.</p> <p>Development will:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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 desired character for the policy area requires new development to “conserve contributory items, in particular symmetrical and asymmetrical villas of Victorian and Turn-of-the-Century era and double-fronted cottages”. As already considered, the modest building height and the siting of the addition to the rear of the dwelling would ensure that the historic features of the contributory item are sufficiently maintained.

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Regulated and Significant Trees	
PDC 5 & 6 – Significant Trees	<p>Council Wide PDC 5 and 6 seek to ensure that development is “<i>designed and undertaken to retain and protect significant trees</i>”, particularly where such trees make an important contribution to the visual character and amenity of the local area or contributes to the habitat value of the area.</p> <p>Council staff and Council’s consulting arborist have undertaken a visual inspection of the subject tree to determine whether the tree makes an important contribution to the visual amenity of the locality.</p>

Relevant Council Wide Provisions	Assessment
	<p>The subject tree is a mature Rough Barked Manna Gum that is approximately 18 metres in height and 3.21 metres in trunk circumference when measured at one metre above ground level. The tree is upright and has a relatively large crown that exhibits good shape and form. There is a wound on the northern aspect of the trunk with a small <i>Phellinus</i> fruiting body.</p> <p>The tree is visible from Marlborough Street, although the low canopies of the adjacent street trees have a tendency to filter views of the tree at road level. The tree is readily visible from the rear yards of several surrounding residential properties.</p> <p>The location, size and canopy spread/shape of the subject tree is such that the tree is considered to be a notable visual element within local area that contributes significantly to the visual character and amenity of the locality. The tree therefore warrants retention and protection in accordance with PDC 5 and 6.</p> <p>The proposed dwelling addition would be located approximately 5 metres from the base of the tree. Given the circumference of the tree, the Tree Protection Zone (TPZ) has been calculated at a radius of 15 metres. The proposed addition would encroach within the TPZ by up to 29 percent, which significantly exceeds the 10 percent encroachment that is tolerated by <i>AS 4970-2009 – Protection of trees on development sites</i>. The siting of the proposed development is therefore likely to undermine the health and longevity of the tree and thus lead to a tree damaging activity.</p> <p>The applicant has provided an Arboricultural Assessment prepared by a qualified arborist, Dean Nicolle. The assessment recommends the removal of the tree on health and personal safety grounds and does not give consideration to the design and siting of the proposed development. Council's Arboriculturalist considers that <i>"design solutions can be achieved to maintain this natural asset while achieving the other desired outcomes aligned with this development proposal"</i>.</p>

Relevant Council Wide Provisions	Assessment
	<p>Given the size of the subject land, which includes generous vacant spaces alongside and to the rear the existing dwelling, there is considered reasonable opportunity to design an addition in a manner that allows for the retention and protection of the significant tree. Accordingly, the proposal is at variance to Council Wide PDC 5, 6 and 7.</p>
<p>PDC 8 – Significant Trees</p>	<p>The Arboricultural Assessment prepared by Dean Nicolle recommends the removal of the tree due to:</p> <ul style="list-style-type: none"> • The unsuitable and deteriorating climatic conditions for the species; • The short Useful Life Expectancy of the tree; • The extensive and active fungal wood decay in the lower trunk, as evidenced by fungal fruiting bodies and trunk constricting; • The moderate and increasing likelihood of whole-of-tree structural failure; • The moderate and marginally unacceptable (and increasing) risk to personal safety represented by the tree; • The lack of any risk-reduction techniques, other than tree removal, that would stabilise or reduce the risk to safety represented by the tree; and • The locally exotic status and planted origin of the tree. <p>It is noted that the two consulting arborists (Treevolution and Dean Nicolle) have differing opinions in relation to the species of the tree. Treevolution has identified the tree as a <i>Eucalyptus viminalis subsp. Cygnetensis</i> (Rough Barked Manna Gum), while Dean Nicolle has identified the tree as a <i>Eucalyptus scoparia</i> (Wallangarra white gum). While Council's Arboriculturalist has concurred with the findings of Treevolution that the tree is a Rough Barked Manna Gum, in this case, the species of Eucalyptus is of little consequence when assessing the proposal against Council Wide PDC 8.</p> <p>Council's consulting arborist has conducted a visual assessment of the tree and considers the tree to be worthy of retention as it exhibits good overall health and structure with a useful life expectancy, is within acceptable risk levels and makes an important contribution to the amenity of</p>

Relevant Council Wide Provisions	Assessment
	<p>the local area. Whilst there is evidence of decay in the form of a fruiting body growing within a wood wound, there are no signs to indicate any health decline or environmental stress.</p> <p>From a public and private safety perspective, Council's consulting arborist has conducted Tree Risk Assessment to determine the likelihood of tree failure and the subsequent risks to property and public safety. Due to the good branching structure, the probability of the tree to drop branches under normal conditions is considered low. The crown of the tree is also showing no signs of branch tip dieback or structural defect. The Tree Risk Assessment concluded that the tree has a Probability of Failure Rating of 7, which is a low hazard rating. The overall risk to both public and private safety is therefore considered <u>low</u>.</p> <p>As the tree does not represent an unacceptable risk to public or private safety, the proposal is at variance to Council Wide PDC 8(a)(ii).</p> <p>Furthermore, the applicant has not presented any information to indicate that the tree is causing or threatening to cause damage to nearby buildings or structures. Council's consulting arborist and the applicant's arborist have both reported no damage to adjacent buildings. The proposal is therefore considered to be at variance to Council Wide PDC 8(a)(iii).</p>
Residential Development	
<i>PDC 13 & 14 – Side Boundary Setbacks</i>	<p>Council Wide PDC 13 recommends a minimum setback of one metre from side boundaries for walls that are four metres or less in height. The proposal satisfies this setback except for the boundary wall of the garage. Council Wide PDC 14 however makes some allowance for walls on side boundaries provided any associated visual and overshadowing impacts are minimised. From a quantitative perspective, it is noted that PDC 14(c) requires boundary walls to have a maximum height of three metres and a maximum length of nine metres. The proposed wall exceeds this height requirement by only 300mm, which would not have any perceptible impacts given that the wall would</p>

Relevant Council Wide Provisions	Assessment
	<p>be located immediately adjacent to the rear service areas of the adjoining residential units.</p> <p>The rear setback of 9 metres satisfies Council Wide PDC 13.</p> <p>The siting and design of the proposed development in relation to the western side boundary would not significantly detract from the amenity of neighbouring properties and therefore is considered acceptable.</p>
PDC 19 & 20 – Private Open Space	<p>At least 270m² of private open space will be retained with the dwelling, which equates to 23% of the site area. The layout, orientation and amount of private open space satisfies Council Wide PDC 20 and is considered suitable for clothes drying, entertaining and other domestic activities.</p>

11. CONCLUSION

In summary, the application is considered to be at variance with the provisions of the Development Plan for the following reasons:

- the tree makes an important contribution to the character or amenity of the local area;
- the tree is in good health and exhibits a useful life expectancy;
- the tree does not represent an unacceptable risk to public or private safety;
- the tree is not causing damage to a building or causing or threatening to cause substantial damage to a substantial building or structure of value; and
- the siting and design of the proposed development is likely to undermine the health and longevity of the tree and lead to a tree damaging activity.

The application is therefore recommended for REFUSAL.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/295/2018/C2 at 59 Marlborough Street, Malvern SA 5061 to remove and replace verandah, carry out dwelling alterations and construct addition and verandah, garage to boundary, new boundary fencing, install swimming pool and remove Significant Tree is not seriously at variance with the provisions of the City of Unley Development Plan. The application should be REFUSED Planning Consent for the following reasons:

1. The tree makes an important contribution to the character and amenity of the local area and forms a notable visual element to the landscape of the local area.
2. The tree is in good health and structure and has a useful life expectancy.
3. The tree does not represent an unacceptable risk to public or private safety.
4. The tree is not causing damage to a building or causing or threatening to cause substantial damage to a substantial building or structure of value.
5. The siting and design of the proposed development would undermine the health and longevity of the tree and lead to a tree damaging activity.
6. The proposal is at variance to the following provisions of the Unley Development Plan:
 - Council Wide Objective 3 of the Regulated and Significant Tree Section; and
 - Council Wide Principle of Development Control 4, 5, 6, 7, 8 and 9 of the Regulated and Significant Tree Section.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Administration
C	Applicants Response to Representations	Applicant
D	Council & Consultant Arborist Referral Comments	Administration

ITEM 7**DEVELOPMENT APPLICATION – 090/700/2018/C1 – 40 MARLBOROUGH STREET, MALVERN 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/700/2018/C1
ADDRESS:	40 Marlborough Street, Malvern 5061
DATE OF MEETING:	22 January 2018
AUTHOR:	Brendan Fewster
DEVELOPMENT PROPOSAL:	Remove significant tree - <i>Ginko biloba</i> (Maidenhair)
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic (Conservation) Policy Area 6 – Spacious Unley and Malvern Trimmer Estate
APPLICANT:	S Kaldis and G Theodorakakos
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 1
REPRESENTATIONS RECEIVED:	N/A
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Recommendation for Refusal

1. PLANNING BACKGROUND

090/689/2013/C2 - Carry out alterations and construct new additions to side and rear including garage to common boundary, inground swimming pool, 2.4m high screen wall to pool, 2.3m high canopy to rear common boundary, 2.2m high wall to western side common boundary, 2.4m high rear and side boundary fencing and new 1.8m high front fence - **Approved**

090/870/2017/C2 - Variation to application 689/2013 - Change location of pool and increase size of alfresco area - **Approved**

2. DESCRIPTION OF PROPOSAL

The application is seeking the removal of one (1) Significant tree – *Ginko biloba* (Maidenhair). The subject tree is identified on the Significant Tree List in Table Un/9 of Council's Development Plan. As defined by *the Development Regulations 2008*, the proposal constitutes a "tree damaging activity".

The subject tree is located in the front yard of the subject land between the primary façade of the existing dwelling and the road boundary. The tree location is identified on the locality plan.

The applicant is proposing to remove the tree on the basis that the tree is causing or threatening to cause substantial damage to the existing dwelling.

3. SITE DESCRIPTION

The subject land is a residential allotment located at 40 Marlborough Street, Malvern. The land is approximately 50 metres east of the intersection with Cambridge Terrace.

The land is a rectangular shape allotment with a frontage of 22.5 metres and total site area of approximately 1098m². The land is relatively flat.

Occupying the land is a single storey detached dwelling that is identified as a Contributory Item. There is a significant tree (Maidenhair) in the front yard that is approximately five metres from the road boundary.

4. LOCALITY PLAN



Subject Site



Significant Tree



Locality

5. LOCALITY DESCRIPTION

The locality comprises an established residential area that is characterised by single storey detached dwellings built in the late 19th and early 20th Century. The historic dwelling styles, large allotments and landscape gardens are important elements that contribute to the historic character and amenity of the locality.

Mature street trees are also notable features that contribute positively to the amenity of the existing streetscape.

6. PUBLIC NOTIFICATION

The proposal has been assigned to Category 1 for public notification purposes pursuant to Schedule 9, Part 1, 13 of the *Development Regulations 2008*. Public notification was not required.

7. VISUAL TREE ASSESSMENT

A visual inspection of the subject tree has been undertaken to determine whether the tree makes an important contribution to the visual amenity of the locality.

The subject tree is a mature Maidenhair species that is approximately 14.5 metres tall and 1.91 metres in trunk circumference when measured at one metre above ground level. The tree has a single upright stem and a compact crown that exhibits good shape and form. There are wounds on the lower trunk, which are showing good woundwood.

The tree is visible in both directions along Marlborough Street, although the canopies of the adjacent street trees have a tendency to filter views of the tree at road level. The tree is readily visible from the front yards of adjoining and adjacent properties.

The location, size and canopy spread/shape of the subject tree is such that the tree is considered to be a notable visual element within local area that contributes significantly to the visual character and amenity of the locality.

8. ARBORICULTURAL ASSESSMENT

The applicant has provided a Tree Assessment & Report prepared by Calypso Tree Co, which is a qualified arboricultural consultancy. The key report findings and recommendations are summarised as follows:

- The subject tree is identified as a *Ginko biloba* (Maidenhair) which is not indigenous to the local area;
- Although having a circumference of only 1.9 metres, the specimen is listed on the City of Unley's Significant Tree Register;
- All major branch junctions appear sound and well structured;
- There is no history of major limb failure and the canopy is almost void of major deadwood;

- The tree is located 3 metres from the dwelling and has caused substantial cracking and movement to the slate pathway and to an external and internal wall of the dwelling;
- Root barrier installation is not a suitable option to address property movement as it would result in severing over 50 percent of the structural roots thus causing rapid decline and tree death;
- There are no development options or design solutions available that could effectively mitigate the property damage; and
- Complete removal of the tree is the only viable option.

Council's independent arborist, Treevolution Arboricultural Consultants, has conducted a visual assessment of the tree and reviewed the report prepared by Calypso Tree Co. In summary, the tree is considered to be in good overall health, is within acceptable risk levels and in the absence of a detailed structural investigation, there is considered to be insufficient justification to support the removal of the tree. Council's Arboricultural Officer concurs with the recommendation to not remove the tree.

These matters are considered below in more detail.

9. DEVELOPMENT PLAN ASSESSMENT

SIGNIFICANT TREE ASSESSMENT

Council Wide Objective 3 - Significant Trees	
<i>The preservation of significant trees in The City of Unley which provide important aesthetic and environmental benefit.</i>	
<i>Trees are a highly valued part of the Metropolitan Adelaide and Unley environment and are important for a number of reasons including high aesthetic value, preservation of bio-diversity, provision of habitat for fauna, and preservation of original and remnant vegetation.</i>	
<i>While indiscriminate and inappropriate significant tree removal should be generally prevented, the preservation of significant trees should occur in balance with achieving appropriate development.</i>	
SIGNIFICANT TREES	
Other provisions within the City of Unley Development Plan relating to the assessment of Significant Trees include Principles of Development Control 4, 5, 6, 7, 8, 9, 10, 11, and 12. The planning assessment against the relevant principles is detailed in the table below:	

Principles of Development Control		Administration Comments
6	<i>Where a significant tree or significant tree grouping:</i>	
(a)	<i>makes an important contribution to the character or amenity of the local area; or</i>	Yes – refer to assessment below

(b)	<i>forms a notable visual element to the landscape of the local area; or</i>	Yes – refer to assessment below
(c)	<i>Contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor.</i>	Yes. The tree contributes to the habitat value of the area.
	<i>Development should be designed and undertaken to retain and protect such significant trees and to preserve these elements</i>	

The tree is worthy of retention as it is considered to make an important contribution to the character and amenity of the locality. Given the height, good canopy shape and form and close proximity of the tree to a public road, the tree is considered to form a notable visual element within the local area and therefore satisfy Council Wide PDC 6.

An assessment of the proposal against Council Wide PDC 8 has been undertaken, as detailed below.

Principles of Development Control		Administration Comments
8	<i>Significant trees should be preserved and tree-damaging activity should not be undertaken unless:</i>	
(a)	<i>In the case of tree removal:</i>	
(i)	<i>The tree is diseased and its life expectancy is short; or</i>	No. The tree is in good overall health and is not expected to have a short life expectancy. Large wounds on the lower trunk are showing good woundwood formation indicative of good health.
(ii)	<i>The tree represents an unacceptable risk to public or private safety; or</i>	The risk assessment conducted by Council's independent arborist considers the risk to public and private safety to be within an acceptable category.
(iii)	<i>The tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value and all other reasonable remedial treatments and measures have been demonstrated to be ineffective; or</i>	No conclusive evidence has been presented to demonstrate that the tree is causing or threatening to cause substantial damage to a substantial building or structure of value.

(iv)	<i>It is demonstrated that reasonable alternative development options and design solutions in accord with Council-wide, Zone and Area provisions have been considered to minimise inappropriate tree-damaging activity occurring.</i>	The applicant has not sufficiently considered alternative options.
------	---	--

10. **DISCUSSION**

Does the tree make an important contribution to the character or amenity of the local area?

The subject tree has been inspected within the context of its locality and is considered to form a notable visual element that contributes significantly to the visual character and amenity of the local area. This is reinforced by the listing of the tree on the Significant Tree List (Table Un/9) under Section 23(4A)(i) of the *Development Act 1993*.

As the tree exhibits the attributes outlined in Council Wide Objective 2 and PDC 6 (Regulated and Significant Trees), the tree should be preserved. The proposal to remove the tree is therefore at variance to these Development Plan provisions.

Is the tree diseased and its life expectancy short?

Council's independent arborist considers the subject tree to be in good overall health and displaying a useful life expectancy. While there is evidence of large wounds on the lower trunk, the formation of woundwood is indicative of good health. There are no signs to indicate any health decline or environmental stress.

The proposal is therefore at variance to Council Wide PDC 8(a)(i) (Regulated and Significant Trees).

Does the tree represent an unacceptable risk to public or private safety?

Council's independent arborist has conducted Tree Risk Assessment to determine the likelihood of tree failure and the subsequent risks to property and public safety.

Due to the fair branching structure and relatively wide spreading nature of the crown, the probability of the tree to drop branches under normal conditions is considered low. The crown of the tree is also showing no signs of branch tip dieback or structural defect. The Tree Risk Assessment concluded that the tree has a Probability of Failure Rating of seven (7), which is a low hazard rating. The overall risk to both public and private safety is therefore considered low.

QUANTIFIED TREE RISK ASSESSMENT – HUMAN OCCUPATION		
RATING		DESCRIPTION
TARGET EVALUATION	3	The tree is located within the front garden area of the property with the branching structure overhanging a low use area that supports an estimated occupancy rating of between 2 minutes to 14 minutes per day.
SIZE OF PART	4	Small diameter secondary and lateral branches, with an average size of approximately 50mm diameter that overhang the garden area which fits within the size category of between 25mm to 100mm diameter.
PROBABILITY OF FAILURE	7	The tree was showing no form of defect at the time of inspection to suggest it had the potential to shed the branches identified within the size of part section of the assessment. The rating allocated was benchmarked at the lowest probability rating, which in this instance was deemed to be a reasonable approach allocating a probability of failure between 1/1,000,000 and 1/10,000,000.
		TOTAL >1/1,000,000
This results in a risk assessment calculation that is within the broadly acceptable category of risk that deems it to be posing a level of risk that is considered to be acceptable for the period of inspection [12 months].		

Extract from report prepared by Treevolution Arboricultural Consultants

As the tree does not represent an unacceptable risk to public or private safety, the proposal is at variance to Council Wide PDC 8(a)(ii) (Regulated and Significant Trees).

Is the tree causing damage to a building or causing or threatening to cause substantial damage to a substantial building or structure of value?

The applicant has not presented any conclusive evidence to demonstrate that the tree is causing or threatening to cause damage to a substantial building or structure of value (i.e. the adjacent dwelling). While it appears that some cracking to the wall of the dwelling and adjacent pavement has occurred, the Tree Assessment & Report prepared by Calypso Tree Co does not demonstrate that the tree is the cause of the damage, and similarly, does not demonstrate that the damage to the dwelling is 'substantial'. Possible remedial measures, other than invasive root barriers, have not been considered.

The proposal is therefore considered to be at variance to Council Wide PDC 8(a)(iii) (Regulated and Significant Trees).

11. CONCLUSION

In summary, the application for removal of one (1) significant tree is considered to be at variance with the Development Plan for the following reasons:

- the tree makes an important contribution to the character or amenity of the local area;
- the tree is in good health and exhibits a useful life expectancy;
- the tree does not represent an unacceptable risk to public or private safety; and
- the tree is not causing damage to a building or causing or threatening to cause substantial damage to a substantial building or structure of value.

It is therefore recommended that the application be REFUSED.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/700/2018/C1 at 40 Marlborough Street, Malvern 5061 to remove one significant tree - *Ginko biloba* (Maidenhair) is not seriously at variance with the provisions of the City of Unley Development Plan. The application should be REFUSED Planning Consent for the following reasons:

1. The tree makes an important contribution to the character and amenity of the local area and forms a notable visual element to the landscape of the local area.
2. The tree is in good health and structure and has a useful life expectancy.
3. The tree does not represent an unacceptable risk to public or private safety.
4. The tree is not causing damage to a building or causing or threatening to cause substantial damage to a substantial building or structure of value.
5. The proposal is at variance to the following provisions of the Unley Development Plan:
 - Council Wide Objective 3 of the Regulated and Significant Tree Section; and
 - Council Wide Principle of Development Control 4, 5, 6, 7 and 8 of the Regulated and Significant Tree Section.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Council Arborist Referral Comments	Administration

ITEM 8**DEVELOPMENT APPLICATION – 090/605/2017/C2 – 8 COOTRA AVENUE,
FULLARTON SA 5063 (PARKSIDE)**

DEVELOPMENT APPLICATION NUMBER:	090/605/2017/C2
ADDRESS:	8 Cootra Avenue, Fullarton SA 5063
DATE OF MEETING:	22 January 2018
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	variation to development application 090/511/2016/C2 to remove the permanently fixed non-openable translucent glazed panels from upper floor windows to the upper level void area of both dwellings and installation of partially obscure screening on top of the top of the lower level side and rear walls of the dwellings. Remove Condition 3 of approval.
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	4 July 2017
ZONE:	Residential Streetscape Built Form Zone, Policy Area 9
APPLICANT:	D & C Homes Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (One oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	CAP Deferral
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Privacy

1. PLANNING BACKGROUND

The subject application (090/605/2017) was presented to the Council Assessment Panel in December 2017. The application proposed the following;

- remove the permanently fixed non-openable translucent glazed panels from upper floor windows to the upper level void area of both dwellings; and
- install permanent obscured film to a height of 800mm to the southern elevation void window

The Panel resolved to defer the item and “the applicant was requested to consider amendments to the application to ensure a reasonable level of privacy is maintained to adjacent residential properties.”

The applicant has provided amended drawings (refer Attachment A).

2. DESCRIPTION OF PROPOSAL

- remove the permanently fixed non-openable translucent glazed panels from upper floor windows to the upper level void area of both dwellings;
- removing Condition 3 of 090/511/2016/C2 approval; and
- installation of partially obscure screening (800mm high) on top of the lower level side and rear walls of the dwellings

3. DISCUSSION

The applicant proposes to erect 800mm high, partially obscured screening on top of the lower side and rear walls of 8 and 8a Cootra (refer Figure 1 below).

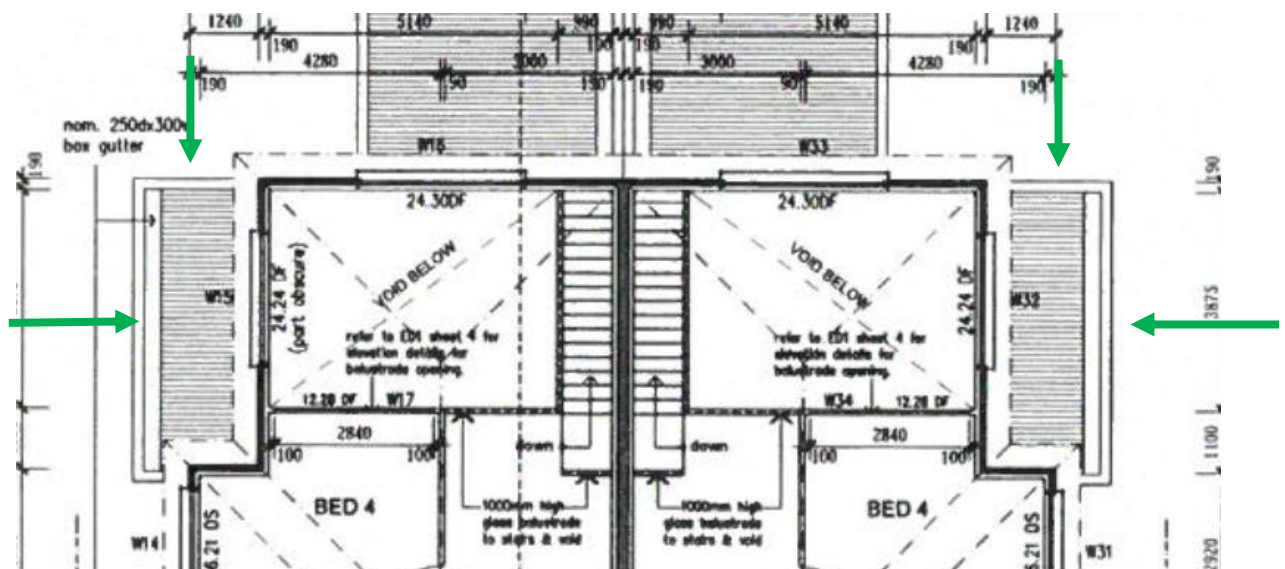
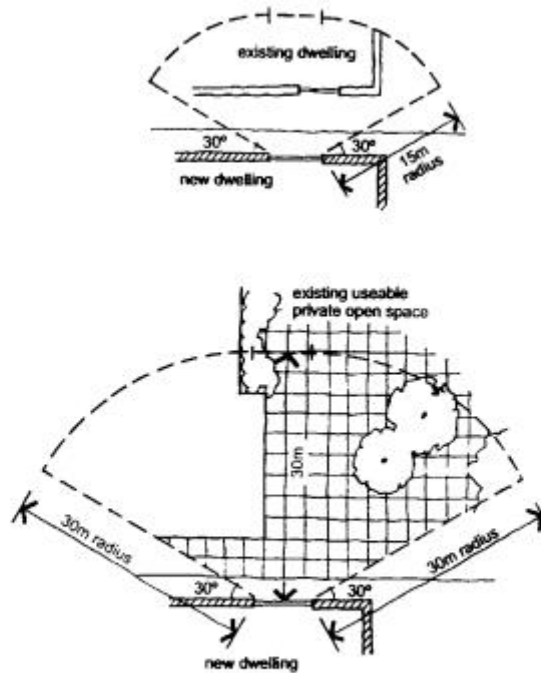


Figure 1: Location of proposed screening in relation to habitable rooms (indicated by green arrow)

The City of Unley Development Plan seeks to ensure that direct overlooking from upper level habitable room windows to habitable room windows (within a 15m radius) and useable private open space (within a 30m radius) of other dwellings be minimised (refer to excerpt below).



Area likely to be primarily affected by overlooking from upper level windows, balconies and decks.

Above: Principle of Development Control 39 Development Plan excerpt

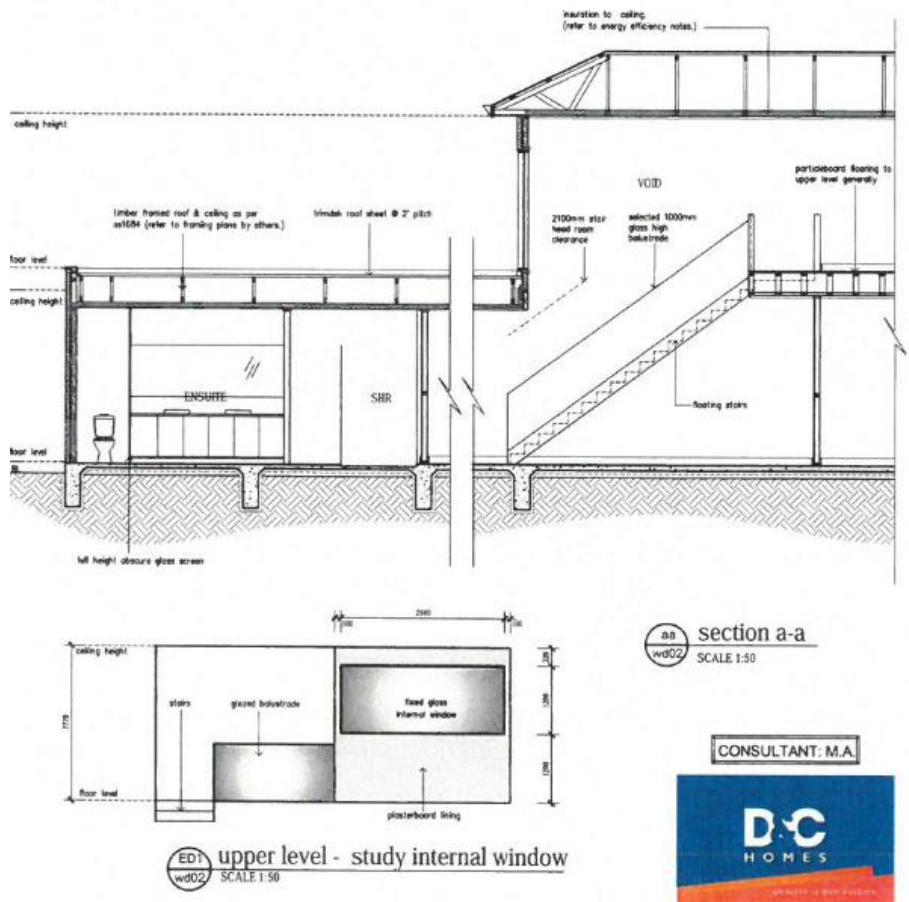


Figure 2: Section detail showing void area and internal bedroom window

As demonstrated above, the subject dwellings include a void area presenting to the west of the upper level and a habitable room, identified as 'bedroom 4'. The western wall to 'bedroom 4' is not solid, and includes an internal glass window. As such, persons within 'bedroom 4' have a view through the rear and side 'void' windows.

Western (rear) 'void' windows:

As demonstrated by the accompanying photographs (and confirmed on-site), the existing roof form obscures any views of adjoining properties from the habitable room.

Southern (side) 'void' window:

A separation distance of 15m radius between the subject void windows and adjoining habitable room windows is achieved. However, the private open space of the adjoining dwellings is located within a 30m radius, as such direct views should be minimised.

The proposed screening adequately minimises direct views to private open space of the adjoining dwellings when viewed from 'bedroom 4'.

Northern (side) 'void' window:

With respect to the northern window, it is apparent that a neighbouring habitable room window is located within a 15m radius, and a partial view of private open space is located within 30m radius.

The proposed screening adequately minimises direct views from these areas when viewed from 'bedroom 4'.

4. CONCLUSION

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

- Direct views from upper level habitable room windows to habitable room windows and private open space of other dwellings is adequately minimised through appropriate separation distance, existing structures (lower level roofing) and proposed screening treatments.

The application is therefore recommended for Development Plan CONSENT.

5. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/605/2017/C2 at 8 Cootra Avenue, Fullarton SA 5063 for 'variation to development application 090/511/2016/C2 to remove the permanently fixed non-openable translucent glazed panels from upper floor windows to the upper level void area of both dwellings and installation of partially obscure screening on top of the top of the lower level side and rear walls of the dwellings. Remove Condition 3 of approval', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The conditions, where pertinent, of any Development Decisions in respect to the original overall development shall be complied with to the reasonable satisfaction of Council at all times.
3. Further details of the screens shall be provided to the satisfaction of Council prior to the issue of Development Approval.
4. Privacy screening shall be installed prior to occupation and maintained there after.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Screening Examples	Applicant
C	CAP Minutes 12 December 2017	Administration
D	CAP Report and Attachments 12 December 2017	Administration

ITEM 9**DEVELOPMENT APPLICATION – 090/543/2018/NC – 30 MAPLE AVENUE, FORESTVILLE SA 5035 (GOODWOOD)**

DEVELOPMENT APPLICATION NUMBER:	090/543/2018/NC
ADDRESS:	30 Maple Avenue, Forestville SA 5035
DATE OF MEETING:	22 January 2019
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Construct two storey building on common boundaries containing warehouse with associated office and display area
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Urban Corridor Zone, Policy Area 24 (Transit Living)
APPLICANT:	Sagle Constructions
APPLICATION TYPE:	Non-complying
PUBLIC NOTIFICATION:	Category 3
REPRESENTATIONS RECEIVED:	NONE
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Non Complying development
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Land Use Off-street parking

1. PLANNING BACKGROUND

The subject land is located within the Urban Corridor Zone, Policy Area 24. Procedural Matters 22 of the Zone lists 'warehouse (except where located within the Business Policy Area)' as a 'non-complying' form of development.

Prior to the Ministerial Development Plan Amendment in December 2017, the subject land was located within the Light Industry Zone. As discussed below, the locality is predominantly non-residential and reflects the industrial character that was envisaged in the Desired Character of the previous Light Industry Zone.

2. DESCRIPTION OF PROPOSAL

The applicant proposes to construct a two storey building containing the following components:

- Warehouse (306m²);

- Reception/Display/Facilities (65m² ground level); and
- Office (109m² upper level)

The building is mostly located within the rear half of the allotment, and positioned on the rear and side boundaries.

The upper level office is cantilevered over the proposed car park area such that it protrudes towards the primary street and forward of the warehouse entrance.

The proposal includes 5 off-street vehicle spaces, as follows;

- Two uncovered parking spaces;
- One uncovered disabled parking space; and
- Two covered staff parking spaces

Description of Land Use/Operation	
Warehouse	<p>Materials (pre-cut natural stone bench tops and panels) are machined offsite and are stored within the proposed warehouse prior to delivery to the building site for installation.</p> <p>Generally material is delivered to a building site on a single, rigid bodied truck.</p> <p>Vehicles will be stored overnight within the warehouse.</p>
Display area	<p>Includes samples of the stone product which is to be supplied for use in domestic and commercial construction projects (in addition to photograph etc).</p> <p>Clients may attend the display area to select material by appointment only.</p>
Office	Office area to support overall business activity.
Number of Employees	<p>Approximately 5 employees</p> <ul style="list-style-type: none"> • 4 to occupy the office on an intermittent basis • 1 to attend the display area by appointment

3. SITE DESCRIPTION

The subject site is located within the Urban Corridor Zone, Policy Area 24 – Transit Living.

The site is located on the northern side of Maple Avenue, between Anzac Highway (West) and the railway (East). The site is regular in shape, having a frontage to Maple Avenue of 15.24m, a depth of 45.9m and an overall site area of 700.9m².

The site is currently vacant and benefits from an existing vehicle access point adjacent the eastern boundary. A mature Queensland Box street tree is located adjacent the subject site (<6m from the western boundary).

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

The immediate locality is occupied by non-residential land uses.

The northern boundary of the site abuts the Keswick Barracks, which is an expansive site.

The properties either side of the subject land, and properties fronting Maple Avenue generally, are occupied by buildings of industrial appearance and use including; office, warehouse, workshops and light industry.

The former LeCornu Warehouse is located at 10 Anzac Highway and has a secondary street frontage to Maple Avenue.

Buildings are generally built to the side and rear boundaries, and are one to two storeys in height having a taller warehouse component. Off-street vehicle car parking is commonly located at the front of the property.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The proposed development requires the relocation of the vehicle access point from the eastern side of the allotment, to the western. The crossover would be within close proximity of an established street tree. As such, the application has been referred to Council's Assets and Arboricultural Departments, refer below.

Arboricultural Response:

- *I have reviewed the current plans with respect to the proposed vehicle crossover and visited the site to inspect the adjacent street trees.*
- *Whilst I support the location of the proposed vehicle crossover, that will separate two healthy *Lophostemon confertus* (Queensland Box) street trees worthy of preservation, it will require pruning works to ensure the safe movement of vehicles. This pruning must be undertaken by Council staff with all costs incurred covered by the applicant.*
- *The site's existing crossover will require closing and this will provide the opportunity to plant a further street tree to soften this industrial streetscape. The proposed street tree is a *Eucalyptus sideroxylon* (Red Ironbark) and Council staff, at the cost of the applicant, must undertake the planting of this tree.*
- *In conclusion, I support the current plans providing the applicant cover the above-mentioned costs, which will total \$553.65 + GST.*

Civil Assets Referral Response:

- *From a civil assets perspective there are no issues with the proposed new crossover location. There will be a requirement to close the existing crossover at the eastern end of the property. I have no issues with a concrete crossover at this site.*

The subject land has been identified as land at risk of flooding in the event of a 100 year ARI storm event. The application has been referred to Council's Manager Strategic Assets for comment regarding the proposed finished floor level and stormwater requirements, refer below.

Stormwater/Flooding:

- *No concerns with the proposal having regard to the proposed finished floor level. The applicant will however still need to meet Council's Stormwater*

Management requirements for the development with respect to detention/retention and water quality.

The subject application was referred to Councils Traffic Department who provided a detailed assessment (refer Attachment B). A summary of their advice is provided below:

Traffic

- The applicant proposes a new warehouse and office. There is a shortfall of 10 parking spaces. The shortfall (combined with the shortfall of the adjoining property) would result in a 200m section of Maple Avenue being 100% occupied, which would likely impact surrounding business.
- The dimensions of the four parking spaces and single disabled parking space are in accordance with AS2890.1 and AS2890.6 respectively.
- The presence of a loading area within a publicly accessible car park presents a risk.

8. PUBLIC NOTIFICATION

Category 3 public notification was undertaken and no representations were received.

9. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	700.9m ²	
Frontage	15.24m	
Depth	45.9m	
Building Characteristics		
Floor Area		
Ground Floor	395m ²	
Upper Floor	121.5m ²	
Gross Leasable	504m ²	
Site Coverage		
Roofed Buildings	473m ² (67.5%)	
Building Height		
	6.2m - 7.8m	Minimum 3 storeys (11.5m) maximum 6 storeys (22m)
Setbacks		
Ground Floor		
Front boundary (south)	21m	Minimum 3m
Side boundary (east)	On boundary	
Side boundary (west)	On boundary	
Rear boundary (north)	On boundary	
Upper Floor		

Front boundary (south)	11.8m	
Side boundary (east)	On boundary	
Side boundary (west)	On boundary 7.473m	
Rear boundary (north)	On boundary	
Car parking and Access		
On-site Car Parking	5	3 per 100m ² of gross leasable floor area (15)
Covered on-site parking	2	
On-street Parking	1	
Driveway Width	4.5m	
Colours and Materials		
Materials	Painted and natural precast Dekton Cladding Alucobond Stone Tile Cladding	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Urban Corridor Zone, Policy Area 24 (Transit Living)
<p><i>Objective 3:</i> A mix of land uses that enable people to work, shop and access a range of services close to home.</p> <p><i>Objective 4:</i> Adaptable and flexible building designs that can accommodate changes in land use and respond to changing economic and social conditions.</p> <p><i>Objective 5:</i> A built form that provides a transition down in scale and intensity at the zone boundary to maintain the amenity of residential properties located within adjoining zones.</p> <p><i>Objective 8:</i> Development that contributes to the desired character of the zone.</p>
Desired Character
<p>Given the distinctly different land use mixes, urban design features and street character intended for the various sites to which the zone is applied, four different policy areas have been designated as follows:</p> <p>c) <i>Business Policy Area – where development will be varied in focus on commercial and business land uses at street level with dwellings located above along the more commercially oriented parts of Leader Street.</i></p>

- d) *Transit Living Policy Area – where taller, mixed use buildings are intended for predominantly residential development together with low impact, generally commercial uses that support the daily needs of the local population (such as offices, consulting rooms, shops, cafés and restaurants) located at ground level. Upper levels are intended to provide residential apartments to take advantage of high frequency public transport corridors upon which such developments are located.*

This policy area will primarily serve a residential function with local shops, offices and community land uses to support the daily living and working needs of residents and local workers.

Assessment

The Urban Corridor Zone was introduced in December 2017 to facilitate higher density mixed use and residential transit oriented development within identified road corridors (in this instance, Anzac Highway).

The Transit Living Policy Area is applicable to the subject site, however it is noted that the boundary of this Policy Area ends adjacent to the adjoining properties eastern boundary (28 Maple Avenue). Maple Avenue properties to the East of number 28 are located within the Business Policy Area whereby the proposed use would be considered on merit and reflects the existing locality land use.

As a non-complying from of development, the proposal is generally at odds with the statements of objective and principles of development control for the Zone and Policy Area. However, the proposed development is one that does not compromise the future intent of the Zone for a number of reasons;

- The subject site is located on the peripheral boundaries of the Policy Area (Transit Living Policy Area 24) whereby the adjoining Policy Area (Business Policy Area 25) seeks to accommodate a range of commercial and light industrial land uses and where the subject application would be assessed on 'merit'. As quoted in the applicants Statement of Effect *"there is little to distinguish the subject land and the land adjacent to it in respect to the characteristics of the locality that would lead to the policy requirements needing to be significantly different"* (page 16);
- The subject land is located in an area of established non-residential land uses whereby the existing uses are no longer envisaged within the Policy Area. It is recognised that the transition from industry to residential use, in an established area such as this, is not likely to occur in the near future;
- The subject land is currently vacant and underutilised. The proposed use, as described in the accompanying Statement of Effect, is unlikely to cause adverse impact and conflict between existing and future land uses (through noise, emission, hours of operation etc.);
- As quoted from the Statement of Effect the proposed building would not *"preclude or inhibit transition to residential use in the future, when economic circumstance are more favourable"* (page 15);

- Further, *“the proposed use will not limit the capacity for land use change to occur in the locality of the development, will not contribute to long term inconsistency with the requirement of the plan, nor will it embed an inappropriate land use activity in the zone”* (page 20).



The proposed built form and siting are reflective of the existing development within the immediate locality, namely;

- Off-street vehicle parking located at the street frontage (not to the rear); and
- Building up to two storeys and built to side and rear boundaries

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Commercial and Industrial Development	<i>Objectives</i>	1, 2, 3, 4
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8
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
Transportation (Movement of People and Goods)	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33

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

Relevant Council Wide Provisions	Assessment
<p>Commercial and Industrial Development PDC 5 <i>Warehouses, stores and industries should be located in Light Industry and Mixed Use Zones</i></p>	<ul style="list-style-type: none"> The subject land is situated within an area that is characterised by a mix of industrial and commercial uses, such as warehouses, mechanical repairs, service trade premises and small-scale manufacturing. The former Le Cornu site is immediate opposite the subject land to the south. These existing uses reflect the previous Light Industry zoning. <p>Although land within the locality has been rezoned to Urban Corridor, which primarily encourages medium density housing, the subject land is not considered suitable for residential purposes given it is small in size and surrounded by various industrial businesses that continue to operate with longstanding use rights.</p> <p>It is also observed that the subject land is the only allotment on the northern side of Maple Avenue that has not been developed for industrial or commercial purposes. The proposed warehouse would therefore be consistent with the land use characteristics of the locality and on this basis is considered to be an orderly form of development.</p>
<p>Interface between land uses PDC 2 <i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p>	<ul style="list-style-type: none"> As highlighted above, the subject land is entrenched within a former Light Industry Zone and is surrounded by small and large industries and commercial uses. There does not appear to be any sensitive land uses (i.e. dwellings) within is locality. The two properties to the south at 21 and 23 Maple Avenue were originally dwellings however the buildings have not be used for residential purposes for some time. <p>As the subject land does not interface with any noise-sensitive development and warehousing is typically a low-impact land use, the proposal would not detrimentally affect the amenity of the locality by way of noise, dust, fumes, traffic or vibration.</p>

Relevant Council Wide Provisions	Assessment
<p>Transportation (Movement of People and Goods) PDC 19 & 26</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand.</i></p>	<ul style="list-style-type: none"> • The proposal includes five on-site car parking spaces for customers and staff. This equates to a car parking rate in the order of one space per 100m² of floor area given that the development would have a gross leasable floor area of approximately 500m². <p>Whilst Table Un/5A – <i>Off-street Vehicle Parking Requirements for Designated Areas</i> recommends a minimum rate of three spaces per 100m² of floor area, it is well recognised from various car parking studies that warehouses are typically low traffic generators with no specific peak times given that customer access is intermittent. For instance, the <i>Parking Spaces for Urban Places: Car Parking Study</i> prepared by Aurecon (28 October 2013) recommends the following car parking rates for warehouses:</p> <ul style="list-style-type: none"> - 0.38 spaces per employee, plus - 2 spaces for non-office component up to 200m², plus - 0.67 spaces per 100m² of non-office component between 200m² and 2000m² <p>As the proposal would accommodate a maximum of five staff at any one time, the proposal would have a theoretical car parking demand of six spaces and therefore a shortfall of only one space. The above car parking rates, which are less onerous than the rates outlined in Table Un/5A, are considered appropriate in this instance given the small-size and low intensity of the land use, the need to provide adequate on-site loading and the availability of on-street parking for a small number of vehicles should it be required.</p> <p>Furthermore, if the proposal was designed with at least 15 on-site car parking spaces, the site would not be developable from a viability perspective as more than half of the site would comprise of car parking and</p>

Relevant Council Wide Provisions	Assessment
	<p>manoeuvring areas with minimal demand for such car parking.</p> <p>Given the above considerations, the proposal will not lead to conditions detrimental to the free flow and safety of pedestrian and vehicular traffic on the surrounding road network.</p>
<p>Transportation (Movement of People and Goods) PDC 21</p> <p><i>Car parking areas should:</i> <i>(a) be located and designed in such a way as to ensure safe and convenient pedestrian access from vehicles to facilities; safe and convenient traffic circulation; include adequate provision for manoeuvring into and out of parking bays, and, in the case of centre-type development, result in minimal conflict between customer and service vehicles; and</i> <i>(b) be designed so as to obviate the necessity for vehicles to back onto public roads.</i></p>	<ul style="list-style-type: none"> • Council's Traffic Department has confirmed that the proposed car parking spaces have been designed in accordance with AS2890.1 and AS2890.6.
<p>Transportation (Movement of People and Goods) PDC 27</p> <p><i>Loading areas and designated parking spaces for service vehicles should:</i> <i>(a) be provided within the boundary of the site;</i> <i>(b) not be located in areas where there is parking provided for any other purpose.</i></p>	<ul style="list-style-type: none"> • A loading area is to be provided in front of the main door to the warehouse building. Service vehicles would enter the site in a forward direction and reverse into a designated turning area to allow vehicles to safely egress in a forward direction. Although the loading/unloading activities would take place in close proximity to staff and visitor car parks, the small size and infrequency of the service vehicles would ensure that any potential conflicts between vehicles and pedestrians would be minimised.

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 warehouse is an orderly and appropriate form of development within the zone given the land use and built form characteristics of the site and surrounding land;
- The proposal would not undermine the objectives of the zone as the subject land is not considered suitable for residential purposes given it is small in size and surrounded by various industrial use;
- The proposal would not adversely impact upon the amenity of the locality; and
- The proposal would not lead to conditions detrimental to the free flow and safety of pedestrian and vehicular traffic within the site and on the adjacent road network.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/543/2018/NC at 30 Maple Avenue, Forestville SA 5035 to construct two storey building on common boundaries containing warehouse with associated office and display is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the CONCURRENCE of the State Commission Assessment Panel and subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site for the City of Unley Driveway Crossover specifications <https://www.unley.sa.gov.au/forms-and-applications#>
3. An additional street tree shall be planted and the existing crossover shall be closed and reinstated with kerb and water table in accordance with Council requirements, at the applicant's expense, prior to occupation of the development.

4. A detailed stormwater management system and computations for the development shall be provided to the satisfaction of Council prior to the issue of Development Approval.
5. All surface runoff from car parking and hardstand areas shall be directed through a suitably sized on-site pollutant treatment device or WSUD system capable of removing oils, silts, greases, and gross pollutants to Council satisfaction prior to discharge to Council's stormwater drainage system.
6. The driveway and car parking areas to be surfaced, drained and marked to the reasonable satisfaction of Council prior to the development being occupied.
7. The car parking areas to be maintained at all times to the reasonable satisfaction of Council.
8. The landscaping, as approved by the Council, be established prior to occupation of the development, and that the landscaping and site be generally maintained to the reasonable satisfaction of Council at all times. Further, that trees used in landscaping of the site be at least 1.0 metre in height at the time of planting.

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**.
- 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.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Traffic Department Referral Response	Administration