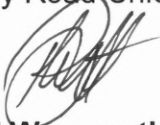


CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 20 August 2019 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.



**Paul Weymouth
ASSESSMENT MANAGER**

Dated 09/08/2019

ACKNOWLEDGEMENT

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

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

APOLOGIES:

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED:

SECONDED:

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 16 July 2019, as printed and circulated, be taken as read and signed as a correct record.

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

20 August 2019

A G E N D A

Apologies
Conflict of Interest
Confirmation

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Any Other Business
Matters for Council's consideration

ITEM 1**DEVELOPMENT APPLICATION – 090/19/2019/C3 – 55-65 DUTHY STREET, MALVERN 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/19/2019/C3
ADDRESS:	55-65 Duthy Street, Malvern 5061
DATE OF MEETING:	20 th August 2019
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Change of use from shop to cafe, coffee processing and sale, and installation of a flue (retrospective)
HERITAGE VALUE:	Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic Conservation Zone, Policy Area 6
APPLICANT:	Samual Alan McKay
OWNER:	Duthy Street Properties Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 3
REPRESENTATIONS RECEIVED:	YES (3 Object, 4 Support)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations Category 3 application where a representor wishes to be heard
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Interface with residential properties Car parking and traffic

1. PLANNING BACKGROUND

Council hold the following approvals for the entire building located at 55-65 Duthy Street Malvern;

- Development approval 090/342/1999/DX for '*alteration and addition to existing shops*'
- Development approval 090/187/2001/DA to '*replace shopfront, and fitout*'
- Development approval 090/800/2001/DA for '*doubled sided sign, partially internally illuminated, attached to verandah – "Gulf"*'
- Development approval 090/743/2007/C1 to '*erect double sided non-illuminated sign (hairdresser) and install trellis*'

The known tenancy use prior to the subject application is identified as 'fruit and vegetable shop'.

While there does not appear to be approval for the previous 'retail shop', that use existed and was considered lawful prior to the commencement of planning approvals.

The subject premises are currently being used as a café, including the processing and sale of coffee. The current use (and installation of roof mounted ventilation equipment) was brought to Council's attention whereby it was determined that the use extends beyond the existing use of 'retail shop', and a formal change in land use is required.

As such, the applicant is seeking retrospective approval (without prejudice).

2. DESCRIPTION OF PROPOSAL

Details of the proposal are summarised as follows;

- A café providing a dine in and takeaway facility, primarily for the consumption of caffeine products;
- Light refreshments and refrigerated drinks are available however, no commercial kitchen is proposed;
- Undertake small batch 'artisan' coffee roasting producing sufficient roasted product to serve customers attending the café; and
- Installation of flue and adjoining after burner (compliant with industry and EPA standards)

Coffee roasting is proposed to occur between the hours of 9:00am and 5:00pm, Monday to Saturday. Details of the 'roasting' are provided as follows;

- Roasting is undertaken via a 20kg fluid bed roaster, producing a 17kg roast from 20kg input;
- Each cycle takes 9 ½ minutes, with a 3-minute cool down cycle (utilising the after-burner flue);
- 2 – 3 roasts can occur per cycle and roasting currently occurs on average 5 times per week

The hours of operation (open to the public) are proposed as follows;

- 6:30am to 2:30pm Monday to Friday;
- 7:00am to 1:00pm Saturday and Sunday

3. SITE DESCRIPTION

The subject site is located on the eastern side of Duthy Street between Eton Street and Fisher Street. The site is within the Residential Historic Conservation Zone, Policy Area 6 (Spacious Historic Unley and Malvern Trimmer Estate).

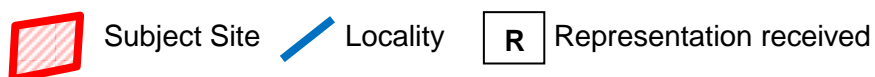
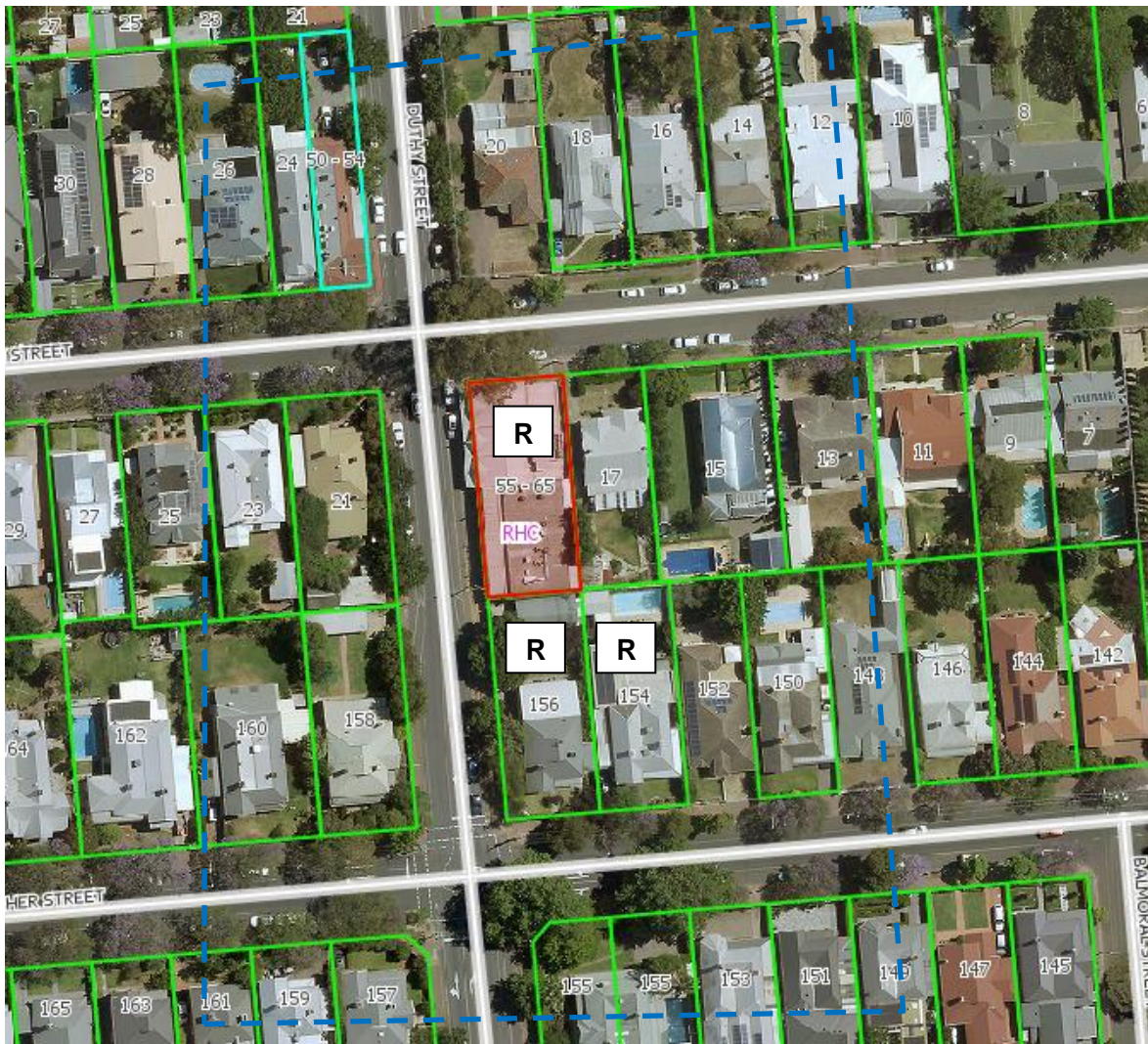
The subject land is occupied by a non-residential, single storey building. The subject land includes a 'Contributory' item; however, the 'Contributory' status relates to the original shop front located in the northern part of the land. The proposed development relates to the portion of building which is a later building addition.

Three tenancies are located within the building configuration including a fish shop, butcher and the subject tenancy (previous use being fruit and vegetable shop).

The subject land has a frontage of approximately 40.8m to Duthy Street, a depth of 18m and overall site area of 733.7m².

The subject land does not benefit from off-street vehicle parking, and pedestrian access to the subject tenancy is gained via Duthy Street.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

The locality comprises land situated within the Residential Historic (Conservation) Zone.

The subject site is located on Duthy Street which is identified as a 'major collector road'.

Land Use

The predominant land use within the locality is residential however a number of commercial uses front Duthy Street including a bakery/café (Pat a Cake), Butcher and retail Fish Shop.

Dwelling Type / Style and Number of Storeys

Buildings throughout the locality are predominantly single storey with a distinctive architectural form of Victorian and Turn-of-the-Century villas and double fronted cottages. Some contemporary two-storey dwellings exist however these are, by comparison, rare.

Streets are generally wide and tree-lined to provide a spacious streetscape character.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

Environmental Health Department

- The site has been inspected and Hark Coffee, under the food safety standards, are compliant.
- The business is required to be complaint under the Local Litter and Nuisance Control Act

Transport and Traffic Department

- *On-street parking is available on both Duthy Street and Eton Street. Parking observations were undertaken in early July 2019 (to investigate matters separate to assessment of the application) which indicated that there is frequently parking available in the 2 hour parking zone outside the businesses. In addition to this, there was high parking turnover, with most vehicles parking for less than one hour.*
- *Parking data was collected on 31 July 2019 at 12noon within approximately 120m to the north, east and west of the development (refer below)*



- *This indicates that parking is in high demand in the area, with sections of Eton Street 85%+ occupied. However, east and west of this parking on Eton Street is significantly lower (0-20%). There was also parking available directly outside the development on both sides of Duthy Street.*
- *There were seven customers and at least two staff present when this parking data was collected. This suggests that parking demand is significantly contributed to by other existing businesses in the area.*
- *Parking data does suggest however if parking demand were to significantly increase, for example if there were 40+ seats occupied in the cafe, it would increase parking supply to 100% in the areas surveyed. In addition to this, it would push parking further into Eton Street. However, if parking demand were in line with that corresponding to 20 seats, it is unlikely to have a significant impact.*

8. PUBLIC NOTIFICATION

Category 3 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period 7 representations were received (4 support, 3 oppose).

A summary of the matters raised by each of the opposing representations are explained below along with the applicant's response.

ISSUES RAISED	APPLICANTS RESPONSE
<p>Land Use (‘industrial’, ‘commercial’ not appropriate for the site or the Zone)</p>	<p>The proposal is a consent use within the Zone and satisfies the intent of the Unley Council Development Plan. It provides for a continued low impact land use that is entirely consistent with its former use as a shop, albeit with the proposal seeking to allow for the processing of coffee for use in association with the shop, and for the installation of roof mounted ventilation equipment.</p> <p>The proposal has sought to ensure that equipment used in the normal conduct of the business is compliant with current industry and environmental standards, thereby minimising disruption to air quality.</p>
<p>Visual impact of flues</p>	<p>The flue is not uncharacteristically high, nor out of character with other commercial developments that may include a commercial kitchen, wood oven or roof mounted ventilation systems.</p> <p>It is mandatory that the flue extend a minimum of 3 metres above the exit point at the roof and meets industry standards and regulations.</p> <p>There has been no recognition that there were four existing flues on the building and that numerous similar structures appear on the roof of the two adjoining food related tenancies.</p>
<p>Negative impacts on amenity (including noise and odour)</p>	<p>No smoke emanates from the development.</p> <p>The applicant engaged Aro Technologies to assess and measure the roaster and to consider the likely noise impact to adjoining residential properties.</p> <p>Investigations confirmed the roasting process was not of undue impact, but the cooling fan was creating a degree of impact.</p> <p>The installation of Aro Technology specified sound attenuation (silencers) on 12 December</p>

ISSUES RAISED	APPLICANTS RESPONSE
	<p>2018 had an immediate 35dB internal SPL reduction.</p> <p>Following the sound attenuation, the proposal accords with the intent of both the Development Plan and the EPA Noise Policy in regard to noise (refer Attachment C for Acoustic Report).</p> <p>There is a slight odour associated with the process, evident within a very small radius for approximately 3-4 mins of the 9 minutes cycle. The 'odour' is likened to a bread baking smell, which is not considered offensive.</p>
Traffic parking and road safety concerns	<p>Duthy Street is a public road whereby parking, and any associated location or time restrictions remain a matter for the Council.</p> <p>The movement of vehicles, such as speed, manoeuvring and conduct of drivers is a matter for the SA police.</p>

(* denotes non-valid planning considerations)

9. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Historic (Conservation) Zone
<p>Objective 1: <i>Conservation and enhancement of the heritage values and desired character described in the respective policy areas, exhibited in the pattern of settlement and streetscapes of largely intact original built fabric.</i></p> <p>Objective 2: <i>A residential zone for dwellings primarily in street-fronting format, together with the use of existing buildings and sites used for non-residential purposes for small-scale local businesses and community facilities supporting an appealing, pleasant and convenient living environment.</i></p> <p>Objective 3: <i>Retention, conservation and enhancement of contributory items, and the complementary replacement or redevelopment of non-contributory buildings.</i></p>
Desired Character
<p>Heritage Value <i>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.</i></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.

Contributory Items

A building making a positive contribution to the heritage value and desired character of the respective policy areas is termed a “contributory item”. All contributory items are highly valued and ought not be demolished as this would significantly erode the integrity of the zone. Sensitively designed alterations and additions to a contributory item are appropriate, as are changes removing or making more positive contribution of discordant building features detracting from its contributory value. The adaptation of a contributory item for alternative residential accommodation where this provides for the retention, and ongoing refurbishment, of such items is also appropriate.

Assessment

The existing building group is identified as a highly valued building which makes a positive contribution to the character of the area. No alteration is proposed to the building, albeit the installation of a roof mounted flue and adjoining after burner. The proposed building work is located on the flat roof section of the building (to the south), is setback from the primary street and is not uncharacteristic of a commercial flue. The proposed flue does not have a negative impact on the character value of the building, and is indeed located on the part of the building which does not provide original character contribution (1960s/1970s addition). The proposal retains this building and its positive contribution is therefore reinforced by the proposal.

The existing building group includes three non-residential tenancies having long standing use rights. The existing, and proposed, businesses provide ‘convenience’ goods to serve the day-to-day needs of the neighbourhood.

The proposed development does not result in an increase in floor area, or an intensification of the site that results in an unappealing, unpleasant or inconvenient living environment (discussed in further detail below).

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>As discussed above, the proposal will conserve the Desired Character as expressed within the Policy Area.</p> <p>The proposal satisfies PDC 1.</p>
<p>PDC# 3 <i>Development should retain and enhance a contributory item by:</i> a) <i>refurbishing, restoring and improving the original fabric and maintaining its streetscape contribution; and</i> b) <i>avoiding works detrimentally impacting on the built form and its characteristic elements...; and</i></p>	<p>In accordance with PDC 3, the proposal will:</p> <ul style="list-style-type: none"> • Maintain the streetscape contribution of the existing building. • Avoid works that would detrimentally impact on the built form of the “Contributory Item”.

<p>c) <i>removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</i></p> <p>d) <i>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</i></p>	<ul style="list-style-type: none"> • Maintain the contribution of the building to the Desired Character of the Zone and Policy Area. The proposal will continue to contribute to the streetscape context and the locality. <p>The proposal satisfies PDC 3.</p>
<p>PDC# 4 <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 proposal will retain the buildings original fabric, form and key features.</p> <p>The addition of the flue is located such that it is not readily visible from the primary street (Duthy Street) and is of a scale and form that is not unreasonable in the context of the development.</p> <p>The proposal satisfies PDC 4.</p>
<p>PDC# 5 <i>A contributory item adapted, expanded or redeveloped for alternative residential accommodation and/or care, or alternatively for a community or non-residential use should be:</i></p> <p>a) <i>confined to an existing non-residential building or its site;</i></p> <p>b) <i>of a form and nature readily able to accommodate such a use; and</i></p> <p>c) <i>of a small scale and low impact, or serves a local community function, and in any event, have a minimal impact on abutting or nearby residential occupiers.</i></p>	<p>In accordance with PDC 5, the proposed works will:</p> <ul style="list-style-type: none"> • Be confined to the existing non-residential building site. • Serve the local community. • Be small scale and low impact on nearby residential occupiers, as discussed in more detail below. <p>The proposal satisfies PDC 5.</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</i></p>	<p>The proposal will continue to present a single storey form in accordance with PDC 9.</p> <p>The proposal satisfies PDC 9.</p>

Policy Area Desired Character

<p>Policy Area 6 – Spacious Unley and Malvern Trimmer Estate</p>
<p>Desired Character</p>
<p><i>Heritage Value</i> <i>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.</i></p>

Desired Character

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

Development will:

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

Assessment

The Policy Area is primarily written with the intent to conserve contributory items and preserve the spacious streetscape character of the area. In accordance with the Policy Area, the proposal will:

- Preserve the existing building appearance and streetscape character (no alteration to the front façade is proposed).
- Retain the existing allotment pattern (no land division required or proposed).

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		
Centres and Shops	<i>Objectives</i>	1
	<i>PDCs</i>	6, 10, 11, 12, 15, 17, 18, 19, 23 and 24
Commercial and Industrial Development	<i>Objectives</i>	1
	<i>PDCs</i>	-
Form of Development	<i>Objectives</i>	1 and 7
	<i>PDCs</i>	1, 2, 7, 8, 9, 12 and 13
Heritage	<i>Objectives</i>	1, 2, 3, 4 and 5
	<i>PDCs</i>	1, 2, 3, 4, 8, 10 and 11
Interface Between Land Uses	<i>Objectives</i>	1, 2 and 3
	<i>PDCs</i>	1, 2, 3, 5, 6, 7, 8, 9, 10, 11 and 12
Public Notification	<i>PDCs</i>	1
Transportation (Movement of People and Goods)	<i>Objectives</i>	1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12 and 13
	<i>PDCs</i>	1, 3, 12, 13, 19, 20, 25, 26, 27 and 29
Waste	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 5, 6 and 10

The pertinent planning considerations are discussed below.

10. DISCUSSION

Land Use

General Section, Form of Development, Principle 7 states:

“The expansion or redevelopment of a building to be used for non-residential purposes in a residential zone may be appropriate where the proposed non-residential use is confined to a site used, in whole or in part, for non-residential purposes, and:

- (a) the proposed use is non-intensive and primarily serves, or has long established direct associations with, the local community and improves the range and quality of community facilities or other services to that local community; or*
- (b) is located adjacent to a non-residential use, or a non-residential zone boundary, so as to provide a buffer for nearby residential occupiers to the activities arising from that non-residential use; or*
- (c) improves existing unsatisfactory site conditions”.*

The Policy Area does not address specifically non-residential land uses however Objective 2 of the Zone states:

“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”. underlining added.

The land is considered to have historic and ongoing use rights as a “shop”. The key consideration is therefore the intensity of the shop and its impact upon the character and amenity of the locality, which is addressed below.

Interface between land uses

General Section, Form of Development, Principle 8 states:

“The expansion or redevelopment of a non-residential use should be minor in scale and nature and:

- (a) preserve, or enhance, the established residential character and streetscape;*
- (b) preserve, or enhance, the residential amenity of the locality in terms of the intensity and scale of non-residential activities including hours of operation, traffic generation, noise nuisance from plant and equipment and general business activity, overlooking and overshadowing, and any odours, overspray or other atmosphere discharges; and*
- (c) not significantly increase the traffic activity or car parking demand associated with the continuing non-residential use, and any minor increase be met by additional car parking provided on-site, or otherwise available within the street at the times likely to be demanded without prejudicing required resident parking, or the amenity and enjoyment of nearby residential occupiers”.*

In accordance with Principle 8(a) the proposal will preserve the established residential character and streetscape. The scale of the proposal is not considered to overwhelm the established residential character in the locality.

In determining whether the proposed scale will preserve residential amenity in the locality it is important to have regard to the “interface” provisions of the Development Plan in particular General Section, Interface between Land Uses, Objective 1, and Principle 1 which states:

“Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants*
- (b) noise*
- (c) vibration*
- (d) electrical interference*
- (e) light spill*
- (f) glare*
- (g) hours of operation*
- (h) traffic impacts”.*

PDC 1 part a), b), g) and h) are considered in further detail.

a) Odour and Smoke

The proposed development does not emit smoke. A slight odour is anticipated however has limited permeation, occurs for a limited and minor amount of time, and occurs at various times throughout the day (i.e. not continuous).

b) Noise

The application is accompanied with an Acoustic Report, prepared by Aro Technology dated May 2019 (refer Attachment A). A summary of the findings are provided below;

- The roasting process uses several fans and a gas burner, all of which generate noise and are attached to the roaster inside the shop with the exception of the cooling fan which is roof mounted;

- Aro Technology specified sound attenuators have been installed on both the inlet and discharge of the fan, reducing the noise levels;
- In still conditions, the roasting phase would just be audible and measurable, providing there were no other noise being generated by the adjacent shops at the time;
- The initial noise problem with the cooling fan at the roaster commissioning stage has been resolved;
- The noise levels measured do not equate to a nuisance and do not exceed EPA policy guidelines at the closest perimeter of the nearby residential house;
- There was no noticeable tonal component or other notably audible characteristic to the noise;
- The roasting process would be completely inaudible inside the adjacent houses and only the cooling phase would be just measurable outside the nearest part of the adjacent houses.

As outlined above, the anticipated level and frequency of noise from the associated flue is not demonstrated to be unreasonable, and is not considered to detrimentally affect the amenity of the locality.

g) Hours of operation

The proposed hours of operation do not extend into sensitive residential times and are considered appropriate.

h) Traffic impacts

The development plan recommends developments provide sufficient off-street parking to accommodate visitor, customer, employee and service vehicles. As with shop style buildings typical of this era, off-street parking is not available.

Table Un/5 Off Street Vehicle Parking Requirements provides recommended car parking rates for a “shop” and a “restaurant” as follows:

- Shop – 7 spaces per 100 square metres of total floor area
- Restaurant – 1 space per 3 seats

With reference to Schedule 1 of the Development Regulations, the proposal does not satisfy the definition of ‘restaurant’ and is more akin to a ‘shop’ use. No increase in floor area is proposed as part of the subject application. As such, the off-street vehicle parking rate does not alter from the previous use (fruit and vegetable shop) to the proposed use (coffee shop).

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 satisfies Objective 2 of the Residential Historic Conservation Zone as a ‘small scale local business’ supporting an appealing, pleasant and convenient living environment;
- The development retains the existing building’s contribution to the Desired Character;
- The proposed development will have minimal visual impact on abutting or nearby residential occupiers;
- The proposed development would not detrimentally affect the amenity of the locality or cause unreasonable interference through noise, airborne pollutants, hours of operation or traffic impacts.

The application is therefore recommended for Development Plan CONSENT.

11. **RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/19/2019/C3 at 55-65 Duthy Street, Malvern 5061 for 'Change of use from shop to cafe, coffee processing and sale, and installation of a flue (retrospective)', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

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 café use hereby authorised shall not operate outside the following hours:
 - 6:30am to 2:30pm Monday to Friday;
 - 7:00am to 1:00pm Saturday and Sunday
3. Roasting shall not occur outside of the following hours:
 - 9:00am to 5:00pm Monday to Saturday
4. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm on any day between Monday and Saturday.
5. The coffee roasted on site shall not be produced for wholesale purposes.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- The applicant should ensure that the proposed development conforms to the Food Act 2001, Food Regulations 2002 and the Australian Food Safety Standard.
- The applicant should ensure that the proposed development conforms to the Local Litter and Nuisance Control Act.
- This authorisation does not include consent for additional advertisements. A separate consent will be required for further advertisements that constitute "development".

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

ITEM 2**DEVELOPMENT APPLICATION – 090/735/2018/C2 – 2 CAMBRIDGE TERRACE, UNLEY 5061 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/735/2018/C2
ADDRESS:	2 Cambridge Terrace, Unley 5061
DATE OF MEETING:	20 August 2019
AUTHOR:	Reb Rowe
DEVELOPMENT PROPOSAL:	Alterations and additions to dwelling including freestanding garage and colorbond fencing along side and rear boundaries
HERITAGE VALUE:	Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	RESIDENTIAL HISTORIC CONSERVATION Policy Area 6 – Spacious Unley and Malvern Trimmer Estate
APPLICANT:	J & F Parente
OWNER:	G Parente
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (2 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Built form Streetscape and historic character Residential amenity Tree protection

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The proposal includes the following:

- Alterations to existing dwelling comprising the re-pointing of existing sandstone, new roofing, replacement of window frames, remove and replace existing stucco and refurbishment of the existing chimney;
- Construction of a single storey addition to the rear of an existing dwelling. The addition would comprise an open plan living area, theatre room, kitchen, bathroom and covered

alfresco area. The addition is designed with matching roof, eave and wall heights and external materials that complement the existing dwelling;

- Construction of a freestanding car garage to the rear of the dwelling with access from Maud Street. The garage is designed with a pitched roof and external materials to match the existing dwelling; and
- Render existing brick fence piers along the front boundary and portion of the northern side boundary and installation of black powder coated steel infill. A 1.8 metre high colorbond good neighbour fence is to be erected along the side and rear boundaries.

3. SITE DESCRIPTION

The subject land is a residential allotment situated at the corner of Cambridge Terrace and Maud Street, Unley. The land is a rectangular shape with a frontage of 12.57 metres to Cambridge Terrace, 47.24 metres to Maud Street and a total site area of 594m².

The subject land is formally described as Allotment 226 in Filed Plan 15148 in the area named Unley, Certificate of Title Volume 5463 Folio 275.

Currently occupying the land is a single storey dwelling fronting Cambridge Terrace and two small outbuildings within the rear yard. The existing dwelling is identified as a Contributory Item. The land is naturally flat.

While the subject land is devoid of vegetation, there is a Significant tree on the adjoining property to the west with branches that overhang the subject land.

4. LOCALITY PLAN



Subject Site



Locality



1 Representations

5. LOCALITY DESCRIPTION

Land Use

The locality is residential in land use and built form character. Existing development comprises predominantly detached dwellings at low densities. There are instances of semi-detached and group dwellings on the northern side of Maud Street.

Land Division/Settlement Pattern

The original allotment and settlement pattern has mostly remained intact with most allotments a rectangular shape. The semi-detached and group dwellings on the northern side of Maud Street are notable exceptions.

Dwelling Type / Style and Number of Storeys

Existing dwellings include predominantly single storey traditional cottages and villas along Cambridge Terrace and Marion Street, with more recent two storey dwellings on the northern side of Maud Street.

Fencing Styles

Fencing along Cambridge Terrace and Marion Street includes brush and low masonry/brick walling while fencing styles and heights along Maud Street are more varied.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

Arborist Referral

I would be supportive of the application, from an arboricultural perspective, provided conditions are attached to reflect the bullet points provided in the URPS letter dated 12 July 2019 for example:

- The proposed carport should be built in accordance with the provided and amended site plan.
- Council's arborist must be on site prior to commencement of excavation for the carport support columns. Should roots be uncovered during the excavation relocation of the columns must be undertaken to protect the rooting system of the significant tree.
- Permeable paving for the carport must be laid above natural ground (i.e. requiring no form of excavation).
- All services (i.e. stormwater pipes and electricity cabling) to the carport must be provided above natural ground level so as to have no impact on the roots of the Significant Tree.

Heritage Referral

Taking into account the corner site location, the additions are reasonably compatible with the streetscape character of Maud Street (which is mixed) and maintain the legibility of the form of the original dwelling. The two additional windows in the northern (side) elevation are acceptable. The proposed garage is reasonably discreetly located, consistent in scale and form with the subject dwelling and sufficiently setback from the Maud Street boundary.

There are aspects of proposed works to the subject dwelling that require additional information or amendment to be consistent with relevant policy. They are as follows:

- New windows within the walls of the historic dwelling should be timber framed sash windows to match the appearance of traditional timber double-hung sash windows.
- A lime mortar should be used for repointing masonry.
- Rather than removing the existing render and applying an Acratex finish to the northern wall it is recommended that removal of the existing render and repair or the original stonework is investigated and undertaken if practical.
- The roofing profile and finish is not stipulated on the drawings. Roof sheeting should be corrugated profile and a traditional zinc galvanised coating or appropriate colorbond colour (not zinalume).
- The removal of render to the verandah posts is supported but the method of making good should be stipulated.
- The proposed front fence is inconsistent with Zone PDC 15 in that it is inconsistent in style with the subject dwelling and too high.

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 CAMBRIDGE TERRACE, UNLEY (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Height, scale and siting of proposed garage	The proposal has been amended with garage wall height to 3.0m and the linked roof removed. This will reduce the bulk and scale of the garage roof and is now compliant with the development plan. It is important to note that 4 Cambridge Tce is 600mm higher where the proposed garage is located. This further reduces the height of the garage on this boundary and will only be a 2.4m high wall at this point.
Loss of outlook due to height and scale of proposed addition	The proposed new roof ties in with the existing to ensure a seamless extension of the existing dwelling by continuing the roof height and the type and colour of the roof cladding. The proposed new garage is completely detached from the main structure.
Location of services	Any new services will comply with the relevant EPA noise transmission requirements.
Location of outdoor bbq	The location of the BBQ (if exhausted) will be exhausted through the roof which will be much higher than their entertaining area and located approximately 7m from the upper floor component of their residence.

44 MARION STREET, UNLEY (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Impact on health and longevity of our significant tree	The construction of the garage was amended to Hebel in lieu of brickwork to reduce the footing depth along with raising the FFL in order to meet the arborist's strict requirements to ensure the health of the tree is maintained.
Impact on the appearance and character of our backyard	The width of the proposed garage is 6.5m (not 7.5m) and the reference from the development plan of the setback needing to be 2m is in relation to side setbacks not rear boundary setbacks. The garage is located on the rear boundary but facing the secondary frontage.

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Dwelling Addition	Development Plan Provision
Total Site Area	594m ²	Existing
Frontage	12.57m	Existing
Depth	47.24m	Existing
Building Characteristics		
Floor Area		
Ground Floor	384.5m ² (includes garage)	
Site Coverage		
Roofed Buildings	65%	≤50% of site area
Total Impervious Areas	75% approx.	≤70% of site
Total Building Height		
From ground level	5.2m	
From ground level of the adjoining affected land	5.2m approx.	
Setbacks		
Front boundary (east)	Rear of dwelling	N/A
Side boundary (north)	1.2m	2m secondary street
Side boundary (south)	1.2m	1m
Rear boundary (west)	12m 1m (garage)	5m
Wall on Boundary (garage)		
Location	Southern boundary	
Length	6.25m	≤9m or ≤50% of the boundary length, whichever is the lesser
Height	3m wall height	≤3m
Private Open Space		
Min Dimension	4m+	≥4m minimum
Total Area	105m² (18%)	≥20%
Car parking and Access		

On-site Car Parking	4 spaces	3 per dwelling where bedrooms or 250m ² floor area or more
Colours and Materials		
Roof	Colorbond sheeting	
Walls	Painted render	
Fencing	Masonry piers & aluminium infill	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

<p>Residential Historic (Conservation) Zone</p> <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>
<p>Desired Character</p> <p>Heritage Value <i>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.</i></p> <p><i>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.</i></p> <p>Contributory Items <i>A building making a positive contribution to the heritage value and desired character of the respective policy areas is termed a "contributory item". All contributory items are highly valued</i></p>

and ought not be demolished, as this would significantly erode the integrity of the zone. Sensitively designed alterations and additions to a contributory item are appropriate, as are changes removing or making more positive contribution of discordant building features detracting from its contributory value. The adaptation of a contributory item for alternative residential accommodation where this provides for the retention, and ongoing refurbishment, of such items is also appropriate.

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’ lean-to with a built form that is compatible with the historic form and appearance of the existing dwelling. In particular, the addition is designed with matching wall, eave and roof heights, sash-style windows and complementary materials and finishes comprising painted render wall cladding (cream) and colorbond roof sheeting (Grey). Similarly, the proposed garage is designed with a complementary roof form and external materials.

Council’s Heritage Advisor considers the proposal to be compatible with the streetscape character of Maud Street and to maintain the legibility of the form of the original dwelling. The proposed garage would be located discreetly and is consistent in scale and form with the subject dwelling and sufficiently setback from the Maud Street boundary.

The applicant has amended the proposal in response to concerns relating to alterations to the existing dwelling (i.e. new windows, external render and roofing materials) and the style and height of the proposed front fence. The changes include roof and verandah detailing, the repointing of existing sandstone with lime mortar and the removal of a front masonry fence from the proposal.

For above these reasons, the proposal is considered to conserve and enhance the historic character and value of the contributory item and would contribute positively to the desired character of the Residential Historic (Conservation) Zone.

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 proposed dwelling alterations,</p>

Relevant Zone Principles of Development Control	Assessment
	<p>additions and garage would be sufficiently compatible with the original dwelling and the Maud Street streetscape and therefore conserve the historic form and features of the contributory item.</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 alterations, additions, garage and fencing are ancillary and subordinate to the existing dwelling and therefore would not change the existing residential use of the land.</p> <p>As PDC 2 of the Residential Historic (Conservation) Zone envisages dwelling alterations, outbuildings and other domestic structures, the proposal is 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 finishes and materials) together with any associated original fencing forward of the main building façade; and</i> <i>(c) removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</i> <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</i></p>	<p>The proposal includes alterations to the front façade of the contributory item. The main roof and the roof of the bullnose verandah will be replaced and the stone work, quoins, verandah posts and chimney will be refurbished. Council’s Heritage Advisor is satisfied that such works would “<i>maintain the legibility of the form of the original dwelling</i>”.</p> <p>The proposal would also remove a rear lean-to that is considered a discordant building element which does not form part of the original building fabric.</p> <p>The location of the additions at the rear of the dwelling and their compatible form and scale would maintain the historic value and character of the contributory item and the streetscape.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>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 additions are located to the rear of the dwelling, and although readily visible from the Maud Street frontage, the single storey scale and compatible form and appearance would ensure the new building maintains the original fabric and features of the contributory item. 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><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>The proposed additions are single storey with a maximum roof height of 5.2 metres. The wall, eave and roof heights would correspond to those of the contributory item.</p>
<p>PDC 10</p> <p><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></p>	<p>The additions are designed with a pitched roof and eave and wall heights to match the existing dwelling. The compatible building scale and form would ensure the historic character of the original dwelling is maintained.</p> <p>The proposed garage is discreetly located, is consistent with the dwelling in scale and form and is sufficiently setback from the Maud Street boundary.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>(a) scale and form of buildings relative to their setbacks as well as the overall size of the site; and</i></p> <p><i>(b) streetscape setting or the characteristic pattern of buildings and spaces (front and side setbacks), and gaps between buildings; and</i></p> <p><i>(c) primarily open front fencing and garden character and the strong presence of dwellings fronting the street.</i></p>	<p>The size, scale and siting of the proposed additions and garage is considered to be consistent with the existing development pattern in the locality, which comprises rear additions and outbuildings located on or in relatively close proximity of side and rear boundaries.</p>
<p>PDC 12 <i>Building walls on side boundaries should be avoided other than:</i></p> <p><i>(a) a party wall of semi-detached dwellings or row dwellings; or</i></p> <p><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></p> <p><i>(i) there is only one side boundary wall; and</i></p> <p><i>(ii) the minimum side setback prescribed under the desired character is met on the other side boundary; and</i></p> <p><i>(iii) the desired gap between buildings, as set-out in the desired character, is maintained in the streetscape presentation.</i></p>	<p>The proposed garage would be located on the southern side boundary with a wall measuring 6.25 in length and 3 metres in height. The garage is of moderate size and has been separated from the dwelling so as to present as a subservient building.</p> <p>The proposal is considered to satisfy the PDC 12 of the zone as the garage has a low profile and would be sufficiently setback from the opposite side boundary (Maud Street).</p> <p>While the adjoining owners at 4 Cambridge Terrace have raised concerns with the size, scale and siting of the garage, the impacts upon the amenity of the southern neighbour would not be significant for the following reasons:</p> <ul style="list-style-type: none"> • The length and height of the garage wall is not unreasonable given the size of the subject land and the spatial separation to the adjoining dwelling; • The wall would be located adjacent to a verandah on the adjoining property; • The outlook from the upper storey windows would not be adversely affected as the garage is single storey; • The rear yard of the adjoining property would continue to receive adequate sunlight during winter; and • The adjoining property is approximately 600mm higher than the site of the proposed garage.

Policy Area Desired Character

Policy Area 6 – Spacious Unley and Malvern Trimmer Estate	
Desired Character	
Heritage Value	
<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>	
Desired Character	
<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> <p>(a) conserve contributory items, in particular symmetrical and asymmetrical villas of Victorian and Turn-of-the-Century era and double-fronted cottages; and</p> <p>(b) be of a street-fronting dwelling format, primarily detached dwellings; and</p> <p>(c) maintain or enhance the predominant streetscapes and regular road and allotment patterns with:</p> <p>(i) dwelling sites typically of 15 metres in street frontages and with site areas of 750 square metres; and</p> <p>(ii) front set backs of some 7 metres; and</p> <p>(iii) side setbacks of between 1 metre and 3 metres so as to maintain a total spacing between neighbouring dwelling walls, of some 4 metres; and</p> <p>(d) maintain and respect important features of architectural styles of contributory items having typically:</p> <p>(i) building wall heights in the order of 3.6 metres; and</p> <p>(ii) total roof heights in the order of 5.6 metres or 6.5 metres; and</p> <p>(iii) roof pitches in the order of 27 degrees and 35 degrees.</p>	
Assessment	
<p>The 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 compatible building design and scale and siting of the additions to the rear of the dwelling would ensure that the historic features of the contributory item are sufficiently maintained.</p>	

Relevant Council Wide Objectives and Principles of Development Control

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


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

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	
<i>PDC 5 & 6 – Significant Trees</i>	<p>Council Wide PDC 5 and 6 seek to ensure that development is designed and undertaken to retain and protect significant trees, particularly where such trees make an important contribution to the visual character and amenity of the local area or contributes to the habitat value of the area.</p> <p>There is a Significant White Cedar within the rear yard of the adjoining property at 44 Marion Street. The trunk of the tree is approximately 4 metres from the rear boundary of the subject land and 5 metres from the nearest part of the proposed garage.</p> <p>The applicant has provided a Development Impact Report prepared by a qualified arborist, Alan Cameron Consulting Arborist. The significant tree is considered to be in good health and makes an important contribution to the visual amenity of the locality. The Tree Protection Zone (TPZ) for the tree has been calculated at a radius of 12.1 metres. The proposed garage would encroach significantly into the TPZ and therefore exceeds the 10 percent encroachment that is tolerated by <i>AS 4970-2009 – Protection of trees on development sites</i>.</p> <p>Council's Arborist considered the level of encroachment to be excessive and has also queried the findings of the Development Impact Report. In response to these concerns, the applicant sought further arboricultural advice from Sam Cassar of Symatree, and based on this advice and discussions with Council's Arborist, the proposal has been amended. The amendments to the original proposal include:</p> <ul style="list-style-type: none"> • The proposed garage has been moved one metre off the western common property boundary and therefore one metre further away from the tree; • The proposed garage has been changed to a carport with only 10 supporting columns that will involve minimal excavation and thus minimal impact on any roots of the Significant Tree;

Relevant Council Wide Provisions	Assessment
	<ul style="list-style-type: none"> • Cladding to the northern and western sides of the carport only will be lightweight and sit entirely above the existing ground level; • Permeable paving will be laid above ground (i.e. requiring no excavation) for the garage and driveway; and • All services (i.e. stormwater pipes and electricity cabling) to the garage will be provided above ground so as not to impact on the roots of the tree. <p>Council's arborist is supportive of the amended proposal from an arboriculture perspective as the above measures would adequately protect the health and longevity of the Significant tree.</p>
Residential Development	
<i>PDC 13 – Side and Rear Boundary Setbacks</i>	<p>Council Wide PDC 13 recommends a minimum setback of one metre from a side boundary and two metres from a secondary street boundary.</p> <p>The proposed additions would be setback 1.2 metres from the southern side boundary and from the secondary street boundary. While the setback to the Maud Street frontage would be less than two metres, the spatial separation would sufficiently maintain the streetscape character given the existing building line of the dwelling and the single storey scale of the proposed additions.</p> <p>The rear setback of 12 metres satisfies Council Wide PDC 13.</p>
<i>PDC 2 – Interface Between Land Uses</i>	<p>The owners of 4 Cambridge Terrace are concerned that the height and scale of the proposed additions and garage would impair their outlook from the upper storey windows of their rear addition, and in particular, obstruct views of the adjacent Significant tree.</p> <p>As the proposed additions and garage are 'single' storey with relatively low roofs and are mostly offset from the side boundary, the buildings would not significantly intrude upon the visual amenity of the adjoining property. As observed below, the proposed buildings would be significantly lower and less bulky than the adjoining dwelling at 4 Cambridge Terrace.</p>

Relevant Council Wide Provisions	Assessment
	 <p data-bbox="577 678 1409 741">The two storey addition at the rear of no. 4 Cambridge Terrace viewed from Maud Street</p>
<p data-bbox="212 813 550 875"><i>PDC 19 & 20 – Private Open Space</i></p>	<p data-bbox="577 813 1409 1014">Approximately 105m² of private open space will be retained with the dwelling, which equates to 18% of the site area. While Council Wide PDC 20 recommends a minimum of 20% of the site area, the layout, orientation and overall amount of private open space is considered suitable for clothes drying, entertaining and other domestic activities.</p>
<p data-bbox="212 1068 550 1131"><i>PDC 16 & 17 – Site Coverage</i></p>	<p data-bbox="577 1068 1409 1400">Council Wide PDC 17 prescribes a total roofed area of 50 percent of the area of the site. The proposed development would result in roofs covering approximately 65 percent of the site, which is at variance to this principle. Notwithstanding this departure, there is considered to be sufficient area on-site for stormwater detention and retention tanks and adequate private open space would be maintained. Although exceeding the recommended standard, the proposed roof and impervious surface coverage would not have any perceivable planning impacts.</p> <p data-bbox="577 1435 1409 1500">Accordingly, the proposal is not considered to result in an over-development of the site.</p>

11. CONCLUSION

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

- The proposal is orderly and desirable form of development within the Residential Historic (Conservation) Zone, which envisages dwelling alterations, outbuildings and other domestic structures that are designed and sited to conserve and enhance contributory items and historic streetscapes;
- The compatible form and scale of the additions and garage would maintain the historic value and character of the contributory item and the streetscape.

- The design and siting of the proposed dwelling would not adversely impact upon the amenity of neighbouring properties, in terms of visual impact, loss of privacy or access to natural light;
- The size, scale and siting of the proposed additions and garage is in keeping with the existing and desired development pattern in the locality; and
- The siting and design of the proposal would adequately protect the health and longevity of the adjacent Significant tree.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/735/2018/C2 at 2 Cambridge Terrace, Unley 5061 for alterations and additions to dwelling including freestanding garage and colorbond fencing along side and rear boundaries 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. The following tree protection measures shall be incorporated into the development and maintained thereafter at all times:
 - Excavation for the garage support columns shall be undertaken using non-destructive techniques such as air-spading or hand trenching and under the supervision of Council's Arborist;
 - Permeable paving shall be used for the garage floor and driveway with the paving laid above-ground (i.e. requiring no excavation); and
 - All services (i.e. stormwater pipes and electrical gables) to the garage shall be provided above-ground.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.

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

ITEM 3**DEVELOPMENT APPLICATION – 090/341/2019/C2 – 4 PALMERSTON ROAD, UNLEY SA 5061 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/341/2019/C2
ADDRESS:	4 Palmerston Road, Unley SA 5061
DATE OF MEETING:	20 August 2019
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Erect replacement tennis court fencing
HERITAGE VALUE:	Local Heritage
DEVELOPMENT PLAN:	19 Dec 2017
ZONE:	(BUILT FORM) ZONE P 9.7
APPLICANT:	Alastair Monfires Donaldson and Robin Frances Donaldson
OWNER:	Jardon Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (4 support and 2 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Height Impacts on Local Heritage building

1. PLANNING BACKGROUND

No relevant planning background.

2. DESCRIPTION OF PROPOSAL

The proposal is to replace existing degraded and overgrown tennis court fencing with new tennis court fencing. It should be noted that construction was commenced, however ceased once the owner was informed that approval was required. The fencing would measure 3.6m in height with 3.8m posts, and includes:

- a section on the north western boundary of approximately 30m (9.6m of which has already been constructed);
- a south western return section of 13m towards the associated Local Heritage listed dwelling (already constructed);
- a 16m section abutting the Palmerston Road boundary fencing, and
- a return section of approximately 4.3m.

The north western boundary section has also been covered in a synthetic ivy, which is not considered to be development.

Two sections of the tennis court fencing will cross an easement perpendicularly, with all posts being located on the edge or outside of the easement area. The fencing panels are considered demountable.





3. SITE DESCRIPTION

The site consists of two allotments addressed as 4 and 6 Palmerston Road in Unley. Together these allotments make up a irregular shape with a combined frontage to Palmerston Road of 60.6m and combined site area of 1700sqm. 6 Palmerston is a regular rectangular shaped allotment and contains the Local Heritage listed dwelling. 4 Palmerston is triangular in shape and abuts the Parklands Creek along its north western boundary. An easement for infrastructure of approximately 3m in width runs the length of the north western boundary.

The subject area of the site is a tennis court located mainly on the 4 Palmerston allotment. The tennis court is oriented diagonally across 4 Palmerston with the south western corner located on 6 Palmerston abutting the dwelling.

It is evident the tennis court with fencing was established some decades previous. The turf has been maintained in a general good standard and kept clear of other vegetation. The previous tennis court fencing has become progressively overgrown with various creeper, trees and other vegetation which has now been somewhat cleared.

4. LOCALITY PLAN



Subject Site

Locality

1

Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality south of Park Lane is residential. The predominant land use within the locality north of Park Lane is commercial.

Land Division/Settlement Pattern

The pattern of development in the locality south of Park Lane is predominantly rectangular east west allotments facing the north south streets, particularly along Palmerston Road. Abutting the Parklands Creek more recent land division is more compact, and predominantly north south facing on Park Lane, and some group dwellings from Roberts Street and Roberts Place.

North of Park Lane allotments are rectangular and front Greenhill Road with secondary access from Park Lane.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Councils Heritage Architect advisor as the development relates to a Local Heritage Place. The comments provided are as follows:

- The subject site is adjacent to the local heritage place at 6 Palmerston Road and is disposed as part of its garden.
- The dwelling at 6 Palmerston Road is an asymmetrical villa. Built in 1912, it is of high integrity. The spacious grounds and garden reinforce the heritage value of the place.
- The heritage impact of the proposed tennis court fencing is acceptable for the following reasons:
- The proposed fencing does not physically impact on the historic dwelling. There is considerable space between the proposed fencing and the dwelling on the Palmerston Road frontage.
- The proposed fencing has relatively low impact on the context and setting of the historic dwelling, it blends with existing landscaping and its visual impact does not detrimentally affect the streetscape appearance of the historic dwelling.
- The proposed tennis court fencing replaces fencing of similar form and scale.
- For similar reasons the proposed tennis court fencing does not adversely impact on the heritage value of the local heritage place.

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 a total of six (6) representations were received, with four (4) representations being in support and two (2) representations against. Further details are provided below.

1) 5/5 Roberts Street, Paul Taylor (support)	
ISSUES RAISED	APPLICANTS RESPONSE
(Support)	
2) 3/3 Park Lane, Christopher Reilly (support)	
ISSUES RAISED	APPLICANTS RESPONSE
(Support)	
3) 4/3 Park Lane, Judith Turner (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Overshadowing/loss of light*	<p>To the extent that the Resident of Unit 4, No.3 Park Lane may have enjoyed more natural light since the removal of the existing ivy covered fence, such is a temporary condition ahead of replacement.</p> <p>The Resident of Unit 4, No.3 Park Lane may not reasonably expect an open aspect over my Client's property from their two storey dwelling. Conversely, my Client may reasonably expect to enjoy a modest level of privacy on their property.</p> <p>The tennis court fence that has been removed was covered with thick ivy and creepers that formed a dense visual screen. My Client seeks to re-establish a comparable level of screening to that which previously existed.</p> <p>As outlined above, the placement of synthetic photinia inserts within the proposed chain mesh fence is not in its own right 'development' as defined.</p> <p>The new fence will not over overshadow Unit 4, No.3 Park Lane given its position to the south of this property. To the extent that the proposed screening may reduce natural light, it would be no more so than that previously experienced.</p>
4) 7 Palmerston Road, Yuki Konishi (support)	
ISSUES RAISED	APPLICANTS RESPONSE
(Support)	
5) 7 Palmerston Road, Kyle Armstrong (support)	
ISSUES RAISED	APPLICANTS RESPONSE
(Support)	
6) 8 Palmerston Road, Roland Tan (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Fence "over height"	<p>The replacement fence is no higher than the previous fence (3.6m).</p> <p>The replacement fence utilises</p>

	<p>appropriate materials and finishes including low light reflective chain mesh (green PVC coated) and green powder coated posts, rails and fittings.</p> <p>A fence of this nature around this tennis court is reasonable and acceptable.</p>
A heritage Impact report has not been provided	<p>To the extent that this fence extends into No.6 Palmerston Road, it will have no material effect on the heritage value or setting of this building. I am advised that the [previous] tennis court fence was in existence at the time of heritage listing in 2014.</p> <p>I respectfully submit that there is no need for an expert heritage assessment.</p>

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	1700m ²	
Frontage	60.6m	
Depth	2.7m – 46.2m	
Building Characteristics		
Fence Height		
From ground level	3.6m	2.8m
Setbacks		
Front boundary (E)	Abutting inside of fence	
Side boundary (N)	11m	
Side boundary (S)	n/a	
Rear boundary (NW)	Nil	
Colours and Materials		
Fencing	Open green PVC coated chain mesh, and green powder coated posts, rails and fittings.	

(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><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 3: Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.</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><i>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:</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</i></p>

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

It is considered that the existing tennis court forms part of the open garden setting of the site and the proposed replacement fencing would not adversely impact on the streetscape contribution of the Local Heritage building.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 1: <i>Development should support and enhance the desired character (as expressed for each of the three policy areas, and the respective precincts).</i></p>	<p>The applicant seeks to erect a fence associated with an existing tennis court. It is considered that the proposed fence is of a design and scale that will have minimal impact on the desired character of the locality. Furthermore, as it is to be ancillary to a Local Heritage Place, the fence has been located to ensure that it does not impact on the streetscape contribution of the Local Heritage Place.</p>
<p>PDC 3: <i>Development should retain and enhance the streetscape contribution of a building by:</i></p> <p><i>(a) retaining, refurbishing, and restoring the building; and</i></p> <p><i>(b) removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</i></p> <p><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></p> <p><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,</i></p>	<p>The development would preserve an open garden setting, as well as the streetscape presence of the associated Local Heritage building.</p> <p>The open pvc coated chain mesh fencing is considered appropriate for the site and locality.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>and responds, positively to the streetscape context of its locality in terms of the:</i></p> <p><i>(i) rhythm of buildings and open spaces (front and side setbacks) of building sites; and</i></p> <p><i>(ii) building scale and forms (wall heights and proportions, and roof height, volumes and forms); and</i></p> <p><i>(iii) open fencing and garden character; and</i></p> <p><i>(iv) recessive or low key nature of vehicle garaging and the associated driveway.</i></p>	
<p>PDC 16: <i>Fencing of the primary street frontage and the secondary street on corner sites, forward of the front façade of the dwelling, should complement the desired character, and be compatible with the style of the associated dwelling and its open streetscape presence, and comprise:</i></p> <p><i>(a) on narrow-fronted dwelling sites of up to 16 metres in street frontage - low and essentially open-style fencing up to 1.2 metres in height, including picket, dowel, crimped wire or alternatively low hedging; or</i></p> <p><i>(b) on dwelling sites in excess of 16 metres in street frontage - low and essentially open-style fencing as in (a), but may also include masonry pier and plinth fencing with decorative open sections of up to 1.8 metres in total height.</i></p>	<p>The proposed fencing is to replace previous fencing and would be in a similar position and of similar layout and appearance as the previous fencing.</p> <p>It is considered that the fencing is for the purposes of an existing turf tennis court as a part of the open garden setting.</p> <p>The fencing would be of open pvc coated chainmesh and be constructed at an angle away from the dwelling towards Palmerston Road.</p> <p>Given the above and with regard to the context of the site and locality, the fencing is considered reasonable and appropriate.</p>

Policy Area Desired Character

Policy Area 9 – Spacious
Desired Character
<p><i>The streetscape attributes include the:</i></p> <p><i>(a) low scale building development;</i></p> <p><i>(b) spacious road verges and front and side building setbacks from the street;</i></p> <p><i>(c) forms and detailing of the predominant architectural styles (variously Victorian and Turn-of-the-Century double-fronted cottages and villas, and Inter-War era housing, primarily bungalow but also tudor and art deco and complementary styles); and</i></p> <p><i>(d) varied but coherent rhythm of buildings and spaces along its streets.</i></p>

Development will:

(a) be of a street-front dwelling format, primarily detached dwellings; and

(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
9.2 Everard Park and Forestville (East)	as per Precinct 9.1	800m ²	18m	7.0m	1.0m	5.0m
9.3 Kings Park	Cottages, Villas, and Bungalows	750m ²	18m	8.0m	1.5m	7.0m

Precinct	Predominant Architectural Style	Predominant Allotment Size		Predominant Setbacks		
		Area	Width	Street setbacks	Minimum side setbacks	Collective side setbacks†
9.4 Millswood, Hyde Park (West) and Goodwood (South)	as per Precinct 9.3	600m ²	15m	6.0m	1.0m	5.0m
9.5 Millswood (South)	Cottages, Villas, Bungalows, Tudor and Art Deco	1,000m ²	21m	8.0m	1.5m	9.0m
9.6 Unley (Allen Grove)	Art Deco	600m ²	18m	8.0m	1.0m	6.0m
9.7 Unley (North)	Cottages (inc narrow fronted styles), Villas and Bungalows	600m ²	15m	6.0m	1.0m	5.0m
9.8 Unley Park (East)	as per Precinct 9.1	1,000m ²	21m	8.0m	1.5m	8.0m
9.9 Wayville	as per Precinct 9.7	600m ²	15m	7.0m	1.0m	6.0m
9.10 Fullarton (West)	Bungalows and Art Deco	700m ²	16m	7.0m	1.0m	4.0m
9.11 Unley Park (West)	Interwar & Turn of Century	900m ²	20m	10m	1.5m	6.0m

Assessment

It is considered that the existing tennis court forms part of the open garden setting of the site and the proposed replacement fencing would not adversely impact on the streetscape contribution of the Local Heritage building or harm the character and appearance of the area.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Heritage	<i>Objectives</i>	1, 2, 5
	<i>PDCs</i>	1, 3, 4,
Residential Development	<i>Objectives</i>	1, 2, 5
	<i>PDCs</i>	1, 19, 20, 22, 23, 24, 35,

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

Relevant Council Wide Provisions	Assessment
Heritage	
PDC 3 – Heritage Places	It is considered the Local Heritage Place would not be adversely affected by the development, as per Council’s Heritage Advisor’s comments.
PDC5 - Front fencing	The development does not relate to any original character fencing. It is considered the proposed fencing does not detrimentally affect the streetscape appearance of the historic dwelling
Residential Development	
PDC 35 - Fencing	The fencing would be open pvc coated chain mash. The recommended height for permeable fencing and screens is 2.8m. As the fencing is open and relates to a tennis court, a height of 3.6m is considered a reasonable and acceptable variance. Furthermore, it is noted that: <ul style="list-style-type: none"> • The fence is sufficiently set away from adjoining properties to ensure it would not be visually intrusive; • The fence is transparent and would therefore not result in any unreasonable loss of light; • The artificial creeper is not development.

11. DISCUSSION

Given the context of the dwelling, site and locality, it is considered that the development is of domestic scale and ancillary to and would facilitate the better use of the existing residential use of the land and Local Heritage dwelling. The scale and form of the proposed development is not incongruous with the setting and would not unreasonably impact upon the owners or occupiers of land in the locality, nor the amenity of the surrounding area.

12. CONCLUSION

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

- The proposed development retains and does not impact upon the character or appearance of the Local Heritage building;
- The proposed fencing is made from open and non-reflective coated finished materials and would not adversely impact on the amenity of adjoining residents in the locality; and
- The scale and form of the development is not incongruous within the setting.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/341/2019/C2 at 4 Palmerston Road, Unley SA 5061 to 'Erect replacement tennis court fencing', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

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

ITEM 4**DEVELOPMENT APPLICATION – 090/180/2019/DIV – 31A FISHER STREET, MYRTLE BANK 5064 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/180/2019/DIV
ADDRESS:	31A Fisher Street, Myrtle Bank 5064
DATE OF MEETING:	20 August 2019
AUTHOR:	Brendan Fewster
DEVELOPMENT PROPOSAL:	Land Division - Torrens Title - Create two allotments from one existing, carry out demolition and alterations to existing dwelling including carport to boundary; and construct two storey dwelling presenting to Sedgeford Road
HERITAGE VALUE:	Non-Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential (Landscape) Zone PA11.3 (560)
APPLICANT:	Sio Khchao
OWNER:	Sampheavit Khchao and Sio Khchao
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:	Site area and frontage Desired Character Building appearance and siting Privacy Access and traffic

1. PLANNING BACKGROUND

Development Application 090/494/2017/DIV - Land Division - Torrens Title - Create two allotments from one existing. The application was refused on the 12 December 2017.

090/396/2017/C2 - Demolish dependant accommodation, garage and carport; carry out alterations to existing dwelling; construct carport in association with existing dwelling; and construct two storey dwelling fronting Sedgeford Avenue including garage to common boundary. The application was refused on 12 December 2017.

2. DESCRIPTION OF PROPOSAL

The application is for a combined land division and built form development. The following is a summary of the proposal:

- a. Torrens Title land division to create one additional allotment (one allotment into two). The proposed allotments will be 568m² and 407m² in area with frontages of 26.62 metres and 19.1 metres respectively to Sedgford Road. The existing dwelling will be retained on proposed Allotment 10 and a new detached dwelling is to be constructed on proposed Allotment 11;
- b. Demolition of sunroom, granny flat and outbuildings and alterations to existing dwelling including a new carport and alfresco; and
- c. Construction of a two storey detached dwelling with frontage to Sedgford Road. The dwelling is designed with a front porch, single garage and a conventional hip roof with the upper storey within the roof space. External materials and finishes include face brick wall cladding, aluminium frame windows and doors and colorbond roof sheeting.

3. SITE DESCRIPTION

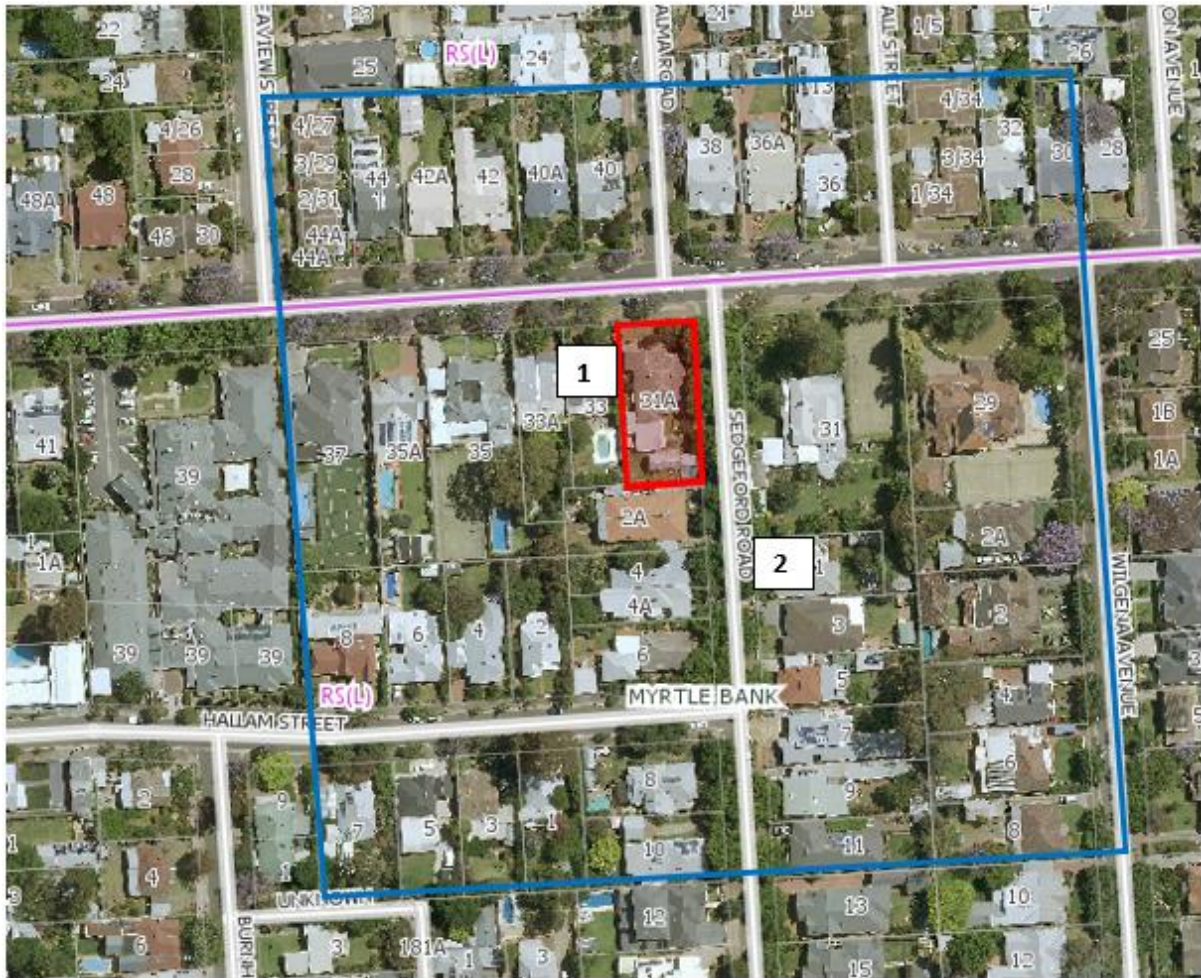
The subject land is a residential allotment located at the corner of Fisher Street and Sedgford Road, Myrtle Bank. The land is a rectangular shape with a frontage of 21.33 metres wide to Fisher Street, 45.72 metres to Sedgford Road and a total area of 975m².

The subject land is formally described as Allotment 507 in Filed Plan 15852 in the area named Myrtle Bank, Certificate of Title Volume 5565 Folio 42.

Currently occupying the land is a single storey bungalow dwelling fronting Fisher Street and several outbuildings within the rear yard. The land is relatively flat with a fall of approximately one metre from the rear boundary to the Fisher Street frontage.

There are no regulated or significant trees on the site or on adjoining land that would be affected by the proposed development.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The locality is residential in land use and built form character. Existing development comprises predominantly detached dwellings at low densities. There are instances of original duplex or maisonette dwellings on Sedgefords Road.

Land Division/Settlement Pattern

The original allotment and settlement pattern has remained relatively intact with most allotments a rectangular shape. There are several large allotments in excess of 2000m² fronting Fisher Street however allotments typically range between 400m² and 800m² in area.

Dwelling Type / Style and Number of Storeys

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

Fencing Styles

Fencing styles and heights vary along Fisher Street and Sedgford Road and include masonry/brick walling, brush, hedging and sheet metal.

6. STATUTORY REFERRALS

SCAP

The application is supported with standard conditions.

SA Water

The application is supported with standard conditions.

7. NON-STATUTORY (INTERNAL) REFERRALS

Arborist Referral

The proposed new crossover is shown to be 5.8 metres in width, extending from the side western boundary, and the tree is 3 metres north from the front northern boundary. Taking these measurements into consideration they are shown to be outside of the SRZ for this tree, and as such should have minimal impact on the trees rooting system.

The crossover alteration shown on the eastern side of the property, and in Sedgford Road, appears to have been increased in size, utilising the area to the south of the existing crossover. This being the case it should have no impacts on the street tree to the north of the existing crossover.

Assets Referral

No concerns raised regarding the Sedgford Road Crossover.

Initial concerns were raised with the Fisher Street crossover (with regards to the boundary and kerb level). The applicant had discussions with the Department and provided amended plans to the Departments satisfaction.

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.

1 SEDGFORD ROAD, MYRTLE BANK (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
The new allotment is too small and does not conform to the zone and policy area	The allotments have frontage widths which easily exceed the prescribed minimum frontage and compatible in length to the prevailing frontage widths of existing allotments along both Fisher Street and Sedgford Road. The configuration, frontage and area of the proposed allotment will be compatible with other residential allotments created from corner allotments with primary frontages to Fisher Street and will satisfy Council Wide (Land Division) PDC 12 and 15.
The development may lead to higher density or house sharing	No response provided

accommodation	
Increase in traffic	The development will not cause a loss of any on-street spaces within Sedgeford Road. Any parking demands which exceed the on-site capacities of the subject land will be occasional at best, and not unlike any other residential property in the area. The development will not introduce parking congestion to the street.
Inadequate boundary setbacks to Sedgeford Road	The front setback of the proposed dwelling will provide a subtle transition between the buildings on either side of the development and will provide an area at the front of the dwelling which can be landscaped to complement the appearance of the dwelling and other properties along the street.
Insufficient storage for the existing and new dwelling	Storage sheds could be accommodated in the private open spaces of the dwellings with limited effect on the performance and amenity of the spaces.
33 FISHER STREET, MYRTLE BANK (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Impact on privacy	The upper floor windows will incorporate obscure glazing to a height of no less than 1.7 metres above upper floor level. This satisfies Council Wide (Residential Development) PDC 39 of the Council's Development Plan.
Rainwater tank on boundary *	The location of the tank can be revised so as not to be situated on the property boundary.

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Description of Development		Development Plan Provision
Total Site Area	975m ²		560m ²
Frontage	21.33m		15m
Depth	45.72m		20m
Allotment Characteristics			
Lot Number	10	11	
Total Site Area	568m ²	407m²	560m ²
Frontage	21.33m	19.10m	15m
Depth	26.62m	21.33m	20m
Building Characteristics (Per Dwelling)			
Floor Area			
Ground Floor	D1 – 250m ² D2 - 167m ²		
Upper Floor	D1 – n/a D2 – 38% of ground floor		≤50% of ground floor
Site Coverage			

Roofed Buildings	D1 – 44% D2 – 41%	≤50% of site area
Total Impervious Areas	D1 – 60% approx D2 – 60% approx	≤70% of site
Total Building Height		
From ground level	D1 – existing D2 – 6.7m	7m max
Setbacks		
Ground Floor		
Front boundary	D1 – 7.9m (north) - existing D2 – 4.5m (east)	4.5m (average of adjoining)
Side boundary	D1 – existing (east) D2 – 1.62m (north)	1m
Side boundary	D1 – on boundary (west) D2 – 3m (south)	1m 1m
Rear boundary	D1 – 3m (south) D2 – 5m (west)	5m 5m
Upper Floor		
Front boundary (east)	D1 – n/a D2 – 4.5m	4.5m (average of adjoining)
Side boundary (north)	D1 – n/a D2 – same as ground floor	1m
Side boundary (south)	D1 – n/a D2 - same as ground floor	1m
Rear boundary (west)	D1 – n/a D2 - same as ground floor	5m
Private Open Space		
Min Dimension	D1 – 3m D2 – 8.5m	≥4m minimum
Total Area	D1 – 175m ² (31%) D2 – 135m ² (33%)	≥20%
Car parking and Access		
On-site Car Parking	D1 – 2 spaces D2 – 2 space	2 per dwelling
Covered on-site parking	1 covered	1 covered space
Driveway Width	3m min	3m Single 5m double
Garage/Carport Width	D1 – 5.5m (26%) D2 – 3.1m (16%)	≤6.5m or ≤30% of site width, whichever is the lesser
Colours and Materials		
Roof	D1 – colorbond (carport) D2 – colorbond	
Walls	D1 – existing D2 – face brick	
Fencing	Colorbond and timber slats	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential (Landscape) Zone
<p>Objective 1: Enhancement of the distinctive and primarily coherent streetscapes by retaining and complementing the built form, setting and surrounding landscape features.</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: Sensitive in-fill development opportunities where appropriate and complementary to the desired character and streetscape setting or providing for the improvement of areas of variable character by replacing discordant buildings and their associated landscape patterns.</p> <p>Objective 4: Development that contributes to the desired character of the zone.</p>
Desired Character
<p>The Residential Streetscape (Landscape) Zone encompasses living areas in the west and south eastern section of the City of Unley. The zone is distinguished by coherent streetscape patterns. These attributes include the consistent:</p> <ul style="list-style-type: none">(a) rhythm of building sitings, scale, form and setbacks (front and side) and gaps between buildings;(b) allotment and road patterns;(c) landscape features within streetscapes, including the road verge and forward of the building façade. <p>Development should respect and contribute positively to the streetscape setting, and where appropriate, the collective features of distinctive and primarily coherent streetscapes. The key considerations are:</p> <ul style="list-style-type: none">(a) siting – sites with generous front and side setbacks to main dwelling buildings and wide road reserves. Building envelopes should reflect this siting, scale and form to maintain the spatial patterns of traditional settlement. Low open style front fences provide transparent streetscape views of landscaped front yards and compatible development.(b) form – a consistent pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and form is associated with the various architectural styles. Infill dwellings and dwelling additions should maintain traditional scale, proportions and building forms when viewed from the primary streetscape.(c) key elements – the articulation of the built form, verandahs and pitched roofs, are important key elements in minimising the visual dominance of buildings to the primary streetscape setting. The careful composition of facades to reduce building mass, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements, assist in complementing the desired character. Low open style front fences complement the style and predominant form of dwellings within the street and streetscape views of landscaped front yards. <p>Sites greater than 5000 square metres will be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings, supported accommodation or institutional housing facilities at densities higher than, but compatible with, adjoining residential development.</p> <p>Sites for existing or proposed aged care housing, supported accommodation or institutional housing may include minor ancillary non-residential services providing that the development interface is compatible with adjoining residential development.</p>

Assessment

Objectives 1 and 2 of the Residential Streetscape (Landscape) Zone envisage “*primarily street-fronting dwellings*” that retain and complement the built form, setting and landscaping features of the surrounding area. Furthermore, Objective 3 and the Desired Character recognise that infill development may be appropriate when sensitively designed to complement the streetscape and spatial characteristics.

The locality comprises predominantly detached dwellings at low densities. Allotments are typically large with an average site area of approximately 700m², regular in shape and have wide road frontages. The subject land is one of the largest allotments in the locality and has dual road frontages, which allows the rear yard of the existing dwelling to be excised in a manner that is complementary to the existing allotment pattern. In this regard, the new allotment (Site 2) would have a wide frontage of 19.1 metres to Sedgford Road, which is consistent with existing allotments in the locality and would facilitate a “street-fronting” dwelling. Similarly, the existing dwelling would be retained on a street-fronting allotment (Site 1) with a frontage of 26.62 metres to Sedgford Road.

As considered in more detail below, the shortfall in the site area of the new allotment is not considered to undermine the spatial or functional characteristics of the development, in terms of the built form relationship with adjoining properties, on-site car parking and vehicle manoeuvrability or the internal amenity for future occupants. From a streetscape perspective, the proposed dwelling on Site 2 appropriately addresses the Sedgford Road frontage and is designed with uncomplicated facades and an upper level that is fully contained within the roof space. The proposed dwelling would not appear cramped or visually overbearing within the streetscape due to the well-proportioned facades, modest building height and adequate boundary offsets. Therefore, the site area shortfall would not be readily perceptible from the street.

The proposed density, allotment layout and built form is considered compatible with the existing and desired built form characteristics of the locality, and when balanced against the policy intent of the zone, the proposal would sufficiently meet the Objectives and Desired Character for the Residential Streetscape (Landscape) Zone.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 3 <i>Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</i></p>	<p>The subject land is a large residential allotment of 975m² that is currently occupied by a detached dwelling. PDC 3 of the Zone encourages the efficient development of land to provide greater housing choice “<i>at densities higher than, but compatible with adjoining residential development</i>”. The proposal would provide an additional detached dwelling at a higher density which adequately responds to and maintains the established pattern of development by creating regular allotments with street-fronting dwellings.</p>
<p>PDC 7 <i>Development should retain and enhance its streetscape contribution by being sited and designed to respond positively to the streetscape context of its locality in terms of the:</i></p>	<p>The Sedgford Road streetscape is characterised by a mix of dwelling styles with several conventional dwellings amongst traditional bungalows. Dwellings are single storey with either hip or gable roofs.</p>

Relevant Zone Principles of Development Control	Assessment
<p>(a) <i>rhythm and setting of buildings and open spaces (front and side setbacks);</i> (b) <i>dominant garden and landscape vistas;</i> (c) <i>recessive or low key nature of vehicle garaging and the associated driveway and minimising the number and width of access points to public roads.</i></p>	<p>The proposed dwelling on Site 2 is of a simple design that references the roof style and material palette of existing dwellings. Although the roof is somewhat taller than other dwellings due to a 35 degree roof pitch, the overall size and scale of the built form would sit comfortably within the streetscape. The garage of the dwelling would have a recessive appearance as it has a single door opening and is setback two metres behind the front wall.</p> <p>The dwelling would also have a setting that is consistent with other dwellings, with adequate side and rear boundary setbacks and a front setback that allows for landscaping to visually soften the built form.</p>
<p>PDC 9 <i>Development should present a single storey built scale to its streetscape. Any second storey building elements should be:</i> (a) <i>integrated sympathetically into the dwelling design and landscape setting;</i> (b) <i>incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street;</i> (c) <i>set well behind the primary street façade of the dwelling so as to be inconspicuous from the streetscape.</i></p>	<p>Although the proposed dwelling incorporates a second storey, the upper level is fully contained within the roof space and therefore would present to the street as a single storey building. As the upper level comprises only 38 percent of the total ground floor area, the volume and massing of the roof would not be excessive. PDC 9 is therefore satisfied.</p>
<p>PDC 10 <i>Buildings and structures should suitably reference the contextual conditions of its locality and contribute positively to the desired character, particularly in terms of its:</i> (a) <i>building scale and form relative to its setback and the overall size of its site;</i> (b) <i>streetscape setting or the pattern of buildings and spaces (front and side setbacks), and gaps between buildings;</i> (c) <i>front fencing being low and visually permeable to emphasise a strong streetscape landscape character.</i></p>	<p>As considered above, the proposed dwelling would suitably reference the existing characteristics of the locality by virtue of the sensitive design, single storey building scale, boundary offsets, opportunity for landscaping and improvements to boundary fencing.</p> <p>Furthermore, the dwelling would replace an existing garage and carport that do not contribute positively to the desired character.</p>

Policy Area Desired Character and Principles of Development Control

Landscape Policy Area 11
Desired Character
<i>This policy area comprises three precincts with allotment sizes of 300, 400 and 560 square metres. Development will seek to retain the prevailing low scale of development and the coherent rhythm, building spacing and landscaped setting. The policy area is confined to Fullarton, Highgate, Malvern (south), Forestville (south) and Myrtle Bank.</i>
Assessment
The proposed Torrens Title land division will create allotments with a site area of 567.7m ² and 407.5m ² respectively.
The Desired Character for Landscape Policy Area 11 is seeking allotments with a minimum site area of 560m ² . The allotment for the existing dwelling (Site 1) would satisfy the minimum standard however the new allotment (Site 2) would have a shortfall of approximately 160m ² . Although this shortfall is significant, the wide frontage of 19.1 metres to Sedgford Road would ensure the site area shortfall would not be readily perceptible from the street.

Relevant Policy Area Principles of Development Control	Assessment												
<p>PDC 2 <i>Development should:</i> (a) <i>be primarily detached dwellings, with sensitive infill development sited and designed so as to be inconspicuous from the streetscape, and maintain the desired character and key streetscape setting features.</i> (b) <i>conserve the physical attributes and key streetscape setting features comprising:</i> (i) <i>setting - the regular prevailing subdivision and allotment pattern that produces a characteristic streetscape pattern of allotment frontages, buildings and gardens spaced behind generally open fenced front boundaries. Primary street setbacks are generally 6m to 8m and side setbacks consistently no less than 1m and most often greater.</i> (ii) <i>form - the characteristic features of consistent scale and proportions of buildings including wall heights and roof designs to the streetscape</i> (iii) <i>key elements – good articulation of walls and roofs to street facades to reduce the scale, bulk and dominance of buildings to the streetscape.</i></p>	<p>The proposed development would create a new allotment for a detached dwelling. As considered above, the proposed dwelling has been appropriately designed to address the road frontage and to contribute positively to the desired character by virtue of the modest building scale, well-proportioned facades and setbacks from boundaries. The proposal is considered to satisfy PDC 2.</p>												
<p>PDC 3 <i>In Policy Area 11 a dwelling should have a minimum site area and a frontage width to a public road not less than that shown in the following table:</i></p> <table border="1"> <thead> <tr> <th>Precinct</th> <th>Minimum Site Area (square metres)</th> <th>Minimum Frontage Width for Dwelling (metres) *</th> </tr> </thead> <tbody> <tr> <td>11.1 Landscape 300</td> <td>300</td> <td>10</td> </tr> <tr> <td>11.2 Landscape 400</td> <td>400</td> <td>12.5</td> </tr> <tr> <td>11.3 Landscape 560</td> <td>560</td> <td>15</td> </tr> </tbody> </table>	Precinct	Minimum Site Area (square metres)	Minimum Frontage Width for Dwelling (metres) *	11.1 Landscape 300	300	10	11.2 Landscape 400	400	12.5	11.3 Landscape 560	560	15	<p>Notwithstanding the allotment size shortfall, it has been demonstrated by the built form proposal that the allotments are large enough for the existing and proposed dwellings to reasonably satisfy the relevant Development Plan requirements relating to building form and scale, boundary setbacks, private open space, site coverage and vehicle access and manoeuvrability.</p>
Precinct	Minimum Site Area (square metres)	Minimum Frontage Width for Dwelling (metres) *											
11.1 Landscape 300	300	10											
11.2 Landscape 400	400	12.5											
11.3 Landscape 560	560	15											

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
Land Division	Objectives	1, 2, 4
	PDCs	1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15
Public Notification	PDCs	1
Regulated and Significant Trees	Objectives	3
	PDCs	4, 5, 6, 7, 8, 9, 11, 12
Residential Development	Objectives	1, 2, 4
	PDCs	1, 5, 6, 7, 13, 14, 15, 16, 17, 19, 20, 23, 24, 32, 33, 34, 35, 36, 37, 40, 41, 42
Transportation (Movement of People and Goods)	Objectives	1, 2, 3, 5, 6
	PDCs	1, 2, 3, 5, 9, 10, 12, 13, 14, 18, 19, 20, 21, 22, 33

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

Relevant Council Wide Provisions	Assessment
Residential Development	
<i>PDC 5 & 6 – Street Setbacks</i>	<p>The main front wall of the proposed dwelling would be setback 4.5 metres from the Sedgeford Road frontage. The garage is setback a further 2.1 metres at a distance of 6.6 metres. In relation to the existing dwelling on Site 1, the proposed carport would be sited in line with the front gable verandah.</p> <p>Council Wide PDC 5 and 6 seek to ensure that new buildings maintain the existing streetscape by complementing the setback of adjacent buildings. The buildings on either side of the proposed dwelling would have an average setback of approximately 4.5 metres. The siting of the proposed dwelling would therefore maintain the existing the development pattern and streetscape character.</p>
<i>PDC 13 – Side and Rear Boundary Setbacks</i>	<p>Council Wide PDC 13 recommends a minimum setback of one metre from side boundaries for single storey walls and 3 metres for two storey walls up to 7 metres in height. As the side walls are less than 4 metres in height and are setback at least 1.62 metres from the adjacent boundaries, the side boundary setbacks would satisfy PDC 13 and therefore</p>

Relevant Council Wide Provisions	Assessment
	<p>sufficiently minimise any overshadowing or visual intrusion.</p> <p>The rear of the existing dwelling on Site 1 would be setback a minimum of 3 metres from the new 'rear' boundary. Although PDC 13 recommends a minimum rear setback of 5 metres, a lesser setback in this instance would not result in any adverse amenity impacts and nor would it be detrimental to the setting of the dwelling or the desired spatial character.</p>
<p>PDC 19 & 20 – Private Open Space</p>	<p>The existing and proposed dwellings would be provided with 175m² (31%) and 135m² (33%) of private open space respectively.</p> <p>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>
<p>PDC 38 & 39 – Overlooking / Privacy</p>	<p>All upper storey window openings are designed with either fixed obscure glass to a height of 1.7 metres above the floor level or are positioned at a high level so as to face the sky.</p> <p>The proposed window treatments are considered adequate in maintaining the privacy of neighbouring properties in accordance with Council Wide PDC 38 and 39.</p>
<p>Transportation (Movement of People and Goods)</p>	
<p>PDC 13 & 20 – Access and Car Parking</p>	<p>A new crossover is to be provided on Fisher Street for the existing dwelling. Council's Arborist considers the distance between the access and the existing street tree to be acceptable. The existing crossover on Sedgford Road will be altered, and similarly, Council's Arborist considers there to be adequate clearance to the adjacent street tree.</p> <p>The location and design of the crossovers would maintain adequate lines of sight in both directions and would not conflict with any street infrastructure. The proposed vehicular access arrangements are therefore safe and convenient in accordance with Council Wide PDC 13.</p> <p>When assessed against <i>Table Un/5 – Off Street Vehicle Parking Requirements</i>, there is a requirement for two car parking spaces for each dwelling, with one space to be covered. The proposal would accommodate one covered and one uncovered space for each dwelling. The on-site car parking provision satisfies Council Wide PDC 20.</p>

11. CONCLUSION

When balanced against the existing site and locality characteristics and the Desired Character for the Residential (Landscape) Zone and Policy Area, the proposed division of land and new dwelling is considered to be an orderly and desirable form of development.

The dwelling density and allotment layout of the proposal sufficiently accords with the Desired Character and is compatible with the existing pattern and built form characteristics of the locality. Except for a site area shortfall, the proposal reasonably satisfies the relevant quantitative provisions of the Development Plan.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is not considered to be seriously at variance with the Development Plan.

The application is therefore recommended for Development Plan Consent and Land Division Consent.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/180/2019/DIV at 31A Fisher Street, Myrtle Bank 5064 for Land Division - Torrens Title - Create two allotments from one existing, carry out demolition and alterations to existing dwelling including carport to boundary; and construct two storey dwelling presenting to Sedgford Road is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent and Land Division Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
4. That all upper floor windows shall be treated to avoid overlooking prior to occupation by being fitted with either raised sills or permanently fixed non-openable obscure glazed panels to a minimum height of 1700mm above floor level with such glazing to be kept in place at all times.
5. That all landscaping shall be planted in accordance with the approved plan (Site Plan prepared by TK Building Design dated 29/04/2019). The landscaping shall be planted within three (3) months of the occupancy of the development and any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping and replace any plants which may become diseased or die.

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.

LAND DIVISION CONSENT CONDITIONS:

6. All existing buildings on proposed Allotment 11 approved herein shall be removed prior to the issue of clearance to this land division.

STATE COMMISSION ASSESSMENT PANEL CONDITIONS are as follows:

7. The financial requirements of SA Water Corporation shall be met for the provision of water supply and sewerage services.

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, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
8. Payment of \$7253.00 into the Planning and Development Fund (1 allotment @ \$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 State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
9. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certification purposes.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Administration
C	Response to Representations	Applicant
D	Representor Addendum	Administration
E	Council Arborist Referral Comments	Administration

ITEM 5**DEVELOPMENT APPLICATION – 090/291/2019/C2 – 89 FREDERICK STREET, UNLEY 5061 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/291/2019/C2
ADDRESS:	89 Frederick Street, Unley 5061
DATE OF MEETING:	20 August 2019
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Carry out alterations and construct additions on the boundary, including verandah and carport
HERITAGE VALUE:	Contributory
DEVELOPMENT PLAN:	19 Dec 2017
ZONE:	Residential Historic Conservation Zone Policy Area 6
APPLICANT:	Donny Pirone
OWNER:	Marek Jan Mikucki and Est Late Jan Francois Mikucki
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	NONE YES – (1 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Site coverage; wall on boundary; overshadowing; design and appearance; and visual amenity

1. PLANNING BACKGROUND

No relevant planning history.

2. DESCRIPTION OF PROPOSAL

The applicant proposes to construct single storey additions to the rear of the existing Contributory dwelling. The additions would allow for a third bedroom, bathroom, living and outdoor living areas. The additions include a 14.4m long section of 3m high wall on the western side common boundary.

The proposal also includes a carport towards the rear of the dwelling that would provide two car parking spaces accessed via the shared driveway.

3. SITE DESCRIPTION

The allotment is a narrow rectangular allotment with a northern frontage to Frederick Street. The allotment measures 8.08m in width, 48.8m in depth and subsequent area of 396sqm. The allotment shares a reciprocal right of way with the property to the east that allows for vehicle access between the two dwellings.

Existing structures on the site include a Contributory single fronted single storey cottage, minor rear additions and domestic structures.

There are no regulated trees within close proximity of the proposed development.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use along Frederick Street within the locality is residential. Land use on the southern adjoining land along Oxford Terrace is predominantly mixed non-residential use within the District Centre zone.

Land Division/Settlement Pattern

The pattern of land division along Frederick Street in the locality is predominantly rectangular allotments of 7.6m and 15.2m in width, running north/south and facing Frederick Street.

Dwelling Type / Style and Number of Storeys

The built form within the area is predominantly either single fronted cottages or double fronted villas. Boundary development including outbuildings, additions and others relating to the southern adjoining educational and community land uses is also prominent.

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 (1) representation was received as detailed below.

91 Frederick Street (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Site coverage	<i>The proposed site coverage would be similar or less than the objectors (~68%).</i>
Boundary development; Overshadowing; and Airflow, Sense of enclosure and Visual Amenity	<i>The boundary would abut development on the objector's land, also on boundary, but for a lesser length (18m v 34m).</i> <i>The proposed boundary wall height of 3m satisfies Council requirements and abuts existing boundary development.</i> <i>We are happy to remove the solid wall to the alfresco area and accept this as a condition of the development approval if required.</i> <i>The proposed development would not cause additional adverse overshadowing, nor sense of constriction.</i> <i>In fact - the existing 34 lineal metres of built-form structure on the objector's land more adversely overshadows the subject land, including effects to current internal liveable spaces, which therefore further contributes to the proposed design solution.</i>
Materials & construction* or Visual Amenity	<i>The proposed faced brick to match existing satisfies local conservation</i>

	<p><i>zoning requirements.</i></p> <p><i>However, we would be happy to consider an alternate finish for the boundary wall (Blockwork) and accept this as a condition of the development approval.</i></p> <p><i>We are happy to remove and re-instate the objector's timber lattice screening if required.</i></p>
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(* denotes non-valid planning considerations)

Please note that the applicant requested that their response to representation not be provided to the representor.

9. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	396m ²	n/a (existing)
Frontage	8m	
Depth	48.8m	
Building Characteristics		
Site Coverage		
Roofed Buildings	60%	≤50% of site area
Total Impervious Areas	80%	≤70% of site
Total Building Height		
From ground level	5.4m	7m max
From ground level of the adjoining affected land	Approximately 5.4m	
Setbacks		
Ground Floor		
Front boundary (north)	n/a (no change)	n/a
Side boundary (east)	Nil (carport) 1.37-3.51m (dwelling)	0/600mm 1m
Side boundary (west)	Nil	0/1m
Rear boundary (south)	4m (verandah) 7.47m (dwelling)	600mm 5m
Wall on Boundary		
Location	West	
Length	14.4m	≤9m or ≤50% of the boundary length, whichever is the lesser
Height	3.22m (Including max 220mm footing)	≤3m
Private Open Space		
Min Dimension	>4m	≥4m minimum
Total Area	16% (63.8sqm)	≥20% (35m ² for site areas ≤300sqm)
Car parking and Access		

On-site Car Parking	2 (3 BRs)	2 per dwelling where less than 4 bedrooms or 250m ² floor area
Covered on-site parking	1	≥1 car parking space
Garage/Carport Width	3.51m (43%) (2.2m hidden)	≤6.5m or ≤30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	2.85-3.51m x 10m (open ended)	3m x 6m for single 5.8m x 6m for double
Colours and Materials		
Roof	CGI to match existing	
Walls	Face brick to match existing	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

RESIDENTIAL HISTORIC (CONSERVATION) ZONE
<p><i>Objective 1: Conservation and enhancement of the heritage values and desired character described in the respective policy areas, exhibited in the pattern of settlement and streetscapes of largely intact original built fabric.</i></p> <p><i>Objective 2: A residential zone for dwellings primarily in street-fronting format, together with the use of existing buildings and sites used for non-residential purposes for small-scale local businesses and community facilities supporting an appealing, pleasant and convenient living environment.</i></p> <p><i>Objective 3: Retention, conservation and enhancement of contributory items, and the complementary replacement or redevelopment of non-contributory buildings.</i></p> <p><i>Objective 4: Sensitive adaptation of contributory items for alternate, small household, living where offering tangible benefit in the retention and refurbishment of such items.</i></p>
Desired Character
<p>Heritage Value</p> <p><i>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.</i></p> <p><i>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</i></p> <p><i>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.</i></p>

Contributory Items

A building making a positive contribution to the heritage value and desired character of the respective policy areas is termed a “contributory item”. All contributory items are highly valued and ought not be demolished as this would significantly erode the integrity of the zone. Sensitively designed alterations and additions to a contributory item are appropriate, as are changes removing or making more positive contribution of discordant building features detracting from its contributory value. The adaptation of a contributory item for alternative residential accommodation where this provides for the retention, and ongoing refurbishment, of such items is also appropriate.

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

It is considered that the development is of domestic scale and ancillary to and would facilitate the better use of the existing residential use of the property.

The development would be located to the rear of the dwelling and not be readily visible from the street or any public road, thereby maintaining the street presentation of the Contributory building and the character and appearance of the area.

Relevant Zone Principles of Development Control	Assessment
<p>Contributory Items</p> <p><i>PDC4 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 additions would be at the rear of the original dwelling and generally continue the existing roof profile.</p> <p>It is considered that the proposed additions would complement the existing dwelling and would sit comfortably within the surrounding area and would not compromise the character or appearance of the area.</p>
<p>Boundary Walls</p> <p><i>PDC12 Building walls on side boundaries should be avoided other than:</i></p> <p><i>(a) a party wall of semi-detached dwellings or row dwellings; or</i></p> <p><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></p> <p><i>(i) there is only one side boundary wall;</i></p>	<p>Given the context of the constrained site and retention of the Contributory dwelling, it is considered that some extent of boundary development may be unavoidable.</p> <p>Additionally, the proposed wall would abut existing boundary development on the adjoining land, consisting of an enclosed carport and verandah areas.</p> <p>As such it is considered that the extent of boundary wall has been appropriately minimised and would not detrimentally impact on the character or appearance of the area.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>and</i></p> <p><i>(ii) the minimum side setback prescribed under the desired character is met on the other side boundary; and</i></p> <p><i>(iii) the desired gap between buildings, as set-out in the desired character, is maintained in the streetscape presentation.</i></p>	
<p>PDC13 <i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <p><i>(a) be located to the rear of the dwelling as a freestanding outbuilding; or</i></p> <p><i>(b) where attached to the dwelling be sited alongside the dwelling and behind the 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 of materials complementing 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 of the dwelling, nor incorporated as part of the front verandah on any</i></p> <p><i>other dwelling form where attached alongside the dwelling; and</i></p> <p><i>(iii) have a width which is a proportionally minor element 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 carport would be located well behind the façade of the dwelling and would have a simple and recessive form that would not be readily visible within the street context.</p> <p>As such, the carport would be a discreet addition to the land that would maintain the form and prominence of the dwelling when viewed from the street.</p>


Relevant Council Wide Objectives and Principles of Development Control

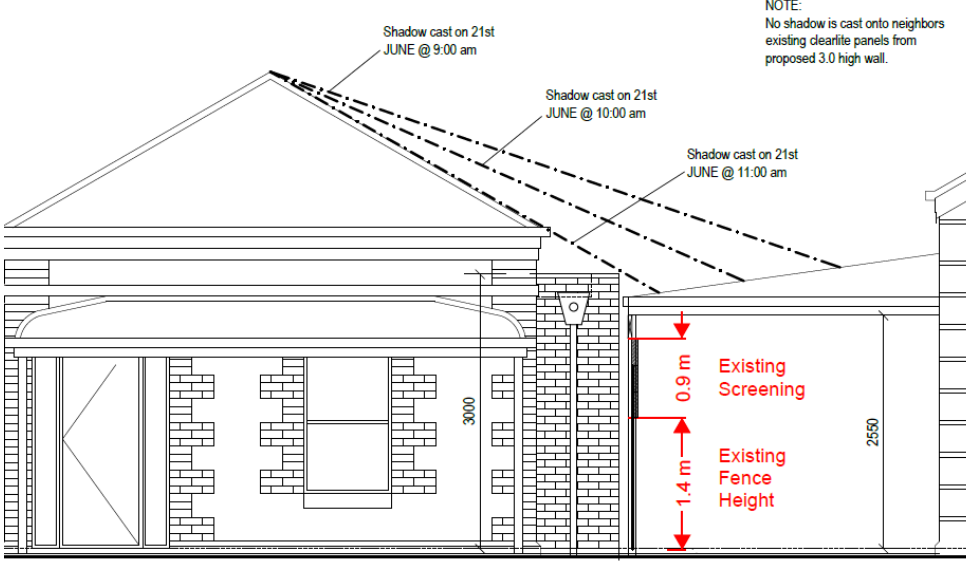
An assessment has been undertaken against the following Council Wide Provisions:

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 14 & 30 – Boundary Development & Visual Amenity; and 23-25 – Design and Appearance	<p>The boundary wall would abut existing enclosed development on the adjoining site (see below).</p> 

Relevant Council Wide Provisions	Assessment
	 <p>Given the context of the constrained site, locality, and abutting boundary development at 91 Frederick Street, it is considered that despite the considerable length of proposed boundary development, there would be minimal impact on the amenity of the neighbouring residents.</p> <p>The carport is considered to satisfy the recommended 3m height and 12m length recommendations.</p> <p>It is considered that given the above and regarding the context of the abutting boundary development on both side adjoining sites, the proposed development is compatible with the locality and appropriately maintains the amenity of neighbouring residents.</p>
<p>PDCs 16, 17, 19 & 20 – Site Coverage</p>	<p>The proposal includes provision for private open space of 63.8sqm (16%), which is less than the recommended 20%.</p> <p>It is considered that the proposed site coverage and extent of impervious surfaces has been appropriately minimised and is not unreasonable or incongruous with the built-up nature of the locality.</p> <p>Given the above and with regard to the constrained site, locality and retention of the Contributory dwelling, it is considered the proposed site coverage and private open space provision is a reasonable and acceptable variance from recommendations.</p>
<p>PDC 41 – Overshadowing and Natural Light</p>	<p>PDC 41 states that that development should minimise overshadowing, and where areas are already shaded, the additional impact should not significantly worsen the available sunlight access.</p>

Relevant Council Wide Provisions	Assessment
	<p>The proposed additions are considered to have been designed to minimise the extent of boundary wall while providing for reasonable contemporary living space.</p> <p>It is considered reasonable to assume that given the existing site circumstances including the existing boundary development on the eastern and western side adjoining sites (see below), that any additional impact to overshadowing would be negligible and acceptable.</p>  <p>NOTE: No shadow is cast onto neighbors existing clearlite panels from proposed 3.0 high wall.</p> <p>Shadow cast on 21st JUNE @ 9:00 am</p> <p>Shadow cast on 21st JUNE @ 10:00 am</p> <p>Shadow cast on 21st JUNE @ 11:00 am</p> <p>0.9 m Existing Screening</p> <p>1.4 m Existing Fence Height</p> <p>3000</p> <p>2550</p> <p>Boundary line</p> <p>89 FREDERICK STREET</p>
<p>PDC 47 & 48 Carport minimum dimensions</p>	<p>PDC 47 recommends a minimum carport width of 3m.</p> <p>PDC 48 recommends parking spaces be provided in accordance with Australian Standards, which is also a minimum recommended width of 3m to allow passenger doors to be open on both sides.</p> <p>The proposed carport structure would provide one car parking space that would meet the Development Plan recommended dimensions. However, the width of the second car parking space would be 0.15 metres below the recommended width.</p> <p>Despite this, the proposed car parking spaces are considered to be functional and would allow small vehicles or motorcycles to be parked within the space.</p> <p>Given the constraints of the site the proposed car parking provision is considered a reasonable and acceptable variance for recommendations.</p>

11. CONCLUSION

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

- The proposed development retains the Character dwelling;
- The proposed additions and carport would be located to the rear of the dwelling and not readily visible from the street;
- The extent of boundary development would not result in any unreasonable impact upon the amenity of neighbouring residents.
- The scale and form of the development is not incongruous within the setting and would not detrimentally impact upon the character or appearance of the dwelling or area.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/291/2019/C2 at 89 Frederick Street, Unley to 'Carry out alterations and construct additions on the boundary, includes verandah and carport', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. That the development herein approved shall be undertaken in accordance with the amended plans and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
2. That all external materials and finishes shall be the same as or complementary to the existing dwelling on the site.
3. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
4. That 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.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

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

ITEM 6**DEVELOPMENT APPLICATION – 090/22/2019/C1 – 23 INVERGOWRIE AVENUE, HIGHGATE SA 5063 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/22/2019/C1
ADDRESS:	23 Invergowrie Avenue, Highgate SA 5063
DATE OF MEETING:	20 August 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Remove significant tree - Eucalyptus camaldulensis (River Red Gum)
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential (Landscape) Zone Policy Area 11, Precinct 11.2
APPLICANT:	David Hantken Hill and Sally Li Rao Hill
OWNER:	David Hantken Hill and Sally Li Rao Hill
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 1
REPRESENTATIONS RECEIVED:	NO
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Recommendation for Refusal Proposed removal of Significant Tree AND Council expert advice in support of the removal has not been received.

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The applicant is seeking to remove a Significant Tree identified as a *Eucalyptus camaldulensis* (River Red Gum).

3. SITE DESCRIPTION

The subject tree is located in the rear yard of a residential property addressed as 23 Invergowrie Avenue. The tree is located approximately 4 metres from the eastern boundary and about 5.5 metres from the southern boundary fence. A two storey detached dwelling and freestanding outbuildings are also located on the property and the tree is located approximately 20 metres from this dwelling.

The subject allotment is rectangular in shape with an area of approximately 986m².

4. LOCALITY PLAN



5. PUBLIC NOTIFICATION

No notification was undertaken in accordance with Schedule 9(13) of the *Development Regulations 2008* as the application is assigned Category 1.

6. 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 River Red Gum that is approximately 14 metres in height and 3.83 metres in trunk circumference when measured at one metre above ground level.

The tree is visible from Invergowrie Avenue and Avenue Road, 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.

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.

7. ARBORICULTURAL ASSESSMENT

No Arboricultural report was originally provided with the initial application however the applicant lodged the application as the tree had recently dropped a very large branch and had previously dropped two other branches. This was of particular concern as the area where the branched dropped is utilised as a children's play area. Correspondence from the neighbour at 21 Invergowrie was also provided detailing incidents where branches have fallen.

A Tree Report prepared by Bob Schultz on behalf of the applicant was subsequently submitted. The key report findings and recommendations are summarised as follows:

- The canopy is in only fair health with the foliage density starting to fail on the western side causing an increasing amount of dead wood and slight sparseness. This dead wood and sparseness is caused by a large amount of Longicorn Borer activity as can be seen by the lower trunk area. Longicorn Borers are attracted to stressed trees or trees which are starting to decline;
- The tree doesn't offer attractiveness to the streetscape as it is in the far end of the backyard of the property and can't easily be seen by residents;
- At a height of 2.7m along the trunk, there is a large amount of Included Bark that has caused the cell structure of the Cambium layers to slowly decline to the point where the tree is struggling to survive;
- The tree has had several failures in the last 2 years with the latest failure damaging a trampoline and other trees nearby;
- This tree has a large percentage of crown area over the neighbour's tennis court on the eastern side of the property and has a large overextended limb which has black fungi and a large tear near the branch collar;
- The tree also has a large percentage of the crown area over the cinema room (outbuilding), play area and entertainment area of the property;
- The Arborist declares that the Red Gum has a High Risk Rating due to these identified issues (*it is noted that the methodology behind this rating has not been included*);
- The arborist also declares that the tree has a Tree Rating of 4/10 as the tree is in very poor health and has many safety issues which can't be rectified with some maintenance pruning and tree surgery (*it is noted that the methodology behind this rating has not been included*);
- The arborist believes that this tree will keep failing and dropping limbs due to its slow decline and as such the tree should be removed due to the dangerous safety issues this tree presents.

The Council Arboricultural department engaged Shane Selway of Adelaide ARB Consultants to undertake a Tree Assessment Report. The following is an outline of this report:

- The tree is in good health, displays good structural integrity and form and can be viewed from some points along Invergowrie Avenue and Avenue Road;

- A substantial branch failure has recently occurred from the lower eastern crown of the tree. This primary union at approximately 6m above ground level that recently failed occurred as a result of Included Bark. There are no other examples of such unions present within the structural form;
- This branch failure has also resulted in a structural flaw being mediated;
- A large wound is noted in the western face of the stem however there is no evidence or indication as to the cause of the wound. The tree has developed suitable reaction wood at the perimeter of the wound;
- Boring insect exit holes are notable throughout the necrotic portions of the stem within the wound, however are minimal within live tissues;
- Risk posed to public and private safety by the tree has been assessed using the International Society of Arboriculture (ISA) "Tree Risk Assessment" methodology. This assessment found that the tree represents a low and acceptable risk to public and private safety;
- The Arborist does not support the removal of the subject tree, provided the pruning recommendations listed within the report are carried out to alleviate the perceived risk associated with the tree

The Council Arborist has advised that they support the findings of this report and subsequently do not support this application. They also note that the tree has attributes worthy of preservation and is without concerns that would justify its removal from the landscape.

It is noted that the above Council commissioned Tree Report was also provided to the applicant for their consideration. In response, the applicant provided further photographic evidence of branch failures as well as an additional letter from their Arborist, Mr Bob Schultz. This documentation has been included as part of Attachment A.

8. DEVELOPMENT PLAN 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 biodiversity, 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 - The tree is considered to make an important contribution to the amenity of the local area as it is one of the last significant gums remaining.
(b)	<i>forms a notable visual element to the</i> Yes – The tree is visible from a number of

Principles of Development Control		Administration Comments
	<i>landscape of the local area; or</i>	locations throughout the area and will be particularly prominent when viewed from the backyards of nearby properties.
(c)	<i>Contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor.</i>	No – Evidence has not been provided that demonstrates that the tree contributes individually to the habitat value of an area. It is noted however that the tree is one of the last large indigenous gums remaining and therefore it is possible that the tree contributes some habitat value.
<i>Development should be designed and undertaken to retain and protect such significant trees and to preserve these elements</i>		

The tree is considered to satisfy PDC 6 as a tree worthy of retention as it is considered to make an important contribution to the character and amenity of the locality as well as forming a notable visual element to the landscape of the local area. Therefore an assessment against 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 - It has not been sufficiently demonstrated that the tree is diseased, and its life expectancy is short.
(ii)	<i>The tree represents an unacceptable risk to public or private safety; or</i>	No – Refer to Section 9. Discussion of this report.
(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 evidence has been provided to demonstrate that the tree is causing 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>	N/A – No development is proposed that has resulted in the need for the tree to be removed

9. DISCUSSION

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

- There is a possible likelihood of failure within the crown and branches;
- There is an improbable likelihood of failure within the trunk, roots and root collar;
- Three targets were identified being within the drip line, these being the rumpus room (known as the cinema room), garden area and garden shed. It is noted that no clarification has been given regarding the extent of the 'garden area' i.e. whether this includes neighbouring properties;
- In looking at the risk posed to each of these targets, it was noted that the likelihood of branches impacting the targets are as follows:
 - Rumpus Room – High
 - Garden Area – Low
 - Garden Shed – High
- In accordance with the Likelihood of Failure and Impact Matrix 1, the Rumpus Room and Garden Shed is Somewhat Likely, whilst the garden area is Unlikely;
- Consequences of a branch failure to the rumpus room and garden shed are Minor whilst it is Severe for the garden area;
- In accordance with the Risk Rating Matrix 2, having a likelihood of failure being 'Somewhat Likely' and the consequence of the failure as 'Minor' results in a Low risk. Having a likelihood of failure being 'Unlikely' and the consequence of the failure as 'Severe' results in a Low risk;
- The overall tree risk rating is Low;
- The overall residual risk is Low.

The applicant's arborist has stated that this Red Gum has a High Risk Rating due to a number of issues as follows:

- Large percentage of crown over neighbours tennis court. This neighbour has young children and have previously complained about this tree;
- Young children play under or near the tree;
- Large percentage of crown over the cinema room which contains expensive equipment and push bikes;
- Friends and visitors are often entertained within the backyard.

The Public Amenity rating of this tree is 4 out of a possible 10. It is presumed that a rating of 10 is for trees with the highest possible public amenity value. No context has been provided around the methodology of these ratings and therefore it is difficult to understand the consistency and weight to which these ratings have been applied.

10. CONCLUSION

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

- The tree is considered to make a contribution to the character or amenity of the local area as per Council Wide Regulated and Significant Trees Objective 3 and Principle of Development Control 6 (a) and therefore should be preserved.
- The significant tree is considered to be a notable visual element to the landscape of the local area as per Council Wide Regulated and Significant Trees Principle of Development Control 6 (b) and therefore should be preserved.

- No conclusive evidence has been provided to demonstrate that the tree is diseased and has a short life expectancy, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (i).
- No conclusive evidence has been provided to demonstrate that the tree represents a material or unacceptable risk to public or private safety, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (ii).
- No evidence has been provided to demonstrate that the tree is causing or threatening to cause substantial damage to a building or structure of value, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (iii).
- The tree does not demonstrate any of the criteria for removal under Council Wide Regulated and Significant Trees Principles of Development Control 6 and 8 and therefore the tree should not be removed.

The application is therefore recommended for Development Plan REFUSAL.

11. **RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/22/2019/C1 at 23 Invergowrie Avenue, Highgate SA 5063 to 'Remove significant tree - Eucalyptus camaldulensis (River Red Gum)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

- The tree is considered to make a contribution to the character or amenity of the local area as per Council Wide Regulated and Significant Trees Objective 3 and Principle of Development Control 6 (a) and therefore should be preserved.
- The significant tree is considered to be a notable visual element to the landscape of the local area as per Council Wide Regulated and Significant Trees Principle of Development Control 6 (b) and therefore should be preserved.
- No conclusive evidence has been provided to demonstrate that the tree is diseased and has a short life expectancy, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (i).
- No conclusive evidence has been provided to demonstrate that the tree represents a material or unacceptable risk to public or private safety, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (ii).
- No evidence has been provided to demonstrate that the tree is causing or threatening to cause substantial damage to a building or structure of value, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (iii).
- The tree does not demonstrate any of the criteria for removal under Council Wide Regulated and Significant Trees Principles of Development Control 6 and 8 and therefore the tree should not be removed.

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

ITEM 7**DEVELOPMENT APPLICATION – 090/85/2018/C2 – 20 WHISTLER AVENUE, UNLEY PARK SA 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/85/2018/C2
ADDRESS:	20 Whistler Avenue, Unley Park SA 5061
DATE OF MEETING:	20 August 2019
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Erect outbuilding and tree damaging activity
HERITAGE VALUE:	Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic Conservation Zone Policy Area 7
APPLICANT:	I A Hercus
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	NONE
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Recommendation for refusal
RECOMMENDATION:	Refusal
KEY PLANNING ISSUES:	Significant Trees

1. PLANNING BACKGROUND

An application was received by Council to erect a freestanding outbuilding within the rear yard of the subject land.

Through the assessment process, two Significant Eucalyptus camaldulensis were identified in the rear yard of the subject land.

Arboricultural advice was provided by the applicant and reviewed by Council's Arboriculture Department. Council's Arboricultural department found that the proposed development would result in 'tree damaging activity'.

2. DESCRIPTION OF PROPOSAL

The applicant proposes to erect a freestanding outbuilding and undertake 'tree damaging activity' at 20 Whistler Avenue Unley Park.

3. SITE DESCRIPTION

The subject site is located within the Residential Historic Conservation Zone, Policy Area 7.

The subject site is located on the western side of Whistler Avenue, has a frontage of 18.29m, a depth of 60.96m and overall site area of 1114.9m². The southern boundary of the subject site abuts the rear boundary of 21 Victoria Avenue Unley Park, which is a Local Heritage Place.

The site is a regular shaped allotment and is occupied by an existing detached dwelling, swimming pool and outbuilding.

Two Significant *Eucalyptus camaldulensis* (River Red Gum) are located on the subject land, in close proximity of the proposed development.

4. LOCALITY PLAN



 Subject land

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

When it was brought to Administration's attention that the site contained two Significant trees, the applicant was requested to provide an Arborist Report to accompany the application. The applicant provided an Arborist Report prepared by Gary Moran of Adelaide Arb Consultants, dated 3rd May 2018 (Refer Attachment A).

The application was referred to Council's Arboricultural Department who provided the following comments:

- *The application has been assessed by Council's consulting arborist (Colin Thornton - Treevolution) and I have reviewed and considered the subsequent advice.*
- *The two (2) trees in question are 'significant' under current legislation and have attributes that deem them worthy of this status. As such, their preservation within the landscape is of significant importance.*
- *It is evident that the proposed development will further compromise the root zone of both trees. This concern is highlighted when considering the Australian Standard 4970-2009 'Protection of trees on development sites' which outlines this proposed development as 'major encroachment' of the 'Tree Protection Zone' (TPZ).*
- *Therefore, when considering the likely health impact upon these two trees, against the proposed development, it is clear that the development should not be supported. The continued preservation of such trees is of far greater importance than the construction of a small shed.*
- *Nevertheless, if the proposed development is considered of such importance and alternative locations for the footprint are not deemed reasonable then I would support the applicants provided arboricultural report and tree protections measures. Albeit, Council must acknowledge that this will negatively affect upon the two trees.*

The above referral response was provided to the applicant who subsequently sought further advice from Gary Moran of Adelaide Arb consultants (refer Attachment C).

Councils Arborist has also provided further comment (refer Attachment D).

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 nil representations were received.

9. ADMINISTRATION NEGOTIATIONS

The applicant has been advised that Administration does not support the proposed development in its current form.

The applicant advises that they wish to proceed with the application.

10. DEVELOPMENT DATA

Site Characteristics		Development Plan Provision
Total Site Area	1114.9m ²	
Frontage	18.29m	
Depth	60.96m	
Outbuilding		
Length	6.1m	8m
Width	4.148m	-
Wall height	2.438m	3m
Pitch height	3.405m	5m
Floor Area	25.3m ²	Not exceeding 10% of the site area
Setbacks		
Side boundary (North)	600mm	600mm or on boundary
Rear boundary (West)	3m	600mm or on boundary

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Historic Conservation Zone
<p><i>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.</i></p> <p><i>Objective 2: A residential zone for dwellings primarily in street-fronting format, together with the use of existing buildings and sites used for non-residential purposes for smallscale local businesses and community facilities supporting an appealing, pleasant and convenient living environment.</i></p> <p><i>Objective 3: Retention, conservation and enhancement of contributory items, and the complementary replacement or redevelopment of non-contributory buildings</i></p>
Assessment
<p>The proposed development is for a free-standing outbuilding located at the rear of the allotment. The proposal does not impact upon the existing dwelling or its streetscape contribution.</p>

Relevant Zone Principles of Development Control	Assessment
<p>3 <i>Development should retain and enhance a contributory item by:</i></p> <p><i>a) 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 (i.e. the exposed external walls; roofing and chimneys; verandahs, balconies and associated elements; door and window detailing; and original finishes and materials) together with any associated original fencing forward of the main building façade; and</i></p>	<p>The proposed outbuilding does not impact the character of the existing Contributory item as it is a free standing structure, located in the rear yard.</p>
<p>13 <i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <p><i>a) be located to the rear of the dwelling as a freestanding outbuilding; or</i></p> <p><i>b) where attached to the dwelling be sited alongside the dwelling and behind the primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i></p>	<p>The proposed development satisfies PDC 13 as the outbuilding is located to the rear of the dwelling as a freestanding structure.</p>

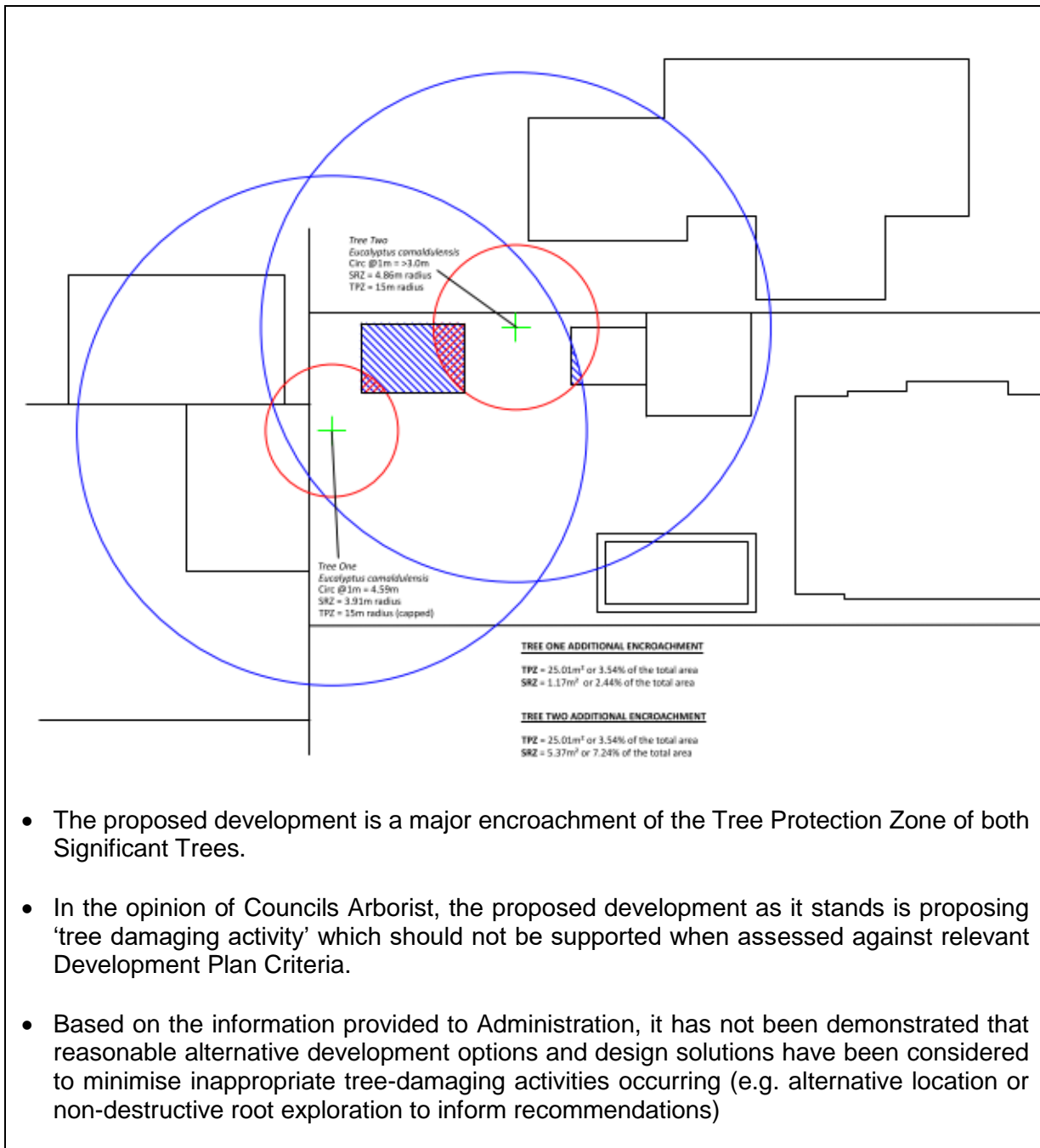
Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Outbuildings and like structures PDC 30	<ul style="list-style-type: none"> The proposed development satisfies PDC 30.
Significant Trees PDC 5, 6, 7, 8	
<ul style="list-style-type: none"> The two Significant River Red Gum Trees make an important contribution to the amenity of the local area, and form a notable visual element to the landscape. Further, the subject species is indigenous to the local area and the subject trees are linked to a wildlife corridor. Accordingly, the proposed development should be designed and undertaken to retain and protect such Significant trees and preserve these attributes. The related Principles of Development Control state that development should be designed and undertaken to retain and protect Significant trees, further that development should be undertaken with the minimum adverse affect on the health of a significant tree. The total level of encroachment, taking into account existing and proposed encroachments increases the levels to the following amounts: <ul style="list-style-type: none"> <u>Tree 1</u> <ol style="list-style-type: none"> Tree Protection Zone - 180.58m² (25.54% of the total TPZ) Structural Root Zone – 12.79m² (26.63% of the total SRZ) <u>Tree 2</u> <ol style="list-style-type: none"> Tree Protection Zone – 171.58m² (24.27% of the total TPZ) Structural Root Zone – 9.28m² (12.51% of the total SRZ) <p>Refer Attachment B for Site Plan, excerpt provided below.</p>	



12. DISCUSSION

The City of Unley Development Plan seeks the retention and preservation of Significant trees and states that tree damaging activity should not be undertaken unless;

- The work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree; or
- The work is required due to unacceptable risk to public or private safety; or
- The tree is shown to be causing, or threatening to cause damage to a substantial building or structure of value; or
- The aesthetic appearance and structural integrity of the tree is maintained; or
- 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 activities occurring.

While the proposed outbuilding may of be an appropriate form and scale, the proposed location of the structure will cause tree damaging activity. The accompanying application documents have not demonstrated that the outbuilding could be located in a more suitable location, minimising inappropriate tree damaging activity. As such, the proposal is not supported by Administration.

13. CONCLUSION

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

- The proposed development will not be undertaken with the minimum adverse affect on the health of two Significant trees; and
- It has not been demonstrated that reasonable alternative development options and design solutions have been considered to minimise inappropriate tree-damaging activities occurring

The application is therefore recommended for REFUSAL.

14. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/85/2018/C1 at 20 Whistler Avenue, Unley Park SA 5061 to ‘Erect outbuilding and undertake tree damaging activity’, is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons;

- The proposed development will not be undertaken with the minimum adverse affect on the health of two Significant trees; and
- It has not been demonstrated that reasonable alternative development options and design solutions have been considered to minimise inappropriate tree-damaging activities occurring

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Arboricultural Advice	Administration
C	Arboricultural Addendum – applicant	Applicant
D	Arboricultural Addendum	Administration

ITEM 8**DEVELOPMENT APPLICATION – 090/166/2019/NC – 2 CROSS ROAD, MYRTLE BANK SA 5064 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/166/2019/NC
ADDRESS:	2 Cross Road, Myrtle Bank SA 5064
DATE OF MEETING:	20 August 2019
AUTHOR:	Andrew Raeburn
DEVELOPMENT PROPOSAL:	Erect three illuminated signs to existing building
HERITAGE VALUE:	Nil – however is adjacent a State Heritage Place
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Regeneration Zone Spence Avenue Policy Area 16
APPLICANT:	Southern Cross Care (SA & NT) Inc
OWNER:	Southern Cross Care (SA & NT)
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:	Character and appearance Amenity

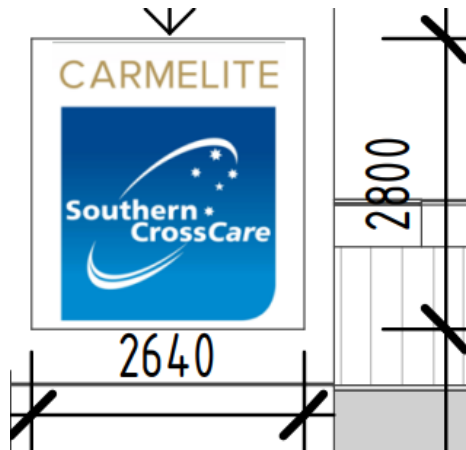
1. PLANNING BACKGROUND

Development application 090/287/2015/C3/A was granted development approval on 4 March 2016 to construct a five-storey nursing home / retirement living accommodation and ancillary facilities. Construction of the facility was completed in late 2018.

2. DESCRIPTION OF PROPOSAL

The applicant proposes to affix three internally illuminated signs to the stairwells at the fifth floor level of the building.

Each sign will be 2.8 metres high by 2.64 metres wide and incorporate the 'Southern Cross Care' logo with 'Carmelite' above the logo set on a blue background- see below.



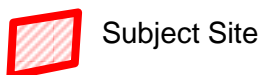
The proposed development is considered 'advertising' associated with residential development, which is listed as a non-complying form of development under the Zone provisions.

Administration resolved to proceed to an assessment of the non-complying application under delegated powers.

3. SITE DESCRIPTION

The subject site is located on the east side of the Spence Avenue and Cross Road junction and contains a five-storey nursing home that is accessed via Spence Avenue.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential (nursing homes & retirement living accommodation), including the Glen Woodley nursing home directly to the north and the Lourdes Valley nursing home directly to the west; both of which are operated by Southern Cross Care.

To the south of the site, on the opposite side of Cross Road, is The Monastery and directly to the east is the former Carmelite Monastery, which is a State Heritage Place.

6. STATUTORY REFERRALS

The application was not referred to the State Heritage Unit on the basis that the proposed signs are located a significant distance from the State Heritage Place, set at a high level and within the profile of the five storey building, and therefore would not materially affect the context of the State Heritage Place.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

Category 3 public notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period no representations were received.

9. ASSESSMENT

Zone Desired Character and Principles of Development Control

RESIDENTIAL REGENERATION ZONE

Objective 6:

High quality urban design where buildings are sited, composed and scaled to mitigate visual and amenity impacts on residential neighbours in adjoining residential zones.

Desired Character

Areas within this zone are widely dispersed across the City of Unley and have been identified for regeneration and housing growth for one or more of the following reasons:

- (a) development is nearing the end of its economic life or is under-utilised;*
- (b) are located outside of designated character areas;*
- (c) comprise existing medium density housing development;*
- (d) have strategic locational benefits supporting higher density residential living such as close proximity to centres, public transport and open space.*

This zone provides opportunities for strategic urban growth, housing diversity and innovative environmental sustainable outcomes.

Existing traditional suburban allotments offer potential for substantial intensification of dwelling development within the zone. Opportunities are available to increase dwelling numbers on existing and amalgamated sites. To promote the delivery of housing growth and diversity, incentives are prescribed in relation to site area, frontage and building height. Minimum and maximum site areas are also designated within the policy areas to target specific densities for growth.

This zone is envisaged to comprise predominantly medium density residential housing with higher density strategic areas represented in designated policy areas. Within the zone, the built form will support a range of housing types to 2 storeys in height. Policy Areas are envisaged to support predominantly apartment style living at higher densities with building heights from 3 to 5 storeys. The design and siting of multi-storey development is to be underpinned by good design principles and contextual considerations. Car parking is to be provided to the rear of the site or underneath buildings in the form of underground parking.

Residential neighbourhoods are to be interconnected with the retention and reinforcement of the traditional grid street pattern to promote social interaction and access to centres, community facilities and public open space via a street network of pedestrian and bicycle linkages.

New development is to achieve positive environmental outcomes through passive energy design, water sensitive design, urban landscaping and biodiversity. Hard and soft urban form coverage will be provided in different proportions and patterns to suit the desired character within each of the policy areas. In addition to front yards and private open space,

communal open space, living walls and roof top gardens will be expected within higher density residential buildings as a design response to limited ground level opportunities for green space and to minimise the 'urban heat island effect'.

Land uses will be predominantly residential and supported by compatible small scale non-residential development that serves the local community. More extensive non-residential development may be envisaged in selected locations as allocated in specific Policy Areas where it will provide community, health and administration services to support the related community.

Assessment

The proposed development would be consistent with the existing land use on the site, would be of a modest scale relative to the existing site and would sit within the profile of the existing five storey building.

As such, it is considered that the proposed signage would sit comfortably within the setting and would not be incongruous with the character and appearance of the area.

Policy Area Desired Character and Principles of Development Control

Spence Avenue Policy Area 16

Desired Character

The Spence Avenue Policy Area is located in the south east corner of the City of Unley within the suburb of Myrtle Bank and is bounded by Cross Roads (south), Glen Osmond Road (east), Ridge Park (north) and Ridge Avenue (west).

The policy area is a strategic site for the development of coordinated medium to high density residential living and comprises:

- (a) under-utilised and consolidated land within limited ownership;*
- (b) existing higher density aged person accommodation and mixed character housing;*
- (c) spatial and functional separation from low density character housing areas;*
- (d) an opportunity to cater for an integrated development with gateway prominence to the City of Unley from the south eastern freeway;*
- (e) frontage to major roads (Glen Osmond and Cross Roads), public transport (bus) and public open space (Ridge Park).*

Well designed multi-storey residential buildings in garden surroundings are sought, in accordance with the Spence Avenue Concept Plan Fig SA/1 and which:

- (a) spatially cluster the built form to be located close to and address streets (public and internal community access ways) and allow for a generous garden setting, key vistas between heritage buildings and to Ridge Park, protection and enhancement of existing vegetation (natural and cultural) and natural features (eg, creekline);*
- (b) provide building heights of between 2 and 5 storeys (referenced from the adjacent street level) sufficient to provide medium to high density dwelling yields and offer aspect and surveillance of Ridge Park and along important internal vistas;*
- (c) provide a well designed landmark building at the corner of Glen Osmond Road and Cross Road;*
- (d) transition the scale and height of development across the policy area from specific locations of greater height down to lower height towards adjacent lower density residential areas, heritage places and public realms;*
- (e) create architectural richness through distinct, articulated and elegant buildings of high design quality;*
- (f) conserve and sensitively adapt heritage places for either aged persons housing, ancillary administration or resident activities and provide site features at key visual termination points, encourage connectivity and historical references for unique place identity;*

- (g) transition Spence Avenue from a local access street serving detached dwellings to one serving multi-level housing within a village environ. Existing dwelling amenity and privacy is to be maintained until these properties are available for future multi-level development;
- (h) minimise the potential impact of vehicles by providing internalised/ under building parking areas for residents and visitors, avoid large open voids to street frontages and incorporate shared and restricted site access;
- (i) front fencing will incorporate well designed streetscape features and be substantially open in appearance to ensure a visually interesting public realm;
- (j) adopt ecologically sustainable design and amenity solutions in building orientation and spaces for energy efficiency and noise attenuation, favourable micro-climates, biodiversity and water sensitive design;
- (k) provide good pedestrian linkages to public transport stops and open space;
- (l) optimise resident and visitor safety and convenience;
- (m) screen and locate goods storage and refuse collection in a sensitive and effective manner.

Furthermore, a range of minimum and maximum site areas are prescribed to ensure higher residential densities and greater housing diversity are achieved. Housing types, other than detached dwellings and semi-detached dwellings, are encouraged within this policy area.

Non-residential development providing community, health and administrative services to the community is envisaged adjacent to Glen Osmond Road and should be developed to facilitate the restoration of the associated heritage building and formulation of a community hub.

Assessment

The proposed signage development would promote the existing retirement living land use on the site, which is consistent with the intent of the policy area.

The signage would be appropriate and proportionate with the scale of the development on the land and would not result in any harm to the visual or residential amenity within the area.

Relevant Council Wide Objectives and Principles of Development Control

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

Relevant Council Wide Provisions	Assessment
Outdoor Advertising	
<p>PDC 2 Advertisements should be simple in form and provide for instant recognition and should not dominate or obscure other advertisements or result in visual clutter.</p>	<p>The signage would be simple, low internally illuminated and finished in high quality materials. The signage would also relate directly to the land use and provide wayfinding information to people visiting the site.</p> <p>The development would not appear overly dominant within the setting.</p>
<p>PDC 7 The location, siting, size, shape and materials of construction, of advertisements should be:</p>	<p>The proposed development is consistent with the development pattern and land use within the area and would not be overly intrusive.</p>

<p>(a) consistent with the desired character of areas or zones as described by their objectives;</p> <p>(b) consistent with the predominant character of the urban or rural landscape; or</p> <p>(c) in harmony with any building or site of historic significance or heritage value in the locality.</p>	
<p>PDC 8 Advertisements should not detrimentally affect by way of their siting, size, shape, scale, glare, reflection or colour the amenity of areas, zones, or localities, in which they are situated.</p>	<p>The signage would be set well away from adjoining residential properties and would not result in any unreasonable harm on the amenity of the area or nearby residents.</p>

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 signage has been appropriately designed so that they would appear a subtle addition to the area that would support the associated land use.
- The signage would improve wayfinding in the area.
- The signage would be of a modest scale, positioned away from neighbouring residential properties and would not harm the amenity of the area or be a distraction to passing motorists.

The application is therefore recommended for Development Plan CONSENT

11. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/166/2019/NC at 2 Cross Road, Myrtle Bank SA 5064 to 'Erect three illuminated signs to existing building', 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 illuminated signs shall be limited to a low level of illumination so as to minimise distraction to motorists (< 150d/m²).

List of Attachments		Supplied By:
A	Application Documents	Applicant

DECISION REPORT

REPORT TITLE:

CONFIDENTIAL MOTIONS:

- FOR ITEM 10 - PLANNING APPEAL – ERD COURT ACTION NO ERD-18-197 - (DA 090/568/2017/C2) 66 ANZAC HIGHWAY EVERARD PARK
- ITEM 11 – PLANNING APPEAL - ERD COURT ACTION NO ERD-19-97 (DA 090/671/2018/C2) 2 BELGRAVE AVENUE PARKSIDE
- ITEM 12– PLANNING APPEAL – ERD COURT ACTION NO ERD – 19-79 (DA 090/739/2018/C2) 17 OPHIR STREET GOODWOOD
- ITEM 13 – PLANNING APPEAL – ERD COURT ACTION NO ERD-19-42 (DA 090/875/2018/C3) – GOODWOOD OVAL, 1 CURZON AVENUE

ITEM NUMBER:

9

DATE OF MEETING:

20 August 2019

AUTHOR:

ANDREW RAEBURN
ACTING TEAM LEADER

RESPONSIBLE OFFICER:

MEGAN BERGHUIS
GENERAL MANAGER COMMUNITY

COMMUNITY GOAL:

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

PURPOSE

To recommend that Item 10,11 12 and 13 be considered in confidence at 20 August 2019 Council Assessment Panel Meeting

RECOMMENDATION

MOVED:

SECONDED:

That:

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

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