

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 21 May 2019 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.

Paul Weymouth
ASSESSMENT MANAGER

Dated 13/05/2019

ACKNOWLEDGEMENT

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

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

APOLOGIES:

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED:

SECONDED:

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

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

21 May 2019

A G E N D A

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Confirmation

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Matters for Council's consideration

ITEM 1**DEVELOPMENT APPLICATION – 090/917/2018/C2 – 20 RAILWAY TERRACE (NORTH), GOODWOOD SA 5034 (GOODWOOD)**

DEVELOPMENT APPLICATION NUMBER:	090/917/2018/C2
ADDRESS:	20 Railway Terrace (North), Goodwood SA 5034
DATE OF MEETING:	21 May 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Carry out alterations including demolition of existing rear addition and outbuilding and construct single storey additions on boundary, a carport within 600mm of a boundary and 1.8m high front fencing
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 8 – Compact Precinct 8.1 – Forestville (North)
APPLICANT:	Yasmin Munro
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (two (2) oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Wall on boundary On site Car parking

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to:

- Demolish existing shed and rear dwelling addition;
- Construct single storey dwelling additions to common boundary;
- Erect a carport;
- Erect a new front fence.

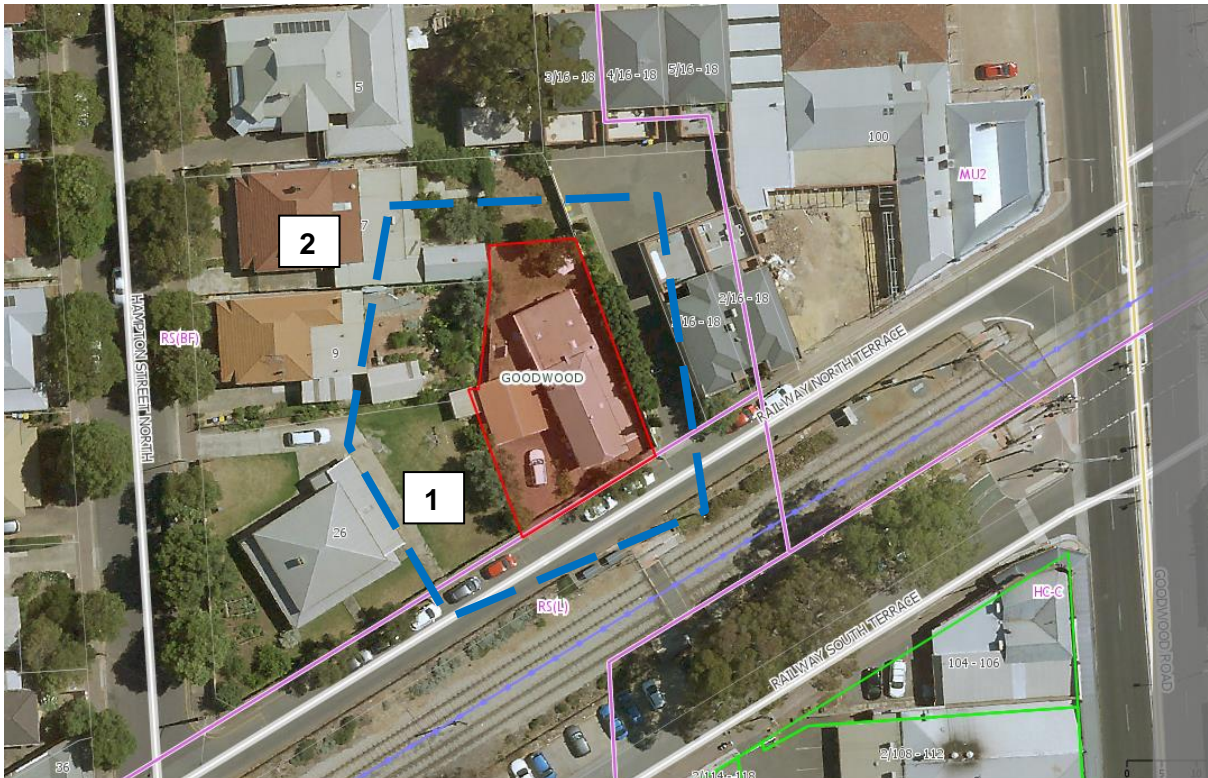
3. SITE DESCRIPTION

The subject site consists of Allotment 59 on Filed Plan 9323, which is an irregular shaped allotment that fronts onto Railway Terrace (north) The allotment has a frontage of 18.44 metres and an overall site area of 466m².

The site contains a single storey detached dwelling with a verandah and freestanding shed to the side of the dwelling. The dwelling is located adjacent to the City- Glenelg tramline and faces a pedestrian crossing place and tram stop.

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

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use to the north and west of the subject site is residential. Goodwood Road is located approximately 60 metres to the east and is a secondary arterial road, which allows for a mix of commercial, retail and community uses.

Land Division/Settlement Pattern

Irregular allotment patterns are found along Goodwood Road and the tramline (including the subject locality). A more regular settlement pattern is found to the west.

Dwelling Type / Style and Number of Storeys

The predominant dwelling type is single storey detached dwellings (concentrated to the west of the subject site) however there is also a mix of residential flat buildings and group dwellings up to a height of two storeys.

Fencing Styles

Fencing styles vary within the locality however most properties that have a frontage that faces the tramline have a solid fence up to 1.8 metres in height.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Council's Assets department due to a new crossover proposed to Railway Terrace. The following comments were received:

- *From an assets perspective this location is limited in space. However I believe we can accommodate a 3.5m crossover at 1m away from the Stobie Pole.*
- *Note there is a street tree at the western side of the proposed crossover which is growing awkwardly if there is scope a larger crossover with better turning room, may need to refer to the Arborist for comment.*

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.

26 Railway Tce, Goodwood (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Concrete wall on boundary not in character with surroundings	The new building is in keeping with the Council guidelines for the appearance of new construction in the area as a 'high quality contemporary design' which does not replicate historic styles.
Significant overshadowing on vegetation	A Sun Study has been provided and shows that even with the extra height of the new structure, very little impact is made on the neighbours yard.
26 Railway Tce, Goodwood & 7 Hampton St, Goodwood (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Concrete wall on boundary not in character with surroundings	The new building is in keeping with the Council guidelines for the appearance of new construction in the area as a 'high quality contemporary design' which does not replicate historic styles.

Significant overshadowing on vegetation	A Sun Study has been provided and shows that even with the extra height of the new structure, very little impact is made on the neighbours yard.
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(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Alterations and Additions Inc carport	Development Plan Provision
Total Site Area	466m ²	550m ²
Frontage	18.44m	15m
Depth	26.76m	20m
Building Characteristics		
Floor Area		
Ground Floor	186m ²	
Site Coverage		
Roofed Buildings	48%	≤50% of site area
Total Impervious Areas	60%	≤70% of site
Total Building Height		
From ground level of the adjoining affected land	3.7m (max)	
Setbacks		
Front boundary (south)	As existing	Same distance as the adjoining dwelling with the same street frontage
Side boundary (west)	0m	On boundary or 1.0m (on boundary on one side only)
Side boundary (east)	0.9m	On boundary or 1.0m (on boundary on one side only)
Rear boundary (north)	7.3m (min)	5m
Wall on Boundary		
Location	West boundary	
Length	6.8m (36.4%)	≤9m or ≤50% of the boundary length, whichever is the lesser
Height	3.7m	≤3m
Private Open Space		
Min Dimension	10.3 x 6.5m	≥4m minimum
Total Area	31%	≥20%
Car parking and Access		
On-site Car Parking	1 car park	2 per dwelling where less than 4 bedrooms or 250m ² floor area
Covered on-site parking	1 parking space	≥1 car parking space
On-street Parking	2	0.5 per dwelling
Driveway Width	3m	3m Single
Carport Width	3.25m (17.6%)	≤6.5m or ≤30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	3.1m x 6.3m	3m x 6m for single

Colours and Materials	
Roof	Colorbond roof sheet in shale grey
Walls	Concrete block/ finish, recycled red brick
Fencing	Timber slats with columns of grey block

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape (Built Form) Zone
<p>Objective 1: Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</p> <p>Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</p> <p>Objective 3: Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.</p> <p>Objective 4: Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.</p>
Desired Character
<p>Streetscape Value</p> <p>The Residential Streetscape (Built Form) Zone encompasses much of the living area in inner and western Unley, (excluding the business and commercial corridors and those areas of heritage value). The zone is distinguished by those collective features (termed “streetscape attributes”) making up the variable, but coherent streetscape patterns characterising its various policy areas and precincts. These attributes include the:</p> <ul style="list-style-type: none"> (a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and (b) allotment and road patterns; and (c) landscape features within the public road verge and also within dwelling sites forward of the building façade; and (d) scale, proportions and form of buildings and key elements. <p>Streetscape Attributes</p> <p>It is important to create high quality, well designed buildings of individuality and design integrity that nonetheless respect their streetscape context and contribute positively to the desired character in terms of their:</p> <ul style="list-style-type: none"> (a) siting - open style front fences delineate private property but maintain the presence of the dwelling front and its garden setting. Large and grand residences are on large and wide sites with generous front and side setbacks, whilst compact, narrow-fronted cottages are more tightly set on smaller, narrower, sites. Infill dwellings ought to be of proportions appropriate to their sites and maintain the spatial patterns of traditional settlement; and (b) form - there is a consistent and recognisable pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and forms associated with the various architectural styles. Infill and replacement buildings ought to respect those traditional proportions and building forms; and (c) key elements - verandahs and pitched roofs, the detailing of facades and the use of traditional materials are important key elements of the desired character. The use of complementary materials, careful composition of facades, avoidance of disruptive

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

Assessment

The streetscape of the locality is described as rather mixed with both character style and some contemporary dwellings. Front setbacks and spacings between dwellings are also rather varied, along with the pattern of settlement. This is likely due to the location of the tramline to the south. It is also recognised that the existing dwelling located on the subject site is of a traditional character style.

The proposal involves alterations and additions to the side and rear of an existing dwelling. The additions will only be single storey in height but will have visibility to the street. The proposed development is not considered to be detrimental to the desired streetscape character as:

- The existing dwelling will remain the focal point of the property when viewed from Railway Terrace, given the discreet siting of the proposed additions;
- The dwelling additions have been designed to be distinct from the existing dwelling;
- The proposed single width carport will replace an existing, non-discreet large garage, for the accommodation of the vehicles.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 2 <i>Development should comprise:</i> (a) <i>alterations and/or additions to an existing dwelling; and</i> (b) <i>ancillary domestic-scaled structures and outbuildings; and the adaptation of, and extension to, a building to accommodate and care for aged and disabled persons, or for a multiple dwelling or residential flat building; and</i> (c) <i>selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and</i> (d) <i>Replacement of a building or site detracting from the desired character of a precinct with respectful and carefully designed building(s).</i></p>	<p>The proposed development satisfies PDC 2(a), as it involves alterations and additions to an existing dwelling.</p>
<p>PDC 3 <i>Development should retain and enhance the streetscape contribution of a building by:</i> (a) <i>retaining, refurbishing, and restoring the building; and</i> (b) <i>removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</i> (c) <i>avoiding detrimental impact on the building's essential built form, characteristic elements, detailing and materials as viewed from the street or any public place (ie only the exposed external walls, roofing and chimneys, verandahs, balconies and associated</i></p>	<p>The proposed development includes the demolition of the existing rear addition as well as a freestanding garage, as per PDC 3 (b).</p> <p>No alterations are proposed to the existing dwelling and therefore there will be no impact to the essential built form of the character dwelling, as per PDC 3 (c).</p> <p>In reference to PDC 3 (d), the alterations and additions proposed will be located to the side and rear of the existing dwelling. The additions are to be well setback from the main façade of the dwelling, ensuring it remains the focal point when viewing the property from the</p>

<p><i>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, 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>street.</p> <p>The dwelling is not located within an area of consistent setbacks, rhythm of buildings and other such desirable street attributes and therefore the proposed development will not have a detrimental impact of the streetscape in these terms.</p> <p>The applicant however looks to redevelop the site to achieve a much more positive outcome in terms of the streetscape whilst also recognising the constraints of the site in terms of the proximity to the tramline and Goodwood Road. Furthermore, by removing the garage and large area of paving to the front of the site, will allow for a front garden area to be established.</p>
<p>PDC 4</p> <p><i>Alterations and additions to a building should be located primarily to the rear of the building and not be visible from the street or any public place unless involving the dismantling and replacement of discordant building elements so as to better complement the building's original siting, form and key features.</i></p>	<p>Much of the proposed additions are located to the rear of the site however part of the addition are located to the side of the dwelling and will be visible to the street. The proposed development is considered to achieve the intent of PDC 4 as:</p> <ul style="list-style-type: none"> • The additions visible are well set back from the front façade of the original dwelling; • The additions have been designed to be clearly distinct from the existing dwelling; • The additions are of a form and scale that ensures the prominence of the existing dwelling; • The proposal will not be of detriment to the existing streetscape.
<p>PDC 13</p> <p><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</i></p>	<p>An element of the dwelling additions is proposed to be located along the western side boundary. The boundary wall is considered to be in accordance with PDC 13 as:</p> <ul style="list-style-type: none"> • the additions are only single storey in height and are located under the main roof of the existing dwelling; • the boundary wall is setback approximately 9 metres from the front boundary (the existing dwelling is setback 1.8m); • the dwelling is setback from the eastern side boundary; • the desired gap between buildings does not need to be satisfied given the

<p><i>character is met on the other side boundary; and</i></p> <p>(iii) <i>the desired gap between buildings, as set out in the desired character, is maintained in the streetscape presentation.</i></p>	<p>context of the site within the varied streetscape.</p>
<p>PDC 14 – Carports & Garages</p> <p><i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <p>(a) <i>be located to the rear of the dwelling as a freestanding outbuilding; or</i></p> <p>(b) <i>where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i></p> <p>i. <i>incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and</i></p> <p>ii. <i>be in the form of a discrete and articulated building element not integrated under the main roof, nor incorporated as part of the front verandah or any other key element of the dwelling design; and</i></p> <p>iii. <i>have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and</i></p> <p>iv. <i>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>A carport is proposed to be located to the side of the dwelling, behind the front façade of the existing dwelling. The carport is not located under the main roof and has been designed so it is discrete building element. The carport is only of a single width and is sited just off the eastern side boundary.</p>
<p>PDC 16 – Fencing</p> <p><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>(a) <i>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>Firstly, it is noted that the allotment has a frontage in excess of 16 metres. The applicant proposes to replace the front fence with a new 1.8 metre high timber fence. The fence will also include columns of grey block. Whilst this is contrary to PDC 16 (b), the fence is considered acceptable as:</p> <ul style="list-style-type: none"> • it will replace a 1.8m high corrugated iron fence that it is poor repair; • the fence style is similar to other front fences along Railway Terrace i.e. that have a boundary to the tramline; • the property is located across the road from a pedestrian walkway (over the

<p>(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.</p>	<p>tramline) and a tram stop, and the fence will provide additional security and privacy from these public places;</p> <ul style="list-style-type: none"> the subject site is located on the periphery of the Zone and along a street that does not include front fencing as part of its streetscape attributes.
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Policy Area Desired Character

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

Assessment
<p>The subject allotment is located on the periphery of the Residential Streetscape (Built Form) Zone, adjacent to a tramline. It is also specifically located within Compact Policy Area 8 and Precinct 8.1. The allotment does not conform to the streetscape attributes as described for Precinct 8.1 in terms of the allotment size and setbacks.</p> <p>The proposed development will be situated to the side and rear of the existing dwelling and will be well setback from the street. The applicant proposes to retain the existing dwelling on site and therefore the building form will be retained to the street. The proposed alterations and additions have been designed so that they have minimal impact on the property's contribution to the streetscape.</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	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 9, 10, 12, 13, 14, 15
Form of Development	<i>Objectives</i>	1, 4, 7
	<i>PDCs</i>	1, 2, 3
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Residential Development	<i>Objectives</i>	1, 2, 5
	<i>PDCs</i>	1, 5, 6, 7, 8, 13, 14, 15, 16, 17, 19, 20, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 14 – Side & Rear Boundaries	<p>A component of the dwelling additions is to be located along the western side boundary for a length of 6.8 metres. In assessing the boundary against PDC 14, it is noted that:</p> <ul style="list-style-type: none"> • a 1.4m length of the boundary wall will be adjacent to an outbuilding located at 26 Railway Terrace; • the boundary wall is setback approximately 5 metres behind the main face of the dwelling; • the wall is not located under the main roof of the dwelling but is rather a separate building element; • the wall does not exceed 9 metres or more than 50 percent of the associated boundary; • the wall however exceeds a height of 3 metres above ground; • there are no boundary walls proposed for the eastern side boundary; • the boundary wall will not be located within 0.9 metres of a habitable room window of an adjacent dwelling. <p>The boundary wall only fails one part of PDC 14 and that is in relation to the wall height. The wall height is considered acceptable as:</p>

	<ul style="list-style-type: none"> • the wall will not detrimentally impact the neighbouring property in terms of overshadowing of habitable rooms as the dwelling located at 26 Railway Terrace is setback approximately 19 metres from this common boundary; • only approximately 5.4 metres of the wall length will be visible to the adjacent neighbour; • the subject site currently has a garage located along the same boundary; • the neighbour has already planted a number of screening trees along this boundary.
PDC 45 & 46 – Car Parking	<p>The proposed development includes one on site car parking space that is to be located under a carport. This does not accord with Table Un/5 of the Unley Development Plan, which requires at least 2 on site car parking spaces. The proposed on-site parking provisions are considered acceptable as:</p> <ul style="list-style-type: none"> • the proposed carport satisfies the design and siting requirements of the Zone; • two vehicles are able to be parked along the street to the front of the property (subject to parking restrictions in place); • the site is exceptionally close to public transport options; • the site is also located within easy walking distance to a number of shops, restaurants, consulting rooms and community services.

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 dwelling additions are appropriately designed and sited to support the desired character of the Residential Streetscape (Built Form) Zone and Compact Policy area;
- The proposed carport has been designed and sited so as to form a relatively minor streetscape element that is a discrete and separate building element;
- The proposed boundary wall will not have a detrimental impact upon the amenity of neighbouring properties by way of visual impact or overshadowing;
- The on-site parking provisions have been carefully considered to ensure that the design guidelines have been satisfied whilst recognising the availability of on-street parking and the close proximity of public transport options.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/917/2018/C2 at 20 Railway Terrace (North), Goodwood SA 5034 to 'Carry out alterations including demolition of existing rear addition and outbuilding and construct single storey additions on boundary, a carport within 600mm of a boundary and 1.8m high front fencing', is not seriously at variance with the provisions of the City of Unley

Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

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

ITEM 2**DEVELOPMENT APPLICATION – 090/40/2019/C2 – 20 GEORGE STREET, PARKSIDE SA 5063 (PARKSIDE)**

DEVELOPMENT APPLICATION NUMBER:	090/40/2019/C2
ADDRESS:	20 George Street, Parkside SA 5063
DATE OF MEETING:	21 May 2019
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Demolish existing leanto and outbuilding, carry out alterations and construct single storey addition, garaging swimming pool and verandah
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (BUILT FORM) ZONE P 8.3
APPLICANT:	Andrew Sabatino and Saxon Sunderland
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (Four oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Building bulk / mass

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The applicant proposes the following development at 20 George Street Parkside;

- Demolish existing shed and lean-to;
- Carry out alterations to existing dwelling;
- Construct single storey addition;
- Garage; and
- Install swimming pool

3. SITE DESCRIPTION

The subject site is located within the Residential Streetscape Built Form Zone, Policy Area 8.3.

The land is identified as Allotment 248, Filed Plan 14381, Volume 5878 Folio 639. The allotment is located on the western side of George Street, between Greenhill Road and Regent Street. The site is regular in shape having a frontage to George Street of 11.27m, a depth of 42.67m and an overall site area of 480m².

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Settlement Pattern/Dwelling Type

The immediate locality demonstrates a consistent settlement pattern of street fronting, single storey dwellings.

Minimal subdivision has occurred, albeit for the immediately adjoining southern property which has developed the rear yard of the existing dwelling, utilising the secondary street frontage.

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 four representations were received as detailed below.

22 George Street (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Concern that the development will negatively impact upon the existing Jacaranda (non-regulated)*	The applicant will discuss the matter directly.
2 Regent Street (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Concern regarding the paving of the right of way, and obstruction of access during construction*	The proposed development includes permeable pavers for the right of way.
2a Regent (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
The height and location of the proposed addition will negatively intrude visually and cause shadowing of the property at 2a Regent (private open space and northern habitable windows)	The development is setback 1m from the common boundary. The Shading Study demonstrates that direct sunlight is available to the rear yard and habitable space for a minimum of 2 hours on 21 st June.

(* denotes non-valid planning considerations)

9. ADMINISTRATION NEGOTIATIONS

The application documents have undergone a number of amendments at the request of Administration.

On submission, the proposed development included substantial boundary development along the southern boundary (refer Attachment E, Drawing No. 06-001-P04 Revision [-]). Administration raised concerns regarding this aspect of the development. Subsequently, the applicant amended the plans which included, among other amendments, a side setback of 1m (refer Attachment E, Drawing No. 06-001-P04 Revision A). The amended plans were notified.

In preparing the report for the Panel, Administration raised further concerns regarding the impact of the proposed development on the southern adjoining property. Subsequently, the applicant has made further amendment to the plans which include increasing the side setback as the height of the building increases to better align with Council Wide PDC 13 (refer Attachment A, Drawing No. 06-001-P05 Revision B).

10. DEVELOPMENT DATA

Site Characteristics	Dwelling Addition (including garage)	Development Plan Provision
Total Site Area	480m ²	400m ²
Frontage	11.27m	15m
Depth	42.67m	>20m
Building Characteristics		
Floor Area		
Ground Floor	134m ²	
Site Coverage		
Roofed Buildings	58%	≤50% of site area
Total Impervious Areas	72%	≤70% of site

Total Building Height		
From ground level	3.5m – 5m 6m (highlight window)	
Setbacks		
Ground Floor		
Front boundary (east)	>19m	
Side boundary (north)	1m – 5m	1m
Side boundary (south)	1m (<4m wall height) 3m (>4m wall height)	1m 3m for wall height >4m
Rear boundary (west)	6m	5m
Private Open Space		
Min Dimension	>4m	≥4m minimum
Total Area	13.7%	≥20%
Car parking and Access		
On-site Car Parking	2	2 per dwelling where less than 4 bedrooms or 250m ² floor area 3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Covered on-site parking	2	≥1 car parking space ≥2 car-parking spaces
Garage/ Carport Internal Dimensions	5.8m x 6m	3m x 6m for single 5.8m x 6m for double
Colours and Materials		
Walls	Reclaimed red brick Glazing in white powdercoated aluminium framing	

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

11. ASSESSMENT

Residential Streetscape Built Form Zone

Objectives
<p><i>Objective 1:</i> Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</p> <p><i>Objective 2:</i> 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><i>Objective 3:</i> Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.</p> <p><i>Objective 4:</i> Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.</p>
Desired Character
Streetscape Value

The Residential Streetscape (Built Form) Zone encompasses much of the living area in inner and western Unley, (excluding the business and commercial corridors and those areas of heritage value).

The zone is distinguished by those collective features (termed “streetscape attributes”) making up the variable, but coherent streetscape patterns characterising its various policy areas and precincts. These attributes include the:

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

Streetscape Attributes

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

- a) siting; and*
- b) form; and*
- c) key elements*

Principle of Development Control

Principle of Development Control 2

Development should comprise:

- a) alterations and/or additions to an existing dwelling; and*
- b) ancillary domestic-scaled structures and outbuildings ...*

Principle of Development Control 4

Alterations and additions to a building should be located primarily to the rear of the building and not be visible from the street or any public place unless involving the dismantling and replacement of discordant building elements so as to better complement the building’s original siting, form and key features.

Principle of Development Control 10

Buildings should be of a high quality contemporary design and not replicate historic styles. Buildings should nonetheless suitably reference the contextual conditions of the locality and contribute positively to the desired character, particularly in terms of:

- a) scale and form of buildings relative to their setbacks as well as the overall size of the site; and*
- b) characteristic patterns of buildings and spaces (front and side setbacks), and gaps between buildings; and*
- c) primarily open front fencing and garden character and the strong presence of buildings fronting the street.*

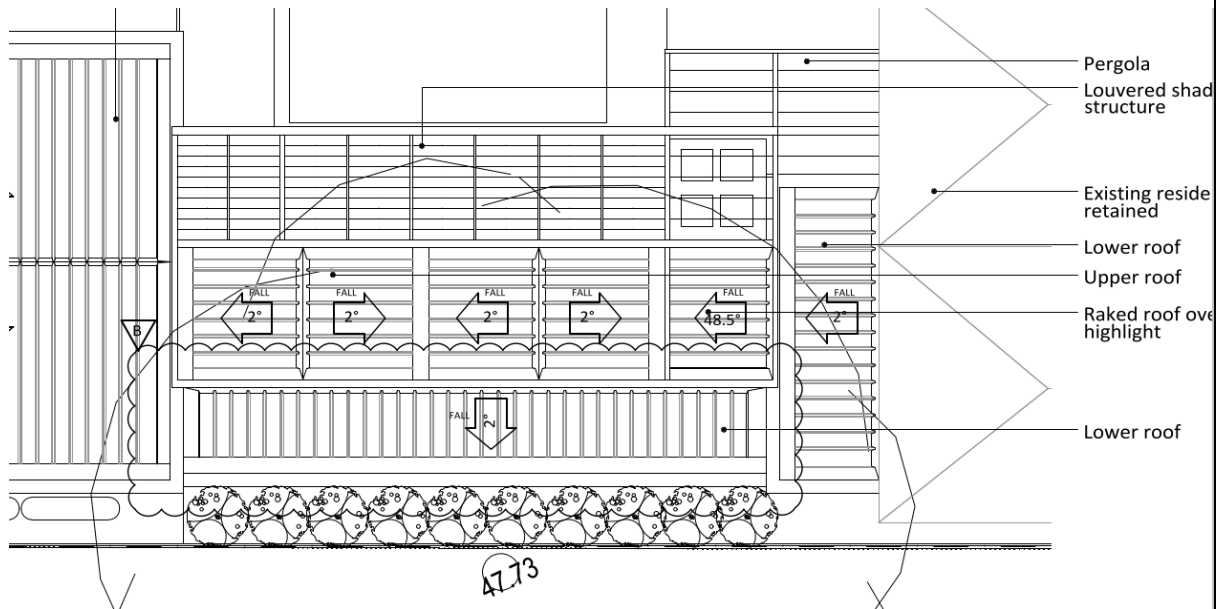
Assessment of Zone Objectives and Principle of Development Control

The proposed development is located at the rear of the existing dwelling and retains the existing dwelling’s streetscape contribution.

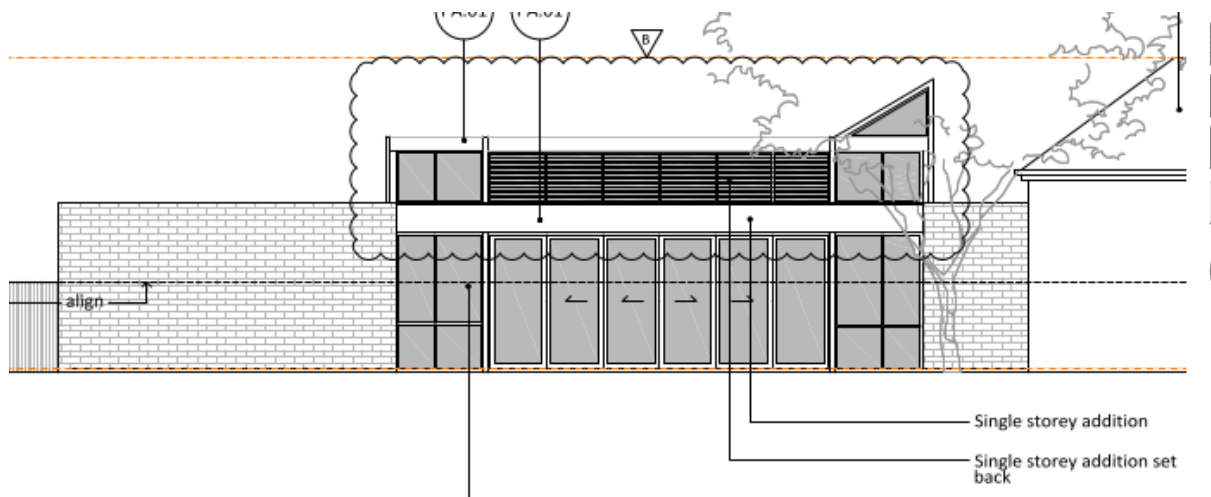
The proposed development retains the existing dwellings essential built form and does not

extend the roof form as part of the dwelling addition. The proposed development provides a discernible link between the character dwelling and the rear addition.

The proposed addition includes an elevated roof section, central to the allotment and set 3m from the southern boundary. The overall roof design is flat (predominantly 2 degree fall) with a protruding raked roof over the easterly 'highlight' (48.5 degree fall).



The majority of the proposed wall heights of the addition are lower than the existing dwelling, except for the protruding roof element (refer below).



The proposed addition is located a minimum of 1m from side boundaries which is consistent with the pattern of development within the immediate locality.

The garage is located at the rear of the site gaining access via the existing Right of Way access. As such it does not impact the existing streetscape.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23
Energy Efficiency	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4
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 13 Side and Rear Boundaries	<ul style="list-style-type: none"> • The notified version of the application did not satisfy PDC 13 as it involved a 1m side setback for a structure that exceeded 4m in height; • The amended and current version for consideration now satisfies this provision as it includes a 1m side setback for the building height up to 4m, and then increases the side setback to 3m where the building height exceeds 4m in height; • The increase in setback reduces the visual impact of the structure as viewed from adjoining land and allows adequate provision of natural light to adjacent habitable room windows and private open spaces; • The siting of the proposed addition is considered appropriate.
PDC 16 & 17 Site Coverage	<ul style="list-style-type: none"> • The proposed development includes appropriate side and rear setbacks, adequate private open space and vehicle access and parking; • A large amount of the private open space is given over to impermeable surfaces (such as the swimming pool and associated paving/decking) with limited landscaping proposed at the rear. The applicant proposes to surface the existing vehicle access with a permeable pavers; • Open structures are proposed over a portion of the private open space (including a pergola and louvered system); • Sufficient space is available on site to provide for the City of Unley Development and Stormwater Management requirements (see Condition of approval); • The proposed development is a modest development with regards to floor area and the departure from the Site Coverage recommendations are considered acceptable given the compact nature of the site and the functionality of the proposed addition.

PDC 19 & 20 Private Open Space	<ul style="list-style-type: none"> • The proposed development results in a total private open space area that is less than the recommended provision; • However, the dimension and location of the proposed private open space relates well with the dwellings internal living configuration, and is sited to receive direct winter sunlight; • The proposed size and relationship of the private open space with the dwelling is considered acceptable
PDC 50 Swimming Pool	<ul style="list-style-type: none"> • The setback of the proposed swimming pool is less than the recommended 1.5m; • The pool is not located within close proximity of a habitable room window of the adjoining dwelling; • The pool equipment is appropriately located within the proposed garage structure; • As such it is considered that the swimming pool and ancillary pool equipment would not negatively impact upon the visual privacy and acoustic amenity of the adjoining property occupiers

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 satisfies relevant Residential Streetscape Built Form Zone Objectives and Principles of Development Control;
- The proposed development does not result in unreasonable overshadowing or visual impact on habitable room windows of nearby dwellings;
- The proposed development provides sufficient side and rear setbacks appropriate for the locality; and
- The proposed development provides adequate private open space and vehicle parking

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/40/2019/C2 at 20 George Street, Parkside SA 5063 to 'Demolish existing leanto and outbuilding, carry out alterations and construct single storey addition, garaging swimming pool and verandah', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That waste water from the swimming pool shall be discharged to the sewer, and not be allowed to flow onto adjoining properties or the street water table under any circumstances.
3. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment.

4. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
5. 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
D	Representors Further Comments	Administration
E	Related Documents and Superseded Plans	Administration

ITEM 3**DEVELOPMENT APPLICATION – 090/970/2018/C2 – 145 KING WILLIAM ROAD, UNLEY 5061 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/970/2018/C2
ADDRESS:	145 King William Road, Unley 5061
DATE OF MEETING:	21 May 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Construct a new single storey building with verandah for consulting rooms
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Specialty Goods Centre
APPLICANT:	Adelaide Cosmetic Dentistry
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:	Car parking and access

1. PLANNING BACKGROUND

090/104/2019/BA – Development Approval was granted 14 March 2019 for the demolition of the existing building.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to construct a single storey building with a verandah to be utilised for consulting rooms.

3. SITE DESCRIPTION

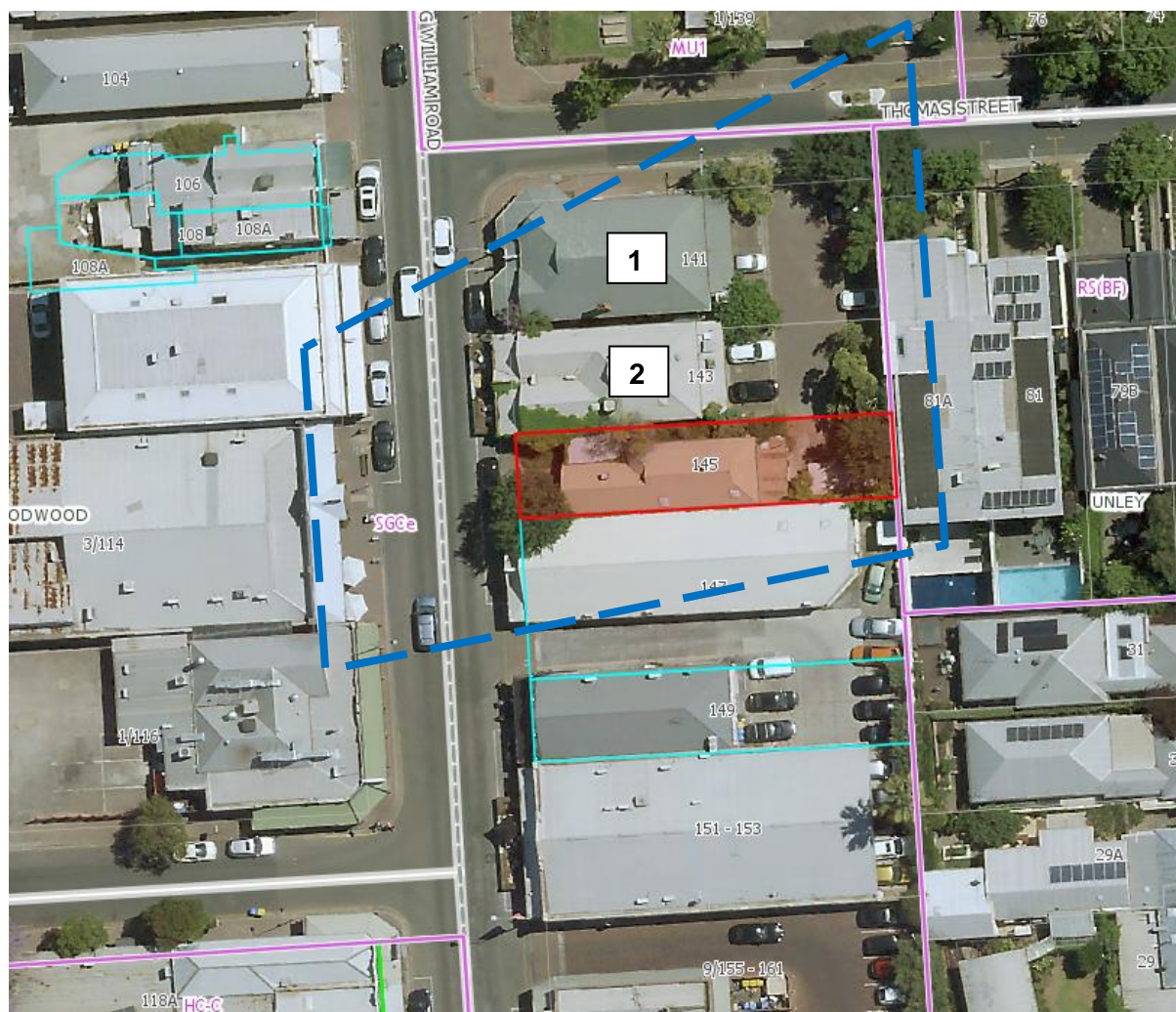
The subject site is located on the eastern side of King William Road, a major collector road that is unique for its use of pavers in place of bitumen for the road surface.

The rectangular allotment is described as Allotment 570 on Filed Plan 10805, Volume 5272, Folio 766. The allotment has free and unrestricted rights of way of land marked A on the Title. This easement is a 2.44 metre wide strip which runs long the rear boundary of the adjacent properties addressed as 141 and 143 King William Rd, Unley.

The subject site has a frontage of 7.77 metres to King William Road and an overall site area of 268.8m². There is an existing single storey building with a freestanding carport structure located to the rear of the site. This building has been utilised as consulting rooms since 1983, and prior to this it was a dwelling.

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

4. LOCALITY PLAN



*It is noted that there is an error in the mapping provided above in that 147 & 149 King William Road are shown to be Local Heritage Places. It is noted that neither of these properties are Heritage Places or buildings of historical significance.

5. LOCALITY DESCRIPTION

Land Use

There is a variety of land uses within the immediate locality that is reflective of the zoning. The variety of uses include:

- Shops/ retail/ personal services establishments;
- Café/ restaurants; and
- Offices.

The site also adjoins the Residential Streetscape (Built Form) Zone and therefore adjoins residential dwellings along its eastern boundary.

Land Division/Settlement Pattern

The land division pattern is fairly regular with long rectangular allotments fronting onto King William Road. On a wider scale the allotment pattern is much more varied which is reflective of the nature of commercial properties and medium density living near retail corridors.

Building Type / Style and Number of Storeys

The buildings within the locality are a mix a traditional and replica shop fronts. Majority of the building are allocated along the front boundary and incorporate verandahs over the footpath.

Buildings do not exceed 2 storeys in height.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Council's Property Department due to the proposed encroachment of a verandah over a Council footpath. The following comments were provided:

- *Having looked at the details of the plans etc in the ECM documents that you provided to me I do give in principle support for this encroachment.*
- *This support is only given provided an Encroachment Permit is issued to the development applicant (noting they are the owners of the property at 145 King William Road) in accordance with Councils Encroachment Policy and is part of the conditions of the Planning Approval.*
- *Please make sure that when advising the applicant about the Encroachment Permit they are also advised about the Terms and Conditions of the Encroachment Permit. In particular that they must at the time of putting in the application for the Encroachment Permit provide to Council with their application a copy of their Public Liability Insurance that shows Council as an "Interested Party" with a note on their insurance to say their insurance extends to cover the encroachment of the verandah over a Council public footpath via the Encroachment Permit with Council. The insurance that you already have sited and is in ECM#3892000 does not show any of these conditions and so is "not" acceptable to be used for the Encroachment Permit application.*
- *As well the applicant is responsible for building the structure that encroaches as approved under this Planning Application and subsequent Building Approvals.*
- *Finally, they are also responsible to maintain any encroachment over the footpath and are also "not" to construct the encroachment until such time as the Encroachment Permit has been issued to them by Council. These are all conditions of the Encroachment Permit and are outlined in the Policy*

It is noted that this application does not grant the Encroachment Permit, the encroachment permit must be obtained following Planning Consent but prior to Development Approval being issued.

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.

141 King William Rd, Unley (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>Land Use - Land use at the scale proposed is not envisaged by the Development Plan</p>	<p>The existing use of this land is for consulting rooms. In this respect there is no change, albeit that the nature of the practitioner will differ, i.e. dentistry. In any event, neither the Development Plan, nor the Development Regulations differentiate.</p> <p>The development application represents a significant upgrade to the existing King William Rd/ Hyde Park shopping precinct streetscape.</p> <p>The Specialty Goods Centre Zone seeks development that provides a continuous retail frontage and should not exceed two storeys in height. The proposal is compliant in both regards.</p> <p>The proposed building is of a modest scale and an appropriate siting position that complements the form and appearance of adjacent development. The simple architectural presentation integrates well with the existing streetscape.</p>
<p>Parking and Access</p> <ul style="list-style-type: none"> - shortfall in carparking and impacts to existing parking areas and on street parking - Internal traffic movements have not been demonstrated - Existing right of way arrangements 	<p>Subsequent to purchasing the property at 145 King William Road, Unley, SA 5061 we have become aware that there has been a long-standing attempt by the owners of 141,143 and 145 King William Road, Unley to concretise a legally binding contract for a shared car parking agreement at the rear of these properties. We further understand that for whatever reason, that while the parties had invested considerable time, effort and resources to develop an agreement, this was never finally concluded or registered with the Land Titles Office. Accordingly, there is no legally enforceable agreement in place or easement registered on the Certificate of Title supporting that a shared car parking agreement is currently in place.</p> <p>The only legally registered easement</p>

	<p>on the existing Certificate of Title - Volume 5272 Folio 766 (PDF separately attached) details an accessway along the rear (eastern-boundary) across 141 and 143 King William Road, Unley, accessed via Thomas Street that is 2.44 meters wide. We have been advised that this is insufficient for a compliant vehicle access which would require 3.2 meters, but still legally entitles us to unfettered access to 145 King William Road, Unley via Thomas Street.</p> <p>Accordingly, we respectfully request that the Development Assessment Panel assess the existing development application (DA 090/970/2018/C2) for 145 King William Road, Unley as landlocked and therefore be assessed as 'no-change' to the existing car parking status.</p>
<p>Landscaping – no landscaping plans have been provided</p>	<p>An amended plan is provided that shows the rear of the proposed as a paved area with landscaping along the eastern boundary.</p>
<p>143 King William Rd, Unley (oppose)</p>	
<p>ISSUES RAISED</p>	<p>APPLICANTS RESPONSE</p>
<p>There is no legal right for the subject land to access Thomas Street across 143 King William Rd</p>	<p>Subsequent to purchasing the property at 145 King William Road, Unley, SA 5061 we have become aware that there has been a long-standing attempt by the owners of 141,143 and 145 King William Road, Unley to concretise a legally binding contract for a shared car parking agreement at the rear of these properties. We further understand that for whatever reason, that while the parties had invested considerable time, effort and resources to develop an agreement, this was never finally concluded or registered with the Land Titles Office. Accordingly, there is no legally enforceable agreement in place or easement registered on the Certificate of Title supporting that a shared car parking agreement is currently in place.</p> <p>The only legally registered easement</p>

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(* denotes non-valid planning considerations)

9. ADMINISTRATION NEGOTIATIONS

Early on in the assessment process, the issue regarding the right of way easement was raised by Council Administration. In discussions with the applicant, Council Administration has then undertaken a thorough investigation of the historic development applications over land at 141, 143 and 145 King William Road, Unley. It is firstly highlighted that the following condition was included as part of the Planning Consent for DA 090/133/1989/DM a proposal to construct additions and convert to shop, with shared carpark over land at 143 King William Rd, Unley:

The owners of 145 King William Road agree to, and executes, in conjunction with the owners of 141 and 143 King William Road, the extinguishing of the existing 2.438 metres wide right of way to Thomas Street and the creation of the substitute reciprocal access (which cannot be altered or extinguished without all parties consent, including Council as a party) over the new 5.8 metre wide vehicle driveway off Thomas Street as delineated on the approved plan, prior to the 30th July 1989, or this planning consent will lapse at that time.

It appears that although a number of attempts were made to legally ratify this condition (including the drafting of the legal documents), the right of way arrangements on the title were never altered. In practice however, the carparking has been constructed with a crossover to Thomas Street and a 5.8m wide aisle running through the middle with carparking located on either side. This carparking runs through the rear of 141 and 143 King William Road. The aisle appears to continue through to the rear of 145 King William Road, however there is a carport located at the end of the aisle in place of carparking on either side of the aisle. There is no fencing or any other restrictions to prevent vehicles from accessing this carport.

The right of way as shown on the title, in reality has no crossover to Thomas Street and is impeded by landscaping (including several mature trees) and marked carparking spaces. It is clear that the right of way as per the Certificate of Title is no longer recognised but the upgraded carparking and access arrangement is in place but just not formalised on the Title.

If a new easement is not registered for the current reciprocal access and parking arrangements, the land at both 143 and 145 King William Road, are both land locked. Regardless of the proposed development at 145 King William Rd, the issue of having no formal access to Thomas Street exists. With this in mind, an assessment against the onsite parking and vehicle access provisions is provided further below.

10. DEVELOPMENT DATA

Site Characteristics	Consulting Rooms	Development Plan Provision
Total Site Area	268.8m ²	n/a
Frontage	7.77m	n/a
Depth	34.59m	20m
Building Characteristics		
Floor Area		
Ground Floor	176.7m ²	n/a
Site Coverage		
Roofed Buildings	65.7%	n/a
Total Building Height		
From ground level	6m (1 storey)	Max 2 storey
Setbacks		
Front boundary (west)	0m	0m – Table Un/2 of the Unley Development Plan
Side boundary (north)	0m	n/a
Side boundary (south)	0m	n/a
Rear boundary (east)	11.9m	n/a
Car parking and Access		
On-site Car Parking	0 – as existing	Min 3 per 100m ² of gross leasable floor area

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

Specialty Goods Centre Zone
<i>Objective 1: Accommodation of small-scale retail specialty goods outlets, local convenience shopping facilities and neighbourhood, community, entertainment, education, religious and recreational facilities of a low traffic generating nature.</i>
<i>Objective 2: Development adjacent to the Historic (Conservation) Zone - Centre to complement the historic character of the relevant policy area.</i>
Desired Character
n/a
Assessment
The applicant seeks to construct a new building to accommodate consulting rooms. The proposed use is a continuation of an existing approved use for consulting rooms that were located in the current building. The height of the building and overall floor area is similar to other buildings within the locality, and is considered to be of a small scale. Although the overall useable floor area for consulting rooms is to increase, the premises is relatively moderate and will not be out of character with the Specialty Goods Centre Zone.
The subject site is not located adjacent to the Historic (Conservation) Zone – Centres and therefore Objective 2 is not relevant to the assessment of this application.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 2 <i>Development should provide a continuous retail frontage.</i></p>	<p>The previous building located on the subject site was setback from the boundary to the street, unlike all the other buildings within the locality which are built to the boundary and include verandah structures over the footpath. The proposed building will be built to the street and will include a front verandah located over the footpath. Although the building will contain consulting rooms as opposed to retail, the building will be indistinguishable from adjacent buildings that contain retail uses.</p> <p>Given this, it is considered that PDC 2 has been satisfied as the building will provide a continuous frontage to King William Road.</p>
<p>PDC 5 <i>Development should involve the preservation and enhancement of existing buildings of historic significance. Alterations, additions or new development should complement existing buildings, their character and the character of the streetscape and area, in particular where adjacent to the Historic (Conservation) Zone - Centre.</i></p>	<p>The existing building on site, whilst being a character building, is not listed as being a Heritage Place or a building of historic significance and therefore is not protected from demolition. It is also noted that Development Approval has already been granted for the demolition of this building.</p> <p>The site is not adjacent to the Historic (Conservation) Centres Zone, nor any buildings that are identified as being of historic significance. The proposed development is however considered to complement the character of the streetscape as:</p> <ul style="list-style-type: none"> - The new building will now be located along the front boundary and include a verandah over the footpath, resulting in a continuous frontage to the street; - The building will remain single storey in height like the buildings adjacent; - The front façade of the proposed building is of a simplistic style that will not detract from the historic detailing of those buildings of heritage value in the area.
<p>PDC 7 – Vehicle Parking <i>Vehicle parking should be provided in accordance with the rates set out in Table Un/5 - Off Street Vehicle Parking Requirements or Table Un/5A - Off Street Vehicle Parking Requirements for Designated Areas (whichever applies).</i></p>	<p>No vehicle parking has been provided on site as the land is essentially land locked as the only formal access to the site is via a right of way from Thomas Street. This right of way is of a width that is not in accordance with Australian Standards and is further impeded by mature landscaping and carparking.</p> <p>It is noted that until the current parking and access arrangements are formalised, any building or use developed on the subject land will have the same impediments. The only</p>

other option would be for vehicle access to be obtained directly from King William Road, an option that is not supported by Council Administration for the following reasons:

- Width of any access would severely reduce the building envelope of any new building;
- Would likely result in a design outcome that would be incompatible with the surrounding buildings;
- Would result in an outcome that is not considered to be the best and most functional use of the land;
- Loss of on street parking;
- Possible traffic and pedestrian safety concerns.

Should the access arrangements be formalised, there is sufficient space to the rear of the subject site to accommodate 2 – 3 parking spaces.

If there were formal access arrangements in place, carparking is to be provided in accordance with Table Un/5A and as such a minimum of 3 spaces are required to be supplied for the existing building. The new building would be required to provide a minimum of 5 spaces. There will be a need to use on-street parking spaces. There is plenty of on-street parking within the locality however, these parking spaces are already under strain especially during peak times. Given the ongoing parking issues within the area, it is considered that anyone that needs to access the site will quickly become aware of these issues and likely make arrangements to compensate for these issues. Such examples include:

- Using public transport;
- Arriving early to allow time to find a parking space;
- Arranging to be dropped off;
- Parking further away and walking to the premises;
- Combining trips so able to utilise a number of businesses in one go;
- The operators of any business making their clients/ customers aware of the issues and creating their own alternative transportation methods;
- The operators of the business strategically arranging appointments etc. outside of peak times or at suitable intervals. The proposed consulting rooms for example, are to schedule appointments with 15 minute intervals

	<p>to have minimal crossover between patients;</p> <ul style="list-style-type: none"> - The operators of the business strategically rotating shifts of staff. <p>It is considered that it is feasible for businesses to try to solve any individual parking/ access issues to appease staff, retain clients/ customers etc.</p> <p>The only real impediment to the proposed building is the availability of car parking. The lack of car parking however is an issue that is existing for most properties in the locality. Regardless of whether the subject site is developed, the existing building will still have a need to access on-street car parking. The proposed development from a land use perspective however is well suited and complementary to the locality. Furthermore, the proposal is also not of a scale and intensity that will materially impact on the existing car parking conditions in the area.</p>
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Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Commercial and Industrial Development	<i>Objectives</i>	1
	<i>PDCs</i>	3, 4
Crime Prevention	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Design and Appearance	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 8, 9, 10, 12, 13, 14, 15, 17, 18, 19, 20
Form of Development	<i>Objectives</i>	1, 4, 7
	<i>PDCs</i>	1, 2, 12, 13
Interface Between Land Uses	<i>Objectives</i>	1, 2, 3
	<i>PDCs</i>	1, 2, 3, 6
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Transportation (Movement of People and Goods)	<i>Objectives</i>	1, 3, 6, 7, 11, 13
	<i>PDCs</i>	1, 2, 3, 12, 13, 14, 17, 18, 19, 20, 23

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

Relevant Council Wide Provisions	Assessment
Design & Appearance	
PDC 2	<p>The proposed consulting room development is to be built side boundary to side boundary. It is noted that:</p> <ul style="list-style-type: none"> • The allotment has a width of only 7.77m;

	<ul style="list-style-type: none"> • Buildings built to boundary is common along King William Road and this intimate retail/ commercial streetscape is part of the character of the area; • Building to the side boundaries allows for a continual frontage of single storey buildings as desired by the Specialty Goods Centre Zone; • The boundary walls will largely abut boundary walls located along the adjacent properties; • The property located to the south has a boundary wall along their northern boundary that extends further than the proposed buildings boundary walls; • The single storey nature of the proposed development as well as the boundary wall of the southern adjacent property will not result in detrimental impacts in terms of overshadowing and access to sunlight; <p>The proposed building will be sufficiently setback from the rear boundary so as to not result in detrimental impacts to the amenity of the rear neighbours.</p>
<p>PDC 17 – Relationship to Street and Public Realm</p>	<p>In accordance with PDC 17, a verandah is proposed over the public footpath as part of the development application.</p>
<p>Interface Between Land Uses</p>	
<p>PDC 3</p>	<ul style="list-style-type: none"> • The proposed building is to be setback over 11.9 metres from the rear boundary i.e. the boundary adjacent to a residential zone; • The building is only single storey in height and is so setback from the rear boundary that impacts in terms of overshadowing and overlooking will be negligible.
<p>Transportation (Movement of People and Goods)</p>	
<p>PDC 19, 20, 23 – Parking Area – Design, Location and Provision</p>	<ul style="list-style-type: none"> • As discussed in the report above, due to the subject land being essentially land locked, no on-site car parking has been provided; • A paved area is located to the rear, in the hopes that a formal access arrangement can be achieved in the future. Approximately 2-3 car parks could be accommodated on site if this was to occur; • This design of the proposed development lends itself to have shared carparking arrangements with 141 & 143 King William Road, should right of way arrangements be formalised in the future; • It is noted that King William Road is also serviced by a high frequency bus service, with bus stops located in very close proximity of the subject site; • The locality is also well serviced by a network of pedestrian pathways along King William Road and Thomas Street; • There will be a need to use on-street parking spaces. There is plenty of on-street parking within the locality however, these parking spaces are likely to be strained especially during peak times. It is considered that anyone that needs to access the business will quickly become

	<p>aware of these issues and likely make arrangements to compensate for these issues. Such examples include:</p> <ul style="list-style-type: none"> - Using public transport; - Arriving early to allow time to find a parking space; - Arranging to be dropped off; - Parking further away and walking to the premises; - Combining trips so able to utilise a number of businesses in one go; - The operators of the business making their clients/ customers aware of the issues; - The operators of the business strategically arranging appointments etc. outside of peak times or at suitable intervals. The proposed consulting rooms for example, can schedule appointments with 15-minute intervals to have minimal crossover between patients; - The operators of the business strategically rotating shifts of staff. <p>It is considered that it is feasible for businesses to try to solve any individual parking/ access issues to appease staff, retain clients/ customers etc.</p>
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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 is for a single storey building that is consistent with the Objectives of the Specialty Goods Centre Zone;
- The proposed use of the new building is a continuation of the existing use of the site, being 'consulting rooms';
- The proposed 'consulting room' use is a low intensity use and will not result in undue impacts to the largely retail nature of the locality;
- The proposed building will provide a continuous frontage of buildings to King William Road;
- The proposed consulting room use will have no impacts in terms of noise, odours and hours of operation;
- There is no significant change in the theoretical parking demand that would materially impact on the parking conditions in the area.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/970/2018/C2 at 145 King William Road, Unley 5061 to 'Construct a new single storey building with verandah for consulting rooms', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans,

drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.

2. That appropriate measures shall be taken to control any likely adverse impact on the amenity of the locality due to any noise nuisance, traffic hazard or otherwise.
3. The hours of operation of the Consulting Rooms shall not exceed the following period:
 - 8:45am to 5:00pm Monday to Friday.
4. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
5. That details and location of on-site waste disposal facilities and methods, including times of waste collection, be submitted for the approval of Council prior to the issue of Development Approval. Further, that the approved facilities be installed and operative prior to the occupation of the building.
6. The development herein approved includes works, buildings, structures, areas, or landscaping, or portions thereof, which are located under, on, or over a road, reserve, or other land, owned by a public authority such as the council. Those works, buildings, structures, areas, landscaping, or portions thereof, which are so located must be maintained in a good, safe, and sound condition at all times to the reasonable satisfaction of the public authority which owns that land.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.
- **NOTE:** The proposed development in whole or in part encroaches upon a public place. No development approval can be obtained, and the development cannot be lawfully undertaken, unless all encroachment/s have been dealt with in a satisfactory manner. In the case of encroachments over a road, an authorisation under Section 221 of the Local Government Act 1999 will be required **and an annual fee payable to Council** in order to deal with the encroachment in a satisfactory manner. In the case of encroachments over other public places owned by the Council, contact the Council for further information.

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

ITEM 4**DEVELOPMENT APPLICATION – 090/126/2019/C2 – 2A SHEFFIELD STREET, MALVERN SA 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/126/2019/C2
ADDRESS:	2A Sheffield Street, Malvern SA 5061
DATE OF MEETING:	21 May 2019
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Variation to 455/2018/C2 - Increase carport pitch and height of roof ridge
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential (Landscape) Zone PA11.2 (400)
APPLICANT:	Pergolas of Distinction
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (1 opposed)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Setbacks Building form, scale, mass and height Roof form and pitch Overshadowing

1. PLANNING BACKGROUND

Development Application 455/2018/C2 to “erect verandah in north-western corner of allotment” as an extension of an existing carport, was approved by CAP 18/09/2018. The plans indicated the roofline extension as a continuous form and height as that of the previous existing carport. The roof pitch however was incorrectly indicated as 21.5 degrees. The total roof height was not indicated, but shown as to match the existing roof form and height.

2. DESCRIPTION OF PROPOSAL

To vary the pitch and resulting total height of the roof as previously approved (DA 455/2018/C2) to match the previously existing carport, and to clad the gable end in Colorbond to match the roof form. The variation sort is for a 31 degree pitch and overall height of 4.1m from the top of concrete floor. The increase in height from that which was previously granted would be 156mm at the gable peak.

3. SITE DESCRIPTION

The subject site is a regularly-shaped allotment of 389sqm, located on the northern side of Sheffield Street. There are no easements on the site. Existing on the site is a single storey detached dwelling with a carport to the rear which is accessed via the secondary frontage onto West Terrace.

There are no regulated trees on or directly adjacent the subject site.

4. LOCALITY PLAN



 Subject Site  Locality  1 Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

The pattern of development is characterised by regularly-shaped allotments with single dwellings.

Dwelling Type / Style and Number of Storeys

The dwellings in the area are predominantly detached Villa, bungalow and cottage styles with some Inter-War infill. Predominantly, the dwellings are single storey.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

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

2 SHEFFIELD ST (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Visually dominant, not minor or subservient to the dwelling.	Carport extension is not visually dominant. Carport extension designed as part of comprehensive improvement of all buildings on the property.
More than 1 wall on boundary, and setbacks not met.	Carport extension designed as a practical improvement to replace the previously existing rear lean-to and garden shed which were on boundary.
Wall height on boundary, overshadowing, and obstructs views.	Structure peaks at 4.22m in height but then scales down to 2.1m on either side, just above existing adjoining 2m high fence. Any overshadowing would be from the east in the morning only. Tree growing on land at 2 Sheffield Street next to the carport extension would cause more overshadowing. There are unobstructed views on either side of the gable.
Site coverage exceeds 50%, and floor area exceeds 10%.	Carport extension designed as a practical improvement to replace the previously existing rear lean-to and garden shed.
Glare from roof.	The roof is clad in pre-colour treated Colorbond and any glare is minimal.

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	22A Sheffield Street	Development Plan Provision
Total Site Area	389m ²	400sqm
Frontage	8.09m (9.59m width behind)	12.5m
Depth	42.7m	≥20m
(Combined) Carport Characteristics		
Floor Area		
Ground Floor	52.8m ² (13.6%)	≤80m ² or ≤10% of site
Site Coverage		
Roofed Buildings	61%	≤50% of site area
Total Impervious Areas	61%	≤70% of site
Height		
Total roof height	4.1m	5m
Post height	2.1m	3m
Setbacks		
Front boundary (south)	n/a (behind ex. dw.)	Behind dwelling
Secondary Street (east)	390mm (ex.)	n/a (ex.)
Side boundary (west)	200mm	On boundary
Rear boundary (north)	On boundary (ex.)	On boundary
Private Open Space		
Min Dimension	6.7m	≥4m minimum
Total Area	17%	≥20%
Car parking and Access		
Carport Width	6m	≤6.5m or ≤30% of site width, whichever is the lesser
Carport Internal Dimensions	6m x 8.8m	≥3m x ≥6m for single ≥5.8m x ≥6m for double

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape (Landscape) Zone
<p><i>Objective 1: Enhancement of the distinctive and primarily coherent streetscapes by retaining and complementing the built form, setting and surrounding landscape features.</i></p> <p><i>Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</i></p> <p><i>Objective 3: Sensitive in-fill development opportunities where appropriate and complementary to the desired character and streetscape setting or providing for the improvement of areas of variable character by replacing discordant buildings and their associated landscape patterns.</i></p> <p><i>Objective 4: Development that contributes to the desired character of the zone.</i></p>
Desired Character
<p>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> <p>(a) rhythm of building sitings, scale, form and setbacks (front and side) and gaps between</p>

- buildings;
- (b) allotment and road patterns;
- (c) landscape features within streetscapes, including the road verge and forward of the building façade.

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

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

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

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

Assessment

The street-fronting dwelling and existing carport obscures the subject structure which is located to the rear resulting in no change to the streetscape amenity or character.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 13 <i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <ul style="list-style-type: none"> <i>(a) be located to the rear of the dwelling as a freestanding outbuilding;</i> <i>(b) where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i> <ul style="list-style-type: none"> <i>(i) incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling;</i> <i>(ii) be in the form of a discrete and articulated building element not integrated under the main roof, nor</i> 	<p>The carport extension is located in the rear corner of the land attached to the rear of the existing carport outbuilding and behind the existing dwelling.</p> <p>The carport outbuilding is open sided and clad with Colorbond roofing to match the existing dwelling.</p> <p>The site is constrained, however the carport extension achieves setbacks from boundaries of 200mm which provides for some separation and articulation of the structure with adjoining existing fencing.</p> <p>Given the above, it is considered the proposed development reasonably meets this principle.</p>

<p><i>incorporated as part of the front verandah or any other key element of the dwelling design;</i></p> <p><i>(iii) have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage;</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>	
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Policy Area Desired Character and Principles of Development Control

Landscape Policy Area 11.2
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 existing street-fronting dwelling is being retained, with the subject structure located to the rear and not visible to the street. The subject structure is considered to satisfy the provisions for outbuildings in regards to its impact on the locality and character of the area.

Relevant Policy Area Principles of Development Control	Assessment
<p>PDC 2 Development should:</p> <p>(a) be primarily detached dwellings, with sensitive infill development sited and designed so as to be inconspicuous from the streetscape, and maintain the desired character and key streetscape setting features.</p> <p>(b) conserve the physical attributes and key streetscape setting features comprising:</p> <p>(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.</p> <p>(ii) form - the characteristic features of consistent scale and proportions of buildings including wall heights and roof designs to the streetscape</p> <p>(iii) key elements – good articulation of walls and roofs to street facades to reduce the scale, bulk and</p>	<p>The proposed extension is of a domestic scale and has attributes and a design that are characteristic of the area. The scale and form of the structure are not incongruous with its setting and it would have limited impacts upon the amenity value of the surrounding area.</p>

dominance of buildings to the streetscape.	
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Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Residential Development	<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 15 - Side and Rear Boundaries - Garages, carports, verandahs, pergolas, outbuildings and like structures	<ul style="list-style-type: none"> The carport extension would be ancillary to the existing dwelling and would not be prominently visible from any street in the locality. The carport would be open sided and setback substantially from any adjoining dwelling windows. It is considered the proposed development reasonably meets this principle.
PDC 17 - Site Coverage	<ul style="list-style-type: none"> The total roofed areas are marginally in excess of 50%. Given the functionality and amenity of the subject site is enhanced through the proposed carport extension, the site coverage is considered appropriate and not detrimental to the character of the area nor the amenity of adjoining properties.
PDC 20 – Private open space	<ul style="list-style-type: none"> The area of Private Open Space has sufficient dimensions, however is marginally less than 20% of the site area. Given the carport extension covers an area that was previously used as a utility area, the Private Open Space is considered reasonable and appropriate for the site and locality.
PDC 29 & 30 - Building Form, Scale, Mass and Height - Garages and carports; & Outbuildings and like structures	<ul style="list-style-type: none"> The carport would be open sided with post heights of 2.1m and a pitched gabled roof clad in surfmist Colorbond to match the existing associated dwelling. The carport would have a width of 6m, or 14% of the West Terrace frontage, an open sided length of 8.8m and a total floor area of 52.8sqm. It is considered the proposed development reasonably meets this principle.
PDC 33 - Roof Form and Pitch -	<ul style="list-style-type: none"> The carport extension would be a continuation of the existing carport located to the rear and not prominently visible from the street. The Colorbond roof cladding would be pre-coloured in surfmist white to match the existing dwelling, and is not considered to create excessive glare relative to untreated metal cladding. It is considered the proposed development reasonably meets this principle.
PDC 41 - Overshadowing and Natural Light	<ul style="list-style-type: none"> While the tallest portion of the proposed carport gable roof end is located adjoining the side boundary facing towards

	number 2 Sheffield Street to the west, the overall height of the building, the form and siting of the roof, are considered appropriate as domestic structures. The potential impacts of the proposed roof on neighbouring properties are limited to the rear most corner of the land at number 2 Sheffield Street currently occupied by a semi mature tree and other bushes and shrubs.
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11. CONCLUSION

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

- The proposed variations to the previously approved extension to the carport are of a very modest scale and nature and would not result in any unreasonable visual intrusion or overshadowing upon neighbouring properties; and
- The proposed roof form, pitch and overall height are considered appropriate for the character of the area with limited impacts to the surrounding properties, thereby satisfying Council Wide (Residential Development) PDCs 33 and 41.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/126/2019/C2 at 2A Sheffield Street, Malvern SA 5061 for 'Variation to 455/2018/C2 - Increase carport pitch and height of roof ridge', 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. The conditions, where pertinent, of any Development Decisions in respect to the original overall development shall be complied with to the reasonable satisfaction of Council at all times.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Administration
C	Response to Representations	Applicant
D	Previously Approved Plans 455/2018	Administration

ITEM 5**DEVELOPMENT APPLICATION – 090/684/2018/C2 – 4 FOURTH AVENUE, EVERARD PARK SA 5035 (GOODWOOD)**

DEVELOPMENT APPLICATION NUMBER:	090/684/2018/C2
ADDRESS:	4 Fourth Avenue, Everard Park SA 5035
DATE OF MEETING:	21 May 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Demolish existing dwelling and construct single storey dwelling including verandah and garage on common boundary
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 9 – Spacious Precinct 9.2 – Everard Park and Forestville (East)
APPLICANT:	APS Homes
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:	New dwelling design in respect of predominant architectural styles of the locality Dominance of garage Removal of existing dwelling

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to:

- Demolish the existing single storey dwelling;
- Construct a single storey dwelling with verandah and double garage

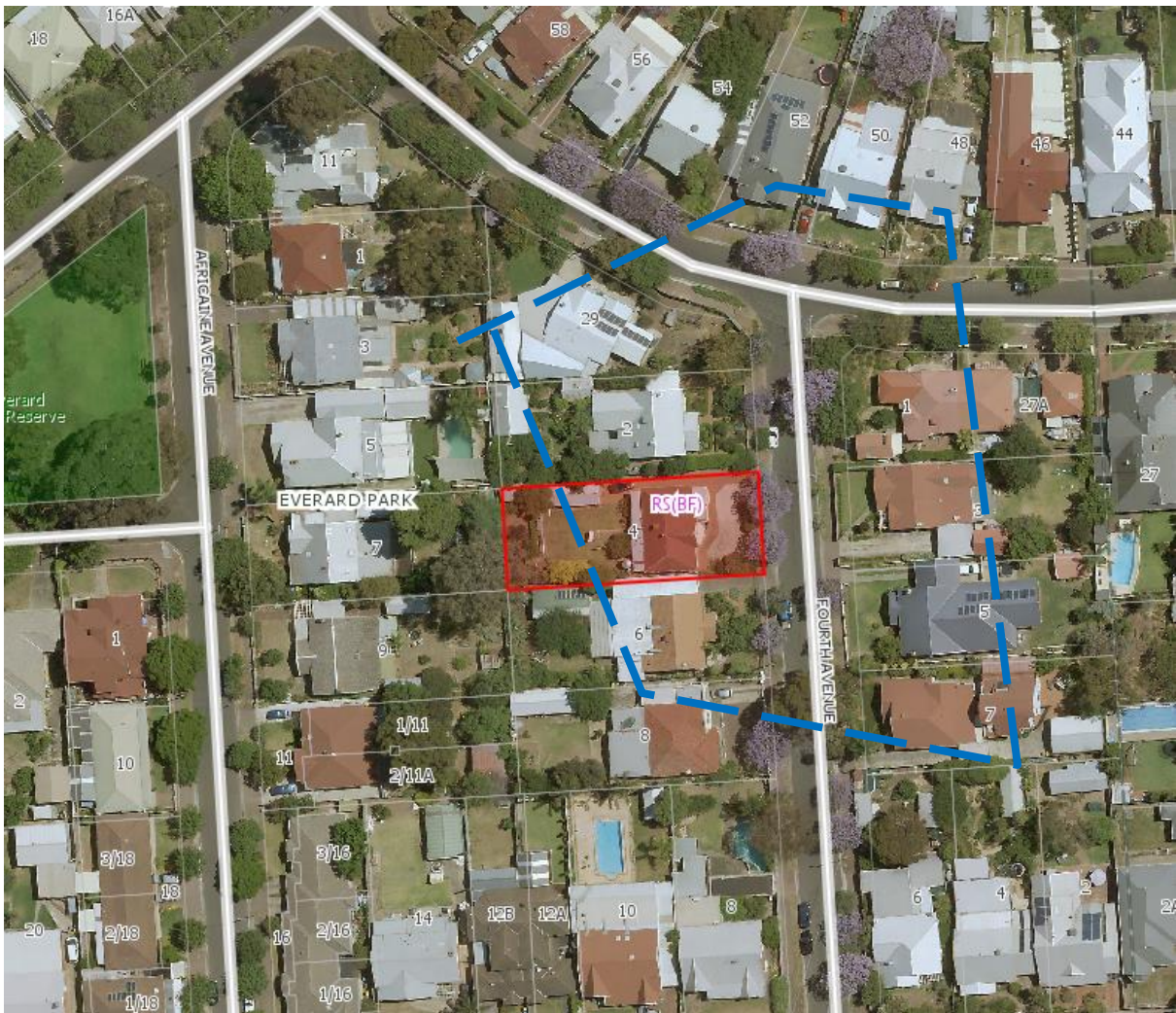
3. SITE DESCRIPTION

The allotment is described as Allotment 69 on Deposited Plan 2836, Volume 5760, Folio 908. The allotment is rectangular in shape with a frontage of 18.3 metres and an overall site area of 836m². There are no easements affecting the site.

The site contains a street fronting, single storey dwelling and outbuildings that are located to the rear of the property.

There are no regulated trees or near the boundary of the subject land.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

The settlement pattern is fairly consistent within the locality and particularly along Fourth Avenue. There are some irregular allotment shapes and sizes within the wider area which are mainly due to the road layout not being of the traditional grid pattern.

Dwelling Type / Style and Number of Storeys

The locality is fairly consistent in terms of dwelling types and styles, with single storey, detached dwellings of a “bungalow” style, being the predominant dwelling type.

Fencing Styles

Front fences are generally of a low and open style, with some corner allotments having solid colorbond fencing along their secondary frontage.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Council’s Heritage Consultant. The following comments were received:

- *The streetscape character of the locality is derived from a predominance of dwellings built during the Inter-War period. Most are Bungalows but a couple have Tudor and/or Art Deco stylistic influences.*
- *The subject dwelling exhibits Inter-War stylistic traits with a high-pitched gable typical of Tudor dwellings but with a projecting portico with “barley sugar” columns and an arrangement of brick, sandstone and stucco that exhibits some Old English stylistic influences. It is a bit of a hybrid amongst a predominance of Bungalows. While it is consistent with the desired character anticipated in zone and policy area provisions of Council’s development plan to the extent that it is an Inter-War dwelling, it is different in form and proportions to the Bungalows that are most common in the streetscape.*
- *The proposed dwelling has a steeply-pitched roof form with a projecting gable and a bullnose verandah. It has a form similar to that of villas built in the early 1900s but appears elongated, mainly because of the attached garage.*
- *Relevant policy seeks development that references the form and detailing of the predominant architectural styles and the contextual conditions of the locality. Zone PDCs 10 and 11 are particularly relevant. Policy Area Desired Character references the “predominant architectural styles”. In this case the predominant architectural style is that of the Bungalow. The proposed dwelling however is more of a Turn-of-the-Century villa in appearance.*
- *Furthermore, as a result of an attached double garage, the street frontage width and proportions of the proposed dwelling and the side setbacks are inconsistent with the pattern established by the existing dwellings in the streetscape.*
- *I am therefore of the opinion that the design of the proposed dwelling does not sufficiently reference the contextual conditions of the locality nor maintain or enhance streetscape attributes to the extent sought by relevant policy.*

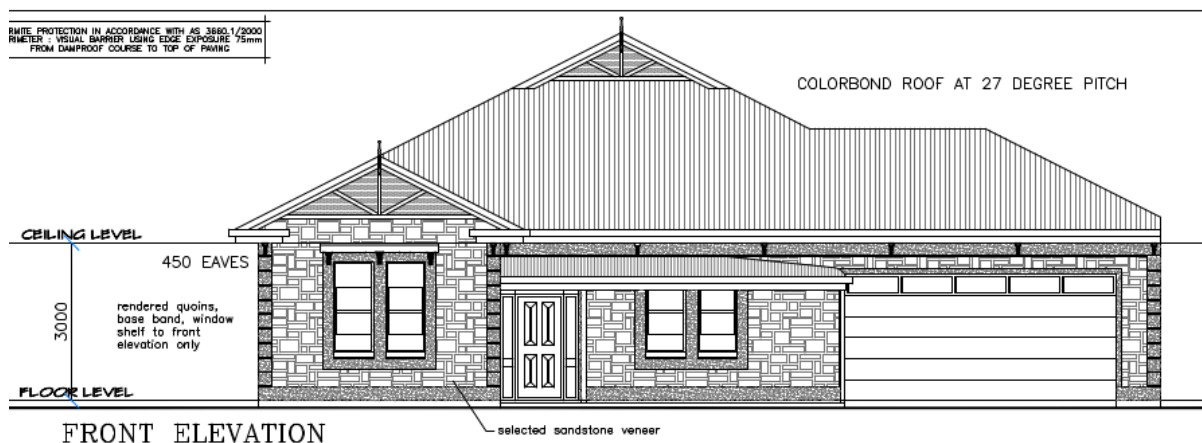
- Carports or garages are generally discreetly located alongside or behind the subject dwelling. Where they are alongside the subject dwelling, they are generally single-width and setback from the front of the dwelling and/or not integrated with the dwelling itself nor under the main roof and with an open appearance.
- The proposed double-width garage, located on the northern boundary and integrated with the dwelling and under the main roof is inconsistent with relevant policy and with streetscape character.
- For the abovementioned reasons, I am unable to support the proposed development in its current form.

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 no representations were received.

9. ADMINISTRATION NEGOTIATIONS

The subject application was submitted to Council with the following dwelling design:



As part of the request for further information letter sent to the applicant 17 October 2018, the following comments were provided:

- (in referencing the proposed demolition of the existing dwelling) '*... insufficient evidence has been supplied to date to qualify the removal of the existing dwelling so as to assist in justifying its demolition under Zone PDC 6.*'
- (in referencing Zone PDC 10 & 11) '*It has not been sufficiently demonstrated that the proposed dwelling design has suitably referenced the contextual conditions of the locality. As such it is requested that a Design Context Report and Streetscape Elevations is provided as per Schedule 5 of the Development Regulations 2008 (i.e. it is requirement of the legislation that this documentation is provided). It is also noted that Council Administration regards elements such as wall heights, roof form, materials, verandahs, bulk and scale to be of particular importance when referencing the existing character of the street. Based on the plans provided, it appears that the dwelling has not been designed with suitable regard to those elements.*'
- (in referencing Zone PDC 14) '*It is considered that the proposed garage does not accord with Zone PDC 14. The existing streetscape contains predominantly single width garages or carports and therefore a double garage will be out of character. As such, it is advised that the proposed double garage under the main roof of the dwelling is not supported. It is strongly recommended that a single width garage or carport is considered.*'

The applicant undertook some minor changes to the design and these can be seen on the current plans included within Appendix A. It was considered that the changes had not gone far enough to address the concerns raised, and despite some further discussion no further amendments were made to the design of the dwelling.

10. DEVELOPMENT DATA

Site Characteristics	Dwelling and garage	Development Plan Provision
Total Site Area	836m ²	800m ²
Frontage	18.3m	18m
Depth	45.72m	20m
Building Characteristics		
Floor Area		
Ground Floor	301m ²	
Site Coverage		
Roofed Buildings	36%	≤50% of site area
Total Impervious Areas	50% (min)	≤70% of site
Total Building Height		
From finished floor level	6.2m	
From ground level	6.45m – 6.7m	
Setbacks		
Front boundary (east)	9.0m	Same distance as the adjoining dwelling with the same street frontage
Side boundary (north)	0m	On boundary or 1.0m (on boundary on one side only)
Side boundary (south)	1.0m	On boundary or 1.0m (on boundary on one side only)
Rear boundary (west)	14.7m	5.0m
Wall on Boundary		
Location	Northern boundary	
Length	6.6m (14.4%)	≤9m or ≤50% of the boundary length, whichever is the lesser
Height	3.2m	≤3m
Private Open Space		
Min Dimension	14.8m x 14.7m	≥4m minimum
Total Area	39.7%	≥20%
Car parking and Access		
On-site Car Parking	5 spaces	3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Covered on-site parking	2 spaces	≥2 car-parking spaces
On-street Parking	As existing	0.5 per dwelling
Driveway Width	6.8m tapered down to 5m	5m double
Garage Width	6.85m (37.4%)	≤6.5m or ≤30% of site width, whichever is the lesser
Garage Internal Dimensions	6.7m x 5.9m	5.8m x 6m for double

Colours and Materials	
Roof	Corrugated roof sheeting – Colour: Manor Red
Walls	Stonework to front façade with render in cream, brick
Fencing	No new fencing is proposed

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape (Built Form) Zone
<p><i>Objective 1 – Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas</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>Streetscape Value</p> <p><i>The zone is distinguished by those collective features (termed “streetscape attributes”) making up the variable, but coherent streetscape patterns characterising its various policy areas and precincts. These attributes include the:</i></p> <ul style="list-style-type: none"> <i>(a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and</i> <i>(b) allotment and road patterns; and</i> <i>(c) landscape features within the public road verge and also within dwelling sites forward of the building façade; and</i> <i>(d) scale, proportions and form of buildings and key elements.</i> <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> <ul style="list-style-type: none"> <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> <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> <i>(c) key elements – verandahs and pitched roofs, the detailing of facades and the use of traditional materials are important key elements of the desired character. The use of complementary materials, careful composition of facades, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements assist in complementing the desired character.</i>
Assessment
<p>The subject locality is primarily focused around Fourth Avenue and can be described as having a generally coherent streetscape pattern. All dwellings addressed to Fourth Avenue</p>

appear as single storey when viewed from the street. A majority of these dwellings are of the 'bungalow' style which is the predominant architectural style found within the wider area. There are some exceptions to this including the subject site, but it is noted that the dwelling on the subject site contains a dwelling that includes many stylistic features of dwellings constructed during the 'inter-war' period.

The applicant proposes to demolish this existing dwelling and replace it with a dwelling that is a contemporary interpretation of the traditional 'Villa' style. The design of this dwelling will create a point of difference within the streetscape as:

- the width of the dwelling to face the street is reduced;
- it introduces a double garage under the main roof of the dwelling;
- the proportion of dwelling to the garage has been skewed to give greater prominence to the garage;
- it does not include a prominent verandah component that sits forward of the dwelling;
- it introduces a roof form and pitch that is at odds with the locality;
- includes only minor gable fascia features;
- altered setbacks to the front and side boundaries.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 6 – Replacement Dwelling <i>Demolition of the whole of a building should only be undertaken – where the replacement building(s) makes a comparable or more positive contribution to the desired character than the building to be demolished, or alternatively where the building to be demolished:</i></p> <ul style="list-style-type: none"> a) <i>Is structurally unsafe or so unsound as to be unreasonably economically rehabilitated; or</i> b) <i>Is so compromised or altered that there is no reasonable prospect of its original character being revealed; or</i> c) <i>Adds little value to the desired character due to its discordant form and poor streetscape contribution; or</i> d) <i>Is incongruous with, and makes a poor contribution to the particular character of its streetscape</i> 	<p>The proposed development includes the demolition of the existing dwelling. The existing dwelling has been described as a hybrid that displays inter war stylistic features. Whilst the applicant has highlighted that the existing dwelling is abnormal to the prevailing architectural styles, the argument for the replacement dwelling is that the proposed dwelling makes a more positive contribution to the desired character than the building to be demolished. It is therefore firstly highlighted that justification for the removal of the dwelling is not provided under PDC 6(a) to PDC 6(d).</p> <p>The proposed dwelling makes references to the 'Villa' style and includes some features consistent with other dwellings along the street. It is considered however that the overall siting and design of the replacement dwelling does not include sufficient reference to the form and detailing of the predominant architectural style i.e. Inter-War era housing. Furthermore, by including a wide double garage as part of the dwellings frontage to the street, the proportions and setbacks of the new dwelling are at odds with the consistent pattern of settlement. Overall, it is considered that the replacement dwelling does not make sufficient contribution to the desired character to warrant removal of the existing dwelling.</p>
<p>PDC 10 <i>Buildings should be of a high quality contemporary design and not replicate historic styles. Buildings should nonetheless</i></p>	<p>The proposed dwelling is of a contemporary design that has a focus of referencing the Villa style dwelling. A Villa is one of the five architectural styles, that are described as</p>

<p><i>suitably reference the contextual conditions of the locality and contribute positively to the desired character, particularly in terms of:</i></p> <ul style="list-style-type: none"> <i>a) Scale and form of buildings relative to their setbacks as well as the overall size of the site; and</i> <i>b) Characteristic patterns of buildings and spaces (front and side setbacks), and gaps between buildings; and</i> <i>c) Primarily open front fencing and garden character and the strong presence of buildings fronting the street.</i> 	<p>being predominant within Precinct 9.2. It is noted however that within the locality of the subject site, Bungalows are the predominant architectural style. Fourth Avenue is also a street that can be described as being quite intact, with only those dwellings on the Inter War style i.e. Bungalows, Art Deco being present.</p> <p>The subject dwelling reflects that of a typical contemporary 'Villa' reproduction design with some adjustments to address some of the streetscape attributes desired by the Residential Streetscape (Built Form) Zone. The Streetscape Elevation Plan (see Attachment A) tries to demonstrate that the form and scale of the new dwelling will sit within the western streetscape of Fourth Avenue, without contemplating the specific details and features of the neighbouring dwellings. The Elevation Plan in this regard does appear to be consistent/ complementary in terms of:</p> <ul style="list-style-type: none"> • wall height; • overall building height; and • incorporating gable elements to the front façade. <p>The Elevation Plan also highlights however where the new dwelling deviates from its neighbours in terms of:</p> <ul style="list-style-type: none"> • elongated front façade due to incorporating the garage as part of the main roof; • a recessive front verandah structure; • decentralised gable feature; • prominence of the garage component; • roof pitch and form; • its siting in relation to the side boundaries and gaps between dwellings. <p>It is considered that whilst the new dwelling makes some reference to the contextual conditions, these are not sufficient to consider that the replacement dwelling contributes positively to the desired character of the locality.</p>
<p>PDC 11 <i>In localities of a distinctive and generally cohesive character consistent with the pertinent desired character, building facades should be composed in a more traditional manner adopting key building elements, materials and detailing complementing the</i></p>	<p>The proposed new dwelling is composed of a traditional manner but in the way of the Villa style, a style of dwelling that is not common within the locality. The dwelling therefore deviates from a number of key building elements that are common to Bungalows (i.e. the predominant architectural style).</p>

<p><i>characteristic architectural styles.</i></p>	
<p>PDC 14 – Carports & Garages <i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <p>(c) <i>be located to the rear of the dwelling as a freestanding outbuilding; or</i></p> <p>(d) <i>where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i></p> <p>v. <i>incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and</i></p> <p>vi. <i>be in the form of a discrete and articulated building element not integrated under the main roof, nor incorporated as part of the front verandah or any other key element of the dwelling design; and</i></p> <p>vii. <i>have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and</i></p> <p>viii. <i>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 applicant has not located the garage to the rear of the dwelling as a freestanding outbuilding and therefore assessment against PDC 14 (b) is warranted. It is considered however that the proposed double garage does not accord with Zone PDC 14 (b) as;</p> <ul style="list-style-type: none"> • the garage has not been designed so that it adopts a recessive building presence to the streetscape; • the garage does incorporate lightweight design and materials; • although the garage is sited under a slightly lowered roof profile, the garage remains under the main roof of the dwelling i.e. the roof of the dwelling is continued over the garage; • the double garage is located along the northern side boundary and therefore erodes the pattern of setbacks to side boundary; • the width of the garage is not considered to be minor when compared to be dwelling, with garage being approximately 65% of the width of the dwelling component; • the double garage is located along a side boundary and is not considered to be a minor scale structure. <p>It is further considered that in some circumstances, a double garage may be considered appropriate where:</p> <ul style="list-style-type: none"> • there is predominance of double garages within the locality; • the allotments are of a insufficient length to cater for a freestanding outbuilding; • the garages have been designed with high regard to PDC 14. <p>As there is opportunity for a freestanding garage to be located to the rear of the site as per PDC 14 (a), and the proposed double garage has not be designed in accordance with PDC 14 (b), it is considered that the proposed development fails to adequately address Zone PDC 14.</p>

Policy Area Desired Character

Policy Area 9 - Spacious

Desired Character

The streetscape attributes include the:

- (a) low scale building development;*
- (b) spacious road verges and front and side building setbacks from the street;*
- (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*
- (d) varied but coherent rhythm of buildings and spaces along its streets.*

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

Assessment

The subject site is located within the Spacious Policy area of the Residential Streetscape (Built Form) Zone. The proposed development is to demolish an existing dwelling and construct a replacement dwelling that fronts onto Fourth Avenue. The existing allotment has an area of 823m² and a frontage of 18.3 metres, therefore falls within the specifications of the predominant allotment size. The dwellings along the street general satisfy the described predominant setbacks with the exception of the front setback being greater than the 7 metres described (appear to be between 10m and 12m setback to the main wall of the dwellings). Although there is some variance from the predominant siting and style, it is noted that the street contains a coherent pattern of traditional building proportions that should be respected and maintained. The proposed dwelling introduces variances to that pattern and therefore is considered to be at odds with the desired character of Policy Area 9.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 9, 10, 12, 13, 14, 15, 18, 19, 21
Energy Efficiency	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3
Form of Development	<i>Objectives</i>	1, 4, 7
	<i>PDCs</i>	1, 2, 3, 12
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Residential Development	<i>Objectives</i>	1, 2, 4, 5
	<i>PDCs</i>	1, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 46, 47, 48, 51

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 29 – Building Form, Scale, Mass and Height - Garages	<p>The proposed garage is considered to be at odds with PDC 29 as:</p> <ul style="list-style-type: none"> the garage has not been designed to reinforce the prominence of the associated dwelling; the garage, being a wide double garage is not compatible with the prevailing built form within the locality, being single width carports and garages not located under the main roof; the garage is located under the main roof. Whilst there is some differentiation with the garage roof, it is still essentially a continuation of the main dwelling roof line; it is not subservient in scale, mass and height to the associated dwelling and adjacent dwellings; the width of the garage is overly large, exceeding both quantitative measures being 30 percent of the site width and the maximum width of 6.5 metres; the garage is only setback approximately 850mm from the front wall of the street facing rooms, and therefore insufficient design measures have been adopted to reduce the scale of the wide garage.

12. 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:

- Insufficient justification has been provided to allow for the demolition of an Inter-War style dwelling;

- The proposed replacement dwelling is not considered to make a comparable or more positive contribution to the desired character than the existing dwelling;
- The proposed replacement dwelling is not of a high-quality contemporary design that suitably references the contextual conditions of the locality;
- The building form and design is not compatible with the traditional Inter-War dwellings of the locality;
- The proposed double garage has not been designed with sufficient regard to Zone PDC 14 in that it will not form a relatively minor streetscape element;
- The proposed double garage is of a width that is greater than 30 percent of the site width.

The application is therefore recommended for REFUSAL.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/684/2018/C2 at 4 Fourth Avenue, Everard Park SA 5035 to 'Demolish existing dwelling and construct single storey dwelling including verandah and garage on common boundary', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- Insufficient justification has been provided to allow for the demolition of an Inter-War style dwelling;
- The proposed replacement dwelling is not considered to make a comparable or more positive contribution to the desired character than the existing dwelling;
- The proposed replacement dwelling is not of a high-quality contemporary design that suitably references the contextual conditions of the locality;
- The building form and design is not compatible with the traditional Inter-War dwellings of the locality;
- The proposed double garage has not been designed with sufficient regard to Zone PDC 14 in that it will not form a relatively minor streetscape element;
- The proposed double garage is of a width that is greater than 30 percent of the site width.

List of Attachments		Supplied By:
A	Application Documents	Applicant

ITEM 6**DEVELOPMENT APPLICATION – 090/3/2019/C1 – 1 / 372 FULLARTON ROAD,
FULLARTON SA 5063 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/3/2019/C1
ADDRESS:	1 / 372 Fullarton Road, Fullarton SA 5063
DATE OF MEETING:	21 May 2019
AUTHOR:	Reb Rowe
DEVELOPMENT PROPOSAL:	Removal of significant tree - Agonis Flexuosa (Willow Myrtle)
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Regeneration Zone Major Roads PA14
APPLICANT:	Priyanka Sharma
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 1
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Recommendation for Refusal

1. DESCRIPTION OF PROPOSAL

The removal of a Significant Willow Myrtle tree, located in the front yard of the site, which is privately owned property.

2. SITE DESCRIPTION

The subject site is a regularly-shaped allotment of 700sqm, located on the eastern side of Fullarton Road. The site contains a residential flat building containing six dwelling units. There is a car parking area with a carport at the rear of the site and the subject tree is located at the front of the allotment in the front yard.

3. LOCALITY PLAN



Subject Site



Significant Tree



Locality

4. PUBLIC NOTIFICATION

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

5. ARBORICULTURAL ASSESSMENT

The Arboricultural assessment provided by the Applicant was conducted by Tree Technique and dated 20 December 2018. The Arboricultural assessment recommends removal of the tree based on the following reasons:

- Whilst the tree is healthy, it displays major structural defects between stems. Defects present in the tree's structure suggest ongoing decay and continued separation between stems which is directly linked to an increase in risk levels and problematic behaviour in proximity to a high use domestic garden area.
- The tree is not considered to provide an aesthetic/environmental benefit to the locality.
- The tree represents an unacceptable risk to public or private safety due to the structural defects identified and it is considered that the tree will become increasingly problematic and potentially drop large branches within a relatively short period of time.

6. DEVELOPMENT PLAN ASSESSMENT

The Application documents were provided to Council's Arborist for referral. The advice received is detailed below:

- This species of tree is one of the two Genus in which state legislation has awarded increased protection when located within ten metres of a dwelling, which is the case at this site. That suggests an increased intent by legislation to protect this species of tree.

- The individual tree presents good health and form with typically poor structure associated with most Willow Myrtle within Metropolitan Adelaide, albeit, it is without any noteworthy concerns. The individual displays no history of stem failure or substantial branch failure and no primary stems are significantly compromised. The tree is part of a stand of six trees and is well sheltered from weather events that would normally increase risks associated with its genetic structural faults.
- While the risks associated with this tree as are considered 'Broadly Acceptable', it is noted that pruning options are available that would further decrease risks associated with the tree.

SIGNIFICANT TREE ASSESSMENT

Council Wide Objective 3 - Significant Trees
<p><i>The preservation of significant trees in The City of Unley which provide important aesthetic and environmental benefit.</i></p> <p><i>Trees are a highly valued part of the Metropolitan Adelaide and Unley environment and are important for a number of reasons including high aesthetic value, preservation of bio-diversity, provision of habitat for fauna, and preservation of original and remnant vegetation.</i></p> <p><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></p>
SIGNIFICANT TREES
<p>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:</p>

Principles of Development Control	Administration Comments
6	<i>Where a significant tree or significant tree grouping:</i>
(a)	<p><i>makes an important contribution to the character or amenity of the local area; or</i></p> <p>Yes; the subject tree makes a positive contribution to the streetscape in terms of amenity and how it interfaces with the public space, which is one of the desired character features of this area.</p>
(b)	<p><i>forms a notable visual element to the landscape of the local area; or</i></p> <p>No; while the specimen provides a visual element by way of softening the hard infrastructure to its east from the public realm, this visual element offered is not considered notable within the landscape of the local area.</p>
(c)	<p><i>Contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor.</i></p> <p>Yes; this native specimen provides shelter and a vegetation link between the increasingly consolidating urban environment such as the area in question. Large trees, such as the individual, are critical to the safe and confident movement of fauna throughout urban areas.</p>
<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 contributing to the habitat value of an 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)	<p data-bbox="300 600 710 667"><i>The tree is diseased and its life expectancy is short; or</i></p> <p data-bbox="817 584 1412 786">No; the tree presents good health as noted by a healthy and evenly distributed foliage covering throughout the crown. Furthermore, the tree displays as expected seasonal growth in accordance with its maturity and surrounding environment.</p>
(ii)	<p data-bbox="300 801 783 869"><i>The tree represents an unacceptable risk to public or private safety; or</i></p> <p data-bbox="817 786 1412 887">No; the tree presents a 'Broadly Acceptable' risk when considered using the 'Quantified Tree Risk Assessment' methodology.</p>
(iii)	<p data-bbox="300 902 775 1137"><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></p> <p data-bbox="817 887 1412 1155">No; this has not been suggested and no evidence has been discovered to suggest this is the case.</p>
(iv)	<p data-bbox="300 1171 775 1406"><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></p> <p data-bbox="817 1155 1412 1417">No; while pruning options are not necessarily required, pruning options are certainly available that would require consideration prior to approving the removal of a 'significant' tree</p>

In considering all the factors at hand, and the above legislation, the removal of the 'significant' Willow Myrtle is not supported and the development application should be refused.

9. CONCLUSION

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

- The subject tree satisfies the tests of PDC 6 as a Significant Tree worthy of protection as the tree is considered to make a positive contribution to the character or amenity of the area and contributes to the habitat value of the area.
- The proposed removal of the subject tree does not satisfy the tests of PDC 8 for the removal of a Significant Tree as the subject tree is not diseased nor has a reduced life expectancy, does not pose an unacceptable risk to public or private safety, and is not shown to be threatening to cause substantial damage to a structure of value.

The application is therefore recommended for Development Plan REFUSAL.

11. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/3/2019/C1 at 1 / 372 Fullarton Road, Fullarton SA 5063 for 'Removal of significant tree - Agonis Flexuosa (Willow Myrtle)', 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 removal of the subject tree satisfies the tests of PDC 6 as a tree worthy of protection as it makes a positive contribution to the character or amenity and habitat value of the area.
- The subject tree does not satisfy the tests of PDC 8 for the proposed removal of a Significant tree as the tree is not diseased nor with a shortened life expectancy, the tree does not pose unacceptable risk to public or private safety and the tree is not threatening substantial damage to substantial structures of value.

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

ITEM 7**DEVELOPMENT APPLICATION – 090/558/2018/C2 – 14 BARR-SMITH AVENUE, MYRTLE BANK SA 5064 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/558/2018/C2
ADDRESS:	14 Barr-Smith Avenue, Myrtle Bank SA 5064
DATE OF MEETING:	21 May 2019
AUTHOR:	Brendan Fewster
DEVELOPMENT PROPOSAL:	Construct one (1) two-storey dwelling fronting Barr-Smith Avenue and one (1) two-storey residential flat building containing two dwellings to the rear with associated landscaping
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Zone Infill Policy Area 12 Precinct 12.2 Myrtle Bank
APPLICANT:	Yogo Design & Consulting Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (One oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representation
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Dwelling density Built form Building bulk and mass Access and car parking

1. PLANNING BACKGROUND

090/220/2018/DIV – Land Division - Torrens Title – Create 2 allotments from 1 existing – **Under Assessment**

090/223/2018/DIV – Land Division – Community Title – Create 2 allotments from 1 existing – **Under Assessment**

090/307/2016/C1 – Removal of a regulated tree - Eucalyptus Leucoxydon (South Australian Bluegum) - **Approved**

2. DESCRIPTION OF PROPOSAL

The proposal is for the construction of one (1) two-storey dwelling fronting Barr-Smith Avenue and one (1) two-storey residential flat building containing two dwellings to the rear.

The proposed dwellings are designed with a common architectural style. The dwellings are modern and feature facades that include front porticos and balconies, framed upper levels (rear dwellings only), double garaging and pitched roofs. External materials and finishes include Hebel (Paperbark) wall cladding with feature tiles, aluminium frame windows and doors (Night Sky), timber grain garage doors and colorbond (Dune) roof sheeting.

The nearest front wall of Dwelling 1 would be setback 6 metres from the road boundary, with the garage setback further at 7.5 metres. The garage wall is sited on the western side boundary for a length of 6 metres. The proposed residential flat building is located at the rear of the property in a battle-axe arrangement. Access to the residential flat building would be provided via a three metre wide common driveway.

Retaining walls and fencing are to be erected along the side and rear boundaries at a maximum combined height of 2.5 metres.

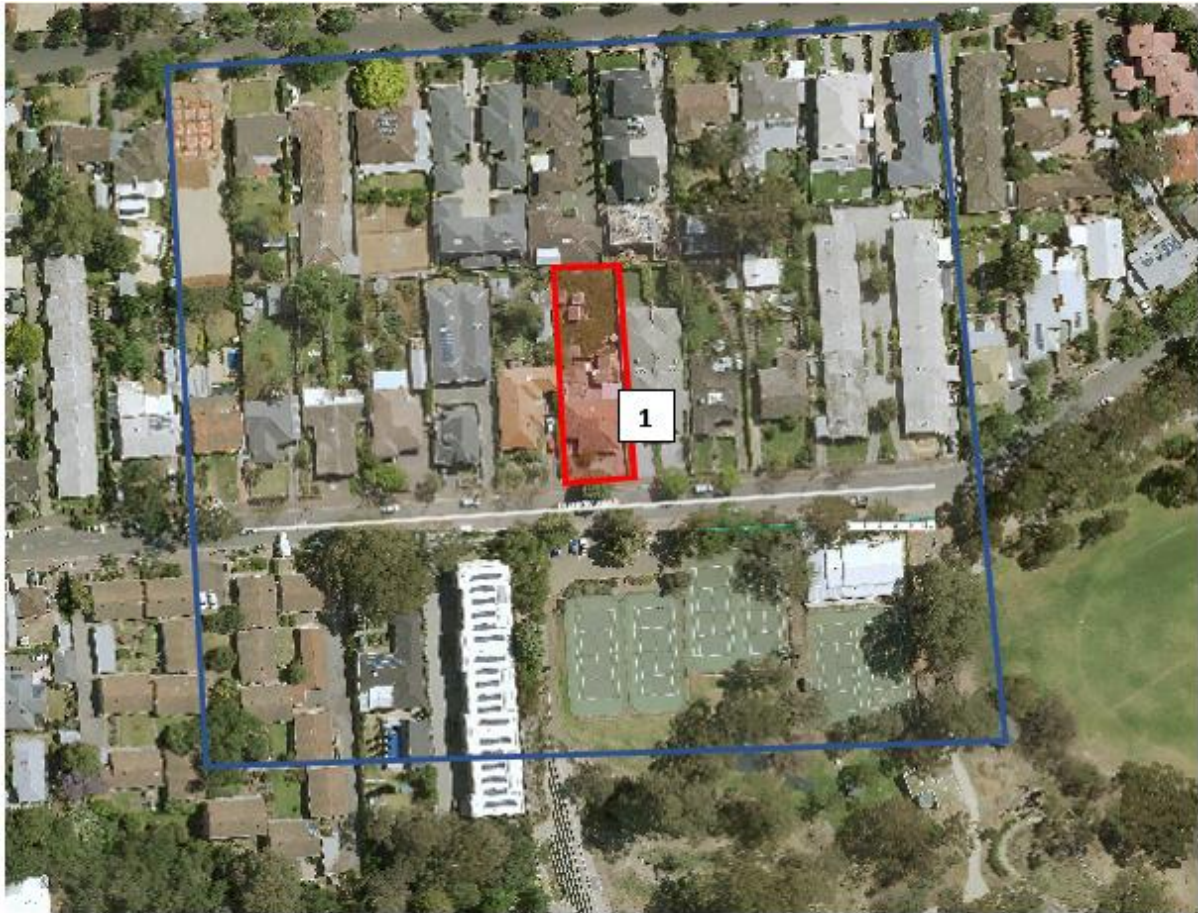
3. SITE DESCRIPTION

The subject land is a single residential allotment located at 14 Barr Smith Avenue, Myrtle Bank. The allotment is a rectangular shape with a frontage width of 17.37 metres, a depth of 57.85 metres and total area of 1004.85m². There are no easements, rights of way or encumbrances affecting the land.

The land is naturally sloping with a fall of approximately three metres from the road frontage to the rear of the property.

Currently occupying the land is a single storey detached dwelling and several outbuildings. There are no regulated or significant trees on the site or on adjacent land.

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. LOCALITY DESCRIPTION

Land Use

The locality comprises an established residential area that interfaces with a public recreation reserve (Ridge Park). Existing development includes detached and semi-detached dwellings, group dwellings and residential flat buildings at low to medium densities.

Land Division/Settlement Pattern

A relatively diverse allotment pattern is evident as result of considerable infill development in the form of battle-axe allotments and blocks of flats.

Dwelling Type / Style and Number of Storeys

There is a mix of dwelling types and styles, with modern and conventional dwellings of up to two storeys prevalent along both sides of Barr Smith Avenue.

Fencing Styles

Fencing styles and heights vary along Barr Smith Avenue and include masonry/brick walling, brush and hedging.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

Traffic Referral

Should the development proceed as proposed, the following are matters of concern:

- The garage dimensions do not meet the requirements of the Development Plan for dwellings 2 and 3.
- The garage internal door locations for dwellings 2 and 3 would reduce the available width of each garage. This would result in unnecessarily constrained areas for drivers and passengers exiting the vehicles.
- Sight distance to pedestrians would not be provided in accordance with the Australian Standard due to the fence height and location.

Assets Referral

No matters of concern are raised from an Assets perspective.

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.

12A BARR SMITH AVENUE, MYRTLE BANK (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Increased vehicle traffic on Barr Smith Avenue	Barr Smith Avenue is a major access between Riverdale Road and Glen Osmond Road with pre-existing traffic
Loss of on-street parking	There is ample street parking on the opposite side of Barr Smith Avenue. The proposal would maintain one visitor park in front of the site
Insufficient kerb frontage for waste bin collection	There is enough kerb frontage for general rubbish and recycling waste bins
Impact on capacity of existing infrastructure (i.e. sewer and stormwater)	An engineered site works and drainage plan has been submitted to Council
Overshadowing of living area in afternoon	Shadow diagrams show the extent of shadow created by the development
Insufficient private open space	Private open space is in line with the requirements of the Development Plan
Noise nuisance from positioning of air-conditioning units	The applicant is willing to discuss the location of air-conditioning units
Existing street tree should be retained	The existing street tree will be removed and replaced with two new trees (the applicant has since confirmed that the street tree will be retained as indicated on the proposal plans)

9. DEVELOPMENT DATA

Site Characteristics	Description of Development		Development Plan Provision
Total Site Area	1004.85m ²		
Frontage	17.37m		
Depth	57.85m		
Building Characteristics			
	Dwelling 1	Dwelling 2 & 3	
Site Area			
	311m²	346.5m² average	350m ² average
Floor Area			
Ground Floor	161m ²	158m ²	
Upper Floor	81.9m ² 50% of ground floor	80m ² 50% of ground floor	≤50% of ground floor
Site Coverage			
Roofed Buildings	51%	46%	≤50% of site area
Total Impervious Areas	70% approx	70% approx	≤70% of site
Total Building Height			
From ground level	7.8m	7.5m	7m (2 storeys)
Setbacks			
Ground Floor			
Front boundary (south)	6m	N/A	6m
Side boundary (east)	4.9m	900mm-1.2m	1m
Side boundary (west)	1.2m Garage on boundary	900mm-1.2m	1m
Rear boundary (north)	3.5m (internal)	5.96m	5m
Upper Floor			
Front boundary (south)	6m	N/A	6m
Side boundary (east)	4.9m	2.0m	2-3m
Side boundary (west)	2.8m	2.0m	2-3m
Rear boundary (north)	7.5m (internal)	12.5m	8m
Private Open Space			
Min Dimension	3.5m		≥4m minimum
Total Area	58m ² (19%) Minor departure	72m ² (21%)	≥20%
Car parking and Access			
On-site Car Parking	3	2	2 per dwelling
Covered on-site parking	2	2	2 car parking spaces
Visitor Parking	n/a	0	0.5 per dwelling (1)
Driveway Width	3m	4m	3m Single 5m double
Garage/Carport width	3.3m (43%)	N/A	≤6.5m or ≤30% of site width, whichever is the lesser
Colours and Materials			
Roof	Colorbond (Dune)		
Walls	Hebel (Paperbark) Feature tiles Timber grain garage doors		

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

<p>Residential Zone</p> <p>Objective 1: A residential zone comprising a range of dwelling types of up to two storeys.</p> <p>Objective 2: Dwellings at low to medium densities including new housing opportunities created through sensitive infill development of individual allotments and amalgamation of allotments and coordinated development particularly in close proximity to centres, public transport stops and public open spaces.</p> <p>Objective 3: The siting and design of development driven by contextual design considerations and environmentally sustainable outcomes.</p> <p>Objective 4: Development that contributes to the desired character of the zone.</p> <p>Desired Character</p> <p>The Residential Zone covers various areas of the council including Wayville, Parkside, Fullarton, Malvern and Myrtle Bank. These residential areas consist of a wide range of housing eras and land division patterns. Pockets of pre-1940's character housing are interspersed with homes built since 1950 and mainly comprise conventional detached housing, but also provide examples of other dwelling types including group dwellings, residential flat buildings and supported accommodation.</p> <p>The zone will continue to display a diversity of different building eras with pre-1940's character housing interspersed with sympathetic contemporary dwellings. Design responses may vary but are underpinned by local area context characterised by the rhythm and patterns of sites and buildings, particularly where sites adjoin lower density residential zones.</p> <p>The character of the Residential Zone will gradually evolve as sensitive infill re-development of existing sites occurs, complementing surrounding dwelling types and forms and having particular regard to the design and siting of built form. Whilst the dominant character is expected to be detached low density housing, smaller sites will also encourage other housing types, particularly semi-detached dwellings and small scale group dwellings. Medium density housing comprising residential flat buildings of up to 2 storeys in height is appropriate on larger sites and preferably in close proximity to centres, public transport and public open space</p> <p>Sites greater than 5000 square metres will be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings, supported accommodation or institutional housing facilities at densities higher than, but compatible with, adjoining residential development.</p> <p>Sites for existing or proposed aged care housing, supported accommodation or institutional housing may include minor ancillary non-residential services providing that the development interface is compatible with adjoining residential development.</p> <p>Residential neighbourhoods are to be interconnected with the retention and reinforcement of the traditional grid street pattern to promote social interaction and access to centres, community facilities and public open space via a street network of pedestrian and bicycle linkages.</p>
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New development is to achieve positive environmental outcomes through passive energy design, water sensitive design, urban landscaping and biodiversity.

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

Assessment

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

The locality comprises an established residential area with a mixed built form character that is attributed to significant infill development. Existing development includes detached and semi-detached dwellings, group dwellings and residential flat buildings up to two storeys in height and at low to medium densities. There is a development of similar form and density observed at 18 Barr Smith Avenue and several other battleaxe developments and groups of flats within the locality.

The desired character recognises that existing residential areas will gradually evolve through the creation of smaller sites and other housing types. In particular, “medium density housing comprising residential flat buildings of up to 2 storeys in height is appropriate on larger sites and preferably in close proximity to centres, public transport and public open space”. The subject land is a large site of 1004m² and is conveniently located between Glen Osmond Road to the east and Cross Road to the south and is immediately opposite a large public reserve. There is also a local centre along Glen Osmond Road that is within a short walking distance of the site.

As the subject land is a large site with good access to public transport, open space and local services, the proposal to construct three, two storey dwellings at low to medium density is considered to contribute appropriately to the desired character.

From a built form perspective, the locality displays a variety of building sizes and styles, with modern and conventional dwellings of up to two storeys prevalent along both sides of Barr Smith Avenue. The two-storey scale and contemporary nature of the proposed built form would be compatible with existing development in the locality and therefore has sufficient regard for local area context.

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

Relevant Zone Principles of Development Control	Assessment
<p>PDC 3 <i>Vacant or underutilised land should be developed in an efficient and complementary manner with the pattern of the established residential development but with dwellings at increased densities to provide greater housing choice.</i></p>	<p>The subject land is an existing residential allotment occupied by a detached dwelling. PDC 3 of the Residential Zone encourages the efficient use of land through increased densities to provide greater housing choice. The proposal would provide infill development at an appropriate density and with sufficient regard for the established pattern of development, which is rather diverse as a result of significant infill development in the</p>

	form of battle-axe allotments and blocks of flats.
<p>PDC 7 <i>Low to medium density development that achieves net densities of between 28 to 33 dwellings per hectare.</i></p>	<p>The proposed dwellings would have an average site area of 335m², which equates to a 'net' residential density of 30 dwellings per hectare. As the development is within the low to medium density range, PDC 7 is therefore satisfied.</p>
<p>PDC 8 <i>Development should primarily be in the form of street fronting dwelling types and of low to moderate scale, up to 2 stores in building height, where any upper level should be</i> <i>(a) integrated sympathetically into the dwelling and overall building design;</i> <i>(b) articulated along the façades, between floor levels and around rooflines to minimize building bulk and provide appropriate separation and a gradual transition to adjacent sites;</i> <i>(c) complementary to the contextual design considerations (site and building patterns and forms) within the locality and contributes to the desired character.</i></p>	<p>The proposed development is designed with one dwelling (Dwelling 1) fronting the street. As this dwelling has a relatively wide façade which is reasonably well articulated and there is sufficient area in front of the dwelling for landscaping, the proposal would maintain the prevailing streetscape pattern and character.</p> <p>PDC 8 envisages buildings of up to two storeys. The upper levels are set in from the sides and rear of the ground floors and the facades are articulated with balconies, wall recesses and rooflines that provide visual interest and minimise the overall building bulk. It is also noted that the dwellings are of comparable height and scale to several other dwellings in the locality, including that of the adjoining dwellings on the eastern side.</p> <p>As already considered, the modern building design would not detract from the prevailing streetscape character, which is characterised by modern and conventional dwellings of up to two storeys.</p>
<p>PDC 9 <i>Buildings should be designed in accord with the following parameters:</i> <i>Maximum height (from ground level) - 7 metres (2 storeys)</i> <i>Minimum setback from primary street boundary - 5 metres (wall height less than or equal to 4 metres)</i> <i>5 metres plus 1 metre for every 2 metres increase in wall height above 4 metres</i></p>	<p>The proposed dwellings would have a maximum ridge of 7.8 metres. While PDC 9 recommends a height of no greater than 7 metres, the proposed building heights are not unreasonable given the wall heights would not exceed 5.8 metres and there is adequate spatial separation provided to the street and between side and rear boundaries.</p> <p>The front setback of 6 metres to Dwelling 1 is within the street setback parameters of PDC 9.</p>
<p>PDC 10 <i>Land should only be divided where:</i> <i>(a) the resultant allotment(s) conform to minimum site areas and frontage widths of dwellings;</i> <i>(b) the resultant allotment(s) are consistent with the desired character for the zone.</i></p>	<p>The proposal would create dwelling sites with an average site area of 335m², which is only 15m² less than the recommended standard. This shortfall is not considered to undermine the spatial and functional characteristics of the development, such as the built form relationship with adjoining properties, on-site car parking and vehicle manoeuvrability or the internal amenity for future occupants. From a</p>

	<p>character and amenity perspective, the proposed dwellings would not appear cramped or visually overbearing due to the articulated facades and boundary offsets. The site area shortfalls would not be readily perceivable as Dwelling 1 appropriately addresses the road frontage and Dwelling 2 and 3 are positioned and oriented internally.</p> <p>While a frontage of 22 metres is recommended for residential flat buildings, it is appropriate in this instance to apply the frontage requirement for a detached dwelling, which is a minimum 10 metres, given that Dwelling 1 has exclusive frontage to Barr Smith Avenue. The proposed frontage of 13.37 metres for Dwelling 1 is acceptable.</p> <p>Accordingly, the size and configuration of the proposed dwelling sites would be consistent with desired character for the zone in accordance with PDC 10.</p>
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Policy Area Desired Character

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

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
<p><i>PDC 13 & 14 – Side and Rear Boundary Setbacks</i></p> <p><i>PDC 13 - Except where specified in a relevant zone or policy area, dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to minimise massing and overshadowing impacts to adjoining properties and should be in accordance with the following parameters:</i></p>	<p>Council Wide PDC 13 recommends a minimum setback of one metre from side boundaries for single storey walls and three metres for two storey walls up to 7 metres in height. The proposal satisfies the ground level setbacks, however the upper storey setbacks of Dwellings 2 and 3 have not been satisfied as the walls are setback two metres.</p> <p>Notwithstanding the side setback shortfalls, the siting of the proposed dwellings in relation to the side boundaries would sufficiently minimise any overshadowing or visual intrusion given the north to south orientation of the land and the relatively modest wall heights.</p> <p>The rear boundary setbacks satisfy Council Wide PDC 13.</p> <p>Council Wide PDC 14 provides some allowance for walls on side boundaries provided any associated visual and overshadowing impacts are minimised. From a quantitative perspective, it is noted that PDC 14(c) requires boundary walls to have a maximum height of three metres and a maximum length of nine metres. The proposed garage wall of Dwelling 1 satisfies this requirement and the visual impact upon the adjoining property would not be significant given that the wall would be adjacent to the driveway of this property.</p> <p>On balance, the siting and design of the proposed development in relation to the side boundaries would not significantly detract from the amenity of neighbouring properties and therefore is considered acceptable.</p>
<p><i>PDC 19 & 20 – Private Open Space</i></p> <p><i>PDC 19 - Private and</i></p>	<p>The proposed dwellings would be provided with between 58m² and 72m² of private open space, which equates to at least 19% of the site area. The layout, orientation and amount of private open space satisfies Council Wide PDC 20</p>

<p><i>communal open space should be provided as part of a residential development to:</i></p> <ul style="list-style-type: none"> <i>(a) create outdoor living areas;</i> <i>(b) provide 'soft' landscapes within an urban setting;</i> <i>(c) allow reasonable entry of natural light;</i> <i>(d) provide opportunities for permeable areas to allow for on-site water harvesting and aquifer recharge;</i> <i>(e) facilitate landscaping, food production and backyard biodiversity.</i> <p><i>PDC 20 - Private open space should be provided for each dwelling and sited and designed to be:</i></p> <ul style="list-style-type: none"> <i>(a) located adjacent or behind the primary street facing building facade and be exclusive of storage areas, outbuildings, carports, driveways, parking spaces and roofed pergolas and associated structures;</i> <i>(b) screened from public areas and adjoining properties with fencing of not less than 1.8 metres above finished ground level;</i> <i>(c) sited to receive direct winter sunlight;</i> <i>(d) of sufficient area with a minimum of 20 percent of the site area (>300 square metre site area per dwelling) and 35 square metres (≤300 square metres site area per dwelling) within a residential zone and 20 square metres for each site within a non-residential zone;</i> <i>(e) useable for residents and visitors with a minimum of 4 metres (residential zone) and 3 metres (non-residential zone) in any one direction, a maximum grade of 1:10, and directly accessible from a habitable room.</i> 	<p>and is considered suitable for clothes drying, entertaining and other domestic activities.</p>
<p>PDC 35 – Fencing</p> <p><i>PDC 35 - Fences and walls</i></p>	<p>The proposed retaining walls and fencing along the side and rear boundaries would have a maximum combined height of 2.5 metres, however as shown on the fence elevation, the</p>

<p><i>that form part of a development should be designed to:</i></p> <p><i>(a) maintain attractive streetscapes, clearly define the boundary between public and private property, and enhance safety and surveillance by incorporating:</i></p> <p><i>(i) low solid fencing of up to 1.2 metres high (measured from ground level);</i></p> <p><i>(ii) substantially open front fencing (greater than 50 percent transparent) to 2 metres high (measured from finished ground levels or the lower of the two adjoining finished ground levels) that complements the associated development;</i></p> <p><i>(e) create visual privacy between properties on side and rear boundaries behind the front building façade through the use of light weight and visually impermeable boundary fences or structures that do not exceed 2.1 metres in height (measured from finished ground levels or the lower of the two adjoining finished ground levels);</i></p>	<p>height above the existing ground levels would generally be in the order of 2.2 metres which is consistent with Council Wide PDC 35.</p> <p>The proposed retaining walls and fencing would adequately stabilise the existing and proposed ground levels while also providing visual privacy between properties.</p>
<p>PDC 38 & 39 – Overlooking / Privacy</p> <p><i>PDC 39 - To maintain a reasonable level of visual privacy to adjacent residential properties the following measures are sought:</i></p> <p><i>(a) orientate and stagger windows and upper level viewing areas to prevent direct views into adjoining property indoor and outdoor living areas;</i></p> <p><i>(b) obscure viewing by raising window sills or incorporating obscure glass windows to a height at least 1.7 metres above floor level;</i></p> <p><i>(c) use permanently fixed</i></p>	<p>All side and rear upper storey window openings are designed with either raised sills or fixed obscure glass to a height of at least 1.7 metres above the floor level.</p> <p>The front balconies of Dwelling 2 and 3 will have 1.7 metre high obscure glass screens to prevent internal views into the rear yard and windows of Dwelling 1.</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><i>external screening devices such as screens, fences, wing walls, panels, planter boxes or similar measures adequate to restrict 120 degree views;</i></p> <p><i>(d) provide a separation distance of 15 metre radius to windows of habitable rooms in potentially impacted dwellings and 30 metre radius to private open space as described in the Figure below;</i></p>	
<p>PDC 41 – Overshadowing and Natural Light</p> <p><i>PDC 41 - Development should allow direct winter sunlight access to adjacent residential properties and minimise the overshadowing of:</i></p> <p><i>(a) living room windows, wherever practicable;</i></p> <p><i>(b) the majority of private open space areas, communal open space and upper level balconies that provide the primary open space provision;</i></p> <p><i>(c) roof areas, preferably north facing and suitable for the siting of at least 4 solar panels on any dwelling; or where such affected areas are already shaded, the additional impact should not significantly worsen the available sunlight access.</i></p>	<p>While it is expected that some shadow would be cast over the adjoining properties during winter months due to the two-storey building scale, the north to south orientation of the subject land and the setbacks from boundary would ensure that overshadowing is not significant.</p> <p>The applicant has provided a series of shadow diagrams for the winter solstice, which demonstrate that the living room windows and rear yards of neighbouring properties would continue to have adequate access to sunlight in accordance with Council Wide PDC 41.</p>
<p>Transportation (Movement of People and Goods)</p>	
<p>PDC 13 & 20 – Access and Car Parking</p> <p><i>PDC 13 - Development should be provided with safe and convenient access which:</i></p> <p><i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i></p> <p><i>(b) provides appropriate separation distances from existing roads or level crossings</i></p>	<p>The existing vehicle crossover at the eastern end of the frontage will be modified to provide a three metre common driveway for Dwelling 2 and 3. A new crossover will be provided between an existing street tree and stobie pole for Dwelling 1. The new access would achieve a clearance of at least two metres to the base of the street tree and approximately 700mm to the stobie pole which is acceptable from a traffic safety perspective.</p> <p>Council’s Traffic Department has raised concerns with the garage dimensions for Dwelling 2 and 3 and the sight lines for pedestrians at the entrance to the common driveway. The applicant has amended the size of the garages and a condition has been recommended to ensure that pedestrian</p>

<p>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</p> <p>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</p> <p>PDC 20 - Off-street vehicle parking should be in accordance with Table Un/5 Off Street Vehicle Parking Requirements.</p>	<p>sight lines at the common driveway access point comply with AS/NZS2890.1:2004 figure 3.3.</p> <p>The proposed vehicular access arrangements are considered 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, with at least one space to be covered. All dwellings have double garages and Dwelling 1 also has room for one tandem visitor space in front of the garage.</p> <p>In addition to the resident parking, <i>Table Un/5 – Off Street Vehicle Parking Requirements</i> prescribes an additional requirement of 0.5 spaces per dwelling for a residential flat building for visitors. As there would be two dwellings within the residential flat building, there is a Development Plan requirement for one additional car park. It is considered that this shortfall would not adversely affect the existing flow and safety of vehicular traffic on the surrounding road network as there is sufficient on-street parking availability on the southern side of Barr Smith Avenue.</p> <p>The on-site car parking provision is considered to satisfy Council Wide PDC 20.</p>
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11. CONCLUSION

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

- The proposal would provide infill development at an appropriate density and with sufficient regard for the established pattern and character of development in the locality;
- The design and siting of the proposed dwellings would not adversely impact upon the amenity of neighbouring properties, in terms of visual impact, loss of privacy or access to natural light; and
- Vehicular access is safe and convenient and each dwelling would be provided with adequate on-site car parking.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/558/2018/C2 at 14 Barr Smith Avenue, Myrtle Bank 5064 to 'construct one (1) two-storey dwelling fronting Barr-Smith Avenue and one (1) two-storey residential flat building containing two dwellings to the rear with associated landscaping', is not seriously at variance with the provisions of the City of Unley Development Plan; and the Council Assessment Panel authorities the Team Leader of Planning to issue Development Plan Consent, upon the granting of the land division approval, 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. All stormwater from the buildings 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 and balconies (except for the southern elevation of Dwelling 1) be treated to avoid overlooking prior to occupation by being fitted with either permanently fixed non-openable obscure glazed panels or solid privacy screens to a minimum height of 1700mm above floor level, with such glazing or screens to be kept in place at all times. Details of privacy treatments shall be provided to the reasonable satisfaction of Council prior to Development Approval.
5. That all landscaping shall be planted in accordance with the approved plans (Landscape Plan prepared by Yogo Design & Consulting Pty Ltd, Drawing No. A007 Rev. F dated 29/04/19) within three (3) months of the occupancy of the development. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping and shall replace any plants which may become diseased or die.
6. Pedestrian sight lines at the common driveway access point shall be in accordance with AS/NZS2890.1:2004 figure 3.3.
7. The shared driveway and internal manoeuvring areas shall be clear of all obstructions including meters, letterboxes, landscaping and visitor parking.

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.
- Residential Parking Permits will not be issued to residents of Community or Strata titled dwellings or other multi dwelling buildings if granted development approval on or after 1 November 2013.

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

ITEM 8**DEVELOPMENT APPLICATION – 090/823/2018/DIV – 2 MANSFIELD & 11 BLOOMSBURY STREETS, GOODWOOD 5034 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/823/2018/DIV
ADDRESS:	2 Mansfield & 11 Bloomsbury Streets, Goodwood 5034
DATE OF MEETING:	21 May 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Land Division - Torrens Title - Create three allotments from two existing and carry out alterations and additions to existing dwelling, construct a new detached dwelling with associated carport, verandahs and deck, construct rear access garage for 11 Bloomsbury Street and removal of one (1) street tree and a Significant Tree (<i>Olea europaea</i> - European Olive).
HERITAGE VALUE:	LHP located on adjacent land
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 8 – Compact Precinct 8.2 – Goodwood and Hyde Park
APPLICANT:	Lindy Powell
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (one oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representation Support for removal of a significant tree has not been received from Council's Arborist or Landscape Architect
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Area and depth of allotments Site Coverage Removal of Significant Tree

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to:

- Demolish existing outbuildings located on both 2 Mansfield Street and 11 Bloomsbury Street;
- Remove a Significant Tree (*Olea europaea* – European Olive) located at 2 Mansfield Street;
- Reconfigure allotment boundaries to create three Torrens Title allotments from two existing Torrens Title allotments;
- Construct new double garage on 11 Bloomsbury Street for rear access to Mansfield Street;
- Carry out alterations and additions to existing dwelling at 2 Mansfield Street, including the construction of a new carport and crossover;
- Remove one (1) street tree to make way for new crossover;
- Construct a new single storey dwelling with verandahs and a carport on the newly created allotment to face Mansfield Street;
- Construct new front fencing along Mansfield Street.

3. SITE DESCRIPTION

The subject land is comprised of two existing allotments, being Allotments 524 and 506 on Filed Plan 10805. A separate description of the two allotments is provided below:

Allotment 524

Allotment 524 on Filed Plan 10805, Volume 5158, Folio 360 is addressed as 2 Mansfield Street, Goodwood. The allotment has a frontage of 45.54 metres to the northern side of Mansfield Street and a depth between 13.59 metres and 14.81 metres. The overall site area is 624m².

The site contains an existing dwelling with verandahs located on the eastern half of the allotment. Given the orientation of the allotment, the private open space of this dwelling is located to the side (western end of the allotment) of which contains two freestanding outbuildings. There is also a large Olive Tree, (identified as a Significant Tree within Table Un/9 of the Unley Development Plan) located within this space and near the boundary to Mansfield Street.

Allotment 506

Allotment 506 on Filed Plan 10805, Volume 5882, Folio 920 is addressed as 11 Bloomsbury Street, Goodwood. This allotment has a 16.28m frontage to Bloomsbury Street and a 3.05m frontage to Mansfield Street. The overall site area is 764m².

The site contains a single storey dwelling that fronts onto Bloomsbury Street. The site also contains a swimming pool and outbuildings. The outbuildings are located near the rear of the site and can be accessed via a single vehicle crossover on Mansfield Street.

There are no easements affecting the subject allotments.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

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

Dwelling Type / Style and Number of Storeys

The dwelling types and styles within the area are also rather varied. The locality has detached, semi-detached and residential flat buildings. There are a number of character style dwellings (predominantly Villas) within the locality including the subject site.

None of these character dwellings however are protected except for one Local Heritage Place located to the north east of the subject site. The heights of the dwellings within the locality are predominantly single storey however do not exceed two storeys overall.

Fencing Styles

In the context of Mansfield Street, fencing styles are varied, including both low and open styles as well as solid fencing up to 1.8 metres in height.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

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

- *From an assets perspective there is no concerns with the proposed crossover extension at the western end of the allotment.*
- *I do have some concerns regarding the rest of the proposed Alterations to Council Land to accommodate this application. These concerns are details below:*
 - *The Crossover at the Corner*
 - *Given this location I believe this should be refer to Traffic.*
 - *There is an SAPN pole to the south of the proposed crossover with a cable to restraint the SAPN pole. This cable is anchored to the ground in the location of the proposed new crossover.*
 - *There is also a tree at this location not sure if it will be impacted , may refer to Joel*
 - *Footpath*
 - *The footpath level will need to be adjusted at the existing pedestrian gate as it is built up to match the existing FFL at the side gate.*
 - *Footpath damage due to the lifting of pavers at the private tree. The footpath will be require to be repaired and reinstated to match existing footpath levels*
 - *Existing Crossover*
 - *Existing crossover will be require to be closed and returned back to kerb and gutter. Footpath to be paved.*

Council Administration notes that the above comments were provided to applicant for their information. Two conditions relating to crossovers have been recommended.

The application was referred to Council's Traffic department. The following is a summary of the comments were received:

- *Onsite parking for Lots 1 and 2 has been provided in accordance with Table Un/5;*
- *Onsite parking for Lot 3 has not been met (Amended plans have since been received and there is now sufficient parking);*
- *The internal dimensions of the proposed garage for Lot 1 are not in accordance with the Development Plan (Amended plans have since been received and the garage now satisfies the minimum internal dimensions);*
- *The parking space dimensions for Lot 2 meet the requirements of the Development Plan;*
- *The open parking space length dimensions of Lot 3 are insufficient (Amended plans have since been received and the minimum dimensions of the parking spaces are now met);*

- *Access to Lot 1 is via an existing crossover. Vehicle manoeuvrability in and out of Lot 1 would be acceptable;*
- *Access to Lot 2 would be achieved by extending the crossover to Lot 1. It is noted that the existing crossover for 2 Mansfield Street should be closed to compensate for the loss of on street parking. Vehicle manoeuvrability in and out of Lot 2 would be acceptable;*
- *However, note that Mansfield Street is relatively narrow and the developer must accept that there will be some level of difficulty experienced reversing out of the carport when a vehicle is parked opposite. Council will not make changes to on-street parking to improve access to the property following construction if difficulty is experienced;*
- *Access to Lot 3 is via a new 3m wide crossover. Due to the location of the crossover it is unlikely that this would represent a loss of parking in practice. Access to the Lot 3 parking space would be very difficult, particularly if approaching from the west. This however could be improved through design amendments (Amended plans have since been received that include design amendments);*
- *Visibility from the access to/from Lot 1 does not meet the minimum sight distance to vehicles approaching from the west;*
- *Visibility from the access to/ from Lot 2 does not meet the minimum sight distance to vehicles approaching from the west;*
- *Visibility from the access to/from Lot 3 meets the minimum sight distance requirements to vehicles;*
- *Pedestrian sight distance from the access to/from lot 1 does not meet the requirements of AS2890.1 (to the west from the western space, and to the east from the eastern space.*
- *Pedestrian sight distance from the access to/from lot 2 does not meet the requirements of AS2890.1 (east or west).*
- *Pedestrian sight distance from the access to/from lot 3 meets the requirements of AS2890.1. This is because the fence is 0.9m high (less than driver 1.1 m eye height) and due to the geometry of the bend, a motorist will be able to see pedestrians approaching from the south.*

Please refer to Appendix D for a full copy of the Traffic response as well as a response from the applicants' consultant traffic engineer, to these comments.

In regards to the proposed removal of the Council street tree the following comments were provided by the Council Arborist:

- *The street tree is worthy of retention, however, its removal is supported if no alternative design solutions retaining the tree, as part of the site development, are available and practical.*
- *That being said, the applicant will be required to cover the costs of removal and replacement if development approval is granted and works proceed. These costs will total \$3,044.55 + GST and payment will be required prior to any works occurring.*
- *I believe it is critical the applicant is informed of these costs prior to development approval, to ensure full transparency and no hidden surprises, so to speak.*

The application was also referred to Council's Arborist who in turn engaged a Consultant Arborist for the proposed removal of a Significant Tree. The following comments were received:

- *I have considered the advice provided by the applicant and the advice (Doc Set ID 3505599) provided by Council's engaged arborist (Colin Thornton - Treevolution) with respect to the proposed removal of the significant tree at the mentioned site.*
- *I find that the subject tree is a large mature Olea europea (Olive Tree) presenting good health and form with fair structure. Despite a history of limb failure, the tree presents a*

'broadly acceptable' level of risk and is without any arboricultural concerns that would justify its removal from the landscape.

- *The tree's legislative status, as a 'significant' tree, has been questioned as part of this application, however, the tree is clearly listed within the Council's current Development Plan Unley (City) - TABLE Un/9, Significant Tree List and thus this is not a matter of debate.*
- *As such, the tree is deemed as worthy of preservation and is not deemed as fulfilling required criteria in the case of removal, when considering the above mentioned Development Plan.*
- *In concluding, I cannot support the removal of the subject tree.*

The application was referred to Council's Landscape Architect to determine whether the tree significantly contributes to the character and visual amenity of the locality. The following is a summary of the comments received:

- *Site Inspection Notes with regard to Objective 2:*
 - *Mansfield Street is a well-established residential street with a character of single storey dwellings on blocks with established gardens. Gardens within the locality generally include a range of larger tree species.*
 - *Recent street tree planting of Geijera parvifolium are establishing within the street.*
 - *Existing semi-mature Melaleuca sp. are the dominant street tree at regular spacings.*
 - *Significant Tree status is derived from the cumulative measurements of multiple leaders. Existing form is typical of this species.*
 - *Upper branches are growing within overhead SAPN powerlines on the opposite (southern) side of the street.*
- *This tree provides an aesthetic and environmental benefit to the City of Unley through its tree canopy of approx. 20m diameter. Goodwood has decreased private realm tree canopy cover from 31 % in 1979 to 20% in 2017.*
- *The subject tree at 2 Mansfield Street, Goodwood provides a tree canopy contribution to the local streetscape and an environmental benefit in the context of the wider suburb.*
- *The tree warrants retention due to its form, size, and location.*

Please refer to Appendix E for a full copy of Treevolution report and the Council Landscape Architects comments.

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.

14 Boffa Street, Goodwood (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Concerned by the removal of the Council street tree as currently provides considerable shade to our backyard	It is noted that the street tree is adjoining and adjacent land which is impervious. It does not seem readily apparent that any shadow cast by the street tree aids the growth of other nearby vegetation.
Concerned that the new driveway into 'Lot 3' will limit our ability to use our current driveway on Mansfield.	The proposed crossover to service Lot 3 will not overlap with the existing crossover to 14 Boffa St. It is also

	noted that 14 Boffa st has a primary driveway to Boffa St and that the Mansfield St driveway is secondary. The potential for vehicle conflict is likely to very low.
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(* denotes non-valid planning considerations)

Upon review of the applicant's response, the representor provided further comment stating that they do not consider the first concern to be resolved, however the second concern has been addressed sufficiently. A copy of the original representation as well as the follow up letter have been included as part of Attachment B.

9. DEVELOPMENT DATA

11 Bloomsbury Street

Site Characteristics	Lot 1 - Garage	Development Plan Provision
Total Site Area	811m ²	500m ²
Frontage	16.28m (as existing)	15m
Depth	45.06m (as existing)	20m
Outbuilding to 11 Bloomsbury Street		
Wall Height	3.135m	≤3m
Total Height	4.82m	≤5m
Total Floor Area	37.2m ² (4.6%)	≤80m ² or 10% of the site, whichever is the lesser
Car parking and Access		
On-site Car Parking	4 (min)	3 per dwelling where ≥ 4 bedrooms or 250m ² floor area
Covered on-site parking	2	≥2 car parking space
On-street Parking	As existing	0.5 per dwelling
Driveway Width	3m	5m Double
Garage Width	6m	≤6.5m or ≤30% of site width, whichever is the lesser
Garage Internal Dimensions	5.8m x 6m	5.8m x 6m for double
Colours and Materials		
Roof	Corrugated metal sheeting 'heritage galvanised'	
Walls	Corrugated metal sheeting 'heritage galvanised'	

2 Mansfield Street

Site Characteristics	Lot 2 – New Dwelling	Lot 3 – Alts & Adds	Development Plan Provision
Total Site Area	319m²	248m²	500m ²
Frontage	24m	18.57m	15m
Depth	13.29m	13.29m (min)	20m
Building Characteristics			
Floor Area			
Ground Floor	160m ²	105m ²	
Site Coverage			
Roofed Buildings	55.5%	55.2%	≤50% of site area
Total Impervious Areas	69.9%	70%	≤70% of site
Total Building Height			
From ground level	5.5m (max)	5.7m (as existing)	
Setbacks			
Front boundary (south)	1.35m	As existing	Same distance as the adjoining dwelling with the same street frontage
Side boundary (east)	3.9m	As existing	On boundary or 1.0m (on boundary on one side only)
Side boundary (west)	3.6m	3.8m	On boundary or 1.0m (on boundary on one side only)
Rear boundary (north)	1.25m (8m)	1.25m – As existing (3m)	8m where site area is ≥300m ² & building height from ground level is >4m 3m where site area is ≤300m ² & building height from ground level is <4m
Private Open Space			
Min Dimension	3.9m x 13.29m	3.8m x 11m	≥4m minimum
Total Area	26.6% (≥20%)	42.5m ² (35m ²)	≥20% (>300m ² site area) 35m ² (≤300m ² site area)
Car parking and Access			
On-site Car Parking	2	2	2 per dwelling where less than 4 bedrooms or 250m ² floor area
Covered on-site parking	1	1	≥1 car parking space
On-street Parking	Approx. 3 in total		0.5 per dwelling
Driveway Width	3m	3m	3m Single
Garage/Carport Width	3.6m (15%)	3.1m (16.7%)	≤6.5m or ≤30% of site width, whichever is the lesser
Carport Internal Dimensions	3.6m x 6.2m	2.6m- 3.1m x 6m	3m x 6m for single
Colours and Materials			
Roof	New Dwelling – Colorbond ‘Surfmist’ & Concrete Roof Tile ‘Camelot’ Existing Dwelling – Concrete Roof Tile ‘Salt Spray’		

Walls	New Dwelling – Australian White Cypress Cladding & Red Brick Existing Dwelling – as existing with some new paint finishes
Fencing	New Dwelling – Vertical steel slat 'Ebony' & Red Brick Existing Dwelling – Timber slats 'white cypress'

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

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

Assessment

Firstly, it is noted that as the development involves buildings that front onto Mansfield Street, only the streetscape character of this street is considered as part of this assessment and not that of Bloomsbury Street, where no element of the proposed development will be visible.

The streetscape of the Mansfield Street locality is best described as incoherent with a varied pattern of settlement with many of the dwellings located along the street being constructed since the 1960's. The subject land contains a dwelling that displays some historic character and as such this dwelling is to be retained on site.

The applicant also seeks to subdivide the land and construct a new dwelling on the newly created allotment. The new dwelling has been designed to be modest in form and scale whilst including key elements such as a front verandah, gable roof forms and complementary materials.

2 Mansfield Street is an allotment where the length of its frontage is far greater than its depth. The allotment is unique in that aspect however other allotments which are similar are corner allotments. It is noted that many of the corner allotments in the wider area have been subdivided in a manner similar to that proposed.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 2 <i>Development should comprise:</i></p> <ul style="list-style-type: none"> (e) <i>alterations and/or additions to an existing dwelling; and</i> (f) <i>ancillary domestic-scaled structures and outbuildings; and the adaptation of, and extension to, a building to accommodate and care for aged and disabled persons, or for a multiple dwelling or residential flat building; and</i> (g) <i>selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and</i> (h) <i>Replacement of a building or site detracting from the desired character of a precinct with respectful and carefully designed building(s).</i> 	<p>The proposed development satisfies PDC 2(a), (b) and (c), as it involves:</p> <ul style="list-style-type: none"> • alterations and additions to an existing dwelling; • construction of an outbuilding associated with the existing dwelling at 11 Bloomsbury Street; and • subdivision of the existing allotment to allow for a further street fronting dwelling.
<p>PDC 3 <i>Development should retain and enhance the streetscape contribution of a building by:</i></p> <ul style="list-style-type: none"> (a) <i>retaining, refurbishing, and restoring the building; and</i> (b) <i>removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</i> (c) <i>avoiding detrimental impact on the building's essential built form, characteristic elements, detailing and</i> 	<p>The development proposal includes the retention of the existing dwelling that is of a 'Bungalow' style. The applicant does however propose some alterations to the dwelling as follows:</p> <ul style="list-style-type: none"> • demolition of western addition; • replace existing windows; • replace roof tiles and guttering; • repaint the fascia; • replace front fencing.

<p><i>materials as viewed from the street or any public place (i.e. only the exposed external walls, roofing and chimneys, verandahs, balconies and associated elements, door and window detailing, and original finishes and materials of the street façade); and</i></p> <p>(d) <i>altering or adding to the building and carrying out works to its site only in a manner which maintains its streetscape attributes and contribution to the desired character, and responds, positively to the streetscape context of its locality in terms of the:</i></p> <ul style="list-style-type: none"> (i) <i>rhythm of buildings and open spaces (front and side setbacks) of building sites; and</i> (ii) <i>building scale and forms (wall heights and proportions, and roof height, volumes and forms); and</i> (iii) <i>open fencing and garden character; and</i> (iv) <i>recessive or low-key nature of vehicle garaging and the associated driveway.</i> 	<p>It is considered that the proposed alterations are in keeping with Zone PDC 3.</p>
<p>PDC 8 – New Development <i>Development should comprise street-fronting dwellings exhibiting streetscape attributes consistent with the desired character. In this respect:</i></p> <ul style="list-style-type: none"> (a) <i>sites should not be amalgamated for the purposes of developing residential flat buildings, group dwellings or non street-fronting dwellings unless involving existing large sites occupied by buildings of discordant character where the consolidated site and its replacement dwellings produce a streetscape setting and built forms complementing the desired character; and</i> (b) <i>"hammerhead" allotment(s) should not be created, nor should a dwelling be located in a rear yard of an existing street-fronting dwelling site where this would detrimentally impact on the established settlement pattern or impose on the characteristic spacious setting of neighbouring dwelling sites, exceed single storey, or impose excessive building bulk.</i> 	<p>The proposed development will maintain an existing street fronting dwelling and introduce another street fronting dwelling by subdividing the existing allotments. The newly created allotment will essentially be created from the rear yard of an existing site, but given the unique siting and orientation of the allotment, within an area with varied settlement pattern, the proposed subdivision will not be of detriment to existing character and streetscape of the locality.</p>
<p>PDC 10 <i>Buildings should be of a high quality</i></p>	<p>A new dwelling is proposed for the newly created allotment (Lot 2). The proposed</p>

<p><i>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>d) <i>Scale and form of buildings relative to their setbacks as well as the overall size of the site; and</i></p> <p>e) <i>Characteristic patterns of buildings and spaces (front and side setbacks), and gaps between buildings; and</i></p> <p>f) <i>Primarily open front fencing and garden character and the strong presence of buildings fronting the street.</i></p>	<p>dwelling is of a contemporary design with reference to historic style of dwellings found within the wider locality. The dwelling has been designed so that it complements the existing dwelling at 2 Mansfield Street in terms of wall heights and setbacks whilst ensuring that its design is simple in detail so that it does not dominate over that existing character dwelling.</p> <p>The front fencing has also been carefully considered so that the low and open style fencing is retained to the front of the existing dwelling so this dwelling will remain prominent within the streetscape.</p>
<p>PDC 14 – Carports & Garages <i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <p>(e) <i>be located to the rear of the dwelling as a freestanding outbuilding; or</i></p> <p>(f) <i>where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i></p> <p>ix. <i>incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and</i></p> <p>x. <i>be in the form of a discrete and articulated building element not integrated under the main roof, nor incorporated as part of the front verandah or any other key element of the dwelling design; and</i></p> <p>xi. <i>have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and</i></p> <p>xii. <i>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 applicant proposes two single width carports, one to the existing dwelling at 2 Mansfield Street (Lot 3) and the other to the new dwelling at Mansfield Street (Lot 2). A double garage is also proposed to the rear of 11 Bloomsbury Street (Lot 1).</p> <p><u>Lot 1 – Garage</u></p> <p>The proposed double garage is a freestanding outbuilding located to the rear of 11 Bloomsbury Street with access from Mansfield Street. The garage in no way impacts upon the primary street façade, being Bloomsbury Street. The proposed garage is considered to comply with Zone PDC 14.</p> <p><u>Carports</u></p> <p>It is considered that the proposed carports for the new dwelling and the existing dwelling are minor streetscape elements as:</p> <ul style="list-style-type: none"> • they are attached to the side of the dwelling; • are only 3 metres in width; • not located under the main roof of either dwelling; • in the case of the carport to the existing dwelling, it is setback behind the main face of the dwelling and is of a height that is less than the dwelling; • will be open along each elevation; • are proportionally minor when compared to the associated dwellings.
<p>PDC 17 – Land Division <i>Land should only be divided:</i></p> <p>(a) <i>on a detached dwelling site - where the resultant allotment(s) conform with the</i></p>	<p>The two existing allotments currently exceed that described as the predominant allotment area and width for Precinct 8.2 – Goodwood and Hyde Park. By proposing to subdivide the</p>

<p><i>minimum street frontage and site area set out in the desired character; or</i></p> <p><i>(b) on a site of other dwelling types - to give separate title to approved dwelling(s) site(s) (including any common land of a community land division) upon which the dwelling construction or conversion has been substantially commenced; or</i></p> <p><i>(c) in those parts of the zone where the prevailing settlement pattern is clearly at variance with the desired character of the respective policy area - where the resultant allotment(s) are consistent with those in the locality, providing the allotment(s) provide for dwellings of street-fronting format and the building settings and proportions which reinforce the desired character.</i></p>	<p>site however, two of the resulting allotments will have an area that falls well short of the predominantly allotment size of 500m².</p> <p>As PDC 17 (a) and (b) do not apply in this instance, assessment has been undertaken against Zone PDC 17 (c). In undertaking an assessment of the settlement pattern within the locality of the subject site, it is noted that:</p> <ul style="list-style-type: none"> • other than 2 Mansfield Street, only 12 Mansfield Street meets the predominant allotment size of 500m²; • Properties addressed as 6, 8, 10 and 11 Mansfield Street are strata titled allotments; • There are a total of 13 separate dwellings addressed to Mansfield Street including the 3 units at 6 Mansfield Street; • Allotment areas range from approx. 200m² to 509m², with the average being approximately 300m²; • It is common for corner allotments within the locality to be subdivided where the allotment created from the rear hard to have a long frontage to the primary street and a shorter depth; • The proposed allotment will allow for dwellings to be of a street fronting format; • One of the new allotments will contain an existing character dwelling as desired by the Zone; <p>As there are a substantial amount of dwellings along the street that do not conform to the predominant allotment size, it is considered that this amount of variance lends the proposed land division to having sufficient merit to also deviate from the described predominant allotment size.</p>
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Policy Area Desired Character

<p>Policy Area 8 - Compact</p>
<p>Desired Character</p>
<p><i>This policy area contains five precincts located across the northern parts of City of Unley near the Parklands fringe, from Forestville in the west to Parkside in the east. The desired character and streetscape attributes to be retained and enhanced for each of these precincts is set out below. The table below identifies in detail the differences between the six precincts in terms of the predominant:</i></p> <ul style="list-style-type: none"> <i>(b) allotment widths and sizes; and</i> <i>(b) front and side building setbacks including the collective side setbacks.</i> <p><i>The streetscape attributes include the:</i></p>

- (d) low scale building development;
- (e) compact road verges and building setbacks to the street;
- (f) building forms and detailing of the predominant cottages and villas; and
- (d) varied but coherent rhythm of buildings and spaces along its streets.

Development will:

- (c) be of street-fronting dwelling format, primarily detached dwellings, together with semi-detached dwelling and row dwelling types. The conversion or adaptation of a building for a multiple dwelling or residential flat building may also be appropriate; and
- (d) maintain or enhance the streetscape attributes comprising:
 - (iv) siting - the regular predominant allotment pattern, including the distinctive narrow-fronted sites associated with the various cottage forms produces an intimate streetscape with a compact building siting and low scale built character with generally low and open style fencing and compact front gardens. Street setbacks are generally of some 6 metres and side setbacks are consistently of 1 metre or greater, other than for narrow, single-fronted and attached cottages producing a regular spacing between neighbouring dwellings of generally 3 to 5 metres (refer table below); and
 - (v) form - the consistent and recognisable pattern of traditional building proportions including wall heights and widths of facades, and roof height, volumes and shapes associated with the identified architectural styles in (iii) below; and
 - (vi) key elements - the defining design features, including the verandahs and pitched roofs, use of wall and roofing materials facades of the predominant architectural styles (Victorian and Turn-of-the-Century double-fronted and single-fronted cottages and villas, and complementary Inter-war bungalows as well as attached cottages).

Assessment

The subject site is located within the Compact Policy Area of the Residential Streetscape (Built Form) Zone and more specifically within Precinct 8.2 – Goodwood and Hyde Park. The site is located to the east of King William Road, a major collector road that also serves as a restaurant, café and retail precinct with some commercial components.

The two subject allotments well exceed the described predominant allotment area and width for Precinct 8.2. It is also further noted that along Mansfield Street, there are limited properties that do fit within the described predominant allotment sizes. The dwellings styles are largely of a more contemporary nature, that are only single storey in height. The subject locality however is consistent in the fact that the varied compact allotments contain street fronting dwellings. The proposed development maintains an existing character style dwelling to the street and also introduces a new street fronting dwelling by subdividing two larger allotments, to create a third allotment.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	Objectives	1
	PDCs	1, 2, 3, 8, 9, 10, 12, 13, 14, 15, 19, 20, 21
Energy Efficiency	Objectives	1, 2
	PDCs	1, 2, 3

Form of Development	<i>Objectives</i>	1, 3, 4, 7
	<i>PDCs</i>	1, 2, 3, 12
Land Division	<i>Objectives</i>	1, 2, 4
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Regulated and Significant Trees	<i>Objectives</i>	3
	<i>PDCs</i>	4, 5, 6, 7, 8, 10
Residential Development	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 8, 13, 14, 15, 16, 17, 19, 20, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51

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

Relevant Council Wide Provisions	Assessment
Land Division	
PDC 11 – Residential Allotments	<p>The proposed newly created allotment (Lot 2), has a depth of only 13.29 metres and therefore falls short of the minimum depth of 20 metres suggested by PDC 11. The depth also falls well short of the frontage of the allotment, which has a frontage of 24 metres.</p> <p>The depth of the allotment however is identical to the that of the existing allotment Lot 524. Furthermore, by combining the land division application with the new dwelling, the applicant demonstrates their intention for the new allotment. The proposed dwelling is considered to reinforce the desired character of the locality and more specifically supports the irregular pattern of settlement along the street. The dwelling also generally satisfies setbacks and private open space requirements so as not to adversely impact upon the existing neighbourhood.</p>
Regulated and Significant Trees	
PDC 4 – Significant Trees	<ul style="list-style-type: none"> • The subjects site contains a large European Olive Tree. The tree is listed with Significant Tree List (Table Un/9) of the Unley Development Plan; • The species is a Declared Plant under the Natural Resource Management Act 2004, • It is noted that South Australian Government have a declared Plant Policy in place for 'wilding olives'. The Policy provides distinction between three plantings of olives as follows: <ul style="list-style-type: none"> ○ Olive trees that were deliberately planted and are used and maintained; ○ Wilding olive trees that are feral olives that have grown from self-sown seed; ○ Wilding olive trees that are no longer used and/ or maintained such that they pose a high risk to giving rise to feral olives. • The subject tree does not appear to be used or maintained however it is unknown as to whether the tree poses a high risk to giving rise to feral olives, given the urban nature of the locality;

	<ul style="list-style-type: none"> This is a species that is generally cultivated to maintain a smaller, more manageable shape and is likely been included in the list due to its bulk and prominence along Mansfield Street.
PDC 6	<p>In consideration of the Council Landscape Architect and Arborist comments and in conjunction with the Planning Officer's inspection of the site and locality, it is conceded that the subject tree forms a notable visual element within the landscape of the local area as per PDC 6 (b). This consideration is made due to the overall size of the tree and its location near the Mansfield Street boundary. PDC 6 goes on to state that development should be designed and undertaken to retain and protect such Significant trees and preserve their attributes.</p> <p>Given the above, assessment against PDC 8 and 10 is also warranted.</p>
PDC 8	<p>The applicant proposes to remove the subject Significant Tree and has argued that:</p> <ul style="list-style-type: none"> The tree is only visually prominent within the Mansfield Street streetscape and not from other streetscape of the local area; The tree causes nuisance in terms of its seeds and fruit having the ability to spread feral plants; The trunk breached property boundary resulting in uplifting of the footpath; The tree is in poor structural condition; Tree is a low-quality specimen; Many branches have decay within them; There is a history of branch failures; The Tree has limited life expectancy; The Tree poses a risk to public and private safety; The Tree causes excessive nuisance; The tree should not constrain reasonable development. <p>For full details, please refer to Arborist Report prepared by Tree Assessment Services and the Tree Assessment by Comphort Technical Services, provided within Appendix A.</p> <p>Council engaged Colin Thornton of treevolution to provide an arboricultural assessment of the subject tree. The following is a summary of this report in regards to PDC 8:</p> <ul style="list-style-type: none"> There were no indications that the tree was diseased or would have a short life expectancy; A risk assessment calculation has been undertaken and finds that it is within the broadly acceptable category of risk that deems it to be posing a level of risk that is considered to be acceptable for the period of the inspection (12 months); When considered against PDC 8, the tree fails to fulfil any of the criteria to support it removal. <p>For a full copy of this report, please refer to Appendix E.</p>
PDC 10	<p>PDC 10 is clear in that land should not be subdivided where the subsequent fencing, boundary definition, buildings and structures</p>

	<p>would likely result in a substantial tree-damaging activity. As a land division is proposed as part of the application, and as a result of this land division, there is no feasible way for the Significant tree to be retained on the land, without substantial tree damaging activities occurring to the tree.</p> <p>The proposed development completely fails to satisfy this principle.</p>
<p>Residential Development</p>	
<p>PDC 13 – Side and Rear Boundaries</p>	<p>The proposed dwelling fails to meet the rear setback provisions of PDC 13. The siting of the dwelling is considered to be acceptable however, as:</p> <ul style="list-style-type: none"> • The rear setback will be near identical to that of the existing dwelling that is remain at 2 Mansfield Street; • The dwellings on the adjacent properties that share the rear boundary (those addressed as 9 & 11 Bloomsbury St) are substantially setback from this boundary and therefore the dwelling will not impose on the spacious conditions of these properties; • There will be no impacts in terms of overshadowing of the adjacent properties as the dwelling is located to the south of the adjoining neighbours; • The dwelling is only single storey in height and will be adjacent to the neighbour’s outbuildings and landscaping so as to minimise massing impacts to those neighbours; • The setbacks to the front and side boundaries play a more significant role in influencing the character of the streetscape and these setbacks have been met;
<p>PDC 16 & 17 – Site Coverage</p>	<p>The dwellings (both existing and proposed) to Lot 2 and 3, cover more than 50 percent of the area of their individual sites. It is noted that:</p> <ul style="list-style-type: none"> • The dwelling meets the front and side setback provisions; • the land will not appear overdeveloped and the proposal is not considered excessive; • space is provided for private open space and landscaping, storage and clothes drying areas; • given the orientation of the site, the dwelling will have sufficient access to northern sunlight; • the relevant provisions for pedestrian and vehicle access and parking have been satisfied; • the proposed site coverage will be similar to that of a number of properties within the area (if not less) and therefore is not of character with the locality; <p>It is considered that the proposed site coverage particularly that of the roofed buildings is acceptable.</p>

11. DISCUSSION

Based on the Arboricultural reports provided, it is considered that the tree does not appear to sufficiently demonstrate a case for removal as per Council wide Regulated and Significant

Trees PDC 8. The legislative status of the tree also cannot be argued as it is clearly listed within Table Un/9 of the Unley Development Plan. As the land is being divided, Council wide Regulated and Significant Trees PDC 10 is also completely disregarded by the application.

It is therefore put forth that given the application includes many elements, these need to be carefully weighted against those differing objectives and principles of the Development Plan. More weight is given to the achievement of desired planning outcomes as expressed in the Desired Character Statement. The desired character statement for the Residential Streetscape (Built Form) Zone is quite detailed and puts particular emphasis on enhancing areas that display those streetscape attributes that make up the variable, but coherent streetscape patterns and streetscapes. As discussed throughout this report, the locality to which the subject site exists is quite varied. It is recognised that the Zone contemplates that there is variance within the streetscape patterns, however the Zone still looks to conserve areas that display coherent streetscapes, regardless of whether there is a variable pattern. In this instance, the streetscape is both at variance and incoherent with the desired character statement. This is not common within the Zone and therefore it is understandable that the Zone does not go into a lot of detail when this occurs, other than to state that sites should be redeveloped to be brought into conformity. It is not realistic to expect that a street wide redevelopment will occur to bring the street back to conformity with the desired character especially when the dwellings along that street appear to be in reasonable condition.

In reference to the Council strategic vision, increased development intensity and scale is sort after and within those areas of existing valued character, new development is to be sensitively incorporated. The proposed 'infill' development, is ideal in that it is located:

- where it won't impede upon an area of distinctive and coherent character;
- within a Policy Area that looks for 'compact' settings in terms of its setbacks and road verges;
- within a 150-metre walking distance of King William Road;
- where it will have little impact to the neighbouring properties in terms of massing, overshadowing, overlooking and gaps between buildings;
- located within a 400-metre walking distance of a high frequency bus service (located along King William Road);
- where it will maintain and continue the nature and scale of buildings already established within the area.

It is therefore considered reasonable that the land is developed to create further, appropriate infill development but should such development be at a cost to a Significant Tree. It is difficult to disallow development when the Significant Tree in question is of a species that:

- is not native to Australia;
- is usually commercially cultivated for its fruit;
- has not been maintained and is of such a scale that will be difficult to maintain;
- is commonly found in groves or as part of backyard vegetable garden;
- is not an aesthetically pleasing tree;
- is not an ornamental variety of tree;
- in some circumstances is considered a pest;

Despite the tree failing to demonstrate removal under the relevant sections of the Development Plan, in all practical matter this tree should be removed as it does not contribute to the pleasant, neighbourhood character desired within residential zones.

In conclusion, the application has been finely balanced against the relevant provisions of the Unley Development Plan and it is considered to display sufficient merit for it to be granted Planning Consent.

12. CONCLUSION

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

- The pattern of development within the locality is considered to be at variance with that described for Precinct 8.2 and therefore the proposed land division will be consistent with the locality;
- The dwelling additions are appropriately designed and sited to support the desired character of the Residential Streetscape (Built Form) Zone and Compact Policy area;
- The proposed dwelling is appropriately designed and sited to support the desired character of the Residential Streetscape (Built Form) Zone and Compact Policy area;
- The proposed development has been suitably designed and sited so not to cause undue impact to the adjacent residents;
- The freestanding garage is located to the rear of the associated property and will achieve access from a secondary street, in accordance with Zone PDC 14.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/823/2018/DIV at 2 Mansfield & 11 Bloomsbury Streets, Goodwood 5034 for 'Land Division - Torrens Title - Create three allotments from two existing and carry out alterations and additions to existing dwelling, construct a new detached dwelling with associated carport, verandahs and deck, construct rear access garage for 11 Bloomsbury Street and removal of one (1) street tree and a Significant Tree (*Olea europaea* - European Olive).', is finely balanced and determined to not be seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the removal of the subject significant tree (*Olea europaea* – European Olive) shall take place in accordance with the documents and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
3. Payment of \$268.50 for Significant Tree removal is required to be paid into the Council's Urban Trees Fund within 30 days of the date of the development approval (an invoice will be attached to the development approval).

4. That the existing crossover (to 2 Mansfield Street) shall be closed and reinstated with kerb and water table in accordance with Council requirements, and at the applicant's expense, prior to occupation of the development.
5. The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site for the City of Unley Driveway Crossover specifications <https://www.unley.sa.gov.au/forms-and-applications#>
6. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
7. 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.

LAND DIVISION CONSENT CONDITIONS:

8. That any existing structures located over the proposed boundaries be demolished prior to the issue of the Section 51 Certificate by the State Commission Assessment Panel. (All demolition is subject to separate Development Approval.)

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

STATE COMMISSION ASSESSMENT PANEL CONDITIONS are as follows:

- The financial requirements of SA Water shall be met for the provision of water supply and sewerage services (SA Water H0078257).

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.
- Payment of \$7253 into the Planning and Development Fund (1 allotment/s @ \$7253/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
- A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certification purposes.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- The applicant shall contact Council's Infrastructure Section on 8372 5460 to arrange for the removal of the street tree. The work shall be carried out by Council at full cost to the **applicant**.
- It is noted that Mansfield Street is relatively narrow and the developer is advised that there will be some level of difficulty experienced reversing out when a vehicle is parked opposite. Council will not make changes to on-street parking to improve access to the property following construction if difficulty is experienced.
- The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Administration
C	Response to Representations	Applicant
D	Council Traffic Referral Comments	Administration
E	Treevolution Visual Tree Assessment	Administration

