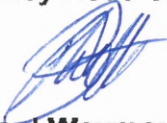


CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 17 September at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.



**Paul Weymouth
ASSESSMENT MANAGER**

Dated 06/09/2019

ACKNOWLEDGEMENT

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

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

APOLOGIES:

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED:

SECONDED:

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 20 August 2019, as printed and circulated, be taken as read and signed as a correct record.

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

17 September 2019

AGENDA

Apologies
Conflict of Interest
Confirmation

Item No	Development Application	Page
1.	<u>090/742/2018/NC – 1A Invergowrie Avenue Highgate</u>	3-24
2.	<u>090/413/2019/DIV – 1A Invergowrie Avenue Highgate</u>	25-39
3.	<u>090/385/2019/C2 – 69 Unley Road Unley</u>	40-53
4.	<u>090/393/2019/C2 – 10 Regent Street Millswood</u>	54-67
5.	<u>090/301/2019/C2 – 64 Sheffield Street Malvern</u>	68-80
6.	<u>090/789/2018/C1 – 27 Thornber Street Unley Park</u>	81-95
7.	<u>090/963/2018/C1 – 109 Cambridge Terrace Malvern</u>	96-102
8.	<u>090/530/2018/C3 – 84-92 Duthy Street Malvern – Motion to move into Confidence</u>	103
9.	CONFIDENTIAL - 090/530/2018/C3 – 84-92 Duthy Street Malvern	104-109
10.	090/530/2018/C3 – 84-92 Duthy Street Malvern – Remain in Confidence	110-111

Any Other Business
Matters for Council's consideration

ITEM 1**DEVELOPMENT APPLICATION – 090/742/2018/NC – 1A INVERGOWRIE AVENUE, HIGHGATE SA 5063 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/742/2018/NC
ADDRESS:	1A Invergowrie Avenue, Highgate SA 5063
DATE OF MEETING:	17 September 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Construct two, single storey detached dwellings with walls on boundaries and includes garages, fencing and the removal of one (1) street tree
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Regeneration Zone Major Roads Policy Area 14
APPLICANT:	Rossdale Homes Pty Ltd
OWNER:	Justin Ferravant and Miho Ferravant
APPLICATION TYPE:	Non-complying
PUBLIC NOTIFICATION:	Category 3
REPRESENTATIONS RECEIVED:	YES – (2 support, 4 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Non-Complying development Unresolved representations Category 3 application where a representor wishes to be heard
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Density Desired Character Impact to neighbouring properties Front Setback

1. PLANNING BACKGROUND

The associated subdivision application (Ref: 090/413/2019/DIV) for '*Land Division - Torrens Title - Create two allotments from one existing*' precedes this application on the Panel agenda.

As the subject application proposes a Non-Complying form of development, it is advised that in December 2018, Council determined under delegated authority to proceed with undertaking an assessment of the application.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to:

- Construct 2 x detached dwellings with associated garages;
- Erect combined boundary fencing and retaining walls that exceed 2.1m in height;
- Construct a new vehicle crossover to access Dwelling 2 (west Dwelling);
- Remove one (1) street tree (Queensland Box Tree).

3. SITE DESCRIPTION

The subject site is located on the southern side of Invergowrie Avenue and has a north-south orientation. The site has a frontage of 15.24 metres and an overall site area of 557.5m².

The allotment currently contains a single storey dwelling with a carport, verandah, fencing and a freestanding outbuilding. There is a large street tree located on the verge to the front of the site as well as a Stobie Pole, Telstra pit and sewer inspection point (all to the western side of the site). There is also a traffic calming device located on the road to the front of the site. This device is in the form of an extended, landscaped verge so that only one-way traffic movements are possible at any one time.

The site does not contain or is located near any regulated trees. There are currently no easements affecting the subject site.

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential however the Neighbourhood Centre Zone is located directly north-east of the subject land. The Neighbourhood Centre includes local convenience services i.e. consulting rooms, hairdressers, shops.

Land Division/Settlement Pattern

Along Fullarton Road the settlement pattern is rather varied as it is reflective of the mix of retail/commercial and low to medium density residential uses. The settlement pattern along Invergowrie Avenue however is largely intact and consistent with the low-density residential nature of the street.

Dwelling Type / Style and Number of Storeys

Along Fullarton Road there are a variety of dwelling types and styles, including detached dwellings, residential flat buildings and group dwellings. A majority of the dwellings are single storey in height however no dwelling in the locality exceeds two storeys.

Along Invergowrie Avenue a majority of the dwellings are single storey detached dwellings however there are some dwellings that are two storeys in height further west of the locality.

Fencing Styles

There is a variety of fencing styles and heights within the locality. It is noted that along the southern side of Invergowrie Avenue, fences are predominantly low

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to the following internal Council departments for comment:

- Traffic
- Assets; and
- Arboriculture;

The following responses were received:

Traffic

- *A new development is proposed at 1A Invergowrie Avenue, Highgate, whereby the existing dwelling is demolished and replaced by two dwellings side by side. In order to accommodate two separate driveways and a new property boundary along approximately the centre of the existing frontage, changes to a traffic control device are proposed (removing the easternmost 1m of the device on the southern side of the street).*

- *The device outside the property is a one lane slow point used to reduce vehicle speeds and indicate to motorists turning from Fullarton Road that they are entering a low speed residential environment. An equivalent device is installed on Cheltenham Street two streets to the north and other (but having similar effect) threshold treatments are installed to the north and south of Invergowrie Avenue at the intersections of Fullarton Road with Carlton Street, Avenue Road and Euston Avenue. This device is therefore part of an area-wide series of threshold treatments and still considered necessary.*
- *There is approximately 10m of frontage without modifications to the slow point. The minimum driveway width to a residential dwelling is 3m and therefore a single shared driveway or two separate driveways could be accommodated (with necessary title changes). There is no evidence in the Development Assessment documents that a design process has been undertaken indicating that these options cannot work. Therefore we would not support modifications to the slow point on this basis as it may not be necessary. The sign could be relocated 10m east and share a new 2.7m high post with the 1 hour parking sign however, with relocation to occur at the applicant's expense and to the satisfaction of Council.*
- *If modification to the slow point is warranted based on demonstrated design work by the applicant, discussions with Planning, and discussions with Strategic Assets, the slow point could likely be modified and still meet the design requirements of Australian Standards, DPTI Guidelines and Austroads Guides. However the slow point would need to be modified on both the northern and southern sides to remain symmetrical. Detailed design for the changes to the slow point would need to be prepared by a suitably qualified person with both civil construction and traffic control drawings provided for approval by Council, as well as a traffic impact statement. Strategic Assets would have additional comments and requirements on the process that should follow as this is alteration of a public road.*

Following these comments, the applicant engaged MFY Traffic Engineers who suggested that the crossover to the western dwelling be altered. This would result in right of way easement being proposed over the eastern allotment but would avoid any changes needing to be made to the traffic island. Following these changes, Council's Traffic Officer advised that:

- *I have reviewed the proposed changes to the design. I am satisfied that this allows convenient access whilst avoiding modifications to the slow point.*

Assets

- *From an assets perspective there are no concerns with the proposed crossover location. Note these comments are subject to the approval of the street tree removal and alterations to the traffic calming device/ island.*

The Assets Officer was also provided with the amended crossover design and as such advised that:

- *I've looked at the amended plans for the crossover at 1A Invergowrie Ave Highgate. From an assets perspective the proposed amendments look ok.*

Arborist

- *The street tree in question is a mature Lophostemon confertus (Queensland Box) that presents good health, form and structure and is a contributing feature of a grand 'avenue' of Lophostemon confertus that line the length of Invergowrie Avenue, Highgate.*
- *There is no justification to remove the subject tree from an arboriculture perspective while from a streetscape perspective the loss of the tree would be deemed significant. Furthermore, it is noted that a distance of no less than 9.0 metres is available to the east of the subject tree to consider alternative design options.*

- Nevertheless, if the development is considered reasonable, from all other perspectives, the street tree removal will reluctantly be supported providing the applicant cover the costs associated with removing and replacing the tree and the loss of amenity, which in this case is significant.
- The above-mentioned costs will total \$14,150.30 + GST and must be paid in full prior to the approval of any vehicle crossover or the tree's removal. Furthermore, it would be prudent to explain to the applicant that this fee will be payable if the development is approved.

A full copy of these comments, including photos of the subject tree, can be found in Attachment D. It is also advised that the above Arboricultural comments were provided to the applicant for consideration. The applicant advised that the owner is aware of the costs per tree removal.

8. PUBLIC NOTIFICATION

Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period six (6) representations were received (4 objecting and 2 in support) as detailed below.

1. 4/469 Fullarton Rd, Highgate (oppose – wishes to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
The proposal is non-complying with Council regulations.	Refer to the Statement of Effect prepared by Goodchild Planning and Development.
Have an issue with the appearance of the buildings as the proposed style is different to any other dwelling on the street. Gives the feeling of being cramped and closed in.	Refer to the Statement of Effect prepared by Goodchild Planning and Development.
Concerns with overshadowing my unit due to walls on boundary and limiting western sun.	Refer to the Statement of Effect prepared by Goodchild Planning and Development.
Impacts on my views and would prefer boundary fence to be tapered down towards the footpath.	The applicant has advised that they will taper the fence as per this neighbours request.
2. 4 Invergowrie Ave, Highgate (oppose – wishes to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
The development does not meet the Unley Development Plan: Major Roads Policy Area 14 in the following ways: <ul style="list-style-type: none"> • Front setback; • Removal of the street tree; • Not in keeping with the amenity and street appeal; • Creation of two driveways proximate to the speed-reducing chicane. 	The proposed dwellings will fall within the gamut of design asked for by the Development Plan. Council has issued a fee to remove the (street) tree which has been accepted. A traffic engineer has been engaged to which Council are satisfied with the outcome to be safe and managed.

3. 2/469 Fullarton Rd, Highgate (oppose – does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
Object as proposing to build a 2.7m wall on boundary that will impact on natural light to neighbour	Building on the boundary is complying and non-negotiable.
Object to 1.8m high fencing to footpath as will create a safety issue for pedestrians and traffic	The applicant has advised that they will taper the fence as per this neighbours' request.
4. 1/469 Fullarton Rd, Highgate (oppose – does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
Concerned with building directly on the boundary which will block all natural light coming into Unit 4.	Building on the boundary is complying and non-negotiable.
The development will obstruct view of sky, limiting the view of rendered garage wall	Refer to the Statement of Effect prepared by Goodchild Planning and Development.
The development will grossly impact Unit 4 to have quiet enjoyment of their existing, established unit.	Refer to the Statement of Effect prepared by Goodchild Planning and Development.
Fence should be graduated down to 0.8m at roadside as to not obstruct view down Invergowrie Avenue.	The applicant has advised that they will taper the fence as per this neighbours' request.
5. 6 Invergowrie Ave, Highgate (support – does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
No comments	
6. 1A Invergowrie Ave, Highgate (support – wishes to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
No comments	Council notes that this representor is actually the owner of the subject site.

(* denotes non-valid planning considerations)

In regards to the comments about the fencing, no amended plans were provided to show the tapering of the side boundary fence to the front boundary. It is noted however that where a fence (including a combined fence and retaining wall) has a height of 2.1 metres or less, it is not defined as development as per Schedule 3 of the Development Regulations 2008.

9. ADMINISTRATION NEGOTIATIONS

It is advised that as part of the assessment process the following planning matters were raised with the applicant as the applicant either did not provide sufficient information or the proposed development failed to satisfy particular principles of the Development Plan:

- Front setback did not meet minimum setback provisions of Policy Area 14;
- Impervious areas exceeded 70 per cent of the site area;
- Minimum private open space provisions were not met;
- Elevation plans that included the natural ground level and if any retaining was required;
- Proposed new crossover would require modification to street infrastructure including removal of street tree.

Following this, the applicant provided amended plans that addressed the crossover and natural ground level elements. A Statement of Effect, prepared by Martin Goodchild, was also provided that addressed the relevant criteria of the Unley Development Plan.

10. DEVELOPMENT DATA

Site Characteristics	Dwelling 1 (Lot 61)	Dwelling 2 (Lot 62)	Development Plan Provision
Total Site Area	279m ²	279m ²	180m ² (min) to 230m ² (max) – Policy Area
Frontage	7.62m	7.62m	8m – Policy Area
Depth	36.58m	36.58m	20m – Council Wide
Building Characteristics			
Floor Area			
Ground Floor + Garage	165m ²	165m ²	
Site Coverage			
Roofed Buildings	58%	58%	60% of site area
Total Impervious Areas	85%	85%	≤70% of site
Total Building Height			
From ground level	4.55m	4.75m	7m max
Wall Height			
From ground level	2.9m (max)	3m (max)	≤10.5m
Setbacks			
Front boundary (north)	5.13m	5.13m	6m
Side boundary (east)	0m	0m	On boundary or 1.0m (on boundary on one side only)
Side boundary (west)	1.03m	1.03m	On boundary or 1.0m (on boundary on one side only)
Rear boundary (south)	4m	4m	3m
Wall on Boundary			
Location (identical for both dwellings)	Eastern side boundary		
Length (identical for both dwellings)	Garage Wall = 6.5m		≤9m or ≤50% of the boundary length, whichever is the lesser
	Dwelling Wall = 5m		
Total = 11.5m (36.5%)			
Height	2.9m	2.9m	≤3m
Private Open Space			
Min Dimension	4m x 7.62m	4m x 7.62m	≥4m minimum
Total Area	30.5m ²	30.5m ²	35m ²
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	0 (as existing)		0.5 per dwelling
Driveway Width	As existing	3.7m	3m Single
Garage Width	3.1m (40.7%)	3.1m (40.7%)	≤6.5m or ≤30% of site width, whichever is the lesser
Garage Internal Dimensions	6m x 3.02m	6m x 3.02m	3m x 6m for single
Colours and Materials			
Roof	Colorbond Roof Sheets		

Walls	Dwelling 1 – fully rendered Dwelling 2 – face brick to front façade and render
Fencing	1.8m high good neighbour fence

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Regeneration Zone
<p>Objective 1: A predominantly medium density residential zone that comprises a range of dwelling types of 2storeys together with associated local community services and facilities.</p> <p>Objective 2: Provision of medium to high dwelling densities of up to 3 to 5 storeys within designated policy areas achieved through the re-development of under utilised or aggregated land and land in close proximity to centres, public transport stops and public open spaces.</p> <p>Objective 3: Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing, available to cater for changing demographics, particularly smaller household sizes and supported accommodation</p> <p>Objective 4: Increased dwelling densities and population</p> <p>Objective 5: Sustainable development outcomes through the provision of water sensitive design, energy efficiency, waste minimisation and urban landscaping and biodiversity.</p> <p>Objective 6: High quality urban design where buildings are sited, composed and scaled to mitigate visual and amenity impacts on residential neighbours in adjoining residential zones.</p> <p>Objective 7: Development that contributes to the desired character of the zone.</p>
Desired Character
<p>Areas within this zone are widely dispersed across the City of Unley and have been identified for regeneration and housing growth for one or more of the following reasons:</p> <p>(a) development is nearing the end of its economic life or is under-utilised;</p> <p>(b) are located outside of designated character areas;</p> <p>(c) comprise existing medium density housing development;</p> <p>(d) have strategic locational benefits supporting higher density residential living such as close proximity to centres, public transport and open space.</p> <p>This zone provides opportunities for strategic urban growth, housing diversity and innovative environmental sustainable outcomes.</p> <p>Existing traditional suburban allotments offer potential for substantial intensification of dwelling development within the zone. Opportunities are available to increase dwelling numbers on existing and amalgamated sites. To promote the delivery of housing growth and diversity, incentives are prescribed in relation to site area, frontage and building height. Minimum and maximum site areas are also designated within the policy areas to target specific densities for growth.</p> <p>This zone is envisaged to comprise predominantly medium density residential housing with higher density strategic areas represented in designated policy areas. Within the zone, the built form will support a range of housing types to 2 storeys in height. Policy Areas are envisaged to support predominantly apartment style living at higher densities with building heights from 3 to 5 storeys. The design and siting of multi-storey development is to be underpinned by good design principles and contextual considerations. Car parking is to be provided to the rear of the site or underneath buildings in the form of underground parking.</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. New development is to achieve positive environmental outcomes through passive energy design, water sensitive design, urban landscaping and biodiversity. Hard and soft urban form coverage will be provided in different proportions and patterns to suit the desired character within each of the policy areas. In addition to front yards and private open space, communal open space, living walls and roof top gardens will be expected within higher density residential buildings as a design response to limited ground level opportunities for green space and to minimise the 'urban heat island effect'.

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

Assessment

The subject site is located in close proximity to Fullarton Road, a secondary arterial road, and a Neighbourhood Centre Zone (that includes the Highgate Shopping Centre). The site, therefore, is in an ideal location for medium density residential development as sought by the Residential Regeneration Zone. It is noted however that the site does abut land that is located within the Residential Streetscape (Landscape) Zone, a lower density traditional residential zone. Any development of the subject site therefore needs to strike a balance between increasing density whilst mitigating visual and amenity impacts to the adjacent residential zone.

The applicant seeks to construct two, single storey detached dwellings, which contrasts with the character desired for the Zone. However, it is noted that the subject land:

- only has an area of 557.5 square metres;
- abuts land that is located within a traditional residential zone;
- abuts two properties that have already been developed for medium density residential living;
- abuts only one other property that could potentially be redeveloped for higher density residential however this land is under different ownership;
- fronts onto Invergowrie Avenue, which is a local street and not an arterial road;
- has an allotment width of only 15.24 metres, which is considered to be too narrow to construct more than one dwelling that is greater than one storey in height that also satisfies setback requirements.

The proposed development is also considered to:

- achieve an increase in residential density for the site;
- maintain the street fronting dwelling format that currently exists along Invergowrie Avenue;
- further add to housing diversity within the Zone.

Relevant Zone Principles of Development Control	Assessment
<i>PDC 2 – Land Use</i> <i>Development listed as non-complying is generally inappropriate.</i>	Detached dwellings within Policy Area 14 are listed as a non-complying form of development. It is understood that the intent of making detached dwellings non-complying is that this zone is actively seeking to achieve medium to high density residential

Relevant Zone Principles of Development Control	Assessment
	<p>development only. It has therefore restricted low-density residential development from continuing to occur.</p> <p>It is also noted that PDC 2 states that non-complying development is 'generally' inappropriate. It is presumed that an analysis of the contextual conditions of a site, along with the type of development proposed, will also assist in determining whether a specific proposal is in appropriate for a site. In this situation there is an argument that the proposed development is not inappropriate as:</p> <ul style="list-style-type: none"> • the underlying land use will remain residential in nature; • it is increasing density, just not at the rate envisaged by the Zone; • it is not of such a bulk and scale that would result in detrimental impacts to the adjacent properties; • the allotment size does not make it readily available to be developed for medium – high density living; • the site abuts the Residential Streetscape (Landscape) Zone, a more traditional residential zone where detached dwellings are the predominant dwelling type; • the site has only one boundary to a street and this street is not a 'major road' but rather a local residential street.
<p>PDC 3 – Land Use <i>Residential development should include higher concentrations of dwellings in suitable locations, in particular:</i> <i>(a) within 400 metres walking distance of a neighbourhood, district or local centre;</i> <i>(b) close to public transport or major employment nodes;</i> <i>(c) adjacent to public open space.</i></p>	<p>The proposed development will double the number of dwellings currently located on the subject site, which is of benefit as the site is:</p> <ul style="list-style-type: none"> • directly adjacent to a Neighbourhood Centre Zone; • within 70m walking distance of a bus stop (caters for 2 bus routes); • within 50m of Fullarton Road a secondary arterial road; • within 400m of Cross Road, a primary arterial road with direct connections to major employment nodes; • 400 metre walking distance of the Fullarton Park Community Centre and public open space area; • 500 metre walking distance of Highgate Primary School and Urrbrae Agricultural College.
<p>PDC 7 – Form & Character</p>	<p>The proposed development will result in a</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>Medium density development should achieve average net densities within the zone of between 45 to 50 dwellings per hectare and should typically be in the form of 2 storey residential buildings, or 40 to 120 dwellings per hectare and typically in the form of 3 to 5 storey residential buildings within the policy areas.</i></p>	<p>residential net density of 35.9 dwellings per hectare. Whilst this falls short of PDC 7, the current net density for the site is 17.9 dwellings per hectare.</p>
<p>PDC 11 <i>The siting and design of garages and carports should be subservient to the main dwelling or dwellings and have minimal impact on the character of the area.</i></p>	<p>The proposal includes a single garage to be sited alongside the dwelling. The garages has been set behind the main face of the dwelling.</p>

Policy Area Desired Character and Principles of Development Control

Major Roads Policy Area 14
<p>Objective 1: <i>Medium to high density residential development is to be achieved through the development of multiple level buildings of distinctive and high urban design quality with an emphasis on vertical proportions whilst maintaining a strong and enclosed streetscape.</i></p> <p>Objective 2: <i>Development that is designed and sited in response to the traffic movement demands, access restrictions and noise conditions associated with major transport corridors.</i></p> <p>Objective 3: <i>Development that contributes to the desired character of the policy area.</i></p>
Desired Character
<p><i>The policy area is envisaged to contain residential development of a scale that is commensurate with its exposure to major transport corridors. Medium density residential living of up to three storeys along Fullarton Road is envisaged. Modest front and side setbacks are proposed to reinforce this sense of enclosure. Transition and integration of development towards adjacent lower density residential zones is to occur with progressive setbacks as height increases and substantial open areas located behind the built form for open space, car parking and landscaping.</i></p> <p><i>Residential development on main transport corridors will need to be designed to provide protection to living areas from traffic noise. The desired configuration of buildings is to provide an almost continuous building form with small but notable gaps between buildings that provides a sense of enclosure to the major road, locates sensitive areas away from major noise sources and incorporates solid building materials and window treatments to minimise the impacts of traffic noise.</i></p> <p><i>Sustainable forms of development that support energy and water conservation are encouraged. Roof top gardens, living walls, balconies, courtyards and rear yards will provide 'soft' landscape areas for water harvesting and urban landscaping and biodiversity in addition to public open spaces.</i></p> <p><i>Large scale development located close to the street boundary will also need to make a positive contribution to the streetscape in terms of amenity and how it interfaces with the public space. Small but notable gaps between buildings and articulation of the facades of buildings will be required to reduce the mass of the built form. There is the opportunity to create distinctive streetscapes from built form enclosure and softened by appropriately scaled</i></p>

front yard landscaping. Front fencing will incorporate well designed streetscape features and be substantially open in appearance to ensure a visually interesting public realm. Car parking is to be internalised and accommodated underground or sensitively designed behind the buildings to avoid unreasonable impacts to the street or to adjacent lower density housing. Access will be shared for multiple dwellings and restricted in number onto main roads and designed to allow for forward access and egress from the sites.

Development will desirably occur on amalgamated sites to allow for comprehensive development opportunities and to promote a range of medium density housing. Dwelling types other than detached and semi-detached housing are envisaged in this policy area. Affordable housing and supported accommodation are encouraged to take advantage of the good linkages to public transport.

Assessment

Firstly, it is noted that the subject site does not front onto Fullarton Road, but rather fronts onto Invergowrie Avenue, a local side street. The western boundary of the subject site also forms the boundary between the Residential Regeneration Zone and the Residential Streetscape (Landscape) Zone. The Residential Streetscape (Landscape) Zone is a low-density residential zone with a focus on maintaining coherent streetscape settings.

Given the context of the subject land, any development of the site needs to find an appropriate balance between respecting the immediately adjacent low-density residential zone whilst encouraging appropriate densification. It is considered that the proposed built form achieves this balance as:

- Single storey detached dwellings are the predominant dwelling type within the neighbouring Residential Streetscape (Landscape) Zone and also the predominant dwelling type along Invergowrie Avenue;
- It is doubling the current residential density of the site;
- It is not of a bulk and scale that will detrimentally impact upon the existing neighbouring dwellings.

Relevant Policy Area Principles of Development Control	Assessment
<p>PDC 1 – Land Use <i>Development should be primarily for row dwellings and residential flat buildings.</i></p>	<p>The applicant seeks to construct two detached dwellings as opposed to row dwellings or a residential flat building. It is considered that given the area of the subject site, in this instance developing row dwellings (i.e. 3 or more dwellings erected side by side) or a residential flat building is not appropriate.</p>
<p>PDC 4 – Form & Character <i>Medium to high density development that achieves average net densities of between 40 to 120 dwellings per hectare and should typically be up to three storey buildings.</i></p>	<p>If approved, the subject development will result in a residential net density of 35.9 dwellings per hectare. Whilst this falls short of PDC 4, the current net density for the site is 17.9 dwellings per hectare.</p> <p>It is noted that to achieve the density sought by PDC 4, the site will need to be developed to accommodate between 3 to 6 dwellings. It is considered that to do so, would detrimentally affect the adjoining properties and result in dwellings that would not be able to satisfy other design and amenity requirements of the Development Plan.</p>

Relevant Policy Area Principles of Development Control	Assessment								
<p>PDC 6 – Form & Character <i>Dwelling design should support a moderate scale and intensity that reflects its major road location adjoined by low density character housing and primarily using apartment style buildings interspersed with other dwelling types.</i></p>	<p>Firstly, it is highlighted that the subject site is not located along a major road, but rather is located around the corner from a major road. The subject site fronts onto and gains access from a local residential street that connects to a major road. The site also abuts properties that are located within a low-density streetscape zone. Given this, it is considered that the two dwellings have been designed with appropriate consideration of the contextual conditions of the locality whilst achieving a modest increase in density.</p>								
<p>PDC 7 – Form & Character <i>A dwelling should be designed in accord with the following parameters:</i></p> <table border="1" data-bbox="215 790 782 920"> <thead> <tr> <th>Parameter</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Maximum site coverage</td> <td>60%</td> </tr> <tr> <td>Maximum wall height (from ground level)</td> <td>10.5 metres (three storeys)</td> </tr> <tr> <td>Minimum setback from primary street boundary</td> <td>6 metres</td> </tr> </tbody> </table>	Parameter	Value	Maximum site coverage	60%	Maximum wall height (from ground level)	10.5 metres (three storeys)	Minimum setback from primary street boundary	6 metres	<p>The proposed development satisfies the maximum site coverage and the maximum wall height provisions of PDC 7. The development however does not meet the minimum front setback provision of 6 metres. The two dwellings are proposed to be setback only 5.13m from the street. It is considered that the front setback is acceptable in this instance as:</p> <ul style="list-style-type: none"> • The neighbouring strata units to the east of the site are setback approximately 4 metres from the boundary to Invergowrie Avenue (also their front boundary); • The reduced setback will create a clear visual divide between the two abutting zones by reducing the front garden character and creating a more clustered built form character for the Regeneration Zone as opposed to the open and spacious conditions of the Landscape Zone; • The garage is setback 6m which is sufficient space so that a vehicle is able to be parked on the driveway; • The depth of the subject site falls short of the depth of the western adjacent allotments by 9.14m. The subject site therefore does not have as much space as those dwellings to achieve a reasonable building envelope.
Parameter	Value								
Maximum site coverage	60%								
Maximum wall height (from ground level)	10.5 metres (three storeys)								
Minimum setback from primary street boundary	6 metres								

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Crime Prevention	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Design and Appearance	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 9, 12, 13, 14, 15, 16, 19, 20
Energy Efficiency	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3
Form of Development	<i>Objectives</i>	1, 3, 4, 7
	<i>PDCs</i>	1, 2, 3, 12
Interface Between Land Uses	<i>Objectives</i>	1, 2, 3
	<i>PDCs</i>	1, 2, 3, 4
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Residential Development	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	1, 2, 3, 4, 5, 8, 13, 14, 15, 16, 17, 19, 20, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 41, 43, 44, 45, 46, 47, 48, 49
Transportation (Movement of People and Goods)	<i>Objectives</i>	1, 3, 6, 11
	<i>PDCs</i>	1, 2, 3, 12, 13, 14, 18

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

Relevant Council Wide Provisions	Assessment
Form of Development	
Objectives 1 & 4 PDC 1, 2 & 3 - General	The City of Unley's strategic future vision states that <i>'increased development intensity and scale are to be focussed along major transport corridors, adjacent to existing village centres and in suitable key residential precincts, while affording sensitive respect of existing valued character and interface to adjacent existing residential development and neighbours'</i> . The Residential Regeneration Zone has been created to be one of the more assertive zones in terms of trying to achieve increased residential development intensity. The subject site has been included within the Residential Regeneration Zone as it meets the criteria of being in close proximity of a Neighbourhood Centre and a major road corridor with its associated public transport links. It is thought that the site was also identified as it provided an opportunity for consolidation with the property addressed as 471 Fullarton Rd. If the properties were amalgamated, the site would have the benefit of two road frontages as well as a site area of approximately 1,400m ² to develop. Whilst this would be optimal when considering the intent of the Regeneration Zone, in reality the sites are owned by two different parties with the Fullarton Rd property being a well-kept character style dwelling that the current owners may have no desire to develop or sell.

Relevant Council Wide Provisions	Assessment
	<p>Whilst the proposed development does not meet the density targets as outlined by the Policy Area provisions, it does increase the density of the site by creating two smaller allotments. The proposed development is for a dwelling type and height that is predominant in the neighbouring residential zone. The dwellings and their associated private open spaces are only of a moderate size unlike the detached dwellings of the neighbouring residential zone. As such a clear delineation between the zone boundaries is created by this development without proposing development that would be overbearing within the streetscape and would detrimentally impact those existing neighbouring properties. By developing the site to be more compact with street fronting dwellings that are located closer to the street, also creates a visual built form distinction between the zones.</p> <p>For these reasons, the development is also considered to be orderly and economic.</p>
Residential Development	
PDC 14 & 15 – Wall on Boundary	<p>Firstly, both of the proposed dwellings are identical in design and siting, with the only differences being:</p> <ul style="list-style-type: none"> • the proposed floor levels, • existing ground levels (due to the fall of the land); • vehicle crossing points and driveways; • the context of the site in relation to neighbouring properties and buildings. <p>The two dwellings include boundary walls along their eastern side boundary. There are two walls, one being a garage wall and the other being a dwelling wall. These two walls are separated by a distance of approximately 15 metres and together result in a total boundary wall length of 11.5 metres. As the western dwelling (Dwelling 2) has its boundary wall adjacent to the proposed eastern dwelling (Dwelling 1), the impacts to the new dwelling are not the same as the impacts to the existing properties. As such, only an assessment against Dwelling 1 has been discussed below.</p> <p>In regards to the proposed boundary walls for Dwelling 1, it is noted that:</p> <ul style="list-style-type: none"> • the walls are less than 3m in height when measured from ground level; • the walls are located more than 1.8m from a habitable room window of an adjacent dwelling; • part of the garage wall will abut a carport structure located on the adjacent land; • the walls make up less than 50 per cent of the boundary length that is not located forward of the dwelling; • the boundary walls are located along one side boundary only and as such pedestrian access is achievable through the other side;

Relevant Council Wide Provisions	Assessment
	<ul style="list-style-type: none"> • the two walls will abut two different properties, the garage wall will abut Unit 4/469 Fullarton Rd whilst the dwelling wall will abut 471 Fullarton Rd; • the walls are located behind the main face of the dwelling. <p>Given the above, the proposed boundary walls are considered to be reasonable.</p>
PDC 17 – Impervious Areas	<p>The two dwellings propose an impervious surface area that is greater than 70 percent of the site. However, it is considered that:</p> <ul style="list-style-type: none"> • the permissible site coverage for the Regeneration Zone is greater than a typical residential zone in recognition of the intent for higher density yields. Impervious areas however have not been contemplated in the Regeneration Zone; • the dwellings have been provided with onsite water retention and detention tanks as per Council’s Stormwater Management Policy; • impervious areas are difficult to regulate as paving etc is not defined as development.
PDC 19 & 20 – Private Open Space	<p>With a site area less than 300m², the two dwellings should be provided with at least 35m² of private open space as per PDC 20 (d). The dwellings however are only provided with 30.5m². Whilst this is not optimal, it is noted that private open space that is provided is sufficiently dimensioned to be functional for:</p> <ul style="list-style-type: none"> • landscaping and the provision of deep root zones for trees etc; • domestic recreational and entertainment activities; • keeping of small pets.
PDC 29 – Building Form, Scale , Mass and Height – Garage	<p>The proposed garage has a width that exceeds 30 percent of the site width. The garage however has been designed with internal dimensions that satisfy the exact minimum requirements for a single vehicle. The garage cannot be reduced any further and to meet 30 per cent requirement, the garage will need to be only 2.3m in width.</p>
PDC 43 – Access & Carparking - Driveways	<p>The proposed crossover to Dwelling 2 has been modified from a standard crossover to avoid an existing traffic calming device, stobie pole, Telstra pit and sewer inspection point. The crossover will still require the removal of a mature street tree and traffic sign.</p> <p>The removal of the street tree is rather unfortunate and will disrupt an avenue of mature street trees, spaced at regular intervals. Development of the site however has been deemed reasonable and expected and therefore the removal of the tree is considered acceptable, given the applicant has agreed to pay for the removal, replacement and loss of amenity</p>

Relevant Council Wide Provisions	Assessment
	<p>value.</p> <p>To avoid the traffic island, the crossover to Dwelling 2 will be located in close proximity to the existing crossover to be utilised by Dwelling 1. A right of way easement is also proposed over the land for Dwelling 1 to allow for vehicle manoeuvres into the site for Dwelling 2. Whilst again this is not an optimal arrangement, both the Council Assets and Traffic officers have advised that it is workable and therefore have no issue with it.</p>

12. CONCLUSION

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

- The proposed development is consistent with the strategic intent for the City of Unley in that it is increasing development intensity near a major transport corridor and the Neighbourhood Centre Zone;
- The proposed development complements the desired character of the Residential Regeneration Zone and Major Roads Policy Area 14 by achieving a balance between increasing density whilst minimising impacts to the adjoining Residential Streetscape (Landscape) Zone;
- The proposed development will not restrict neighbouring properties within the Residential Regeneration Zone from being developed in a manner envisaged by the Zone;
- The proposed development will add to the variety of dwelling types and styles found within the Residential Regeneration Zone;
- The dwellings have been designed and sited so that they do not impact upon the predominant streetscape character of Invergowrie Avenue;
- The proposed development will result in a moderate but compact built form that assists in providing a visual boundary between the two adjacent zones.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/742/2018/NC at 1A Invergowrie Avenue, Highgate SA 5063 to 'Construct two, single storey detached dwellings with walls on boundaries and includes garages, fencing and the removal of one (1) street tree', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the CONCURRENCE of the State Commission Assessment Panel and subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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

- (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
 3. 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#>

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.
- 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**.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.

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

ITEM 2**DEVELOPMENT APPLICATION – 090/413/2019/DIV – 1A INVERGOWRIE AVENUE, HIGHGATE SA 5063 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/413/2019/DIV
ADDRESS:	1A Invergowrie Avenue, Highgate SA 5063
DATE OF MEETING:	17 September 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Land Division - Torrens Title - Create two allotments from one existing
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Regeneration Zone Major Roads Policy Area 14
APPLICANT:	Justin Ferravant
OWNER:	Justin Ferravant and Miho Ferravant
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (2 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Frontage Width Site Area Access to Lot 62 In conflict with intent of Policy Area

1. PLANNING BACKGROUND

The associated land use application (Ref:090/742/2018/NC) to '*Construct two, single storey detached dwellings with walls on boundaries and includes garages, fencing and the removal of one (1) street tree*' follows this application on the Panel agenda. It is noted that the land use application is a Non-Complying form of development and therefore is subject to State Commission Assessment Panel (SCAP) concurrence if supported

2. DESCRIPTION OF PROPOSAL

The applicant is seeking approval to subdivide the existing Torrens Title allotment into two Torrens Title allotments, each with a site area of 279m² and a frontage of 7.62 metres. A portion of proposed Allotment 61 is to be subject to a free and unrestricted right of way for the benefit of proposed Allotment 62.

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential however the Neighbourhood Centre Zone is located directly north-east of the subject land. The Neighbourhood Centre includes local convenience services i.e. consulting rooms, hairdressers, shops.

Land Division/Settlement Pattern

Along Fullarton Road the settlement pattern is rather varied as it is reflective of the mix of retail/commercial and low to medium density residential uses. The settlement pattern along Invergowrie Avenue however is largely intact and consistent with the low-density residential nature of the street.

Dwelling Type / Style and Number of Storeys

Along Fullarton Road there are a variety of dwelling types and styles, including detached dwellings, residential flat buildings and group dwellings. A majority of the dwellings are single storey in height however no dwelling in the locality exceeds two storeys.

Along Invergowrie Avenue a majority of the dwellings are single storey detached dwellings however there are some dwellings that are two storeys in height further west of the locality.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The built form application was referred to the following internal Council departments for comment:

- Traffic
- Assets; and
- Arboriculture;

The responses received are also relevant to the land division application and as such are provided below:

Traffic

- *A new development is proposed at 1A Invergowrie Avenue, Highgate, whereby the existing dwelling is demolished and replaced by two dwellings side by side. In order to accommodate two separate driveways and a new property boundary along approximately the centre of the existing frontage, changes to a traffic control device are proposed (removing the easternmost 1m of the device on the southern side of the street).*
- *The device outside the property is a one lane slow point used to reduce vehicle speeds and indicate to motorists turning from Fullarton Road that they are entering a low speed residential environment. An equivalent device is installed on Cheltenham Street two streets to the north and other (but having similar effect) threshold treatments are installed to the north and south of Invergowrie Avenue at the intersections of Fullarton Road with Carlton Street, Avenue Road and Euston Avenue. This device is therefore part of an area-wide series of threshold treatments and still considered necessary.*

- *There is approximately 10m of frontage without modifications to the slow point. The minimum driveway width to a residential dwelling is 3m and therefore a single shared driveway or two separate driveways could be accommodated (with necessary title changes). There is no evidence in the Development Assessment documents that a design process has been undertaken indicating that these options cannot work. Therefore we would not support modifications to the slow point on this basis as it may not be necessary. The sign could be relocated 10m east and share a new 2.7m high post with the 1 hour parking sign however, with relocation to occur at the applicant's expense and to the satisfaction of Council.*
- *If modification to the slow point is warranted based on demonstrated design work by the applicant, discussions with Planning, and discussions with Strategic Assets, the slow point could likely be modified and still meet the design requirements of Australian Standards, DPTI Guidelines and Austroads Guides. However the slow point would need to be modified on both the northern and southern sides to remain symmetrical. Detailed design for the changes to the slow point would need to be prepared by a suitably qualified person with both civil construction and traffic control drawings provided for approval by Council, as well as a traffic impact statement. Strategic Assets would have additional comments and requirements on the process that should follow as this is alteration of a public road.*

Following these comments, the applicant engaged MFY Traffic Engineers who suggested that the crossover to the western dwelling be altered. This would result in right of way easement being proposed over the eastern allotment but would avoid any changes needing to be made to the traffic island. Following these changes, Council's Traffic Officer advised that:

- *I have reviewed the proposed changes to the design. I am satisfied that this allows convenient access whilst avoiding modifications to the slow point.*

Assets

- *From an assets perspective there are no concerns with the proposed crossover location. Note these comments are subject to the approval of the street tree removal and alterations to the traffic calming device/ island.*

The Assets Officer was also provided with the amended crossover design and as such advised that:

- *I've looked at the amended plans for the crossover at 1A Invergowrie Ave Highgate. From an assets perspective the proposed amendments look ok.*

Arborist

- *The street tree in question is a mature Lophostemon confertus (Queensland Box) that presents good health, form and structure and is a contributing feature of a grand 'avenue' of Lophostemon confertus that line the length of Invergowrie Avenue, Highgate.*
- *There is no justification to remove the subject tree from an arboriculture perspective while from a streetscape perspective the loss of the tree would be deemed significant. Furthermore, it is noted that a distance of no less than 9.0 metres is available to the east of the subject tree to consider alternative design options.*
- *Nevertheless, if the development is considered reasonable, from all other perspectives, the street tree removal will reluctantly be supported providing the applicant cover the costs associated with removing and replacing the tree and the loss of amenity, which in this case is significant.*
- *The above-mentioned costs will total \$14,150.30 + GST and must be paid in full prior to the approval of any vehicle crossover or the tree's removal. Furthermore, it would be prudent to explain to the applicant that this fee will be payable if the development is approved.*

The removal of the street tree is included as part of the description of the built form

application. The applicant of the built form application advised that the owner is aware of the costs per tree removal.

8. PUBLIC NOTIFICATION

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

1. 4/469 Fullarton Rd, Highgate (oppose – does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
Objects to land division for the purpose of building two detached dwellings (cramming too much on the land)	The proposed dwellings will fall within the gamut of design asked for by the Development Plan. Block too small to put three houses, two is next best option.
2. 4 Invergowrie Ave, Highgate (oppose – wishes to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
The subdivision will result in a loss of a street tree thus affecting the amenity of the street	Council has issued a fee to remove the tree which has been accepted.
The subdivision will result in a need to alter the existing traffic calming measures and may potentially create an inconvenient and safe environment for vehicles	A traffic engineer has been engaged to which Council are satisfied with the outcome to be safe and managed.

(* denotes non-valid planning considerations)

It is noted that the applicant has also referred the representors to the Statement of Effect provided as part of the built form application.

9. DEVELOPMENT DATA

Site Characteristics	Lot 61 (east)	Lot 62 (west)	Development Plan Provision
Total Site Area	279m²	279m²	180m ² (min) to 230m ² (max) – Policy Area
Frontage	7.62m	7.62m	8m – Policy Area
Depth	36.58m	36.58m	20m – Council Wide

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Regeneration Zone
<p>Objective 1: A predominantly medium density residential zone that comprises a range of dwelling types of 2storeys together with associated local community services and facilities.</p> <p>Objective 2: Provision of medium to high dwelling densities of up to 3 to 5 storeys within designated policy areas achieved through the re-development of under utilised or aggregated land and land in close proximity to</p>

centres, public transport stops and public open spaces.

Objective 3: Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing, available to cater for changing demographics, particularly smaller household sizes and supported accommodation

Objective 4: Increased dwelling densities and population

Objective 5: Sustainable development outcomes through the provision of water sensitive design, energy efficiency, waste minimisation and urban landscaping and biodiversity.

Objective 6: High quality urban design where buildings are sited, composed and scaled to mitigate visual and amenity impacts on residential neighbours in adjoining residential zones.

Objective 7: Development that contributes to the desired character of the zone.

Desired Character

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

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

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

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

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

Residential neighbourhoods are to be interconnected with the retention and reinforcement of the traditional grid street pattern to promote social interaction and access to centres, community facilities and public open space via a street network of pedestrian and bicycle linkages. New development is to achieve positive environmental outcomes through passive energy design, water sensitive design, urban landscaping and biodiversity. Hard and soft urban form coverage will be provided in different proportions and patterns to suit the desired character within each of the policy areas. In addition to front yards and private open space, communal open space, living walls and roof top gardens will be expected within higher density residential buildings as a design response to limited ground level opportunities for green space and to minimise the 'urban heat island effect'.

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

Assessment

The subject site is located in close proximity to Fullarton Road, a secondary arterial road, and a Neighbourhood Centre Zone (that includes the Highgate Shopping Centre). The site, therefore, is in an ideal location for medium density residential development as sought by the Residential Regeneration Zone.

The applicant seeks to increase the density of the land to allow for two dwellings in place of the one that currently exists. The proposed allotments will both have direct frontage to Invergowrie Avenue and therefore will retain the traditional grid pattern of the adjacent residential neighbourhood.

Relevant Zone Principles of Development Control	Assessment																		
<p>PDC 9 – Form & Character <i>A dwelling should be designed in accord with the following parameters:</i></p> <table border="1" data-bbox="220 763 896 965"> <thead> <tr> <th>Dwelling type</th> <th>Minimum site area per dwelling (square metres)</th> <th>Minimum frontage width (metres)*</th> </tr> </thead> <tbody> <tr> <td>Detached Dwelling</td> <td>230</td> <td>9</td> </tr> <tr> <td>Group Dwelling</td> <td>230 (average)</td> <td>12</td> </tr> <tr> <td>Row Dwelling</td> <td>230</td> <td>6</td> </tr> <tr> <td>Semi-detached Dwelling</td> <td>230</td> <td>7</td> </tr> <tr> <td>Residential Flat Building</td> <td>200 (average)</td> <td>22</td> </tr> </tbody> </table> <p>* A minimum frontage of 6 metres applies where the site has access-only frontage to the street.</p>	Dwelling type	Minimum site area per dwelling (square metres)	Minimum frontage width (metres)*	Detached Dwelling	230	9	Group Dwelling	230 (average)	12	Row Dwelling	230	6	Semi-detached Dwelling	230	7	Residential Flat Building	200 (average)	22	<p>Each of the proposed allotments have a site area greater than 230m² that will be capable of containing detached dwellings. The allotments however will fall short on the minimum frontage width requirement of 9 metres. With an existing frontage of 15.24 metres, the only way to achieve the minimum frontage when subdividing the site would be to create a hammerhead allotment, which would be inconsistent with the allotment pattern along Invergowrie Avenue.</p> <p>It is noted that the principles of the Policy Area further define both minimum and maximum site areas for dwellings.</p>
Dwelling type	Minimum site area per dwelling (square metres)	Minimum frontage width (metres)*																	
Detached Dwelling	230	9																	
Group Dwelling	230 (average)	12																	
Row Dwelling	230	6																	
Semi-detached Dwelling	230	7																	
Residential Flat Building	200 (average)	22																	
<p>PDC 14 – Land Division <i>Land should only be divided where:</i></p> <ul style="list-style-type: none"> (a) <i>the resultant allotment(s) conform to minimum site areas and frontage widths as prescribed;</i> (b) <i>the resultant allotment(s) are consistent with the desired character for the zone.</i> 	<p>As above, the proposed allotments will satisfy the minimum site area requirements but will fall short on meeting the minimum frontage width requirements.</p> <p>The allotments are considered to be consistent with the desired character of the Zone as it will increase the residential density of the site.</p>																		
<p>PDC 15 – Land Division <i>Allotments should vary in size and be suitable to facilitate a diversity of housing types.</i></p>	<p>The two proposed allotments will be identical in size and shape, however will be different to any other allotment that currently exists within the locality.</p> <p>The proposed allotments will allow for two street fronting, detached dwellings to be constructed.</p>																		
<p>PDC 16 – Land Division</p>	<p>It is considered that this site was</p>																		

<p><i>Allotments should be amalgamated to facilitate larger sites suitable for affordable housing, supported accommodation and medium density living.</i></p>	<p>included within the Residential Regeneration Zone with the intent that it is amalgamated with adjacent allotments fronting Fullarton Rd. The site on its own, is difficult to develop for medium density development such as residential flat buildings.</p> <p>The proposal provides a good transition between the traditional residential allotments immediately to the west and the intent of the Zone in seeking medium density development.</p>
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Policy Area Desired Character and Principles of Development Control

<p>Major Roads Policy Area 14</p>
<p>Objective 1: <i>Medium to high density residential development is to be achieved through the development of multiple level buildings of distinctive and high urban design quality with an emphasis on vertical proportions whilst maintaining a strong and enclosed streetscape.</i></p> <p>Objective 2: <i>Development that is designed and sited in response to the traffic movement demands, access restrictions and noise conditions associated with major transport corridors.</i></p> <p>Objective 3: <i>Development that contributes to the desired character of the policy area.</i></p>
<p>Desired Character</p>
<p><i>The policy area is envisaged to contain residential development of a scale that is commensurate with its exposure to major transport corridors. Medium density residential living of up to three storeys along Fullarton Road is envisaged. Modest front and side setbacks are proposed to reinforce this sense of enclosure. Transition and integration of development towards adjacent lower density residential zones is to occur with progressive setbacks as height increases and substantial open areas located behind the built form for open space, car parking and landscaping.</i></p> <p><i>Residential development on main transport corridors will need to be designed to provide protection to living areas from traffic noise. The desired configuration of buildings is to provide an almost continuous building form with small but notable gaps between buildings that provides a sense of enclosure to the major road, locates sensitive areas away from major noise sources and incorporates solid building materials and window treatments to minimise the impacts of traffic noise.</i></p> <p><i>Sustainable forms of development that support energy and water conservation are encouraged. Roof top gardens, living walls, balconies, courtyards and rear yards will provide 'soft' landscape areas for water harvesting and urban landscaping and biodiversity in addition to public open spaces.</i></p> <p><i>Large scale development located close to the street boundary will also need to make a positive contribution to the streetscape in terms of amenity and how it interfaces with the public space. Small but notable gaps between buildings and articulation of the facades of buildings will be required to reduce the mass of the built form. There is the opportunity to create distinctive streetscapes from built form enclosure and softened by appropriately scaled front yard landscaping. Front fencing will incorporate well designed streetscape features and be substantially open in appearance to ensure a visually interesting public realm. Car parking</i></p>

is to be internalised and accommodated underground or sensitively designed behind the buildings to avoid unreasonable impacts to the street or to adjacent lower density housing. Access will be shared for multiple dwellings and restricted in number onto main roads and designed to allow for forward access and egress from the sites.

Development will desirably occur on amalgamated sites to allow for comprehensive development opportunities and to promote a range of medium density housing. Dwelling types other than detached and semi-detached housing are envisaged in this policy area. Affordable housing and supported accommodation are encouraged to take advantage of the good linkages to public transport.

Assessment

Firstly, it is noted that the subject site does not front onto Fullarton Road, but rather fronts onto Invergowrie Avenue, a local side street. The western boundary of the subject site also forms the boundary between the Residential Regeneration Zone and the Residential Streetscape (Landscape) Zone. The Residential Streetscape (Landscape) Zone is a low-density residential zone with a focus on maintaining coherent streetscape settings.

Given the context of the subject land, any development of the site needs to find an appropriate balance between respecting the immediately adjacent low-density residential zone whilst encouraging appropriate densification. The proposed land division is considered to achieve this balance as it provides smaller allotments each intended to contain a street fronting, detached dwelling. Essentially the proposed allotments allow for greater density whilst retaining the predominant dwelling type of the locality to Invergowrie Avenue. In order to achieve this balance however, the proposed allotments have fallen short of the quantitative provisions of Policy Area 14.

Relevant Policy Area Principles of Development Control		Assessment													
<p>PDC 4 – Form & Character <i>Medium to high density development that achieves average net densities of between 40 to 120 dwellings per hectare and should typically be up to three storey buildings.</i></p>		<p>The subject Torrens Title land division will result in a residential net density of 35.9 dwellings per hectare. Whilst this falls short of PDC 4, the current net density for the site is 17.9 dwellings per hectare.</p>													
<p>PDC 5 – Form & Character <i>A dwelling should be designed in accord with the following parameters:</i></p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Site area per dwelling (square metres)</th> <th>Site area per dwelling for allotments >2000 square metres (square metres)</th> <th>Minimum frontage width* (metres)</th> </tr> </thead> <tbody> <tr> <td>Dwelling</td> <td>180 minimum 230 maximum</td> <td>150 minimum 230 maximum</td> <td>8</td> </tr> <tr> <td>Residential flat building</td> <td>100 minimum (average) 230 maximum (average)</td> <td>80 minimum (average) 230 maximum (average)</td> <td>20</td> </tr> </tbody> </table> <p>* A minimum frontage of 6 metres applies where the site has access-only frontage to the street.</p>		Dwelling type	Site area per dwelling (square metres)	Site area per dwelling for allotments >2000 square metres (square metres)	Minimum frontage width* (metres)	Dwelling	180 minimum 230 maximum	150 minimum 230 maximum	8	Residential flat building	100 minimum (average) 230 maximum (average)	80 minimum (average) 230 maximum (average)	20	<p>The two proposed allotments both have a site area of 279m² and a frontage 7.62 metres. The proposed site area exceeds the maximum site area recommended per dwelling for Policy Area 14.</p> <p>Firstly, it is noted that this policy area does not specifically contemplate detached or semi-detached dwellings as they are a ‘non-complying’ form of development. This is due to the intent of the Policy Area to achieve medium to high density residential development. For a development to satisfy the site area and frontage requirements, three allotments would need to be developed with a shared vehicle accessway. It would then be more difficult for these dwellings to achieve provisions relating to site coverage, impervious areas, setbacks, car parking and private open</p>	
Dwelling type	Site area per dwelling (square metres)	Site area per dwelling for allotments >2000 square metres (square metres)	Minimum frontage width* (metres)												
Dwelling	180 minimum 230 maximum	150 minimum 230 maximum	8												
Residential flat building	100 minimum (average) 230 maximum (average)	80 minimum (average) 230 maximum (average)	20												

	<p>space as well as managing impacts to the adjacent Residential Streetscape Zone. The proposed site areas provide a balance between increasing density whilst also respecting the siting and conditions of the adjacent traditional residential allotments.</p> <p>The proposed site frontages fall short of the minimum frontage width recommended for dwellings. It is noted however that an allotment with a width of 7.62m is still capable of containing a sufficiently sized dwelling with associated car accommodation, private open space and a single width crossover.</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		
Form of Development	<i>Objectives</i>	1, 7
	<i>PDCs</i>	1, 2, 3, 12
Interface Between Land Uses	<i>Objectives</i>	1, 3
	<i>PDCs</i>	2, 3, 4
Land Division	<i>Objectives</i>	1, 2, 4
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13
Residential Development	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	2, 3, 4, 16, 43
Transportation (Movement of People and Goods)	<i>Objectives</i>	1, 3, 7, 11
	<i>PDCs</i>	1, 2, 3, 12, 13

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 3 & 5	<ul style="list-style-type: none"> • The proposed land division is for residential infill development; • The land division will allow for two street fronting, detached dwellings to be built, which will reinforce the current allotment pattern on Invergowrie Avenue; • The site is located within 50 metres of Fullarton Road, a secondary arterial road which is serviced by high frequency public buses; • The site is also located adjacent to a Neighbourhood Centre Zone that includes several local conveniences including retail shops, consulting rooms, personal services establishments, post office etc. This will assist in

Relevant Council Wide Provisions	Assessment
	<p>reducing the need for local vehicle trips for the occupants of the dwellings.</p> <ul style="list-style-type: none"> • The subject site is also within: <ul style="list-style-type: none"> ○ 400 metre walking distance of the Fullarton Park Community Centre and public open space area; ○ 500 metre walking distance of Highgate Primary School and Urrbrae Agricultural College; ○ 550 metre walking distance of Concordia College.
PDC 6	<p>The proposed allotments complement the existing surrounding settlement pattern as:</p> <ul style="list-style-type: none"> • The allotments will both allow for a dwelling to be built that fronts onto and is accessed via Invergowrie Avenue, as per a vast majority of the existing dwellings along Invergowrie Avenue; • The allotments maintain a north to south orientation that is optimal to prevent detrimental impacts to the neighbours due to overshadowing and loss of sunlight; • The allotments provide further variety in regards to allotment sizes and shapes; • The allotments provide a transition between the medium to high density intent of the Residential Regeneration Zone and the low-density intent of the Residential Streetscape Zone. <p>The western allotment requires the use of a small portion of the eastern allotment to ensure that adequate vehicle access is able to be achieved. This is to be managed via a right of way easement.</p>

11. CONCLUSION

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

- The proposed allotments achieve a balance between increasing residential density whilst respecting the traditional residential pattern of development within the locality;
- The proposed allotments will provide a transition between the medium to high density intent of the Residential Regeneration Zone and the low-density intent of the neighbouring Residential Streetscape (Landscape) Zone;
- The proposed development is well located in terms of convenient access to local facilities and services as well as road and public transport corridors;
- The proposed allotments will allow the subject site to be utilised in a way that will increase the density of housing within the area;
- Both of the proposed allotments have a sufficient frontage to allow for safe and functional access and manoeuvring for vehicles;

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/413/2019/DIV at 1A Invergowrie Avenue, Highgate SA 5063 for 'Land Division - Torrens Title - Create two allotments from one existing', 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:

LAND DIVISION CONSENT CONDITIONS:

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

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

STATE COMMISSION ASSESSMENT PANEL CONDITIONS are as follows:

- The financial requirements of SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0086912).

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 Certificate purposes.

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

ITEM 3**DEVELOPMENT APPLICATION – 090/385/2019/C2 – 69 UNLEY ROAD, PARKSIDE SA 5063 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/385/2019/C2
ADDRESS:	69 Unley Road, Parkside SA 5063
DATE OF MEETING:	17 th September 2019
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Change of use from shop to restaurant/cafe, paint signage and replace fencing (Shop 1)
HERITAGE VALUE:	Local Heritage Place
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Urban Corridor High Street (Unley Road) Policy Area 20
APPLICANT:	Morgen Wynn
OWNER:	Est Late Panagiota Boutsis and Kyriakoula Boutsis and Dimitrios Boutsis and Konstantino Boutsis
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (One oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Land use Heritage

1. PLANNING BACKGROUND

Council hold the following approvals for the building located at 69-71 Unley Road Parkside;

- 429/1986/DA to make additions and alterations to an existing shop
- 653/1991/BA bullnose verandah and façade to shop

The known land use of the tenancy prior to the subject application is identified as 'shop'.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to establish a café/restaurant use within 'shop 1' of the subject building, carryout external painting and install a replacement side fence.

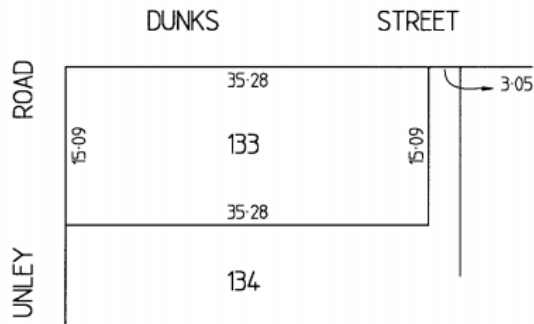
The proposed hours of operation include;

- 8:00am to 9:00pm Monday;
- 8:00am to 5:00pm Tuesday to Thursday;
- 8:00am to 10:00pm Friday and Saturday; and

- 8:00am to 5:00pm Sunday

3. SITE DESCRIPTION

The subject site is located on the south-eastern corner of Dunks Street and Unley Road. The site has a frontage of 15.09m to Unley Road, a depth of 35.28m and an overall site area of 532.37m².



The existing building is shown to include two tenancies, the subject application relates to the northern most tenancy.

The existing building is identified as a Local Heritage Place and is described as follows;

“Shop and former dwelling; external form, materials and detailing of the c1870s shop, shopfront and attached earlier former dwelling. Any later alterations or additions are excluded from the listing”.

The subject site is located within the Urban Corridor Zone, Policy Area 20 (High Street Unley Road).

The subject land does not benefit from existing off-street parking. Pedestrian access to the tenancy is gained via Unley Road.

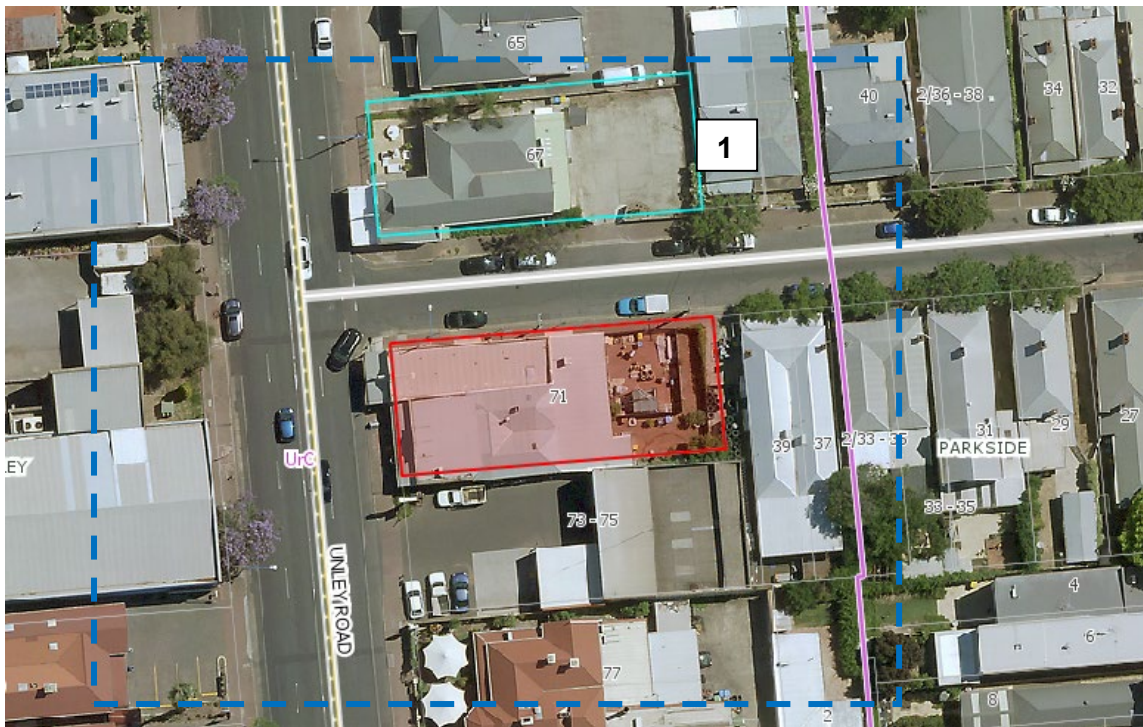
The subject building is located near, but not abutting, a Residential Zone.

As demonstrated on the map below, the rear (western) boundary directly abuts the land associated with 73-75 Unley Road. A semi-detached dwelling is located abutting this strip of land (within the Urban Corridor Zone), and then the Zone boundary changes to Residential Streetscape (Built Form) Zone.



Above: Zone boundary (pink)

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. LOCALITY DESCRIPTION

Unley Road is identified as an arterial road. Existing land uses fronting Unley Road are primarily non-residential and include office, motor repair, restaurant, personal services, consulting rooms and retail/shop.

The secondary street frontage (Dunks Street) is occupied predominantly by residential development. Noting that the western most properties are located within the Urban Corridor Zone.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The subject application was referred to Council's Consulting Heritage Architect who, after discussions with the applicant, provides support for the proposed external painting and proposed fence.

A summary of the advice is provided below:

- *The change of use does not appear to have any associated aspects that might impact on the heritage value of the place.*

- *The proposed paint colours are acceptable. I think that the idea of using a white colour better suited to the street is good (a less stark white). Either Antique White or Whisper White would be fine. For a bit more depth and warmth, Morgen and Amber could consider Lime White with Regency White for the soffit and possibly the window frames (if they go with the yellow). Portland Stone is a good colour if a darker accent is required.*
- *I always think that trying a couple of test pots of possible colours on the building is a good idea.*
- *I think that Capital yellow is acceptable on the door and agree it is classic yet bold but not overwhelming.*

The final appearance, colours and dimensions of the proposed mural and external paint selection shall be submitted to Council, to the satisfaction of Council's Heritage Advisor, prior to the painting commencing.

The application was referred to Council's Traffic Department who provide the following advice with regards to traffic volume:

- *Although some of the traffic would involve Unley Road only (i.e. parking on Unley Road), most of this would utilise Dunks Street (and Ella Street to an extent). This may increase the traffic volume on Dunks Street from 600 vehicles per day to 650-700 vehicles per day. A traffic volume of 700 vehicles per day is well within acceptable limits for a residential street, which generally accommodate up to 1500 vehicles per day before any intervention is considered.*

8. **PUBLIC NOTIFICATION**

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

44 Dunks Street (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Traffic concerns which could be overcome by increased and enforced residential permit parking*	No comment provided as not within scope of proposal.
Odour from the kitchen	The kitchen is indoors and enclosed. Minimal distasteful smells are anticipated (from experience – currently a food truck business).
Concerns regarding the operating hours which could be overcome by limiting the operating hours to 8:00am-5:00pm Monday to Sunday	The hours of operation are amended in response to the representation to include; <ul style="list-style-type: none"> • Monday: 8am to 9pm • Tuesday to Thursday: 8am to 5pm • Friday and Saturday: 8am to 10pm • Sunday: 8am to 5pm
Concern relating to the courtyard use (noise and amenity issues). Concerns could be overcome by <ul style="list-style-type: none"> • not allowing patron access through the side gate (Dunks Street); • solid enclosure of the rear courtyard; • no speakers/sound system/music within the courtyard 	Patrons will be advised to use the front door access. A new fence is proposed along the Dunk Street boundary, and the internal courtyard will be landscaped. The gate along the Dunk Street boundary will be used for maintenance only (waste management etc).

	No music within the courtyard has been proposed.
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(* denotes non-valid planning considerations)

9. ASSESSMENT

Zone Desired Character and Principles of Development Control

Urban Corridor Zone	
<p>Objective 1: <i>A mixed use zone accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor.</i></p>	
Desired Character	
<p><i>Given the distinctly different land use mixes, urban design features and street character intended for the various sites to which the zone is applied, four different policy areas have been designated as follows:</i></p> <p><i>b) High Street Policy Area – where more moderate scaled buildings of mixed use are intended along Unley Road with predominantly small scale shops, mixed business services and hospitality uses at ground and low building levels and upper level comprising residential apartments.</i></p>	
Relevant Zone Principles of Development Control	Assessment
<p><i>1 The following types of development, or combination thereof, are envisaged in the zone:</i></p> <ul style="list-style-type: none"> • <i>Affordable housing</i> • <i>Aged persons accommodation</i> • <i>Community centre</i> • <i>Consulting room</i> • <i>Dwelling</i> • <i>Educational establishment</i> • <i>Entertainment venue</i> • <i>Licensed premises</i> • <i>Office</i> • <i>Pre-school</i> • <i>Residential flat building Retirement village</i> • <i>Shop or group of shops</i> • <i>Supported accommodation</i> • <i>Tourist accommodation.</i> 	<p>As a ground level ‘small scale’ shop (floor area of approximately 130m²) the proposed development is considered to be a desired use within the Urban Corridor Zone.</p>
<p><i>20 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>Table Un/5A is applicable in this instance.</p> <p>The applicable desired minimum number of vehicle spaces is;</p> <ul style="list-style-type: none"> • 3 spaces per 100 square metres of gross leasable floor area <p>No off-street car parking is currently provided,</p>

	<p>nor proposed to be provided.</p> <p>There is no proposed increase in floor area, therefore, the existing shortfall is not increased as a result of the proposed change in land use.</p>
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High Street (Unley Road) Policy Area 20

Objective 1:
A mix of land uses including retail, office, commercial, community, civic and medium and high density residential development that support the economic vitality of the area.

Desired Character
The maintenance of a safe and efficient movement system (for significant private vehicle numbers as well as critical public transport links) needs to be balanced with the desire to transform these strips into vibrant, intimate and appealing mixed use pedestrian friendly corridors of small scale retail, mixed business and entertainment facilities at ground and lower levels with medium to high density living at upper levels of multi-storey buildings.

Assessment

The proposal includes changing the existing use of the building to a café/restaurant use which is envisaged within the Urban Corridor Zone, and the respective Policy Area.

The application does not include demolition, alteration, construction or additional floor area.


The proposed use is envisaged within the Zone and the aesthetic improvements to the building will result in an appealing, intimate and vibrant street presence. The proposed development is considered to contribute positively to the Desired Character of the Urban Corridor Zone and High Street Policy Area.

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
<p>Heritage & Advertisement</p>	<p>The proposed development satisfies relevant Principles of Development Control in relation to Heritage Places in that;</p> <ul style="list-style-type: none"> • The change of use retains the Heritage Place and the proposed façade upgrades conserve the street presentation and enhances the heritage value of the place. • Historical signage included a painted mural located on the northern wall of the building.  <ul style="list-style-type: none"> • The applicant proposes to undertake a painted mural advertisement in the same historical location, subject to consultation with Council’s Heritage Advisor. • The proposed painting and signage will not overwhelm or detract from the Heritage Place, nor will it conceal or obstruct historical detailing.
<p>Interface</p>	<p>While the subject site does not directly abut a Residential Zone, the subject application will not detrimentally affect the amenity of the locality or cause unreasonable interference as discussed below.</p> <p>The hours of operation are appropriate for the Urban Corridor Zone and are compatible with adjacent residential land uses. Specifically,</p> <ul style="list-style-type: none"> • the proposed business hours range between 8am and 10pm; and • four nights of the week the closing time is 5pm, and includes a later closing time on Monday, Friday and Saturday. <p>A waste enclosure is located in the north-eastern corner of the courtyard and is collected privately.</p> <p>The traffic impacts of the proposed use remains unchanged between the previous use and the proposed use;</p> <ul style="list-style-type: none"> • The site does not include off-street parking, and this remains unchanged; and • The application does not include an increase in floor area, as such, the car parking rate applicable to the previous use and the proposed use remains unchanged. <p>The proposed development will not result in unreasonable</p>

Relevant Council Wide Provisions	Assessment
	<p>noise emissions.</p> <ul style="list-style-type: none"> • The applicant does not propose music to be used in the external areas of the building; • Patrons are encouraged to use the Unley Road frontage for access; • The hours of operation are appropriate; and • The applicant advises that the courtyard will be not be accessed by patrons from 8pm on any day.

10. CONCLUSION

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

- The proposed use contributes to the Desired Character and Objectives of the Urban Corridor Zone and High Street Policy Area;
- The proposed development conserves and enhances the street presentation of the Local Heritage Place; and
- The proposed development does not detrimentally affect the locality or cause unreasonable interference through noise, hours of operation or waste emissions.

The application is therefore recommended for Development Plan CONSENT.

11. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/385/2019/C2 at 69 Unley Road, Parkside SA 5063 for 'Change of use - restaurant/cafe and signage (Shop 1)', 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 final appearance, colours and dimensions of the proposed mural and external paint selection shall be submitted to Council, to the satisfaction of Council's Heritage Advisor, prior to the painting commencing.
3. The café/restaurant use hereby authorised shall not operate outside the following hours:
 - 8:00am to 9:00pm Monday;
 - 8:00am to 5:00pm Tuesday to Thursday;
 - 8:00am to 10:00pm Friday and Saturday; and
 - 8:00am to 5:00pm Sunday
5. The courtyard shall not be used by patrons after 8:00pm on any day.
6. Music shall not be played in the courtyard at any time.

7. That the approved waste disposal facilities and waste enclosure shall be installed and operative prior to occupation of the development.
8. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm on any day.
9. Patron access to the premises shall be through the Unley Road access only.

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 should ensure that the proposed development conforms to the Food Act 2001, Food Regulations 2017 and the Australian Food Safety Standard.
- That appropriate measures shall be taken (aiming of lights, fittings of louvres, baffles, shields or the like) to control and limit light falling on surrounding properties and that the lights shall be turned off no later than 10.00pm on Monday to Sunday.

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

ITEM 4**DEVELOPMENT APPLICATION – 090/393/2019/C2 – 10 REGENT STREET, MILLSWOOD SA 5034 (UNLEY PARK)**

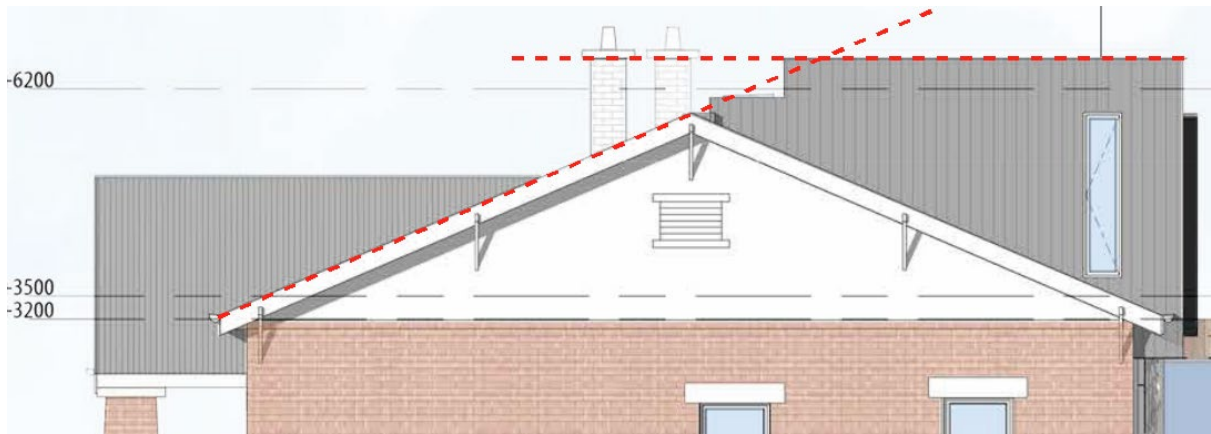
DEVELOPMENT APPLICATION NUMBER:	090/393/2019/C2
ADDRESS:	10 Regent Street, Millswood SA 5034
DATE OF MEETING:	17 September 2019
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Carry out alterations and construct additions including upper storey and cellar
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 9 - Spacious Precinct 9.4
APPLICANT:	B & H Sampson
OWNER:	Hayley Brooke Sampson
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (2 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Overlooking and side boundary setbacks

1. PLANNING BACKGROUND

Development Application 774/2015/C2 to remove lean-to, carry out alterations, construct [single storey] addition, deck, swimming pool, 2.4m high fence and garage to northern boundary, approved 07/07/2017.

2. DESCRIPTION OF PROPOSAL

The proposed development is to carry out alteration and additions including a cellar and upper storey. The upper storey would consist of a stepped flat roofed addition located behind the roof ridge of the original dwelling and below the top height of the existing chimneys (see below).



The additions would allow for a reconfiguration of internal rooms with more living spaces on the ground floor, without impacting upon the available open space of the site.

3. SITE DESCRIPTION

The site is rectangular with an eastern primary frontage to Regent Street of 19m, a western (rear) secondary frontage to Alexander Avenue of 19.1m and a depth of 49.2m. The site has an area of 939sqm. Existing structures on the subject site include a detached single storey triple fronted bungalow and existing additions.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

The pattern of land division and development in the locality is varied. Allotments east of Alexander Avenue are between 600 and 900 sqm with two examples of dwellings on amalgamated allotments. West of Alexander Avenue allotments are compact and approximately 400sqm.

Dwelling Type / Style and Number of Storeys

Dwellings within the locality are predominantly detached and single storey. Double fronted cottages are predominant west of Alexander Avenue. Architectural styles varies elsewhere within the locality, including examples of bungalows, villas, post war and some more modern styles.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

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

1) 1 Douglas Street (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Overlooking	The development contains no overlooking to neighbouring properties. The boundary to this property is more than 30m from the upper floor windows. The council development regulations provided during the initial council review nominate this as the standard limitation of overlooking extent.
2) 8 Regent Street (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
"Over-development" including: Site coverage*	Built form utilisation of the site is subject to council planning guidelines on boundary offsets, bulk & scale & site coverage. Along with building

<p>Floor area</p> <p>Private open space*</p>	<p>usage being within the designated land use typology for the site, we believe the proposed works comply with the intent of all these planning regulations.</p> <p>The development is designed to ensure the original bungalow roof is completely uncompromised from the street frontage. The parapet rises slightly above the existing ridge, but is setback & will remain recessive, leaving the street view in its original state.</p> <p>The site coverage is not increased at all with the proposed works.</p>
<p>Overlooking</p>	<p>Extensive side screening to all windows along with further vertical divisions limit visibility beyond a direct view toward the west. The windows as designed provide the required overlooking prevention without need for obscure glass or non openable panels – and thus not compromise the liveability.</p>

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	939m ²	
Frontage	19.1m	
Depth	49.2m	
Building Characteristics		
Floor Area		
Ground Floor	360m ²	
Upper Floor	88.3m ² 24.6% of ground floor	≤50% of ground floor
Site Coverage (no change)		
Roofed Buildings	43.2%	≤50% of site area
Total Impervious Areas	68.2%	≤70% of site
Total Building Height		
From ground level	6.8m	7m max
From ground level of the adjoining affected land	6.8m	
Setbacks		
Upper Floor		
Front boundary (East)	17.9m	
Side boundary (South)	1.93m / 3.32m	3m
Side boundary (North)	1.85m / 2.22m	3m

Rear boundary (West)	24.5m	8m
Private Open Space (no change)		
Min Dimension	11.8m	≥4m minimum
Total Area	22%	≥20%
Colours and Materials		
Roof	(Flat roof)	
Walls	Light grey cladding	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

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

proportions appropriate to their sites and maintain the spatial patterns of traditional settlement; and

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

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

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

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

Assessment

As is discussed elsewhere in this report, it is considered the upper storey addition has been designed to be largely contained within the original rear roof space behind the front roof ridge. It is considered the development reasonably maintains the streetscape contribution of the building.

Relevant Zone Principles of Development Control	Assessment
<i>PDC4 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>	It is considered the upper storey addition has been designed to be largely contained within the original rear roof space behind the front roof ridge. The addition would not be prominently visible when viewed from the primary street nor adversely impact upon the streetscape contribution or desired character for the locality.

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
9.3 Kings Park	Cottages, Villas, and Bungalows	750m ²	18m	8.0m	1.5m	7.0m

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

Assessment

As is discussed elsewhere in this report, it is considered the upper storey addition has been designed to be largely contained within the original rear roof space behind the front roof ridge. It is considered the development reasonably maintains the streetscape contribution of the building.


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 13, 23, 24 & 41–	
Side boundaries,	The side setbacks are less than the recommended 3m for upper storey walls for the northern walls and part of the southern walls. It is considered however that the upper storey

Relevant Council Wide Provisions	Assessment
<p>overshadowing and natural light</p>	<p>addition has been designed to be largely contained within the original rear roof space profile. The minimum setback has been increased from the existing roof profile by approximately 600mm on the northern side and 820mm on the southern side. The abutting areas of the immediately adjoining land to the north and south are both generally roofed areas including gable ends (see below).</p> <p>The upper storey addition has been designed to be largely contained within the original rear roof space behind the front roof ridge. It is considered that the addition would not be a dominant visual element when viewed from the street, nor adversely visually intrude upon adjoining land.</p>  <p>Given the above, it is not considered the proposed upper storey would significantly worsen overshadowing or available sunlight access within the locality. It is therefore considered the proposed development reasonably satisfies the intention of PDCs 13 and 41.</p>
<p>PDC 38 & 39 – Overlooking</p>	<p>The proposed upper storey windows include a combination of obscure glazing and various side and vertical screening elements to prevent any unreasonable overlooking. It is considered direct overlooking would be appropriately minimised within the required 15m radius to windows and 30m radius to primary areas of private open space of adjoining land within the locality.</p>

11. DISCUSSION

It is considered that the development is of domestic scale and ancillary to and would facilitate the better use of the existing residential use of the land and buildings. The development would not be readily visible from the street or any public road. The scale and form of the development is not incongruous with the setting and would reasonably maintain the streetscape contribution of the building and the desired character amenity of the surrounding area.

12. CONCLUSION

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

- The development would reasonably maintain the existing building's contribution to the desired character;
- Overlooking has been satisfactorily restricted and minimised as required;
- Overshadowing and available light would not be significantly worsened;
- The development would not have an adverse impact upon owners or occupiers of land within the locality;

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/393/2019/C2 at 10 Regent Street, Millswood SA 5034 to 'Carry out alterations and construct additions including upper storey and cellar', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the upper floor northern and southern windows be treated to avoid overlooking prior to occupation by being fitted with restricted opening windows (to maximum opening of 35 degrees angle) translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing and restricted opening to be kept in place at all times.
3. That the upper floor bathroom window be treated to avoid overlooking prior to occupation by being fitted with restricted opening windows (to maximum opening of 100mm) translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing and restricted opening to be kept in place at all times.
4. The rear upper floor windows shall be fitted with vertical screening devices in accordance with the approved "overlooking screen detail plan" and maintained thereafter.

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

NOTES

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.

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

ITEM 5**DEVELOPMENT APPLICATION – 090/301/2019/C2 – 64 SHEFFIELD STREET, MALVERN SA 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/301/2019/C2
ADDRESS:	64 Sheffield Street, Malvern SA 5061
DATE OF MEETING:	17 September 2019
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Erect boundary fencing and swimming pool fencing
HERITAGE VALUE:	Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic Conservation zone Policy Area 6 - Spacious Historic
APPLICANT:	Cathryn Anne Apps and Nicholas Apps
OWNER:	Angus William Irwin
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (1 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Fence (height).

1. DESCRIPTION OF PROPOSAL

To replace exiting northern and eastern boundary fencing, and replace pool fencing.

The fencing would include charcoal coloured timber clad post and rail fencing to a maximum combined height of 2750mm along the northern (rear) boundary and for the pool enclosure portion of the eastern side boundary. The fencing would include a 550mm raised garden bed with retaining walls along the northern portion of the pool enclosure, as well for the 9.77m northern most portion of the eastern side of the pool enclosure.

To the south of the pool enclosure, the side fencing would be replaced with slate grey coloured Colorbond fencing to a maximum height of 2.5m tapering down to 2.05m on top of the existing boundary concrete plinth to the front facade of the existing garage, then taper down to abut the existing front fencing at a height of 1.68m.

2. SITE DESCRIPTION

The site consists of two allotments with a combined frontage of 30.5m, a depth of 43m and site area of 1320sqm.

The existing Contributory single storey double fronted dwelling is sited across the two allotments. There is a pool in the north eastern (rear) corner of the site and a double garage in the south eastern (front) corner of the land.

Existing northern boundary fencing and lattice is at present densely covered with a creeping plant, and/or adjoins domestic outbuildings on adjoining land.

3. LOCALITY PLAN



4. LOCALITY DESCRIPTION

Land Use and Development Pattern

The predominant land use within the locality is residential.

Allotments are oriented north south with primary frontages to Sheffield Street, or Dover Street for the rear adjoining allotments. Allotment division and development is predominantly 15.24m frontages, with single storey detached dwellings, with a few instances of larger dwellings being developed across two or more allotments.

There is a large degree of privacy between allotments, particularly north and south, with concentrations of vegetation and domestic outbuildings and other structures located adjoining boundaries.

5. STATUTORY REFERRALS

No statutory referrals required.

6. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

7. 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.

61 Dover Street (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>Building form, scale, mass and height incompatible with locality</p> <p>Visual impacts</p> <p>Non-permeable above 2.1m</p> <p>Will decrease available sunlight between existing shed and fence (600mm gap)</p>	<p>The proposed fence structure, at a total maximum height of 50 mm less (the proposed fence ranges from 2.5 m to 2.75 m in height) than the existing structure minimises the negative visual impacts on the adjoining land or put another way, the proposed structure will have a lesser impact than the structure currently present. Clearly as a structure of comparable height already exists within the locality, the proposed fence is “compatible with development in the locality”.</p> <p>With respect to the impact of the proposed fence on “visual amenity” I note a shed that extends for approximately 9.5 m of the 15 m (approx.) wide rear boundary of 61 Dover Street and (as noted by the representor) is sited 600 mm from the boundary. Plainly, as a result of this shed, the fence will not be visible for 63% of the representor’s land (i.e. no visual impact would be experienced).</p> <p>The remaining portion of the fence which would be visible to the representor must be considered in the context of the form of the existing fence structure, which is slightly taller and similarly viewed in the presence of existing vegetation. In this regard, the visible portion of the proposed fence “is compatible with development in the locality”.</p>

	Turning to the representor's comment regarding reduced sunlight as a result of the development, the representor's land is located to the north of the subject site and therefore, it is self-evident that solar access will not be affected by the proposed development. Accordingly the proposed development is consistent with PDC's 35(f) and 41.
Maintenance of fence (materials)*	<p>This is properly governed by the Fences Act 1975 which outlines the obligations of each landowner in regards to maintenance of a boundary fence.</p> <p>The applicant is aware of their obligations to ensure that the development, once constructed, is maintained in accordance with the approved plans.</p>

(* denotes non-valid planning considerations)

8. ADMINISTRATION NEGOTIATIONS

Council administration advised the applicant of concerns regarding the maximum recommended fencing heights. Applicant provided an amended proposal with fencing forwards of the existing garage tapered from 2050mm to 1680mm to abut existing front fencing. The applicant did not wish to reduce the height of the other proposed fencing but offered justification including that the proposed height would be less than the existing structures which includes fencing to approximately 1.8m with lattice over this height to a combined height of 2.8m. The lattice is at present densely covered with a creeping plant. Further, the applicant states that the fence height is required to provide visual privacy between the subject and adjoining land given the existing dwelling and associated deck height on the subject land is approximately 1.1m above ground level.

9. ASSESSMENT

Zone Desired Character and Principles of Development Control

RESIDENTIAL HISTORIC (CONSERVATION) ZONE

Objective 1: Conservation and enhancement of the heritage values and desired character described in the respective policy areas, exhibited in the pattern of settlement and streetscapes of largely intact original built fabric.

Objective 2: A residential zone for dwellings primarily in street-fronting format, together with the use of existing buildings and sites used for non-residential purposes for small-scale local businesses and community facilities supporting an appealing, pleasant and convenient living environment.

Objective 3: Retention, conservation and enhancement of contributory items, and the

complementary replacement or redevelopment of non-contributory buildings.

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

Desired Character

Heritage Value

The Residential Historic (Conservation) Zone and its 7 policy areas have particular significance to the history of Unley's settlement. These areas tell a story about life in the late 19th and early 20th Century, and of the features and circumstances of the original European communities in Unley. It is for this reason, as well as the appealing and coherent streetscapes of largely intact original building stock, that these areas merit particular attention and protection.

The important defining heritage values and statements of desired character are expressed for each of the zones seven distinctive policy areas. These values stem from the original road layout and settlement patterns. There is a strong consistency and an identifiable pattern in the way buildings, of varying proportions, are sited and massed relative to the site sizes and widths of street frontages. There is also an identifiable rhythm of spaces between buildings and their street setbacks. Dwellings

are of a traditional street-fronting format and adopt a strong street "address" with open front gardens and fencing, and with outbuildings and garaging being a recessive or minor streetscape element. There is also a consistency in the built fabric itself with characteristic use of building forms, detailing, materials and colours.

Contributory Items

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

Non-contributory Buildings

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

Assessment

The proposed fencing would replace existing fencing of substantially similar height and permeability. It is considered the proposed replacement fencing would not adversely impact the streetscape presentation of the Contributory building nor desired character for the locality.

Relevant Zone Principles of Development Control	Assessment
<p>PDC15 <i>Fencing of the primary street frontage and the secondary street on corner sites, forward of the front façade of the dwelling, should complement the desired character, and be compatible with the style of the associated dwelling and its open streetscape presence, and comprise:</i></p> <p><i>(a) on narrow-fronted dwelling sites of up to 16 metres in street frontage - low and essentially open-style fencing up to 1.2 metres in height, including picket, dowel, crimped wire, with or without hedging; or</i></p> <p><i>(b) on dwelling sites in excess of 16 metres street frontage - low and essentially open-style fencing as in (a), but may also include a masonry pier and plinth fence with decorative open sections of up to 1.8 metres in total height,</i></p> <p><i>provided that, for contributory items, the fencing should be of a style and height appropriate to that historically associated with the architectural style of that dwelling.</i></p>	<p>The proposed fencing forward of the adjoining garage façade would replace fencing of substantially similar height and would taper from a maximum height of 2.05m to 1.68m at the front boundary to abut existing front fencing of the same height.</p> <p>Given the existing site context, the proposed fencing is considered appropriate for the locality.</p>

Policy Area 6 – Spacious Unley And Malvern Trimmer Estate
Desired Character
<p>Heritage Value</p> <p><i>An important appreciation of the heritage value is formed by the comprehensive subdivision by Trimmer (and Grainger) during 1881-1884 of the area originally known as ‘New Parkside’, ‘Malvern’ and ‘Malvern Extension’. This subdivision demonstrates the extensive growth of Unley as a suburban area in the late 19th Century.</i></p> <p>Desired Character</p> <p><i>The spacious streetscape character is founded on wide, tree-lined streets, grid street layout (with axial views focussed on the central oval feature in ‘New Parkside’) and generous front gardens. Intrinsic to the area is an extensive, intact collection of contributory items including distinctive Victorian and Turn-of-the-Century villas (asymmetrical and symmetrical), double-fronted cottages and limited complementary, Inter-war era, styles. More affluent, original owners developed some larger, amalgamated allotments in the southern areas establishing grander residences and gardens.</i></p> <p><i>Development will:</i></p> <p><i>(a) conserve contributory items, in particular symmetrical and asymmetrical villas of Victorian and Turn-of-the-Century era and double-fronted cottages; and</i></p> <p><i>(b) be of a street-fronting dwelling format, primarily detached dwellings; and</i></p> <p><i>(c) maintain or enhance the predominant streetscapes and regular road and allotment</i></p>

patterns with:

(i) dwelling sites typically of 15 metres in street frontages and with site areas of 750 square metres; and

(ii) front set backs of some 7 metres; and

(iii) side setbacks of between 1 metre and 3 metres so as to maintain a total spacing between neighbouring dwelling walls, of some 4 metres; and

(d) maintain and respect important features of architectural styles of contributory items having typically:

(i) building wall heights in the order of 3.6 metres; and

(ii) total roof heights in the order of 5.6 metres or 6.5 metres; and

(iii) roof pitches in the order of 27 degrees and 35 degrees.

Assessment

The proposed fencing would replace existing fencing of substantially similar height and permeability. It is considered the proposed replacement fencing would not adversely impact the streetscape presentation of the Contributory building nor desired character for the locality.

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 23 & 24 – Building form, scale, mass and height	The proposed fencing would replace fencing, including lattice covered with various creeping plants, with new fencing of a similar height. With regard to the existing site context, the proposed fencing is considered appropriate for the locality.
PDC 35 – Fencing	As above. Additionally, whilst the fencing would be non-permeable, the maximum height would be reduced. The majority of the fencing over 1.8m height would be along the northern rear boundary (indicated in yellow below).



Adjoining land to the north or east, is screened by existing outbuildings or vegetation (see below).



View towards 64 Sheffield from rear yard of 61 Dover.



Space between existing outbuilding and subject boundary fence at 61 Dover Street.

With regard to the existing site context, the proposed fencing is

	considered to provide for visual privacy between properties and would not adversely impact on visual amenity of the locality nor reasonable access to sunlight of adjoining land.
PDC 41 – Overshadowing and natural light	Given the context of the site, locality and existing fencing, it is considered the proposed fencing would not cause additional overshadowing to habitable room windows, private open space, nor roof areas; nor would the proposed fencing significantly worsen available sunlight access.

10. CONCLUSION

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

- The fencing would provide for visual privacy and the better enjoyment of private open space on the subject and adjoining land;
- The fencing would not adversely impact upon the owners or occupiers of adjoining land;
- The fencing over 1.8m in height would be located to the rear of the buildings and not readily visible from the street or any public road.
- The scale, form and materials of the development would not be incongruous with the setting and would not unreasonably impact upon the streetscape character of the associated Contributory dwelling nor the desired character for the locality.

The application is therefore recommended for Development Plan CONSENT.

11. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/301/2019/C2 at 64 Sheffield Street, Malvern SA 5061 to 'Erect boundary fencing and swimming pool fencing', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

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

ITEM 6**DEVELOPMENT APPLICATION – 090/789/2018/C1 – 27 THORNBUR STREET, UNLEY PARK SA 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/789/2018/C1
ADDRESS:	27 Thornber Street, Unley Park SA 5061
DATE OF MEETING:	17 September 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Remove significant tree - Eucalyptus gomphocephala (Tuart Tree)
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 9 - Spacious Precinct 9.8 – Unley Park (East)
APPLICANT:	D & M Thomas
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 1
REPRESENTATIONS RECEIVED:	Not Applicable
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Recommendation for Refusal; Proposed removal of Significant Tree AND Council expert advice in support of the removal has not been received.

1. PLANNING BACKGROUND

090/23/2018/C2 – Development Approval was granted on 11 October 2018 for '*Demolition of rear additions and removal of swimming pool, removal of a Significant Tree and two Regulated Trees, carry out alterations and construct garage with upper level storage; additions including upper level and balcony, basement, fencing, pool pavilion on common boundaries and in-ground swimming pool and spa.*'

Demolition and clearing including the removal of the three trees has been undertaken. The applicant however determined that the repair work required for the existing dwelling was uneconomical and as such, the dwelling needed to be rebuilt. A subsequent application was lodged (DA Ref: 090/905/2018/C2) and Planning Consent was granted by the Council Assessment Panel (CAP) on 19 February 2019.

The subject tree removal application was also to be presented to the 19 February 2019 CAP meeting with a recommendation for refusal, however the applicant requested that the application be withdrawn from the agenda to allow the applicant more time to provide further documentation to justify the removal of the tree.

090/905/2018/C2 – Full Development Approval was granted on 14 June 2019 for '*Demolition and rebuild of existing dwelling (like for like); remove swimming pool, construct garage with upper level storage; additions including upper level and balcony, basement, fencing, pool pavilion on common boundaries and in-ground swimming pool and spa.*' The original dwelling has now also been demolished and construction works have commenced on site.

An Arboricultural Impact Assessment report (dated 14 December 2017) by Arborman Tree

Solutions was included as part of the documentation for both of the above applications. This report identified two (2) regulated (Coral Tree & Moreton Bay Fig) and two (2) significant trees (Irish Strawberry & Tuart Tree) on site. Three of these trees were recommended for removal to achieve the proposed development. The fourth tree was recommended to be retained and protected in accordance with AS4970. This tree was deemed to have fair health and structure with a useful life expectancy greater than 10 years. The Development Approval included conditions relating to the removal of the three trees as well as a condition for a tree protection zone to be applied to the remaining significant Tuart Tree. Tree protection measures were also conditioned for the neighbouring regulated *Corymbia* tree.

2. DESCRIPTION OF PROPOSAL

The applicant is seeking to remove a Significant Tree identified as a *Eucalyptus gomphocephala* (Tuart Tree).

3. SITE DESCRIPTION

The subject tree is located in the rear south-western corner of the property addressed as 27 Thornber Street. The property includes two allotments, making a regular shaped allotment with a total frontage to Thornber Street of 35.53m, a depth of 49.25m and overall site area of 1749.8m².

The subject tree has a circumference of 4.7 metres and a height of approximately 22m. The spread of the tree canopy of approximately 18 metres. The tree canopy and structural root zone encroaches into the neighbouring properties of 31 Thornber Street, 20 and 22 High Street. The tree is in close proximity to:

- Brush fencing located on boundaries;
- Three (3) neighbouring tennis courts and associated lighting and fencing including a 3.5m solid brick wall that appears to be utilised for hitting balls against;
- A neighbouring garden shed.

It is noted that the tree was also located in close proximity to a tennis court on the subject site. This tennis court however has been removed as part of the construction works on site. The approved documentation for DA 090/905/2018 however shows the tennis court in the same location as well as new tennis court fencing to be erected. It is therefore considered that the tennis court is to be re-established.

4. LOCALITY PLAN



Subject Site



Significant Tree



Locality

5. PUBLIC NOTIFICATION

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

It is noted that the owners of 20 High Street, Unley Park have provided a letter supporting the removal of the tree due to the damage and safety hazards caused by the tree.

6. VISUAL TREE ASSESSMENT

The applicant originally provided a Significant Tree Visual Assessment and Report prepared by Stuart Heseltine, Landscape Architect & Urban Designer of Hemisphere Design. The following is an outline of this report:

- The subject tree has an extremely limited zone of visual influence (ZVI) due largely to the tree being setback from the northern property boundary. A Location Zone of Visual Influence Plan has been included;
- The ZVI is mainly confined to the immediate property's front and rear garden and glimpsed views from within the locality which extends to the southern boundary and immediate streetscape at 20 High Street;
- When viewed from directly in front of the allotment and existing dwelling only half the canopy, which comprises a number of branches of sparser foliage appear visible above the roofline of the existing dwelling;
- Once the approved building works to the rear of the dwelling are constructed, little (if indeed any) of the upper canopy will remain visible from immediately in front of the property. This is demonstrated by a streetscape view of the tree prepared by Black Rabbit Architects;
- As a specimen tree its somewhat irregular form and sparser upper canopy diminishes its visual amenity value;
- The subject tree plays only a minor role in the narrative of journey along Thornber Street, a fleeting glimpse only as the traveller passes by. Within the immediate streetscene the more prominent trees in adjacent front gardens and street trees dominate;
- The subject tree is inconsequential and irrelevant as it makes little contribution to the streetscene. It is an insignificant visual feature of the street scene of High Street to the south where the avenue of Jacarandas capture and hold the attention of the traveller;
- Given this, the subject tree fails to satisfy Objective 1, Objective 2 (a) and 2 (b), Objective 3, Principle 6 (a) and Principle 6 (b) of the Unley Development Plan;
- The subject tree makes a modest contribution only to the visual amenity of the property and adjoining property to the rear. It does not make an important contribution to the character and amenity of the local area, nor the wider contextual landscape. It is not a tree which could be considered to provide an important aesthetic benefit.

The application was referred to Council's Landscape Architect for visual assessment against Unley Development Plan. The following comments were provided:

- The tree contributes significantly to the character and visual amenity of the locality. The tree and its upper canopy is visible from the surrounding road network and is within a landscape setting supported visually by nearby large mature trees including *Corymbia maculata*, *Ficus macrophylla* (listed in Development Plan), *Eucalyptus camaldulensis* and *Eucalyptus sp.*;
- The subject tree is Significant and is visible from the surrounding road network of Thornber Street, George Street and High Street;
- The subject tree provides an environmental benefit to the City of Unley through its tree canopy of approx. 18-20m diameter;
- Unley Park has decreased private realm tree canopy cover from 50% in 1979 to 35% in 2017;
- There are multiple views of the tree from Thornber, George and High Street. Views from Grove Street are obscured by other large trees;
- Mature street trees exist on all surrounding streets and gardens within the locality generally include a range of larger tree species;
- The specimen tree warrants retention.

The applicant has provided Landscaping Plans prepared by Greenwell Landscape Design and Construction and a Landscape Design Evaluation report prepared by WAX design. Botten Levinson Lawyers also provided a letter to support the removal of the tree and advised that in order to off-set any loss of aesthetic or environmental contribution presently made by the Tuart Tree, their clients are proposing the planting of new landscaping in accordance with the Greenwell Landscaping Plans and offering to pay \$50,000 into the Council's Urban Tree Fund for additional tree plantings elsewhere in the Council area (Refer to Attachment B).

The WAX Design Evaluation is purely a landscape architectural assessment of the proposed front and rear garden design. The landscape architect concludes that in their opinion *'the proposed landscape design will provide significant amenity to the dwelling at 27 Thornber St and surrounding properties. The layered landscape design offers a variety of vegetated screens and feature trees that will once fully established provide an equivalent landscape setting to that provided by the existing Eucalypt'*.

The Botten Levinson letter reiterates the position of Stuart Heseltine in that the subject tree fails to satisfy Objective 3 and Principle 6 and therefore the tree is not worthy of retention. However, they go on to reference that if the view is taken that the tree is worthy of retention that tree must still be assessed against the tree removal test as per Principle 8.

Upon discussing this additional information with Council's Landscape Architect, he reiterated that his previous advice still stands however if the tree is to be removed, the Landscape Plan prepared by Greenwell Landscape Design and Construction is supportable.

7. ARBORICULTURAL ASSESSMENT

No arboriculture report was provided by the applicant to support the removal of the tree, however a Structural Inspection Report has been prepared by Hamish Bills, Structural Engineer at Meinhardt, detailing the damage the tree is causing to surrounding structures. The following is a summary of this report:

- The soil condition at 27 Thornber is a highly reactive soil profile consisting of clay silty red brown soils;
- The tree influence zone is directly related to the height of the tree i.e. Tree at Location A affects the surrounding 18-20m;
- The tree influence zone projected by the subject tree is negatively affecting the adjacent bessaar block wall that stands approximately 3.5m high. Specifically, there is a noticeable lean away from the tree most likely due to the surrounding heave in the soil caused by the tree root system;
- In our opinion the damage to the wall should be considered 'substantial' as it poses a safety risk with limited life expectancy and potential serious consequence if it were to fall over;
- The extent of damage to the wall goes beyond the visible 'lean', wall instability and would also include the rotation of the wall's foundations;
- Reasonable remedial treatment would include removal of the adjacent tree and temporary propping of the wall until wall has re-positioned itself and or re-construction of wall to ensure stability. The existing foundations of the wall may need to be reinstated;
- It is our opinion that the wall should be propped until rectification works are completed and wall stability has been achieved;
- The existing tennis court and surrounding fencing are also affected;
- In summary, it is our opinion that the tree if to remain is negatively affecting the surrounding structure by causing elevated and uncontrolled soil movement. If removed, then the soil moisture content would become more controlled and continuous reducing future likelihood of excessive movement of surrounding structures.

Given the above, the application was referred to a Council Building Officer for comment and he has noted that:

- I have read the engineers report and inspected the site. I agree with their report in that the tree is tilting the block wall.

It is noted that the Council Building Officer has not raised concern with the safety risk of the wall, nor has instructed the owners to make changes to avoid risk to safety.

Further to the above, the applicant also provided the following justification in support of the removal of the subject tree:

- The approved building works, including excavations and the construction of additions to the dwelling across the full width of the allotment, will result in the rear yard becoming inaccessible to the heavy equipment required for the ongoing pruning and maintenance of a tree of this size;
- The subject land is located with the Residential Streetscape (Built Form) Zone and more specifically within the Spacious (Built Form) Precinct 9.8. The Zone and Policy Area provisions provide little guidance in terms of the assessment of the proposed tree removal with no references to, or expressed desire for, the retention of existing vegetation and/ or significant trees.
- The retention of the front and rear yards and generous side setbacks of the existing dwelling allows abundant opportunity for landscaping, including large feature trees;
- The tree is not listed within the Unley (City) Development Plan as being a significant tree of importance;
- The applicant is willing to make a contribution into Council's Urban Tree fund for the planting of replacement trees within the Council area. It is also noted that the planting of a number of large trees is included with the approved redevelopment of the subject land.

The Council Arboricultural department engaged Colin Thornton of Treevolution to undertake a Tree Assessment Report. The following is an outline of this report:

- A visual tree inspection has identified that the tree is a large mature specimen that is showing good shape and form, having a relatively wide spreading crown structure that has been previously reduced, to clear the adjacent residential properties to the south and west;
- The tree is showing good overall structure having a typical framework of large primary branches, which in turn support a good arrangement of smaller secondary and lateral branches;
- There are no indications of disease at the time of the inspection that would suggest or support the conclusion that the tree would have a short life expectancy;
- A Quantified Tree Risk Assessment (QTRA) was undertaken as part of the assessment to determine the level of risk posed by the tree. The outcome of the QTRA shows that the tree is within the broadly acceptable category of risk, and as such currently poses a level of risk that is considered to be acceptable;
- The alleged damage caused to the adjacent block wall to the south of the tree shows signs of movement, having developed a lean and bias to the south. However the wall would not be considered to be a structure of value and as such is insufficient justification to support tree removal;
- When the tree is considered against the Principles of Development Control with regard to the removal of significant trees it FAILS to adequately fulfil the criteria to justify its removal;
- There is insufficient justification from an Arboricultural perspective to support the removal of this tree, and as such tree removal is NOT supported.

Council’s Arborist has considered the report provided by Treevolution and has advised that he supports the advice received. He also notes that the tree contributes to the habitat value of the area individually and provides links to the adjacent Heywood Park and Brownhill Creek wildlife corridors regardless of any supporting or other advice received regarding its notability within the landscape.

Following Council Administration’s advice that the application was to be recommended for refusal, the applicant provided additional comment from Hamish Bills, Structural Engineer at Meinhardt. These additional comments can be summarised as follows:

- The existing boundary fencing in vicinity of the tree shows signs of movement/ deterioration. If the tree is to remain, it is expected that the fence structures would show signs of movement;
- The hard-surface tennis court at 20 High Street shows signs of damage. It is our opinion that the surface of the tennis court is a substantial structure and has been negatively affected by the encroachment of the Tree’s root system and subsequent excessive changes in soil moisture. Undulations in the court surface are visually apparent and cracking has also appeared. Any remedial treatments such as relaying the hard surface would only deliver a short-term benefit.
- The playing surface of the existing tennis court at number 27 Thornber Street would be negatively affected by the presence of the tree, with impacts being undulation and cracking of the playing surface.

8. DEVELOPMENT PLAN ASSESSMENT

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

Principles of Development Control	Administration Comments
6	<i>Where a significant tree or significant tree grouping:</i>
(a)	<p><i>makes an important contribution to the character or amenity of the local area; or</i></p> <p>Yes – the tree is a large specimen that is visible from a number of viewpoints along Thornber, George and High Streets. The tree is considered to contribute to the character of Unley Park, and the wider Unley environment. Unley Park has a wildlife corridor along Brownhill Creek and Heywood Park and this tree provides important links to this corridor.</p> <p>It is also noted that the subject tree along with the regulated <i>Corymbia</i> tree and two</p>

		other large Gums (located in the rear yard of 20 George St and with one likely to be a <i>Corymbia maculata</i> – Spotted Gum) form a small grouping of trees.
(b)	<i>forms a notable visual element to the landscape of the local area; or</i>	Yes - the tree is a large specimen that is visible from a number of view points along Thornber, George and High Streets. The tree is considered to contribute to the overall vista of Unley Park. Furthermore, the tree is a prominent feature within the rear yards of a number properties and as such will be specifically notable and contribute greatly to visual amenity from these properties.
(c)	<i>Contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor.</i>	Yes – Council’s Arborist and Consulting Arborist have advised that the tree contributes to the habitat value of the area and provides links to the Brownhill Creek and Heywood Park wildlife corridor.
<i>Development should be designed and undertaken to retain and protect such significant trees and to preserve these elements</i>		

The tree is considered to satisfy PDC 6 as a tree worthy of retention as it is considered to make an important contribution to the character and amenity of the locality as well as forming a notable visual element to the landscape of the local area. Therefore an assessment against PDC 8 has been undertaken, as detailed below.

Principles of Development Control		Administration Comments
8	<i>Significant trees should be preserved and tree-damaging activity should not be undertaken unless:</i>	
(a)	<i>In the case of tree removal:</i>	
(i)	<i>The tree is diseased and its life expectancy is short; or</i>	No – No evidence has been provided that the tree is diseased and its life expectancy is short.
(ii)	<i>The tree represents an unacceptable risk to public or private safety; or</i>	No – No conclusive evidence has been provided to demonstrate that the tree represents an unacceptable risk to public or private safety. The neighbour at 20 High Street has raised concerns regarding safety due to falling branches, dropped gumnuts and the potential for the hit-up wall to fall over.
(iii)	<i>The tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value and all other reasonable remedial treatments and measures have been demonstrated to</i>	No – Evidence has been provided that the tree is causing or threatening to cause damage to a hit-up wall, tennis court surface and fencing. It is considered however that these are not substantial structures of value. Some discussion regarding remedial

	<i>be ineffective; or</i>	treatments has also been provided, however it has not been demonstrated that these have been ineffective.
(iv)	<i>It is demonstrated that reasonable alternative development options and design solutions in accord with Council-wide, Zone and Area provisions have been considered to minimise inappropriate tree-damaging activity occurring.</i>	No – The applicant’s planning consultant has noted that given the approved dwelling additions, the rear yard will become inaccessible to heavy equipment for the ongoing pruning and maintenance of the tree. It is noted that there was likely alternative development options that could have been considered within the application DA 090/23/2018 to avoid this. The applicant however indicated as part of that previous approval that the tree was to remain and did not raise any issues in regards to accessibility.

9. DISCUSSION

The original Council Assessment Panel report prepared in February this year, included the following discussion:

It is agreed that the subject tree is causing the adjacent block wall associated with the neighbours tennis court to ‘lean’. This block wall is not considered to be a ‘substantial building’ or ‘structure of value’ as the wall:

- *provides no structural support to a dwelling, habitable building or enclosed space capable of being occupied by people;*
- *does not form part of a common boundary fence;*
- *is not required for the retention of soil or land;*
- *is not located in an area that would be highly trafficable to private users of the land;*
- *does not appear to have any particular use other than for ancillary tennis/ recreational purposes;*
- *is not in place for privacy/ screening purposes;*
- *was constructed in an area which would be obviously highly susceptible to tree damage as the tree would have been growing in place prior to the construction of the wall.*

Furthermore, it has not been demonstrated that all other remedial measures, other than the removal of the tree, are deemed to be ineffective. It is considered that the major measure for consideration is the relocation of block wall, particularly as it is unclear as to the need for the block wall in this location. It is also the case that there is no record of a development approval for the wall.

The Meinhardt Structural Inspection report is dated 28 September 2018 and this report notes that the author undertook a site inspection 25 June 2018. Despite the Engineers’ recommendation that the wall be propped, upon the Planning Officer’s site inspection on 7 December 2018, no works had been undertaken to prop the wall or attempt to stabilise it. Furthermore, no comment/ evidence has been received from the owner of the adjacent property of 20 High Street (i.e. where the wall is located), as to the safety concern of this wall.

The above discussion was limited to the wall as this was, at the time, the focal point of the applicant’s concerns around damage to a substantial structure of value. Legal advice has been sought by Council Administration and it is noted that the above considerations can also be applied to the tennis court surface and fencing. Furthermore, it is now advised that:

- No Development Approvals could be found for the existing block wall and tennis court;
- A tennis court surface and fencing up to 2.1m in height do not require approval as neither structure is defined as 'development';
- Legal advice suggests that as neither the tennis court and the fencing require approval, neither structure is a 'structure' as referred to by the Development Plan;
- Remedial measures have not been demonstrated.

It is also noted that a copy of the February CAP report, including the above discussion points, was made available to the applicant and therefore it appears that the applicant wished to address some of the concerns raised by the Assessment Officer by providing the following additional information:

- Landscaping Plans and Plant Schedule, prepared by Greenwell;
- Landscape Design Evaluation, undertaken by WAX Design;
- Structural Inspection Report, prepared by Meinhardt;
- Letter of support from the owners of 20 High Street, Unley Park;
- A letter from Botten Levison that includes:
 - A summary of the additional documentation provided;
 - an offer from the owners to landscape the property in accordance with landscaping plans;
 - an offer of \$50,000 to be paid into the Council's Urban Tree Fund;
 - Legal opinion regarding Principle 8 of the Council Wide Regulated & Significant Tree provisions including reference to relevant Court cases.

In regards to the offers of landscaping and additional payment into the Urban Tree Fund, these are not a consideration of the Development Plan when determining whether a Significant tree should be removed. Furthermore, in accordance with Section 42 of the Development Act 1993 and Section 117 of the Development Regulations, if the Council grants approval for the removal of a Regulated Tree or Significant Tree, the Council is required to impose a condition requiring the applicant to plant and maintain two (2) trees to replace every Regulated Tree and three (3) trees to replace every Significant Tree. Where replacement planting cannot be achieved, payment can be made into the Unley Urban Tree Fund. The amount payable is set by the regulations (as of 1 July 2019) at \$94.00 for each replacement tree that is not planted. Council has no power to alter these legislated provisions.

Please note that the original application documentation can be found within Appendix A, whilst the additional documentation recently supplied by Botten Levinson can be found within Appendix B.

10. CONCLUSION

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

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

justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (ii).

- No evidence has been provided to demonstrate that the tree is causing or threatening to cause substantial damage to a building or structure of value, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (iii).
- The tree does not demonstrate any of the criteria for removal under Council Wide Regulated and Significant Trees Principles of Development Control 6 and 8 and therefore the tree should not be removed or damaged.

The application is therefore recommended for REFUSAL.

11. **RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/789/2018/C1 at 27 Thornber Street, Unley Park SA 5061 to 'Remove significant tree - Eucalyptus gomphocephala (Tuart Tree)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

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

List of Attachments		Supplied By:
A	Original Application Documents	Applicant
B	Supplementary Application Documents	Botten Levinson
C	Council Landscape Architect	Administration
D	Council Consultant Arborist Report	Administration

ITEM 7**DEVELOPMENT APPLICATION – 090/963/2018/C1 – 109 CAMBRIDGE TERRACE,
MALVERN SA 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/963/2018/C1
ADDRESS:	109 Cambridge Terrace, Malvern SA 5061
DATE OF MEETING:	17 September 2019
AUTHOR:	Reb Rowe
DEVELOPMENT PROPOSAL:	Erect 1.7m high brush front fence
HERITAGE VALUE:	Contributory
DEVELOPMENT PLAN:	4 July 2017
ZONE:	HISTORIC CONSERVATION ZONE POLICY AREA 6
APPLICANT:	Megan Jayne Grey
OWNER:	Megan Jayne Grey
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 1
REPRESENTATIONS RECEIVED:	NONE
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Recommendation for refusal
RECOMMENDATION:	Refusal
KEY PLANNING ISSUES:	Discordance with key objectives of Residential Historic Conservation Zone Complementary fencing

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

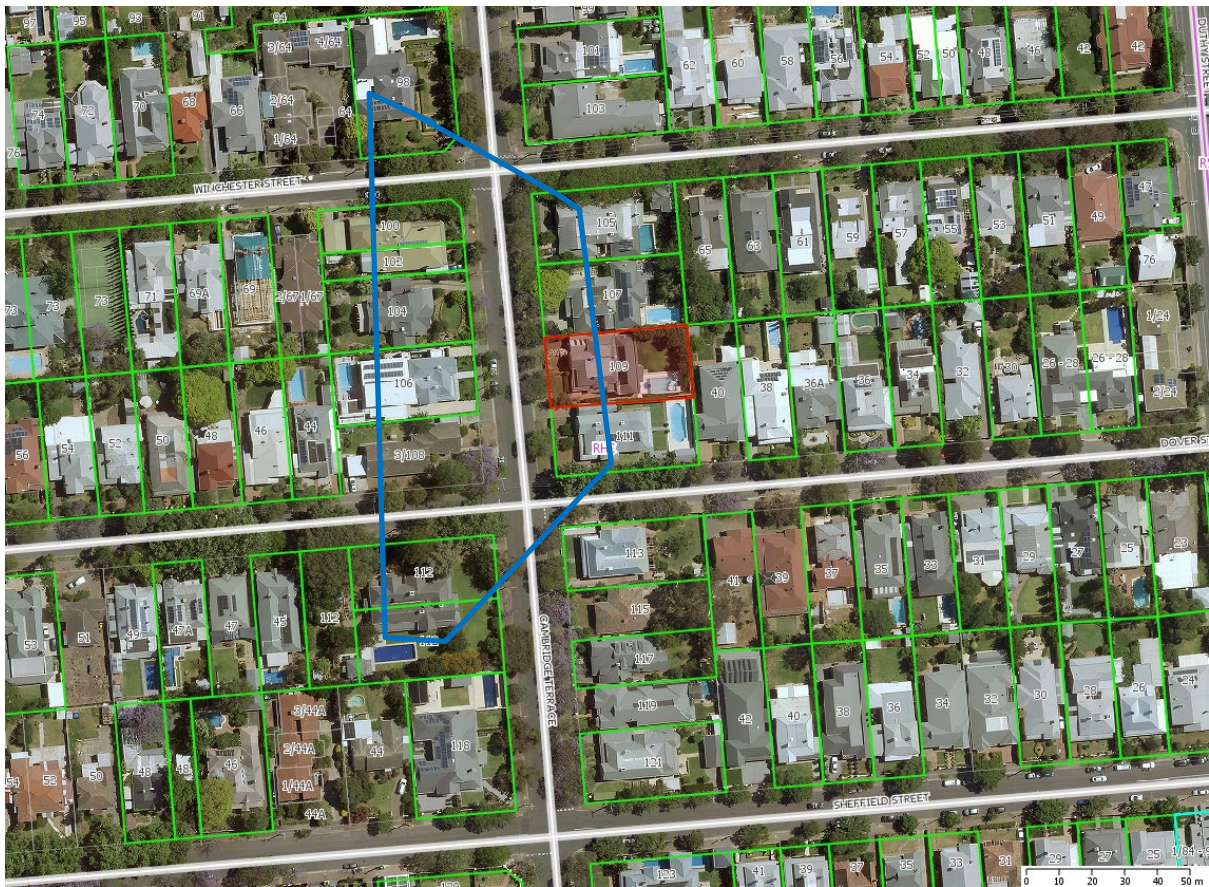
The proposed development involves the replacement of existing low timber front fencing with a 1.7m high brush fence with decorative ironwork vehicle and pedestrian gates.

3. SITE DESCRIPTION

The subject site is a rectangular shaped allotment of 976sqm, located on the eastern side of Cambridge Terrace. The site is residential in nature and makes a strong positive contribution to the desired character as identified by the zone.

There are no Regulated or Significant trees on the subject site.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

The land division pattern / settlement pattern is generally for regularly-shaped allotments of approximately 800sqm with single dwellings sited in spacious settings.

Dwelling Type / Style and Number of Storeys

The area is predominantly single storey detached villa dwellings with established front yards which contribute to maintaining and enhancing the desired character and high-level amenity of the area.

Fencing Styles

Fencing styles of the immediate locality are predominantly low and open to allow views into the front yards of contributory items.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

One internal referral was undertaken to Council's Consulting Heritage Architect to provide comment on the ability for the proposed fence to maintain and enhance the character of the locality. The comments are provided below:

I didn't see the original plans but the proposed fence in the amended plans is inconsistent with relevant policy, particularly Zone PDCs 3 and 15 because the proposed brush fence is solid and not of a style and height appropriate to that historically associated with the architectural style of the dwelling.

The proposed front fence is therefore not supported.

Recommend reference to Council's guideline fence drawings.

8. PUBLIC NOTIFICATION

Category 2 notification was not undertaken.

9. DEVELOPMENT DATA

Site Characteristics	Front Fence	Development Plan Provision
Total Site Area	976m ²	750sqm
Frontage	21m	15m
Depth	44m	>20m
Development Characteristics		
Front fence		
Height	1.7m	1.2m or up to 1.6m for masonry pier and plinth style
Colours and Materials		
Fence	Brush fence	Low and open in nature
Gates	Decorative ironwork	Low and open in nature

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Historic (Conservation) Zone
Objective 1: Conservation and enhancement of the heritage values and desired character described in the respective policy areas, exhibited in the pattern of settlement and streetscapes of largely intact original built fabric.
Objective 2: A residential zone for dwellings primarily in street-fronting format, together with the use of existing buildings and sites used for non-residential purposes for small-scale local businesses and community facilities supporting an appealing, pleasant and convenient living environment.
Objective 3: Retention, conservation and enhancement of contributory items, and the complementary replacement or redevelopment of non-contributory buildings.
Objective 4: Sensitive adaptation of contributory items for alternate, small household, living

where offering tangible benefit in the retention and refurbishment of such items.

Assessment

Due to the combined height and solid nature of the proposed front fence, it is not considered that the proposed design conserves nor enhances the heritage value or desired character of the locality as the solid nature and height of the proposed fence will obscure views of the character dwelling from the street and surrounding area. While the pedestrian and vehicle gates are open in nature and allow views through to the dwelling, the solid nature of the fence is not considered to promote the street presentation of the dwelling and site nor complement the contributory item on site.

Relevant Zone Principles of Development Control	Assessment
<p>PDC15- Fencing</p>	<p>The proposed front fence is located on a site which has a frontage width greater than 16m. According to PDC15(b) the frontage width affords the site the ability to have a masonry pier and plinth style fence up to 1.8m in total height (in addition to the more common appropriate fencing of low and open-style fencing up to 1.2m in height, including picket, dowel, crimped wire, with or without hedging).</p> <p>As the proposed front fence is of a solid nature, is not a masonry pier or plinth style and exceeds the recommended 1.2m height (for fences that are not masonry pier and plinth), the proposed fence is not considered appropriate for the site or locality.</p> <p>As such, the proposed fence is not considered to complement the desired character nor be compatible with the style of the associated dwelling and its open streetscape presence.</p>

Policy Area Desired Character and Principles of Development Control

Policy Area 6- spacious Unley and Malvern Trimmer Estate

Desired Character

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

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

degrees.

Assessment

The proposed fencing would not complement the existing dwelling and would enclose the front garden, thereby disrupting the open, spacious character and appearance of the area.

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions		Assessment
Residential Development		
PDC35-Fencing, walls and landscaping	<p>(a) <i>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>(ii) <i>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>	<ul style="list-style-type: none"> • PDC35(a) is not considered satisfied as the proposed design is considered detrimental to the attractive streetscape of the area and does not meet either i or ii due to the solid nature and height of the proposed fence
	<p>(b) <i>minimize noise and associated nuisances from adjacent major collector and arterial roads through the use of:</i></p> <p>(i) <i>solid structures that do not exceed 2 metres in height (measured from finished ground levels or the lower of the two adjoining finished ground levels);</i></p> <p>(ii) <i>materials and designs that complement the associated development, its prevailing or desired streetscape</i></p>	<ul style="list-style-type: none"> • PDC35(b) the proposed fence would likely minimise noise and associated nuisances from the adjacent road, however, the proposed fence does not meet this provision as the site is not adjacent a major collector or arterial road

	<i>character, and provide visual interest;</i>	
	<i>(d) provide visual interest and relief by incorporating articulation or other detailing every 5 metres where there is a large expanse of solid fencing facing the street or in public view;</i>	<ul style="list-style-type: none"> • PDC35(d) visual interest is provided in a way through the provision of open-nature gates to the front fence design.

11. CONCLUSION

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

- The height, design and materials of the proposed fence would not complement the existing dwelling, would not be consistent with the desired character identified by the zone and policy area, and would harm the character and appearance of the area.

The application is therefore recommended for REFUSAL.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/963/2018/C1 at 109 Cambridge Terrace, Malvern SA 5061 to 'Erect 1.7m high front brush fence', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED.

List of Attachments		Supplied By:
A	Application Documents	Applicant

DECISION REPORT

REPORT TITLE: CONFIDENTIAL MOTION:

- FOR ITEM 9 – PLANNING APPEAL – ERD COURT ACTION NO ERD-19-26 (DA 530/2018/C3) 84-92 DUTHY STREET MALVERN

ITEM NUMBER: 8

DATE OF MEETING: 17 SEPTEMBER 2019

AUTHOR: ANDREW RAEBURN
ACTING TEAM LEADER

RESPONSIBLE OFFICER: MEGAN BERGHUIS
GENERAL MANAGER COMMUNITY

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

PURPOSE

To recommend that Item 9 be considered in confidence at 17 September 2019 Council Assessment Panel Meeting

RECOMMENDATION

MOVED: SECONDED:

That:

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

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