

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Special Council Assessment Panel Meeting to be held on Tuesday 17 November 2020 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.



Gary Brinkworth
ASSESSMENT MANAGER

Dated 06/11/2020

ACKNOWLEDGEMENT

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

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

17 November 2020

MEMBERS:

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

APOLOGIES:

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED:

SECONDED:

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 20 October 2020, as printed and circulated, be taken as read and signed as a correct record.

AGENDA

Apologies
Conflict of Interest
Confirmation

Item No	Development Application	Page
1.	186A Goodwood Road Millswood – 490/2020/C2	4-31
2.	2 Thames Str Clarence Park – 509/2020/C2	32-99
3.	51 Thomas St Unley - 393/2020/C1	100-128
4.	11 Regent St Parkside – 558/2020/C2	129-142
5.	17 Clarke St Wayville – 592/2020/C2	143-190
6.	34 Miller St Unley – 647/2020/C2	191-219
7.	647 South Rd Black Forest – 415/2020/NC	220-251
Item No	APPEALS - Development Application - Confidential	Page
8.	60 Park St Hyde Park – 263/2020/C2	252-284

Any Other Business
Matters for Council's consideration

ITEM 1
DEVELOPMENT APPLICATION – 090/490/2020/C2 – 186A GOODWOOD ROAD, MILLSWOOD SA 5034 (CLARENCE PARK)

DEVELOPMENT APPLICATION NUMBER:	090/490/2020/C2
ADDRESS:	186A Goodwood Road, Millswood SA 5034
DATE OF MEETING:	17 November 2020
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Construct a deck and install fencing up to 2.7 metres in height along existing retaining walls
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Mixed Use 1
APPLICANT:	J H Williams and L R Williams
OWNER:	J H Williams and L R Williams
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:	Visual impacts Overlooking Interface / Amenity

1. PLANNING BACKGROUND

This application has been submitted in response to a compliance matter for unlawful building work.

The proposed deck has been partially constructed without approval and the property owners have ceased building work pending a decision on the application.

2. DESCRIPTION OF PROPOSAL

The proposal is seeking to construct a timber deck to the side and rear of the existing dwelling. The deck will be elevated on steel posts at a height that matches the finished floor level of the dwelling, which is approximately 900mm above the ground level at its highest point. The deck will be accessed from a series of sliding doors along the side and rear façades.

Fencing is to be erected on top of an existing retaining wall that follows the southern side of the deck. The fencing comprises a mix of solid fibre cement sheets and timber slats to a height of up to 2.7 metres above ground level (between 1.5 to 2.4 metres above deck level).

3. SITE DESCRIPTION

The subject site is a single residential allotment located on the western side of Goodwood Road. The site is commonly known as 186A Goodwood Road, Millswood and is formally described as Allotment 99 in Filed Plan 9175, Certificate of Title Volume 5232 Folio 894 in the area named Millswood.

It is noted that there are no easements, encumbrances or Land Management Agreements on the Certificate of Title.

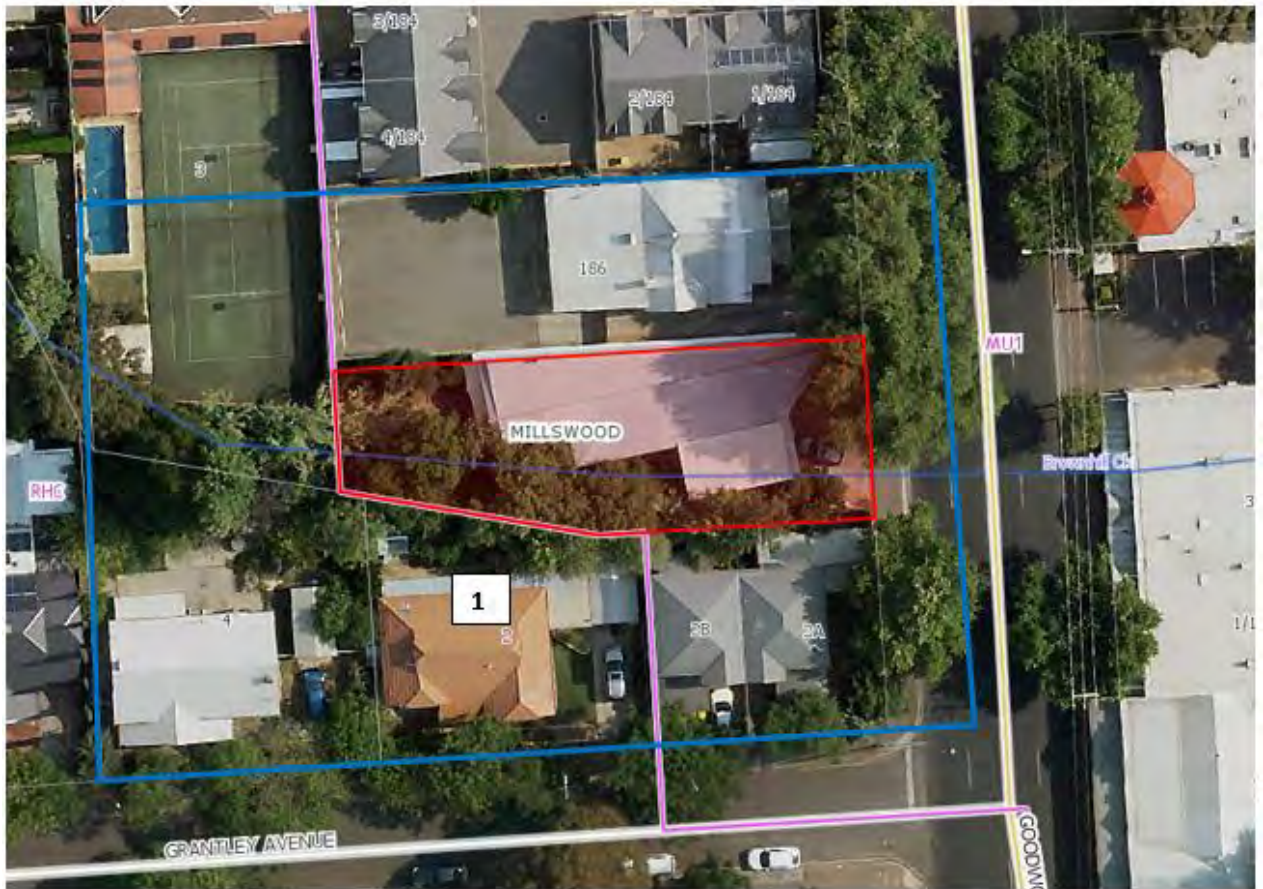
The site is within the Mixed Use 1 Zone, with the rear boundary and portion of the southern side boundary abutting the Residential Historic (Conservation) Zone.

The subject land has a frontage of 15.24 metres to Goodwood Road, a depth of 45.72 metres and a total area of approximately 650m².

The land is currently occupied by a single storey dwelling that includes a solid wall along the northern side boundary. There is a concrete drain (Brownhill Creek) that traverses the southern side of the site in an east to west direction. While the front portion of the land is relatively flat, the land falls away approximately one metre toward the southern side and rear of the property.

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

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

The locality is confined to the subject land, which is an established residential property, an adjoining commercial property (consulting room) to the north and the rear of several adjoining residential properties to the south and west.

The adjoining commercial property comprises a former bungalow dwelling that has been converted to commercial use. The adjoining dwellings comprise a pair of two storey semi-detached dwellings and single storey detached dwellings. The property to the rear of the site has a tennis court within the rear yard.

There are several mature trees that follow the Brownhill Creek and provide a vegetated buffer between the properties.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

Council Assets Department

As no upgrades are to be undertaken to this section of Brownhill Creek, no concerns are raised with this proposal.

8. PUBLIC NOTIFICATION

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

2 GRANTLEY AVENUE, MILLSWOOD (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Breach of the Development Act 1993 as development undertaken without approval.	The works are partially but not substantially complete.
The development is encroaching upon Council land.	The development is wholly within property boundaries.
The proposal disregards the positive aspects of the local environment.	Disagree. This is a personal opinion. The deck and creek line will be fenced in a variety of materials in order to avoid a "tin fence corridor" on our property.
The development does not include landscaping.	This is encouraged, not required, by the Development Plan. In fact it is our intention to reinstate planting along the fence between the deck and the carport, and further develop the planting west of the deck to reduce the overlooking from 2 Grantley Avenue that we currently experience.
The development overlooks habitable rooms and private open space of our property.	The fencing proposed in our applications has been designed specifically to provide both properties with visual privacy and increased acoustic privacy. Currently the rear rooms and back yard of 2 Grantley Avenue look straight into our main bedroom and living area.
<ul style="list-style-type: none">• The proposal is seriously at variance to the Mixed Use 1 Zone and the Residential Historic (Conservation) Zone.	The property has an established existing use.
<ul style="list-style-type: none">• The proposal does not facilitate small office and retail spaces.	The property has an established existing use.

<ul style="list-style-type: none"> The proposal does not preserve the historic character of the Policy Area. 	The property is not in the Residential Historic Conservation Zone Policy Area 4
<ul style="list-style-type: none"> The construction is unsafe and does not meet appropriate building standards. 	We are unsure how our work across the creek could affect the security of the rear boundary to 2 Grantley Avenue.

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	650m ²	Existing
Frontage	15.24m	Existing
Depth	45.72m	Existing
Building Characteristics		
Floor Area		
Ground Floor	Deck area 47m ²	
Site Coverage		
Roofed Buildings	No change	N/A
Total Impervious Areas	No change	N/A
Total Building Height		
From ground level	2.7m	Two storey max.
From ground level of the adjoining affected land	2.7m approx.	
Setbacks		
Ground Floor		
Front boundary (east)	Rear of property	N/A
Side boundary (north)	Attached to dwelling	N/A
Side boundary (south)	3.4m min.	900m
Rear boundary (west)	12m	900m
Private Open Space		
Min Dimension	No change – the deck will improve usability of POS	N/A
Total Area	No change – the deck will improve usability of POS	N/A
Car parking and Access		
On-site Car Parking	No change	N/A
Covered on-site parking	No change	N/A
On-street Parking	No change	N/A
Driveway Width	No change	N/A
Garage/Carport Width	No change	N/A
Colours and Materials		
Roof	N/A	
Walls	N/A	
Fencing	Timber panels Fibre cement sheet	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Mixed Use 1 Zone
<i>Objective 1: Accommodation of primarily small office and consulting room development with a maximum total floor area in the order of 250 square metres per individual building, with primarily small-scale specialty goods outlets and retail showrooms, and small entertainment facilities, to complement the adjacent centre facilities.</i>
Assessment
<p>The subject land contains a single storey detached dwelling and therefore has existing use rights for residential purposes.</p> <p>The proposed deck and fencing are domestic structures that are ancillary and subordinate to the existing dwelling on the land. The proposed deck will allow better use of the yard area adjacent to the Brownhill Creek and improve access to the rear living areas of the dwelling. The proposed fencing will enhance the privacy between the subject land and adjoining properties.</p> <p>While the Objective for the Mixed Use 1 Zone envisages offices, consulting rooms and other small-scale commercial uses, the site has existing use rights as a dwelling and the ancillary and small-scale nature of the proposed development would maintain the residential use of the land.</p> <p>The proposal is considered to be an orderly and appropriate form of development from a land use perspective.</p>

Relevant Zone Principles of Development Control	Assessment
<i>PDC 1 – Development should be, primarily, small-scale office and consulting room development, with limited extent of small-scale specialty goods outlets and retail showrooms, and small entertainment facilities such as restaurants.</i>	<p>As considered above, the proposed deck and fencing are domestic structures that are ancillary and subordinate to the existing dwelling on the land.</p> <p>PDC 1 is not relevant to the overall merits of the proposal as the subject land has existing use rights for residential purposes and the proposal will not change the residential use of the land.</p>
<i>PDC 3 - Development should not exceed two storeys in height.</i>	The proposed deck and fencing are of single storey scale. The proposed fencing will be a maximum of 1.7 metres in height above the deck level and approximately 2.7 metres above the ground level.
<i>PDC 5 - Development should result in low traffic generation, and direct vehicular access to arterial roads should be limited.</i>	The proposal will not alter the existing vehicle access or car parking arrangements.

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, 9, 10, 11, 13, 14
Form of Development	<i>Objectives</i>	1, 7
	<i>PDCs</i>	1, 2, 3
Hazards	<i>Objectives</i>	1, 3
	<i>PDCs</i>	1, 2, 3, 9, 10
Interface Between Land Uses	<i>Objectives</i>	1, 2, 3
	<i>PDCs</i>	1, 2, 3, 4, 5
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Public Notification	<i>PDCs</i>	1
Residential Development	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	1, 5, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 30, 32, 35, 36, 37, 38, 39, 40, 41, 42

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

Relevant Council Wide Provisions	Assessment
Design and Appearance	
PDC 1, 2 & 3 - Building Design	<p>The representors have raised concerns with the visual appearance of the development.</p> <p>The proposed deck is to be constructed of timber, which is a natural material that will complement the dwelling and the surrounding environment.</p> <p>The proposed fencing is designed with horizontal timber slats and fibre cement sheets. The solid section of fencing is located adjacent to the rear yard of 2 Grantly Avenue. The construction materials are of a reasonable standard for this kind of structure and would have a non-reflective finish as sought by PDC 3.</p> <p>The height of fencing is also reasonable as it is tall enough to provide much needed privacy without being visually overbearing. The tallest section of fencing at 2.4 metres above ground level is located adjacent to the existing carport and is setback at least 2.3 metres from the side boundary. The solid section of fencing is 1.7 metres above the deck and approximately 2.7 metres above the ground level. The height of the construction is reasonable,</p>

Relevant Council Wide Provisions	Assessment
	<p>particularly given that it would be setback a minimum of 3.4 metres from the adjacent boundary.</p> <p>The external materials, low scale and the boundary offsets would ensure that the proposed fencing has minimal visual impact when viewed from adjoining properties.</p> <p>The proposal therefore satisfies PDC 1 and 2.</p>
Hazards	
PDC 1 & 3 – Flood Management	<p>The proposal has been referred to Council's Assets Department and no concerns have been raised as there is no intention for this section of Brownhill Creek to be upgraded.</p> <p>The proposed deck will be elevated on steel posts and the posts will not be located within the Brownhill Creek that traverses the southern side of the land. As the deck will be elevated and the fencing will be located on 'existing' retaining walls, the proposal will not impede the flow of floodwaters through the land or other surrounding land. PDC 1 and 3 are satisfied.</p>
Interface Between Land Uses	
PDC 1 & 2 – Amenity Impacts	<p>The subject land is situated within a predominantly commercial area that interfaces with residential development to the south and west. PDC 1 and 2 seek to ensure that new development is designed in a manner that 'minimises' adverse amenity impacts.</p> <p>The proposed deck is a typical domestic structure that will allow the occupants of the dwelling to better use their rear yard, as the yard falls away toward a concrete drain. It is considered that the proposed fencing will improve the interface with the adjoining residential properties by providing privacy screening and visual screening of the carport.</p> <p>As considered above, the design and siting of the deck and fencing is such that it would have minimal impact upon the amenity of adjoining properties.</p>
Residential Development	
PDC 38 & 39 – Overlooking / Privacy	<p>The representors are also concerned that the proposed deck will result in additional overlooking and a loss of their privacy.</p>

Relevant Council Wide Provisions	Assessment
	<p>It is noted that there are some existing views between the rear living room windows of the subject dwelling and the rear of the adjoining property at 2 Grantley Avenue. While the proposed deck will extend the floor level of the dwelling toward the side and rear boundaries, any direct overlooking will be adequately minimised by the proposed solid fence which is to be 1.7 metres in height and sited immediately adjacent to the rear yard of 2 Grantley Avenue. The installation of the proposed fencing is considered to improve upon the current situation in terms of privacy and security.</p> <p>Views from the narrow section of the deck at the rear of the dwelling would be distant and oblique. This deck will be used to access the rear of the dwelling and is not considered large enough to be used as an entertaining area.</p> <p>Accordingly, the proposed privacy measures are considered adequate in the context of the site and adjoining properties. PDC 38 and 39 are therefore satisfied.</p>
<p>PDC 41 Overshadowing -</p>	<p>There would be minimal shadow cast by the proposed deck and fencing given the modest height and siting of the fencing away from the side boundary. The main section of the fence will be setback between 3.4 and 4.25 metres from the boundary, which will provide adequate spatial separation. It is reasonable to expect that the roof of the existing dwelling would cast more shadow over the adjacent land to the south than the proposed deck and fencing.</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 deck and fencing are domestic structures that are ancillary and subordinate to the existing dwelling on the land;
- The proposed deck will allow better use of the yard area adjacent to the Brownhill Creek and improve access to the rear living areas of the dwelling;

- The external materials, low scale and the boundary offsets would ensure that the proposed fencing has minimal visual impact when viewed from adjoining properties;
- The proposed fencing will improve the privacy between the subject land and adjoining properties; and
- The proposal will not impede the flow of floodwaters through the land or other surrounding land.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/490/2020/C2 at 186A Goodwood Road, Millswood SA 5034 to construct a deck and install fencing up to 2.7m in height along existing retaining walls 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:

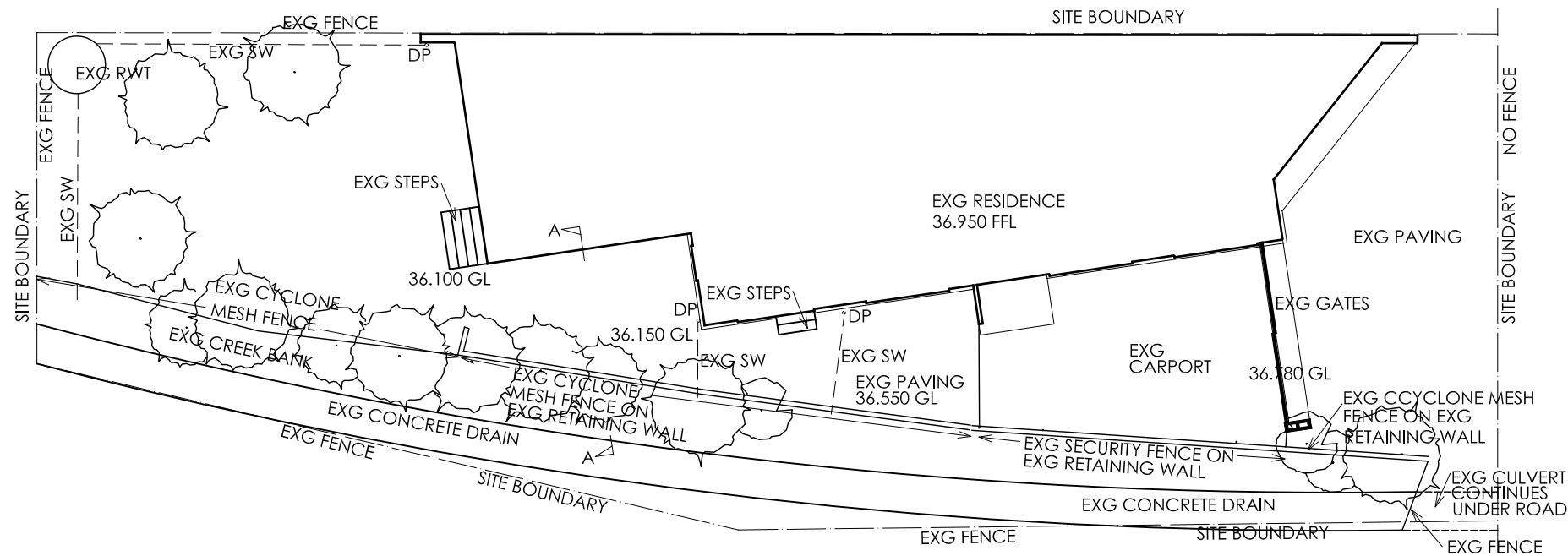
1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The solid fibre cement sheet fence approved herein shall be finished in a colour that is complementary to the existing dwelling on the land.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

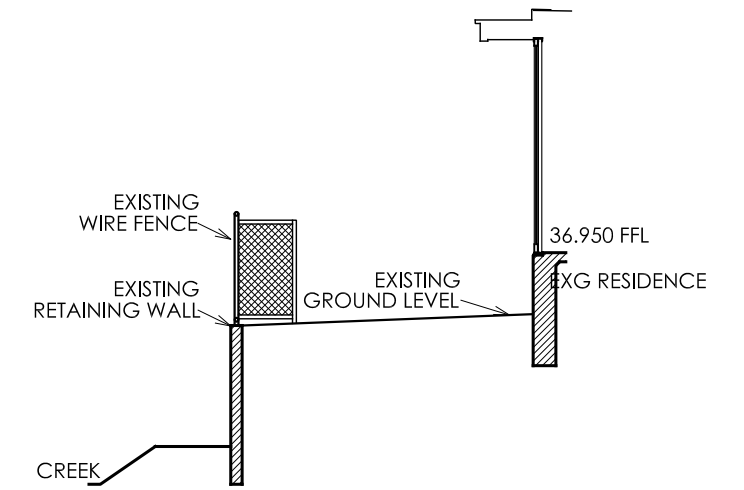
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services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

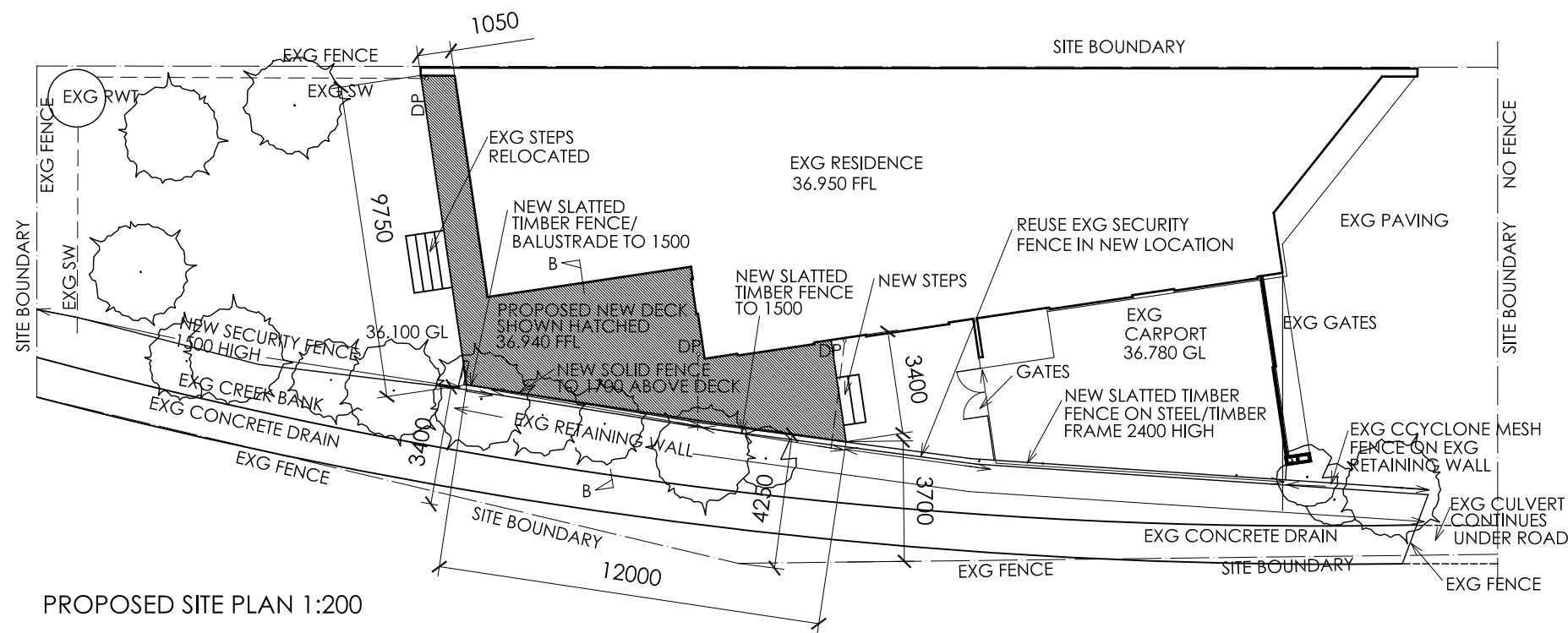
ATTACHMENT A



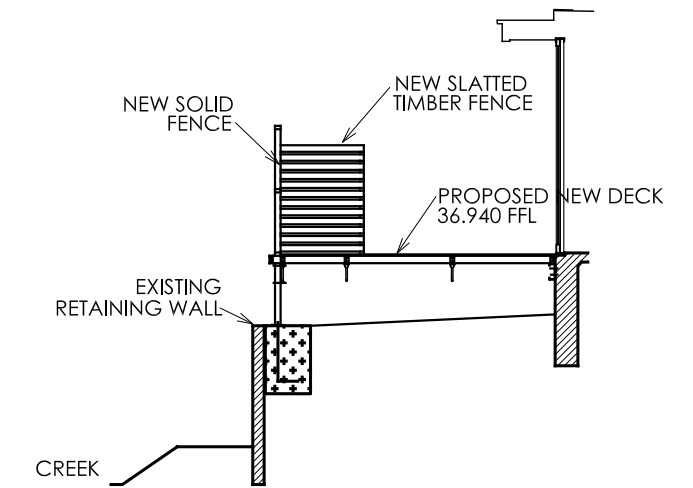
EXISTING SITE PLAN 1:200



SECTION A-A (EXISTING) 1:100

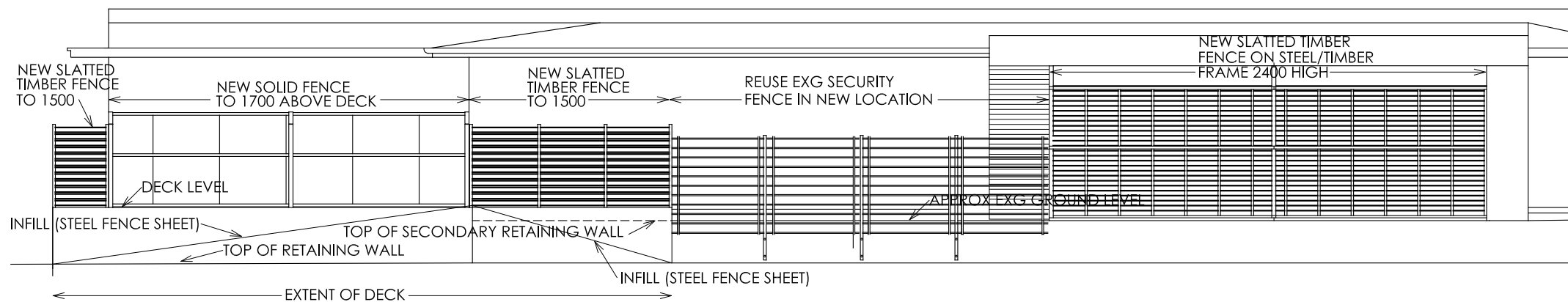


PROPOSED SITE PLAN 1:200



SECTION B-B (PROPOSED) 1:100

- NOTES
1. ALL EXISTING SIDE AND REAR BOUNDARIES ARE FENCED WITH "GOOD NEIGHBOUR" OR STEEL LINED POST AND RAIL, HEIGHT VARIES 1500 TO 1800 ABOVE ADJACENT GL, ALL TO BE RETAINED
 2. EXISTING FENCES TO SOUTHERN BOUNDARY ARE ALL CONSTRUCTED ON TOP OF EXISTING RETAINING WALL.
 3. EXISTING RETAINING WALL TO NORTH SIDE OF CREEK TO BE RETAINED.
 4. PROPOSED NEW DECK AREA 46 SQ M
 5. PROPOSED NEW DECK TO BE HARDWOOD ON STEEL & TIMBER FRAME
 6. PROPOSED NEW SOLID FENCE TO BE FIBRE CEMENT SHEET ON STUD FRAME, INFILL BELOW DECK LEVEL WITH STEEL FENCING SHEET
 7. PROPOSED NEW FENCE TO BE INSTALLED AS SHOWN FROM WESTERN BOUNDARY TO EASTERN END OF EXISTING CARPORT



PROPOSED ELEVATION FROM CREEK 1:100

J & L Williams 186A Goodwood Rd Millswood SA 5034
**PROPOSED NEW DECK AND FENCES TO
 186A GOODWOOD ROAD MILLSWOOD SA**
 EXISTING & PROPOSED SITE PLANS & SECTIONS
 & PROPOSED FENCE ELEVATION

Scale: 1:200, 1:100 @ A3 DO NOT SCALE FROM DRAWING

Date: July 2020 Drg No: 186A/D/2020/P01 Rev: -

ATTACHMENT B

REPRESENTATION Category 2 (Page 2)

To: **Chelsea Spangler, City of Unley Development Section**

1. This page (ie Page 2) and any attachments may be published on the internet and thus be able to be searched via Google and other internet search engines.
2. In accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and any attachments) will be forwarded to the Applicant for consultation and response.

The closing date for Representations is **5pm on 17 September 2020.**

Application:	090/490/2020/C2 186A Goodwood Road, Millswood SA 5034
Property affected by Development	2 Grantley Avenue, Millswood, SA 5034

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

(Please state your reasons so that each planning issue can be clearly identified. Attach extra pages if you wish)

Please see attached document.

My concerns (if any) could be overcome by: Please see attached document.

WISH TO BE HEARD

DO NOT WISH TO BE HEARD

by the Council Assessment Panel

(Tick one box only. If you do not tick either box it will be assumed that you do not wish to be heard by the Council Assessment Panel.)

PART A: BACKGROUND

1. Mr John and Mrs Margaret Onley are the owners of 2 Grantley Avenue, Millswood, SA 5034 (**"the Grantley Avenue Property"**).
2. 186A Goodwood Road, Millswood, SA 5034 (**"the Subject Property"**) is located at the rear of the Grantley Avenue Property. Brown Hill Creek separates the Grantley Avenue Property and the Subject Property.
3. J H Williams and L R Williams, the owners of the Subject Property, have made a Development Application (identified as 090/490/2020/C2) in relation the construction of a deck and the installation of fencing (**"the Application"**).
4. The following submissions are provided in relation to the Application.

PART B: SUBMISSIONS

5. The works proposed by the Application have been commenced and are substantially completed.
 - 5.1. We submit that it is a clear breach of the *Development Act 1993* (SA) (**"the Act"**) to undertake development without the required consents, including Development Plan consent.
6. We submit that a survey has not been performed in relation to the Subject Property.
 - 6.1. It appears that the development is encroaching on land owned by the City of Unley, particularly at the rear of the property and in relation to Brown Hill Creek.
7. We submit that the Application does not warrant Development Plan Consent, pursuant to the Act, as it is seriously at variance with the following provisions of the City of Unley Development Plan consolidated 19 December 2017 (**"the Plan"**):

Council wide provisions | Design and Appearance

8. The Application is seriously at variance with objective 1, which states that development should be of "a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form."
 - 8.1. The Application proposes to disregard the positive aspects of the local environment, being the natural character and beauty of the area, particularly Brown Hill Creek.
 - 8.2. The proposed deck is excessively obtrusive to the natural environment and is inconsistent with the design of the surrounding properties.
9. The Application is seriously at variance with principle of development control (**"PDC"**) 1, as the height and sitting of the development is obtrusive and directly overlooks into the Grantley Avenue Property.

Council wide provisions | Landscaping

10. The Plan encourages the use of landscaping to "soften" and "complement" development.
11. The Application does not address the use of landscaping in relation to the development.
12. As a result of the location and sitting of the development, we submit that landscaping would not assist in softening the obtrusive nature of the development.
 - 12.1. Further, as a result of the height and sitting of the development, we submit that landscaping could not sufficiently preserve the privacy of the Grantley Avenue Property.

Council wide provisions | Design and Appearance | Visual Privacy

13. The Application is seriously at variance with PDC 10 which states that “Development should minimise direct overlooking of the habitable rooms and private open spaces of dwellings.”
 - 13.1. We submit that the proposed development site overlooks directly into habitable rooms and private open space of the Grantley Avenue Property.
 - 13.2. We submit that the proposed development site is an inappropriate location for such development.
 - 13.3. We submit that the orientation of the proposed development site is inappropriate and that it is clear that any development undertaken on the proposed site will directly overlook into the Grantley Avenue Property.
14. To demonstrate the above hereto annexed and marked “A” are various photographs taken by the owners of the Grantley Avenue Property.
15. As the proposed development directly overlooks into both the habitable rooms and the private open space of the Grantley Avenue Property, we submit that the Application is seriously at variance with the provisions of the Plan.

Council wide provisions | Interface Between Land Uses

16. The Application is seriously at variance with PDC 3, which states “Development adjacent to a Residential Zone [as is the case with this Application] should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.”
 - 16.1. As discussed above, the proposed deck directly overlooks into the habitable rooms and private open space of the Grantley Avenue Property.
17. As the proposed development directly overlooks into both the habitable rooms and the private open space of the Grantley Avenue Property, we submit that the Application is seriously at variance with the provisions of the Plan.

Council wide provisions | Residential Development

18. The Application is seriously at variance with objective 2, which seeks to preserve and enhance the existing character of the relevant zone and policy area through “sensitive re-development, alterations, additions and adaptive re-use of buildings.”
19. Further PDC 1 (in relation to Design and Appearance), prioritises that development respects the qualities of the locality and the desired character of the relevant zone and policy area.
 - 19.1. PDC 1 expressly lists overlooking as a key consideration in this respect.
20. PDC 38 expressly states that direct overlooking into habitable rooms and private open space should be minimised by planning and design.
 - 20.1. We submit that the direct overlooking was not considered in relation to the proposed development and subsequent Application.
 - 20.2. The Plan requires that development be undertaken in a thoughtful manner to ensure the least-obtrusive outcome. The Application is not consistent with this.
21. As the proposed development directly overlooks into both the habitable rooms and the private open space of the Grantley Avenue Property, we submit that the Application is seriously at variance with the provisions of the Plan.

Zone/Policy Area Considerations

22. The Subject Property, being the development site, borders the Mixed Use 1 Zone and the Residential Historic Conservation Zone (Policy Area 4 – Spacious Millswood Page Estate) of the Plan, we submit that the Application is seriously at variance with the objectives and desired character of both of these zones.

Mixed Use 1 Zone

23. The Application is inconsistent with the objective of the Mixed Use 1 Zone, which seeks to facilitate development of small office and retail spaces.

Residential Historic Conservation Zone | Policy Area 4 – Spacious Millswood Page Estate

24. The Application is seriously at variance with the desired character of Policy Area 4, which seeks to maintain distinctive design styles.
25. The Application is seriously at variance with the intention to preserve, appreciate, maintain and highlight the historical style of the Policy Area.

Safety Concerns

26. As discussed above, construction of the proposed deck has commenced prior to the Application being determined.
 - 26.1. It appears that much of the construction is being performed by the owners of the Subject Property.
 - 26.2. We submit that the proposed development site, in its current state of construction, is unsafe and will likely result not only in injury to persons, but also in damage to council property, particularly to Brown Hill Creek. As discussed above, until a survey is completed, this level of potential damage cannot be accurately identified.
 - 26.3. We submit that the construction that has been undertaken to date, appears to have been conducted with little to or no regard to building standards and required safety measures.
 - 26.4. To demonstrate this hereto annexed and marked “B” are various photographs taken by the owners of the Grantley Avenue Property.
27. Further to the above discussion in relation to the overlooking of the proposed development, we submit that the level of visibility into both the habitable rooms and private open space of the Grantley Avenue Property poses a significant security concern.

PART C: OUTCOMES

28. We submit for the above reasons, primarily that the development overlooks directly into the habitable rooms and private open space of the Grantley Avenue Property, that the Application is seriously at variance with the Plan and does not warrant, development plan consent.

ANNEXURE "A"

186 Goodwood Road Deck Line - In Relation To 2 Grantley Ave Fence line



186 Sliding Doors And Walkway Overlooking 2 Grantley Ave



ANNEXURE "B"

186 Deck Supported On Salvaged Materials & Untreated Pine



186 Deck Support - untreated Pine & salvaged materials



1 October 2020

Ms Chelsea Spangler
City of Unley
PO Box 1
UNLEY SA 5061

cspangler@unley.sa.gov.au

By mail and email

Dear Ms Spangler

Development Application 090/490/2020/C2 (“the Application”)

We refer to the Category 2 Representation of 17 September 2020 we submitted on behalf of our clients, Mr and Mrs Onley of 2 Grantley Avenue, Millswood (“**the Representation**”).

We write to convey additional submissions arising from the recent case of *City of Burnside v Bolton* [2020] SAERDC 35 (“**City of Burnside v Bolton**”) of 16 September 2020.

The respondent in the matter of *City of Burnside v Bolton* had placed a shipping container on residential land without the approval of the City of Burnside.

Commissioner Nolan’s orders included:

That the respondent had undertaken development... contrary to the provisions of the Development Act 1993 in that such development ha[d] been undertaken without development approval. (at [18])

This order provides authority for our submission at Point 5.1 of the Representation.

We quote below Commissioner Nolan’s description of the container’s location at [13]:

The land is located within a residential area – the container is prominently placed on the open corner of the land at the junction of two streets. From the images contained with the affidavit, it is prominently visible and unscreened by fencing or vegetation.

In considering the award of costs, [13], quoted above, was relevant insofar as Commissioner Nolan stated:

The siting of the container on the subject land is prominently visible, with adverse impacts upon the amenity of the locality. It is in the public interest that there be orderly and proper planning and development... (at [16])

Commissioner Nolan ordered at [18] ordered costs in favour of the City of Burnside on a party party basis.

We submit the aesthetic issues with the deck and installation of fencing raised in the Representation can be likened to those stated in *City of Burnside v Bolton*, such that they would be viewed similarly if considered by the Environment, Resources and Development Court.

We reiterate our clients' position stated at Paragraph 28 of the Representation.

Further, we encourage the City of Unley to issue proceedings pursuant to Section 85 of the *Development Act 1993 (SA)*. We consider that the position of the City of Unley is similar to that of the City of Burnside in the decision of *City of Burnside v Bolton*.

We thank you for your attention to this.

Yours faithfully
CAMPBELL LAW



Tim Campbell
Principal

Liability limited by a scheme approved under Professional Standards Legislation

ATTACHMENT C

186A_D_2020_290920
12 October 2020

City of Unley
Development Services
PO Box 1
Unley SA 5061
Attn: Chelsea Spangler
Urban Planner

Dear Chelsea,

**DEVELOPMENT PLAN CONSENT APPLICATION 090/490/2020/C2
186A GOODWOOD ROAD, MILLSWOOD 5034**

We are writing to update our response to the Representation Category 2 by Mr Tim Campbell of Campbell Law on behalf of Mr John Onley and Mrs Margaret Onley of 2 Grantley Avenue Millswood regarding the above application, to include the second letter from Mr Campbell on the Onley's behalf dated 1 October 2020.

We note that the Representation primarily addresses the deck, and not the proposed fencing which forms an integral and substantial part of the application, and which has been designed to mitigate the privacy issues which appear to be its main focus.

We further note that the additional letter dated 1 October 2020 (2 full weeks after the closing date for Representations) refers to a matter that appears to have no relevance to our application. We note that the matter concerned a container placed on the open corner of two streets, and for which the landowner made no attempt to apply for Development Approval. Our application concerns our carport, and side and back gardens, and, once our error was pointed out, we have fully complied with Council requirements to apply for Planning Approval and to cease further work until the matter is resolved, so we are at a loss to understand how this can be applicable to our situation. We note the spurious implication that our deck will look like container, which we consider to be completely misrepresentative of our proposal. We therefore consider that this letter must have been issued in an attempt to bully or intimidate us.

Regarding the initial representation, we comment as follows, using the numbering system used in the Representation for ease of cross-referencing:


1. Statement of fact.
2. Incorrect. The side (southern) boundary of 186A Goodwood Rd meets the rear boundary of 2 Grantley Avenue. Refer to title details included in our application.
3. Statement of fact.
4. Statement of fact.
5. Incorrect. The works are partially but not substantially complete.
6. Irrelevant. Refer item 2 above.
 - 6.1 Incorrect. Refer item 2 above. The proposed development is wholly, and well within, the title boundary. This is shown clearly on the application.
7. We strongly disagree. This is personal opinion, not fact.
8. We strongly disagree. This is personal opinion, not fact.
 - 8.1 This is personal opinion, not fact. We enjoy living alongside Brown Hill Creek and the proposal is designed to enable the enjoyment of the Creek, which runs through our property, whilst increasing the privacy between our living areas and open space and that of 2 Grantley Avenue.

- 8.2 The deck and creek line will be fenced in a variety of materials in order to avoid a “tin fence corridor” on our property. It varies from the fences on our southern boundary which are generally 2.1m or higher sheet steel Good Neighbour fences, with the exception of 2 Grantley Avenue which has an old post and rail fence approximately 1.4m high, with sheet steel cladding to the southern (2 Grantley Avenue) side.
9. The fencing proposed in our applications has been designed specifically to provide both properties with visual privacy and increased acoustic privacy. Currently the rear rooms and back yard of 2 Grantley Avenue look straight into our main bedroom and living area. Lights fixed under the verandah to the side and rear of 2 Grantley Avenue shine directly into these rooms, and have on many occasions been left on all night. The verandah also acts as a sound shell, and we are often disturbed by the owner’s small dog barking. A solid fence to 1.7m above the deck, running along the edge of the deck, for the length of our living room, is necessary to reduce/mitigate the acoustic and visual nuisance that we currently experience from 2 Grantley Avenue. As noted above, this will also provide privacy to that property. Refer also to our comments at item 14 below.
 10. This is encouraged, not required, by the Development Plan. In fact it is our intention to reinstate planting along the fence between the deck and the carport, and further develop the planting west of the deck to reduce the overlooking from 2 Grantley Avenue that we currently experience.
 11. Refer to comments item 10.
 12. Personal opinion, not fact.
 - 12.1 Refer to comments items 8.2, 9 and 10.
 13. We disagree. Refer to our comments items 9 and 10.
 - 13.1 Refer to our comments items 9 and 10.
 - 13.2 We disagree. This is a residential back garden. The deck is designed to provide us with level access to the outdoors from our living area and bedroom, to enable us to continue to enjoy our property as we age.
 - 13.3 Incorrect. This is a blanket statement that we interpret as referring to the deck. However, our shared boundary with 2 Grantley Avenue is just over half (53%) of our side boundary, and of this less than half (48%) is taken up with the deck, which is, as stated in item 6.1, well within our property boundary. As stated above and clearly shown on our application, we propose to construct fencing along the edge of the deck, which will provide visual privacy to both properties.
 14. The photos of our property submitted in Annexure “A” have been taken without our knowledge or consent and we consider this a gross invasion of our privacy. Furthermore they appear to have been taken from the illegally installed clear glazed window in the north wall of the garage in the north eastern corner of the land at 2 Grantley Avenue. The photos serve to demonstrate the current lack of visual privacy we have from our neighbours at 2 Grantley Avenue – deck or no deck.
(We note that this garage has Development Approval as a Class 10a building, and not as a Class 1 (habitable) building. There is no Planning Approval on the City of Unley’s online database regarding change of use, or relating to the installation of a window. We further note that when this window was installed in about 2012, we contacted Unley Council Planning Department and the Planner we spoke to agreed that it was illegal, is within 600mm of the boundary, and overlooks our existing habitable rooms. We are unclear why this matter has not been pursued by the Council to date.)
 15. Refer to comments items 9, 12.1, 13.1, 13.2, 13.3 and 14.
 16. Refer to comments items 9, 12.1, 13.1, 13.2, 13.3 and 14.
 17. Refer to comments items 9, 12.1, 13.1, 13.2, 13.3 and 14.
 18. Our property is not in a Conservation Area. It is one of a number of residential properties in Mixed Use Zone 1. The character of our property is 1950’s International Modern style and the proposed development is in keeping with that. It also complies with Council-wide provisions, Design and Appearance Item 1 which states “Buildings should reflect the desired character of the locality whilst incorporating contemporary designs...”
 19. Refer to comments item 18.
 - 19.1 Refer to comments items 9, 12.1, 13.1, 13.2, 13.3 and 14.

20. Refer to comments items 9, 12.1, 13.1, 13.2, 13.3 and 14.
 - 20.1 Refer comments item 9
 - 20.2 Having carried out word searches for "thoughtful", "obtrusive" and "least-obtrusive" in the Unley Development Plan, we are unable to find this requirement.
21. Refer to comments items 9, 12.1, 13.1, 13.2, 13.3 and 14.
22. Incorrect. It is IN the Mixed Use Zone, and partially on the boundary of the Residential Historic Conservation Zone Policy Area 4. We are unable to find any reference in the Unley Development Plan regarding additions to existing single storey residential buildings within and on the boundary of a mixed-use zone that requires compliance with the objectives of or requirements for an adjacent zone.
23. The property has an established existing use.
24. The property is not in the Residential Historic Conservation Zone Policy Area 4. Refer to comments tem 22.
25. Irrelevant. Refer to comments items 22 and 24.
26. No comment.
 - 26.1 This is not a planning matter
 - 26.2 This is not a planning matter. However we comment that all structure has been calculated by one of the most experienced Civil and Structural Engineers in Adelaide.
 - 26.3 Incorrect.
 - 26.4 The photos of our property in Annexure "B" have been taken without our knowledge or consent and we consider this to be a gross invasion of our privacy. However we comment that the assumptions made are incorrect. All materials used are suitable for use, whether for permanent incorporation or temporary propping during construction. Furthermore the Council-wide provisions, Energy Efficiency, Principles of Development Control, item 2 (e) states "Buildings should be sited and designed to use energy efficient building materials or the re-use of existing materials."
27. Refer to comments items 9, 12.1, 13.1, 13.2, 13.3 and 14. We are unsure what the Representor means by "security concerns", and whether this is different from visual privacy. We are unsure how our work across the creek could affect the security of the rear boundary to 2 Grantley Avenue.
28. We reiterate our initial comment that the Representation only addresses the deck, and not the proposed fencing and screening which forms an integral and substantial part of the application, and which has been designed to mitigate the privacy issues which appear to be the Representor's main focus. We believe our proposal complies with the requirements of the Unley Development Plan p68 Residential Development Clause 38 (c) and Clause 39 (b) and (c) regarding overlooking.

Please do not hesitate to contact the undersigned if you require further information on any aspect of these comments or our proposal.

Yours sincerely,



Lindsey Williams
for J and L Williams

ITEM 2
DEVELOPMENT APPLICATION – 090/509/2020/C2 – 2 THAMES STREET, CLARENCE PARK 5034 (CLARENCE PARK)

Date of Meeting	17 November 2020
Author	Amy Barratt
Development Proposal	Carry out alterations, construct single storey dwelling addition, verandah, cellar, in-ground swimming pool, deck and remove Regulated Tree (Tree 1 - Red Ironbark)
Heritage Value	Nil
Development Plan	19 December 2017
Zone	Residential Streetscape Built Form Zone, Policy Area 9.1
Applicant/Owner	A Albarouki/Akkad Pty Ltd
Application Type	Category 2
Representation(s) Received	One support, one oppose
Reason for CAP's Consideration	Unresolved representation
Recommendation	Approval

1. PLANNING BACKGROUND

During the assessment of the application, staff requested the following:

- Information relating to the proposed removal of a Regulated Tree and a tree protection plan for the Significant Tree to be retained;
- Confirmation that the proposed development would not result in the loss of covered on-site car parking (by way of access to existing garage);
- A stormwater management plan; and
- Streetscape elevation

Staff did not request any amendments to the proposal.

The applicant has not provided a stormwater management plan; hence a reserve matter has been proposed in relation to this detail.

The proposed addition prevents future vehicle access to the existing garage. The applicant provided amended plans which include the creation of a crossover on Churchill Avenue to maintain vehicle access to the existing outbuilding.

2. DESCRIPTION OF PROPOSAL

The applicant proposes to construct single storey additions to the existing dwelling at 2 Thames Street, Clarence Park.

The development includes a cellar, roofed alfresco, unroofed deck, in-ground swimming pool and the removal of a Regulated Tree (Tree 1 - Red Ironbark).

Table 1: DEVELOPMENT DATA

Site - Consideration	
Area	1080.79m ²
Allotment Width	22.56m
Allotment Depth	44.2m and 56.39m
Swimming Pool - Consideration Proposed	
Length	10m
Width	3.9m
Setback from boundary	1.5m - 1.9m
Dwelling and Alfresco - Consideration Proposed	
External Wall Height	3.6m – 3.9m
Maximum Overall Height (to roof apex)	3.9m
Floor Areas	180m ² proposed dwelling additions 51m ² roofed alfresco 103m ² existing dwelling 112m ² existing garage
Site Coverage	41%
Private Open Space	38%
Street Set-back	13m to porch
Side Set-back	900mm (both)
Rear Set-back	13.2m
Car Parking Provision	2 covered (access via Churchill Avenue)
Materials	Hebel powerpanel wall with surfmist colour texture Light weight scyon matric feature Monument colour Colorbond roof to match existing

3. SITE DESCRIPTION

The site is regular in shape having a primary frontage to Thames Street and a secondary street frontage (7.32m in width) to Churchill Avenue. Refer allotment 503 in the Certificate of Title extract below:

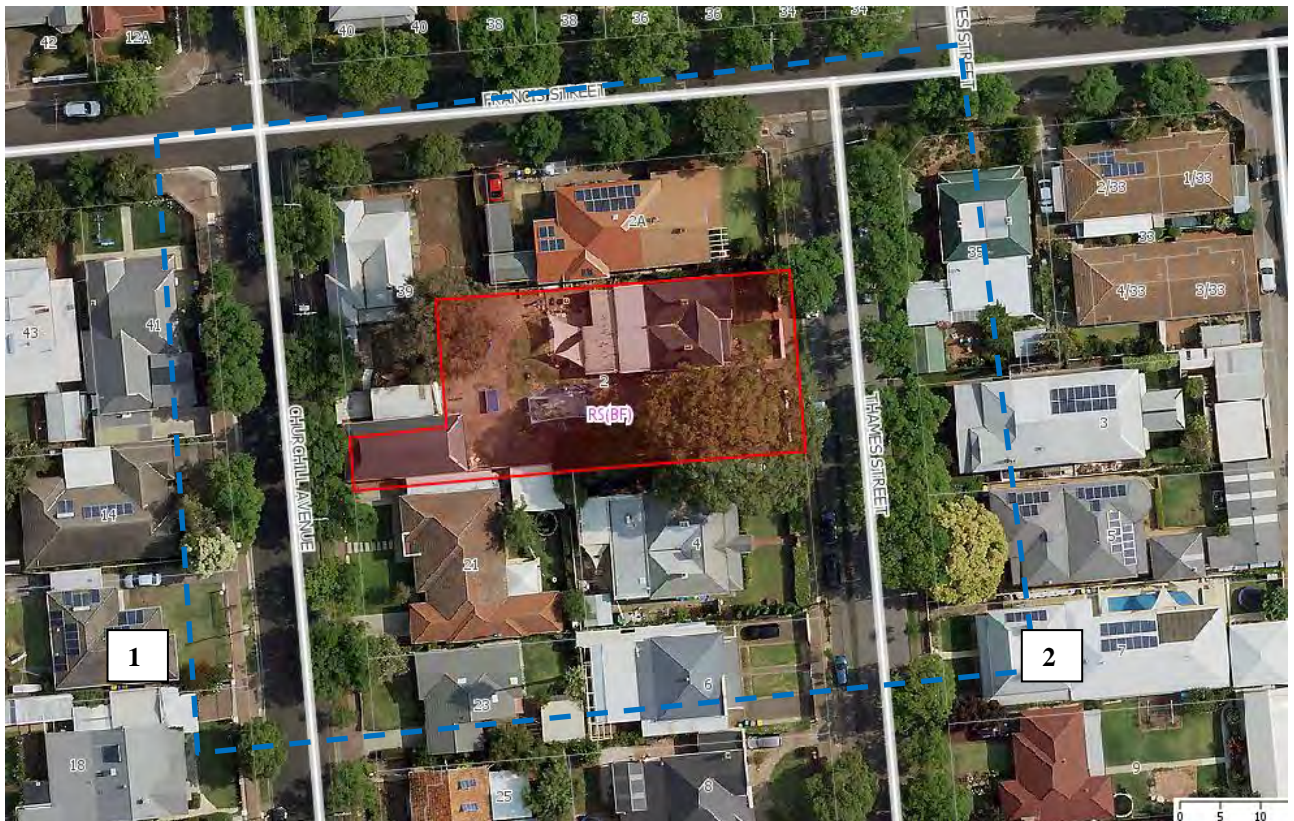


The site is currently occupied by a single storey, detached dwelling (Villa) and outbuilding located in the south-western corner of the allotment. Vehicle access is currently gained via Thames Street; however, a new crossover is proposed on Churchill Avenue to provide access to the existing outbuilding.

The site contains two large trees:

- Tree 1 (Regulated Red Iron bark) located in the north-western corner of the land;
- Tree 2 (Significant Eucalyptus sp) located in the south-eastern area of the land

4. LOCALITY PLAN



 Subject Site  Locality  1 Representations

5. LOCALITY DESCRIPTION

The predominant land use within the locality is residential.

A number of properties fronting Thames Street have been subdivided to create allotments fronting Churchill Avenue. However, the character of Thames Street is largely intact demonstrating single storey, detached dwellings of traditional architectural style (Villas, Bungalows etc).

Front fencing is predominantly low and open.

6. STATUTORY REFERRALS

No statutory referrals undertaken.

7. NON-STATUTORY (INTERNAL) REFERRALS

Advice was provided by Council's Arboricultural Department regarding the creation of a crossover on Churchill Avenue, and Arboricultural advice pertaining to the Regulation and Significant trees (refer to Attachment D). A summary of the advice is provided below.

Crossover location:

- *I would support a single crossover around 3m from the southern boundary. This would provide an exclusion zone 1.4m from the street tree. The street tree is semi-mature to mature Jacaranda mimosifolia which is reasonably integral to the streetscape of Churchill Avenue. Excavation within 2m of the tree will need to be by hand or hydrovac;*

Red Ironbark

- The Red Ironbark contributes to both the character and visual amenity of the locality; provides important habitat for native fauna and no Arboricultural concerns have been highlighted as a reason for tree removal.

Gum Tree

- Adherence to the Arboricultural report provided, particularly the tree protection measures, will allow for the aesthetic appearance and structural integrity of Tree 2 to be maintained.
- Recommend additional condition of consent.

8. PUBLIC NOTIFICATION

Two representations were received as detailed below.

- 7 Thames Street (support)
- 16 Churchill Avenue (oppose)

Issues Raised – Summary	Applicants Response – Summary
16 Churchill Avenue (oppose)	
<p>Object to the removal of the large and beautiful Red Iron bark tree. The tree is a large part of the environment in our area.</p> <p>Is it possible for the owner of this development to go ahead with a solution that could incorporate the tree into the plans so that it does not have to be removed.</p> <p>(Refer Attachment B)</p>	<p>We acknowledge and appreciate the concerns raised by the representor. Their comments in relation to the importance and value of trees are valid. The regulated tree does provide some benefits to the local area. In addition, the Significant tree provides greater and more important benefits to the local area.</p> <p>We have worked closely with our architect and project arborist to find a solution that attempts to meet all objectives.</p> <p>(Refer Attachment C)</p>

(* denotes non-valid planning considerations)

9. ASSESSMENT

Table 2: Residential Streetscape Built Form Zone and Policy – Relevant Objectives and Principles of Development Control

Subject DP Ref	Guideline (summary)	Assessment/Comment	Guideline Achieved (Yes, No, Partial)
Policy Area – Desired Character	Development should maintain or enhance the existing streetscape attributes (siting, form and key elements)	The proposed development is setback from the primary street, maintaining garden space and appropriate gaps between buildings. The proposed wall heights are complementary to the existing dwelling.	Yes
Zone PDC 3	Retain and enhance streetscape contribution of existing dwelling	The proposed development retains the essential built form and character of the existing dwelling.	Yes
Zone PDC 4	Additions should be located at the rear and not visible from the street.	The development will be visible from the Primary street frontage due to the space adjacent the existing dwelling. However, the additions are appropriately set behind the main dwelling (>16m from primary street) reducing prominence in the streetscape.	Partial/Yes

Zone PDC 10	Contemporary design and suitably reference the contextual conditions	The proposed development is a single storey, flat roof design and includes complementary wall heights. The scale is considered appropriate to the existing dwelling and wider locality.	Yes
Zone PDC 15	Vehicle access	The site currently has vehicle access via the Primary Street. This will be maintained, however, an additional crossover can be created from the secondary street frontage should access to the existing outbuilding be desired.	Yes

Assessment has been undertaken against the following Council Wide Provisions:

<i>Design and Appearance</i>	<i>Objectives 1- 2</i>	<i>PDCs 1-23</i>
<i>Energy Efficiency</i>	<i>Objectives 1-2</i>	<i>PDCs 1-4</i>
<i>Form of Development</i>	<i>Objectives 1- 7</i>	<i>PDCs 1-13</i>
<i>Regulated and Significant Trees</i>	<i>Objectives 1-3</i>	<i>PDCs 1-12</i>
<i>Residential Development</i>	<i>Objectives 1-5</i>	<i>PDCs 1- 62</i>

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

Table 3: Council Wide Provisions

Subject DP Ref	Guideline (summary)	Assessment/Comment	Guideline Achieved (Yes, No, Partial)
Side and rear setbacks PDC 13	1m side setback(s)	The proposal includes side setbacks of 900mm which are a minor deviation to the guideline. The proposed development does not result in unreasonable massing or shadowing of adjoining properties because of the setback deviation.	Partial/Yes
Regulated & Significant Trees Objective 2	Development in balance with preserving regulated trees that demonstrate one or more of the following attributes (a) – (d)	While the Regulated tree is in good health it contributes modestly to the character of the area (due to its location and size). The accompanying Arboricultural advice	Partial/Yes – the tree does not demonstrate attributes worth of preservation

		(Palamountain) concludes that the Regulated tree does not demonstrate attributes identified within Objective 2, whereas Council's Arboricultural Department provides contrary advice.	It may provide habitat for native fauna
		A regulated tree should not be removed unless it satisfies PDC 2 (refer below).	
Regulated Trees PDC 2	A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more apply (a) – (e)	When considering design alternatives, the pool/alfresco and addition would need to move eastwards towards Tree 2, impacting on a Significant tree (worthy of retention).	Yes – satisfies PDC 2 (d)
		Administration are satisfied that Tree 1 does not display strong amenity attributes and removal should be considered to allow development that is reasonable and expected.	
Significant Tree PDC 5	Development should be designed and undertaken to protect significant trees and advice should be obtained from a suitably qualified person with regards to such retention and protection.	A range of design modifications have been implemented (and proposed) to minimise the impacts on the Significant tree (refer Tree Protection Plan Attachment A)	Yes

10. DISCUSSION & CONCLUSION

The proposed development adequately satisfies the Desired Character and relevant Principles of Development Control for the Residential Streetscape Built Form Zone and Council Wide provisions.

While the Development Plan seeks conservation of trees that provide important or environmental benefit, the preservation of trees should occur in balance with achieving appropriate development. The proposed development would result in the retention and protection of a prominent Significant tree and removal of a regulated tree. Administration is satisfied that the tree removal is warranted in this circumstance as the tree does not demonstrate strong attributes worthy of preservation and *'development that is reasonable and expected would not otherwise be possible'*.

11. RECOMMENDATION

The application is recommended for Development Plan CONSENT.

MOVED:

SECONDED:

That Development Application 090/509/2020/C2 at 2 Thames Street, Clarence Park 5034 to 'Carry out alterations, construct single storey dwelling addition, verandah, cellar, in-ground swimming pool, deck and remove Regulated Tree (Tree 1 - Red Ironbark)' 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:

Reserved Matter:

The following detailed information shall be submitted for further assessment and approval by the Team Leader Planning as delegate of the CAP as reserved matters under Section 33(3) of the Development Act 1993:

- A stormwater management plan detailing the total stormwater volume requirements (detention and retention) for the development being in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017.

DEVELOPMENT PLAN CONSENT CONDITIONS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the removal of the subject regulated tree (Red Ironbark *Eucalyptus sideroxylon*) shall take place in accordance with the documents and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
4. Payment of \$179 for Regulated Tree removal is required to be paid into the Council's Urban Trees Fund within 30 days of the date of the development approval (an invoice will be attached to the development approval).
5. The applicant shall ensure that the Tree Protection Plan (for the retention and protection of Tree 2) as prepared by Michael Palamountain, dated 8 September 2020 is undertaken prior to the commencement of any demolition or building work on site and appropriate measures remain until the completion of all building works.

6. That waste water from the swimming pool shall be discharged to the sewer, and not be allowed to flow onto adjoining properties or the street water table under any circumstances.
7. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment. Noise generated from ancillary pool and/or spa equipment must not exceed the maximum noise level recommended by the EPA. For this purpose, noise generated from ancillary pool / spa equipment shall not exceed 52 db(a) between 7am and 10pm and 45 db(a) between 10pm and 7am on any day, measured from a habitable room window or private open space of an adjoining dwelling.
8. 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#>
9. The applicant shall ensure that tree protection fencing is placed no less than 4.00 metres radius from the centre of the Significant Tree prior to the commencement of any demolition or building work on site. For this purpose, no excavation, construction or storage of materials shall occur within the protection zone.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

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

ATTACHMENT A



Proposed Addition Planning Report

Subject site:

2 Thames St, Clarence Park SA 5034

22 Sep 2020

By: Aaron Albarouki

Amy Barratt
 Development & Regulatory Services
 City of Unley

RE: APPLICATION NUMBER 090/509/2020/C2
 FOR: Carry out alterations, construct dwelling additions including verandah,
 cellar, in-ground swimming pool, deck, and remove Regulated Tree
 AT: 2 Thames Street, Clarence Park, 5034

Dear Amy,

I write to you on behalf of Marshall Morgan and Tanja Hollfelder the owners of 2 Thames Street, Clarence Park, 5034

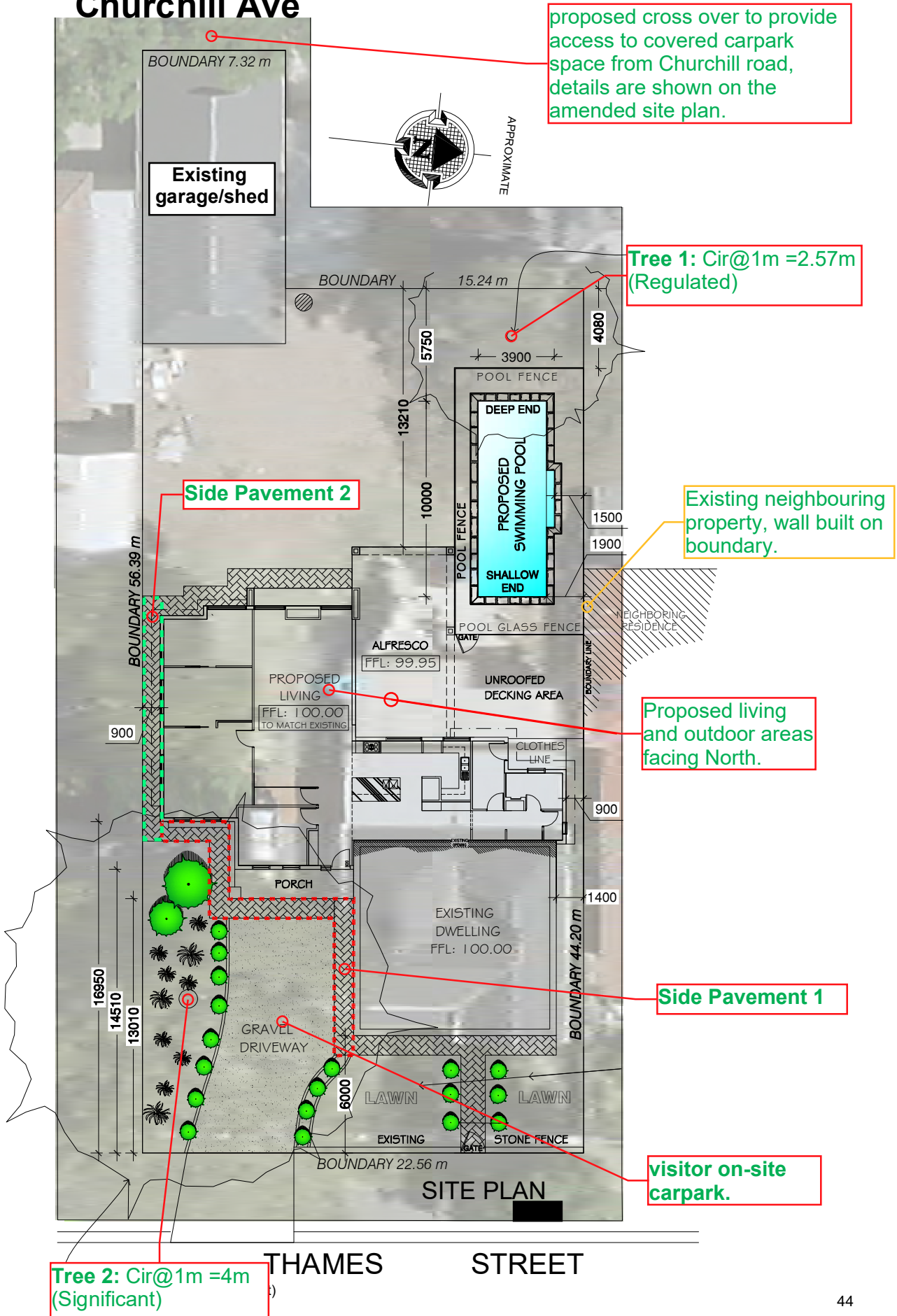
The objective of this report is to justify the proposed layout for the development and to provide an overview of the design measures which are implemented to overcome the concerns raised by the City of Unley planning assessment.

1. Design criteria:

Design Criterion	Raised by	Importance level	Criterion met within proposal
Provide an adequate protection of the existing significant tree (Tree 2) located in the front SE corner of the subject property	Council	High	Yes
On-site roofed parking & visitor car parking,	Council	High	Yes
Eliminating any potential damage to the foundations of the existing adjoining property built directly on the north boundary of the proposed development (at: 2A Thames St),	NA	High	Yes
Utilising design strategies to achieve a sustainable design that would meet the required energy efficiency standards with minimum additional cooling and heating (essentially increase North facing façade of living area and outdoor area)	Owner	High	Yes
Provide an adequate space for the proposed swimming pool within a reasonable sight distance from the proposed living area & outdoor activity area, (to meet the owners concerns regarding children's safety within the pool area with adult supervision)	Owner	High	Yes
Minimising the adverse effect on the regulated tree (Tree 1) located in the NW rear corner of the block.	Council	Moderate	No

2. Site in Context

Churchill Ave



3. Proposed layout discussion:

3.1. Significant tree located on site:

- 3.1.1. **Objective:** Provide responsible and adequate protection of the existing significant tree (Tree 2) located in the front SE corner of the subject property
- 3.1.2. **Design measures implemented:** *a tree protection plan has been provided by an independent consulting Arborist; the below measures are implemented in the amended layouts to minimise any potential adverse effect on the tree:*
- *Soft landscaping in the SE corner of the front garden to improve growing conditions for tree 2.*
 - *Modifying the strip footings for the porch area to be a pad footing supporting corner post only, the porch will be instead constructed on “above ground” suspended timber structure or reinforced concrete floating base sitting on top of the natural ground level.*
 - *Modifying building perimeter paving to be low profile (75mm) reinforced concrete, installed above grade (to avoid earthworks typically required for traditional unit pavers)*
 - *To minimize the trenching work required for the installation of stormwater grated drains in paved area near Tree 2 , grated drains will be eliminated in this area (referred to as side pavement 1), runoff will be directed away from the dwelling towards the gravel driveway,*
 - *Paved area bordering the southern boundary (referred to as side pavement 2) as well as all areas at the back of the proposed extension, grated drains in these areas will be drained to a sump and pump system located at the rear of the property, to be discharged to the street water table without the need of trenching work near Tree 2.*
 - *Use of existing services, including sewer connection (to rear), overhead power supply and water supply to avoid additional trenching past tree 2.*
 - *Additional requirements are listed in the consulting Arborist report, please refer to the attached report: **Tree Protection Plan**, 8 September 2020, Prepared by Michael Palamountain.*

3.2. On-site roofed parking & visitor car parking:

- 3.2.1. **Objective:** Council Wide Principles of Development Control 45 states that the number of car parking spaces should be provided in accordance with Table Un/5
- 3.2.2. **Design measures implemented:**
- *The proposed layout suggests obtaining site access for occupants’ vehicles from the rear boundary of the block “off Churchill Ave”, a proposed crossover is shown on amended site plan to accommodate vehicle access to the existing roofed garage on site.*
 - *The proposed crossover will be in line with council’s advice provided as part of an earlier assessment for the proposed crossover: “the council would support a single crossover around 3m from the southern boundary. This would provide an exclusion zone 1.4m from the street tree. The street tree is semi-mature to mature Jacaranda mimosifolia which is reasonably integral to the streetscape of Churchill Avenue. Excavation within 2m of the tree will need to be by hand or hydrovac.”*
 - *Sufficient onsite visitor carpark space provided at the front of the proposed development; this carpark space will be covered with a gravel material allowing natural rainfall to reach the rootzone of Tree 2.*

3.3. Potential damage to the existing adjoining properties:

- 3.3.1. **Objective:** Eliminating any potential damage to the foundations and masonry wall of the existing adjoining property.

The neighbouring property (2A Thames St) is built directly on the northern boundary of the proposed development (please refer to attached site plan), therefore precautionary measures have been taken in consideration to eliminate any earthwork within the load bearing zone of the existing footings.

- 3.3.2. **Design measures implemented:** based on the advice provided by the structural engineer, an additional setback distance (towards the rear of the allotment, away from the existing neighbouring house) was required to ensure that the pool excavations depth doesn't result in an undermining effect for existing footings of the adjoining property.

This measure however resulted in an adverse effect on the rear regulated tree (Tree 1) which has been discussed further below.

3.4. Energy efficient, sustainable design & pool safety measures:

- 3.4.1. **Objective:** the objective of discussing this design criterion is to highlight that various initial design proposals have been explored to locate the pool within the site to minimise the pool effect on the regulated tree (Tree1), however, these options resulted in a severe effect on other design limitation classified as " high importance" such as the limits listed below:

- A mirrored arrangement of the proposed addition resulted in a major degrading effect of the energy efficiency of the proposed addition due to South-West facing living area façade and the outdoor activity area.
- Furthermore, the mirrored option mentioned above resulted in a larger encroachment into the tree protection zone of the front significant tree (Tree 2) which was not acceptable by the consulting Arborist.
- An additional option of relocating the swimming pool to the rear of the proposed addition, this option raised serious concerns by the owners regarding the safety of the children in the pool area with "out of sight" parental supervision.

- 3.4.2. **Design measures implemented:** the above discussion demonstrating that the proposed layout with the current configuration and location of the proposed pool/outdoor activity is providing a reasonable and constructive compromise for various critical design limitations.

3.5. Regulated tree (Tree 1) located in the NW rear corner of the block:

The discussion above demonstrates that the proposed development is reasonably designed to accommodate the requirements of the City of Unley Development Plan as well as the essential expectations of the residence owners, also it has been demonstrated that all measures have been explored to minimise any adverse effect on the existing trees on site.

However, Due to the circumstances of the development which results in a major damage to the regulated tree root system (particularly the structural root zone), therefore; this report would suggest that the council to consider approving the removal of the regulated tree (Tree 1) this removal could be considered under the City of Unley Development Plan guidelines:

A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:

d) development that is reasonable and expected would not otherwise be possible.

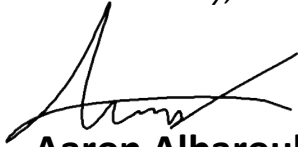
4. Conclusion:

The proposed development has been designed to meet the relevant provisions of the Unley (City) Development Plan. The overall bulk, scale and external appearance of the proposed development is compatible with the existing and anticipated development in the surrounding area and will not have an adverse impact on the amenity of the locality.

We therefore respectfully request that the Council considers the proposal favourably, subject to reasonable and relevant conditions.

Should you wish to discuss any of the above, or should you have any questions or concerns, please contact me via phone or email.

Yours sincerely,



Aaron Albarouki

Amerco Drafting

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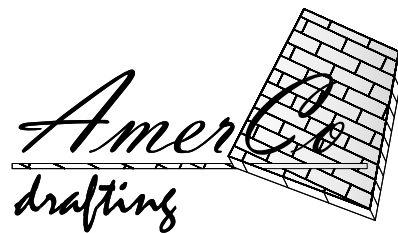
BUILDING DESIGN SERVICES

email: amerco.eng@gmail.com

Mob: 0431252979

Rev G: 02/09/2020

Ref: A02/1520



PROPOSED ADDITION

Client:

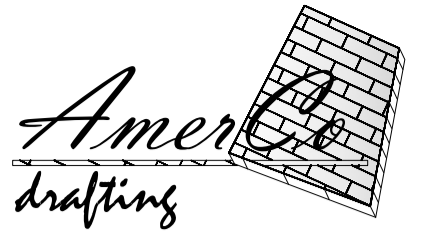
Marshall Morgan

Site Address:

2 Thames St
Clarence Park SA 5034

**AMENDED PLAN / DOCUMENT
DATE: 25/09/2020**

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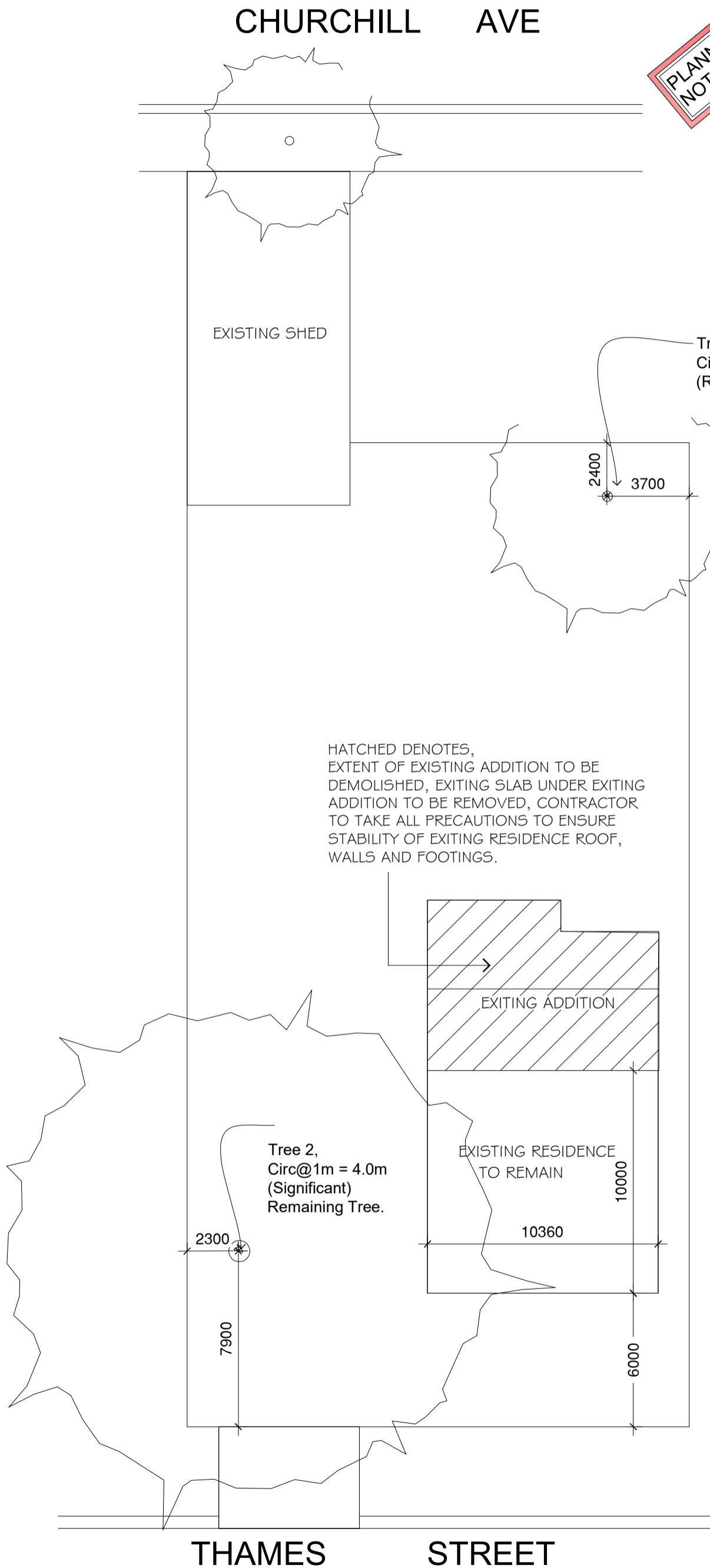
Date. 20/06/2020	Scale. 1/200
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Project No. A02/1520	Sheet No. 1 / 4

**Project:
PROPOSED ADDITION**

**Client:
Marshall Morgan**

**Site Address:
2 Thames St
Clarence Park SA 5034**

**Drawing Title:
DEMOLITION PLAN**



DEMOLITION NOTES - where applicable:

CONTRACTOR MUST DETERMINE THE EXACT EXTENT OF DEMOLITION INCLUDING, BUT NOT RESTRICTED TO, MASONRY WALL CONSTRUCTION, ROOF FRAMING AND TRUSS CONSTRUCTION, CEILING SYSTEMS, FLOOR SUPPORT SYSTEMS, SEWERAGE AND STORMWATER DISPOSAL, ELECTRICAL RETICULATION, AND THE LIKE, BY;

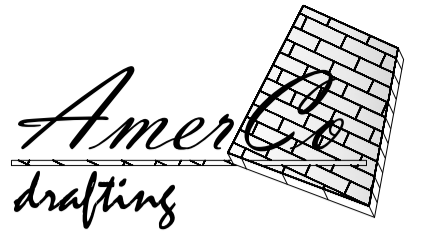
- * SITE INSPECTION.
- * REFERENCE TO CONTRACT DEMOLITION PLANS
- * REFERENCE TO DRAWINGS OF EXISTING PLAN

- CONTRACTOR TO ENSURE ADEQUATE PROPPING TO EXISTING WALLS AND ROOF STRUCTURE THROUGHOUT THE STAGES OF ALL ALTERATION WORK AND PLACING THE NEW SUPPORTING STRUCTURE.
- TOP OF EXISTING WALLS TO BE INSPECTED BY CONTRACTOR PRIOR TO MAKE ANY OF THE PROPOSED OPENINGS, ANY POINT LOAD, ROOF STRUCTURE SUPPORT STRUT WITHIN A HORIZONTAL DISTANCE OF 900mm FROM PROPOSED OPENING MUST BE REPORTED TO ENGINEER PRIOR TO ANY WALL ALTERATION WORK.
- SITE SURVEY ALL BOUNDARIES PRIOR TO COMMENCEMENT OF ANY WORKS TO ESTABLISH DIMENSION FROM HOUSE.
- PATCH ALL FINISHES TO MATCH EXISTING, INCLUDING BUT NOT LIMITED TO, GYPROCK BOARD, PLASTER, WOOD TRIM, COVERS & FLOOR PANELS. VERIFY MATCH OF NEW FINISH MATERIALS TO EXISTING IN COLOR, TEXTURE, THICKNESS, CUT, ETC... TO SATISFACTION OF OWNER PRIOR TO INSTALLATIONS.
- PROVIDE OTHER MATERIALS TO MATCH EXISTING WHEN REQUIRED. TO BE APPROVED BY OWNER.
- PATCH EXISTING WALLS GYPROCK WALL OR PLASTER TO MATCH EXISTING OF SUFFICIENT THICKNESS TO MAINTAIN UNIFORM WALL THICKNESS.
- ALL EXPOSED PORTIONS OF WALL SHALL BE FINISHED WITH SUITABLE MATERIAL TO MATCH EXISTING.

CHURCHILL AVE

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APPROXIMATE



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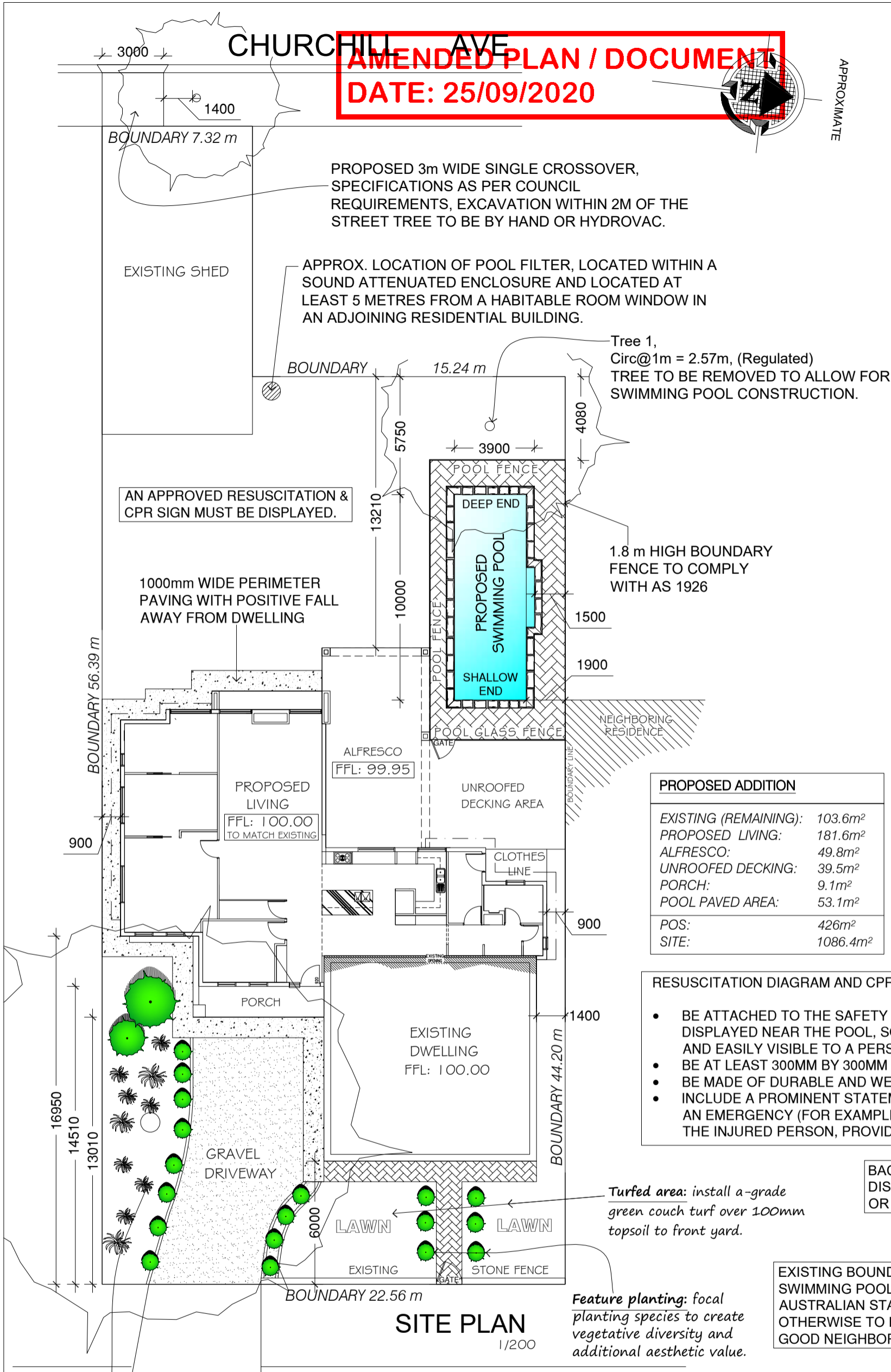
Date: 20/06/2020	Scale: 1/200
REV. G: 02/09/2020	
Project No. A02/1520	Sheet No. 2 / 4

Project:
PROPOSED ADDITION

Client:
Marshall Morgan

Site Address:
**2 Thames St
 Clarence Park SA 5034**

Drawing Title:
PROPOSED SITE PLAN



PROPOSED ADDITION	
EXISTING (REMAINING):	103.6m ²
PROPOSED LIVING:	181.6m ²
ALFRESCO:	49.8m ²
UNROOFED DECKING:	39.5m ²
PORCH:	9.1m ²
POOL PAVED AREA:	53.1m ²
POS:	426m ²
SITE:	1086.4m ²

- RESUSCITATION DIAGRAM AND CPR SIGN MUST:**
- BE ATTACHED TO THE SAFETY BARRIER OF THE POOL OR DISPLAYED NEAR THE POOL, SO THAT THE SIGN IS CONSPICUOUS AND EASILY VISIBLE TO A PERSON NEAR THE POOL
 - BE AT LEAST 300MM BY 300MM IN SIZE
 - BE MADE OF DURABLE AND WEATHERPROOF MATERIAL, AND
 - INCLUDE A PROMINENT STATEMENT EXPLAINING HOW TO ACT IN AN EMERGENCY (FOR EXAMPLE, CALL TRIPLE ZERO, STAY WITH THE INJURED PERSON, PROVIDE FIRST AID).

BACKWASH WATER SHOULD BE DISCHARGED TO THE SEWER SYSTEM OR TO GARDEN IF APPROPRIATE.

EXISTING BOUNDARY FENCE WHERE FORMING A SWIMMING POOL BARRIER, TO COMPLY WITH AUSTRALIAN STANDARD AS 1926.1—2012, OTHERWISE TO BE REPLACED WITH NEW 1.8M HIGH GOOD NEIGHBOR FENCE, 900mm (NCZ) APPROVED .

Feature planting: focal planting species to create vegetative diversity and additional aesthetic value.

Turfed area: install a-grade green couch turf over 100mm topsoil to front yard.

Garden planting: native planting with mulch cover to garden bed.

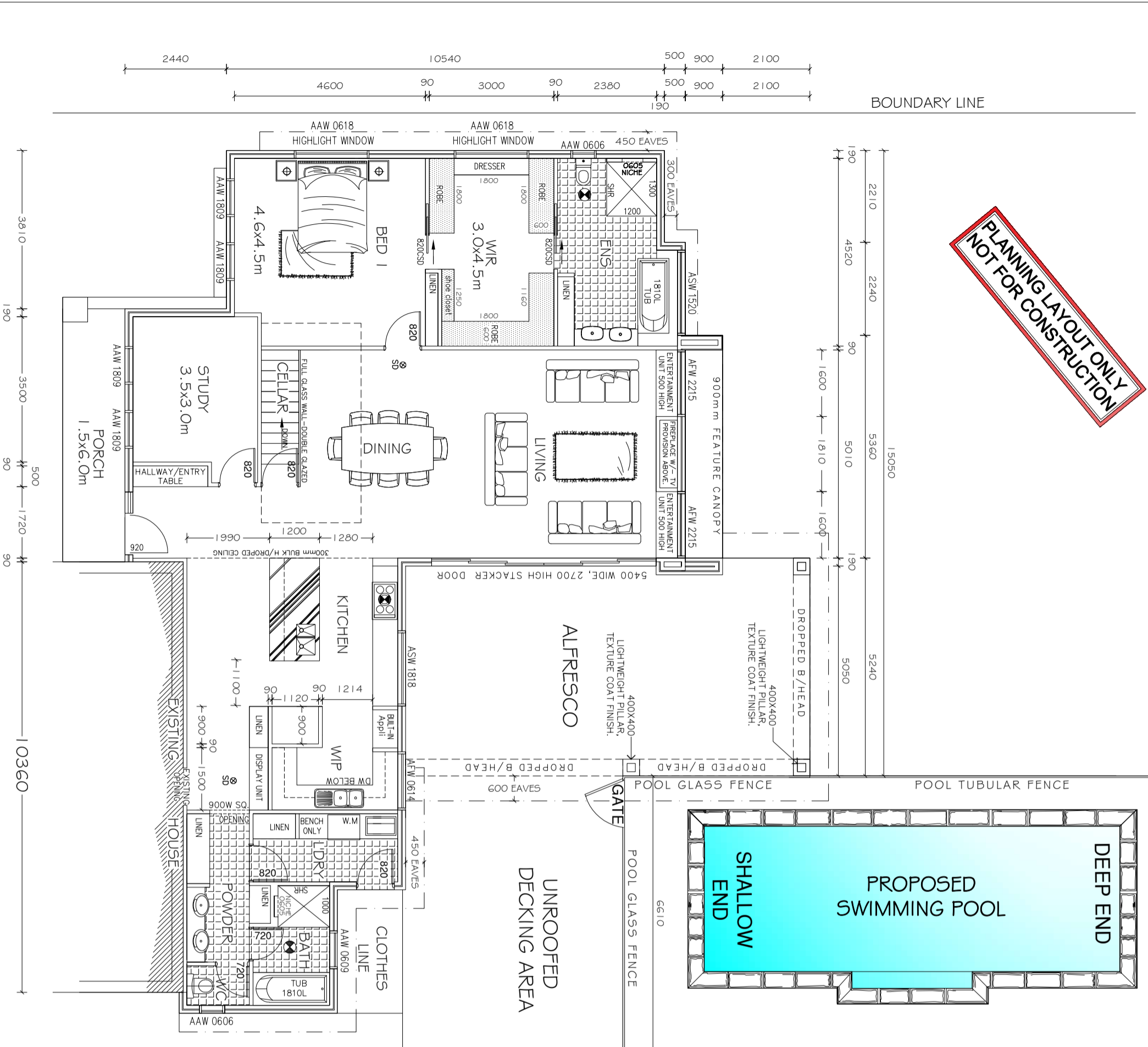
THAMES STREET

ANY NEW OR EXISTING STRUCTURE, WALL AND FENCE THAT MAY FORM A SWIMMING POOL SAFETY BARRIER, MUST COMPLY WITH AUSTRALIAN STANDARD AS 1926.1—2012

- NOTES:**
- THESE DRAWING SHALL BE READ IN CONJUNCTION WITH ANY STRUCTURAL OR CIVIL ENGINEERING COMPUTATIONS, DRAWINGS, PLANS AND DETAILS, AND APPROVED TOWN PLANNING DRAWINGS AND CONDITIONS
 - THE EFFECT OF PROPOSED SWIMMING POOL ON EXISTING STRUCTURES SHOULD BE EVALUATED BY STRUCTURAL ENGINEER.
 - CONSTRUCTOR TO ENSURE ADEQUATE SITE SETUP PRIOR TO EXCAVATION WORK TO CONFIRM STABILITY OF EXISTING STRUCTURES THROUGHOUT CONSTRUCTION STAGES, BY:
 1. SITE INSPECTION.
 2. REFERENCE TO CONTRACT ENGINEERING PLANS AND DETAILS;
 3. REFERENCE TO BUILDING MATERIALS MANUFACTURER DETAILS;
 4. REFERENCE TO BUILDING CODE AND COUNCIL REQUIREMENTS.

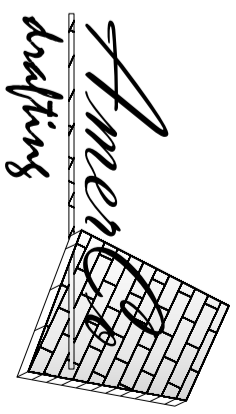
- SWIMMING POOL FENCE SPECIFICATIONS:**
- Pool fence and gates to comply with Australian standard AS 1926.1—2012
 - Pool fences and gates should have an effective height of at least 1.2 meters and shall include a continuous Non-Climbable Zone (NCZ). The NCZ may be located anywhere on the vertical face of the fence. In this zone the distance between any hand and foothold shall be not less than 900mm.
 - Fence type: Glass or Tubular fence, As per owners selection, (Pool fence approved).
 - Pool Fence gate must swing outwards away from the pool/spa and be self-closing and self-latching with the latch at least 1.5m above the ground.

**PLANNING LAYOUT ONLY
NOT FOR CONSTRUCTION**



- ⊗ EXHAUST FAN WIRED TO LIGHT SWITCH. VENTED AS PER AS1668.2 & CLAUSE 3.8.5.0 OF THE B.C.A
- ⊗ -SMOKE DETECTOR TO BE HARD WIRED WITH 9V BATTERY BACKUP TO COMPLY WITH AS3786 - 1993 SMOKE ALARMS SHALL BE INTERCONNECTED
- ALL DOORS AND WINDOWS HEAD HEIGHT 2400mm HIGH UNLESS NOMINATED OTHERWISE. SLIDING DOORS AS NOMINATED
- NOTE: ENGULTE, WC & BATH WINDOWS TO BE FULLY OBSCURED.
- ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO DESIGNER FOR CLARIFICATION.
- EXTERNAL SLIDING DOORS BOTTOM TRACKS TO BE RECESSED INTO SLAB

**AMENDED PLAN / DOCUMENT
DATE: 25/09/2020**



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Project No.	A02/1520	Sheet No.	3 / 4

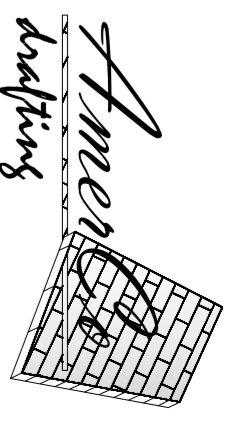
Project: **PROPOSED ADDITION**
Client: **Marshall Morgan**

Site Address:
**2 Thames St
Clarence Park SA 5034**

Drawing Title:
FLOOR PLAN

Building Materials

- CONCRETE SLAB RAFT FOOTINGS AS PER ENGINEER REPORT.
- HEBEL® POWERPANEL WALL CONSTRUCTION WITH SURFIMIST COLOUR ACRYLIC TEXTURE SYSTEM FINISH, AS PER ELEVATION LAYOUTS.
- LIGHT WEIGHT SCYON MATRIX FEATURE CLADDING TO PORCH, NAMADJI COLOUR.
- MONUMENT COLOUR COLORBOND ROOF, TO MATCH EXISTING ROOF COLOUR.
- COLOURBOND FASCIA /GUTTER, NIGHT SKY COLOUR.
- 450mm EAVES (WHERE APPLICABLE, REFER ELEVATIONS).
- DOUBLE GLAZING BLACK COLOUR ALUM. SWINDOWS.



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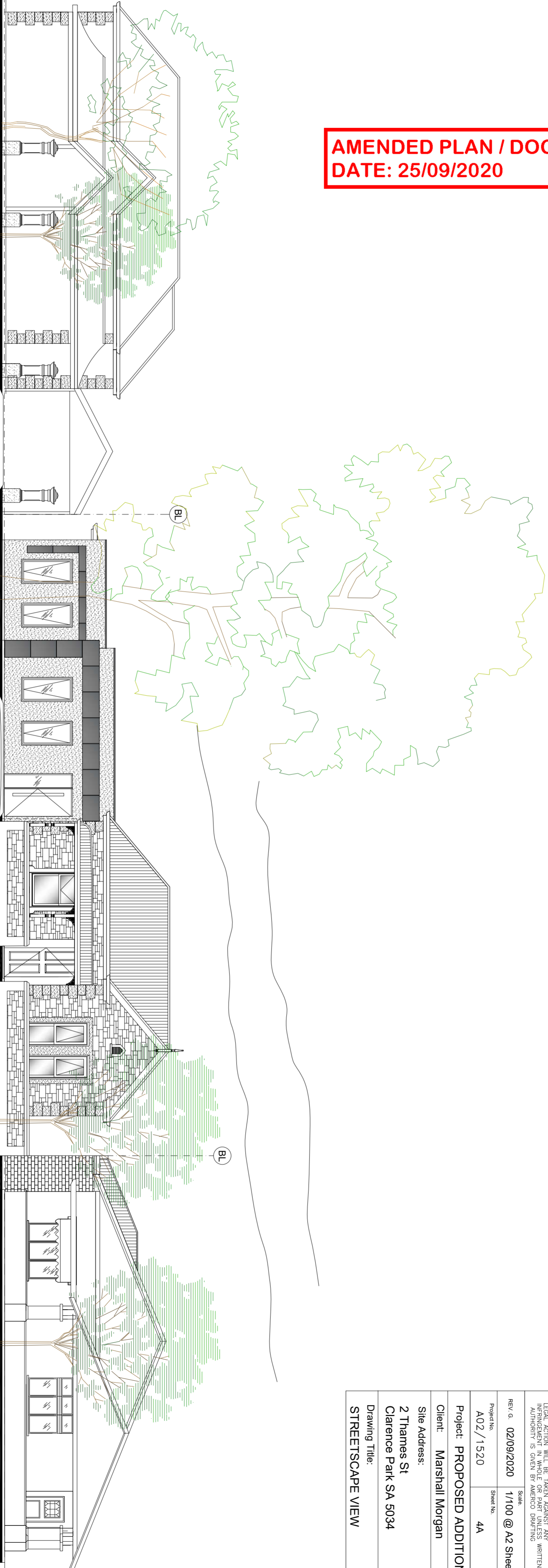
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Project No.	A02/1520	Sheet No. 4A
Project: PROPOSED ADDITION		
Client: Marshall Morgan		
Site Address: 2 Thames St Clarence Park SA 5034		
Drawing Title: STREETSCAPE VIEW		

**AMENDED PLAN / DOCUMENT
DATE: 25/09/2020**



THAMES STREET - STREETSCAPE VIEW
SCALE 1/100

**Details of Regulated Tree
Proposed Removal**

(To be accompanied by a Development Application Form and Fees)



1. Property details

Property No.: 2 Street: Thames Street Suburb: Clarence Plc

2. Tree details

Tree 1:

Total circumference: 2.57 m

Scientific name: Eucalyptus sideroxylon Common name: Red iron bark
e.g. *Schinus areira* (Peppercorn Tree)

Reason for removal (please be as specific as possible):

Tree 2:

Total circumference: _____

Scientific name: _____ Common name: _____
e.g. *Schinus areira* (Peppercorn Tree)

Reason for removal (please be as specific as possible):

Tree 3:

Total circumference: _____

Scientific name: _____ Common name: _____
e.g. *Schinus areira* (Peppercorn Tree)

Reason for removal (please be as specific as possible):

Details of Regulated Tree Proposed Removal

(To be accompanied by a Development Application Form and Fees)



Continued...

Replacement Trees

Pursuant to Section 42(4) of the *Development Act 1993*, if the Council grants approval for the removal of a Regulated Tree or Significant Tree, the Council is required to impose a condition requiring you to plant and maintain two (2) trees to replace every Regulated Tree and three (3) trees to replace every Significant Tree. Replacement trees cannot be planted within 10 metres of an existing dwelling or an existing in-ground swimming pool.

If there is no suitable location for you to plant replacement trees in accordance with the above criteria, or if you do not wish to plant replacement trees for whatever reason, the Council may allow you to pay money into its Urban Trees Fund at the rate of **\$89.50*** for each replacement tree that is not planted. Money paid into the Urban Trees Fund is used by the Council to either:

- (a) maintain or plant trees which are or will (when fully grown) constitute significant trees; or
- (b) to purchase land in order to maintain or plant trees which are or will (when fully grown) constitute significant trees.

Please indicate your preference:

Plant Replacement Trees

2 trees for each Regulated Tree removal
3 trees for each Significant Tree removal

OR

Pay into Urban Trees Fund

\$179.00* for Regulated Trees
\$268.50* for Significant
Tree removal

If the Council grants consent to your Application to remove your tree(s), a condition will generally be imposed on your consent, in accordance with the preference stated above. Please note however, that in some instances, such as where the replacement of trees is important to the character and amenity of an area, the Council may not allow payment into the Urban Trees Fund in lieu of planting replacement trees.

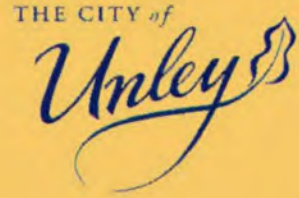
If you have elected to plant replacement trees, the replacement trees shall have the capacity to grow to a minimum height of four (4) metres at maturity.

If you have elected to make a payment into the Urban Trees Fund, you will receive an invoice when the decision is made that will provide 30 days to make payment.

* a 66.6% discount applies to an owner and occupier of the land where the relevant tree is situated and who is the holder of a current 'full Commonwealth pension' Pensioner Concession Card issued by the Commonwealth Government.

**Details of Regulated Tree
Proposed Removal**

(To be accompanied by a Development Application Form and Fees)



Continued...

Site Plan

In the box below, please draw a Site Plan that shows the following information:

- The location of existing buildings on site;
- The location of the tree(s) which you are proposing to remove, including the distance from existing buildings on the site; and
- The location of the replacement trees which you are proposing to plant (where relevant), including the distance from existing buildings on the site.

Please see attached arborist report.

Street

*PLEASE NOTE: for irregular-shaped allotments a separate site plan must be attached

Signature of Applicant

Date

[Handwritten Signature]

20/9/20

Tree Protection Plan 2 Thames St Clarence Park

Prepared for:

Marshall Morgan and Tanja Hollfelder
2 Thames St
Clarence Park SA 5034

8 September 2020

Prepared by:

Michael Palamountain
Consulting Arborist

Tree Protection Plan at 2 Thames St, Clarence Park – September 2020

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Appendices:

Tree Impact Assessment Plan
Tree Protection Plan
Tree Protection Specifications

Summary

I assessed two trees at 2 Thames St, Clarence Park in relation to a proposed alteration to the existing dwelling. There is one regulated and one significant tree located on the subject land in the vicinity of the proposed development. A range of design modifications have been implemented and proposed in an effort to minimise the impacts on the significant tree. Due to site constraints, it is proposed to remove the regulated tree to facilitate the current proposal. A tree protection plan has been outlined to protect the significant tree during the construction phase.



Introduction

Brief

I carried out an assessment of two trees at 2 Thames St, Clarence Park on the 14th July 2020 following a request from the property owners, Marshall Morgan and Tanja Hollfelder.

I was requested to assess the legal status of the trees, tree condition and tree attributes. I am also to assess the possible impacts of the proposed development activities at the site on the trees and to recommend strategies to minimise these possible impacts during the design and construction phase.

Documents and information provided

I was provided with the following documents to assist me in the preparation of this report.

- A set of plans relating to the proposed development at 2 Thames St in relation to the subject trees including the *Proposed Site Plan* dated 24/7/2020 Revision F prepared by Amerco Drafting.

Scope of this report

This report is concerned with an assessment of the impacts of the proposed development on the subject trees, recommending modifications to the design to minimise the impact on the trees. The report also provides a Tree Protection Plan to protect suitable trees during the construction phase.

Observations

Site visit

I had full access to the trees in question and observations were from what was visible from within and around the property boundaries. I carried out a level 2 assessment of the trees^a and all my observations were visual from ground level^b. All dimensions marked (~) are estimates. All distances are measured from centre of tree trunk.

Site description

This property is located in a residential area of Clarence Park, characterised by single dwellings of mixed ages on medium sized allotments. Trees in the local area are of a moderate density and include Jacaranda street trees (*Jacaranda mimosifolia*), and a mixture of Australian natives and exotic ornamental trees of varying size and age on private land.

The residential allotment has an area of ~1090m². The existing site contains a single dwelling constructed in the late 1800s with an addition attached to the rear ~40 years ago. There are two regulated trees located on the land as follows:

Tree 1 – Red ironbark *Eucalyptus sideroxylon*

Tree 2 – Hybrid eucalypt - *Eucalyptus sp.*



Tree Protection Plan at 2 Thames St, Clarence Park – September 2020

Tree details

Tree 1	<i>Eucalyptus sideroxylon</i> Red ironbark
Origin	Western slopes and plains of NSW, extending into Vic and Qld.
Location	Rear yard of property 2.4m from rear boundary to west 3.7m from side boundary to north
Height	~18
Trunk circumference 1m above ground level	2.57m
Legal status under <i>Development Act 1993</i>	Regulated tree ^c
Diameter at breast height (DBH) ^d	790mm
Diameter at ground level	0.9m
Tree health	This tree is in good health. Foliage colour, distribution and density are normal. There are a small number of dead branches in the crown. The tree is free of notable pests or diseases.
Tree structure	Single trunk. Primary branches ^e from ~6m to form a moderately dense and compact crown. The tree was been pruned in ~ 2019. The recent pruning included the removal of larger dead branches and reduction pruning of over-extended branches to the west (overhanging an adjoining property).

Tree Protection Plan at 2 Thames St, Clarence Park – September 2020



Tree Protection Plan at 2 Thames St, Clarence Park – September 2020

Tree 2	Hybrid eucalypt <i>Eucalyptus sp.</i>
Origin	Unknown
Location	Front yard of property 2.3m from side boundary to south 7.9m from front boundary to east
Height	~20
Trunk circumference 1m above ground level	4.00m
Legal status under <i>Development Act 1993</i>	Significant tree ^f
Diameter at breast height (DBH) ^g	1230mm
Diameter at ground level	1.38m
Tree health	This tree is in good health. Foliage colour, distribution and density are normal. There are a small number of dead branches in the crown. The tree is free of notable pests or diseases.
Tree structure	Single trunk Primary branches from ~7m to form a moderately dense and very broad spreading crown. The tree has previously been pruned in ~2012 and again in 2019. The recent pruning included the removal of larger dead branches, reduction pruning of over-extended branches, crown lifting over surrounding buildings/structures and removal of rubbing branches.

Tree Protection Plan at 2 Thames St, Clarence Park – September 2020



Photo of tree prior to pruning in 2019

Tree Protection Plan at 2 Thames St, Clarence Park – September 2020

Tree attributes

Tree 1- rear garden

Trees with a trunk circumference between 2.0 and 3.0m qualify as a regulated tree under the *Development Act 1993*.

Objective 2 - Regulated and Significant Trees of the City of Unley *Development Plan* (consolidated 19th December 2017) states:

Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:

The following table indicates my opinion on how the regulated tree at this site relates to these attributes.

(a) Does the tree significantly contribute to the character or visual amenity of the local area? ^h	No	While this is a tree of moderate size, it is set back from the roadway and its contribution to the character and visual amenity of the locality is reduced.
(b) Is the tree indigenous to the local area?	No	Tree from NSW
(c) Is the tree a rare or endangered species?	No	
(d) Does the tree provide an important habitat for native fauna? ⁱ	No	The tree provides some habitat value, but not as important as a locally indigenous tree species.

Tree 2

Trees with a trunk circumference greater than 3.0m qualify as a significant tree under the *Development Act 1993*.

The Principle of Development Control Significant Trees 6 of the City of Unley *Development Plan* (consolidated 19th December 2019) states:

Where a significant tree has one or more of the following attributes, development should preserve these attributes.

The following table indicates my opinion on how the significant tree at the site relate to these attributes.

(a) makes an important contribution to the character or amenity of the local area	Yes	This large tree towards the front of the property provides a wide range of human benefits (amenity) in the locality.
(b) forms a notable visual element to the landscape of the local area ^j	Yes	This large tree towards the front of the property is clearly visible in the locality and is likely to form a notable visual element.
(c) contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor	No	The tree provides some habitat value, but not as important as a locally indigenous tree species. There are no notable remnant trees in the nearby locality that form a wildlife corridor with this tree.

Tree Protection Plan at 2 Thames St, Clarence Park – September 2020

Proposed development activities

Discussions between the property owners, the architect and myself refined the original concept plans in an effort to minimise the impacts on the trees. A range of recommended design modifications included:

- Soft landscaping around the trees.
- No carport adjacent to tree 2, allowing natural rainfall to reach the rootzone.
- Use of a gravel driveway in preference to a paved driveway in the south eastern garden area, allowing natural rainfall to reach the rootzone of tree 2.
- Modifying the eastern entry portico to be of lightweight construction without a deep footing continuous with the main addition. The roof of the entry portico could be supported using a concrete pad and post, or a cantilevered roof. The entry portico base should be constructed of a lightweight no dig construction, such as a raised timber deck (support concrete pads and posts are acceptable), or reinforced concrete base sitting on top of natural ground level.
- Modifying building perimeter paving to be low profile (~75mm) reinforced concrete, installed above grade (to avoid earthworks typically required for traditional unit pavers).
- Use of existing services, including sewer connection (to rear), overhead power supply and water supply to avoid additional trenching past tree 2.
- Stormwater to be installed without trenching past the trees.
- There were challenges in modifying the plans around tree 1 to the rear. Changes to the pool, alfresco area and addition pushed the addition closer to the east towards tree 2.

The current proposed development activities at the site include:

- Demolition of the rear portion of the existing dwelling (the addition constructed ~40 years ago).
- Construction of a new rear addition to the west and south west of the existing dwelling. The design has considered northern solar access. Footing design yet to be confirmed.
- Installation of an inground swimming pool in the NW corner, near tree 1.
- Installation of a gravel driveway from the Thames St frontage near tree 1. This is in place of the existing gravel driveway.
- Soft landscaping in the SE corner of the front garden to improve growing conditions for tree 2.
- Use of existing services, including sewer connection (to rear), overhead power supply, water supply and gas supply. No additional trenching past tree 2 is proposed.
- A stormwater management plan has not been finalised for this site.
 - I am advised that the property owner proposes to manage overflow from the stormwater retention/detention tank located in the rear garden to be diverted to the Thames St frontage in a PVC pipe installed above grade along the southern boundary above natural ground level when it passes tree 2. The pipes are proposed to be installed in the landscape soil and mulch layer without trenching.
 - I am also advised that additional surface water runoff from perimeter paving areas along the southern boundary and rear alfresco areas are to be diverted to a pit in the rear yard. Final details of the pit are not confirmed, but may include a soakage pit, or a sump and pump to direct water to the Thames Street frontage in a stormwater pipe above grade along the southern boundary (similar to the rainwater tank overflow pipe).

Appraisal

Impact assessment

To protect a tree from the possible adverse impacts of development activities, a tree protection zone (TPZ) is required. The tree protection zone for the two trees is calculated as follows.

	Tree 1 (rear garden)	Tree 2 (front garden)
The TPZ radius ^k from the centre of the trunk	9.5m	14.8m
The TPZ area ^l around tree	282m ²	684m ²
The Structural Root Zone ^m (SRZ) radius from the centre of the trunk	3.2m	3.8m

Trees can tolerate some encroachment into their TPZⁿ. The proposed development activities at the site encroach into these TPZ areas as follows. Refer to the TPZ Encroachment Plan attached at the end of the report.

Tree 1 – rear garden

Existing dwelling	0m ² (0%)
Proposed addition	0m ² (0%)
Proposed pool shell	~29m ² (10.3%)
Proposed pool paving	~22m ² (7.8%)
Total encroachment	~51m ² (18.1%)
Works within structural root zone (SRZ)	Yes (pool shell and paving)

The total level of encroachment is classed as major encroachment (>10%). The impact on tree health is likely to be moderate. In addition, as deep excavation works for the pool are proposed within the structural root zone, tree stability may also be adversely affected.

When considering design alternatives to minimise the impacts on tree 1, the proposed pool, alfresco and addition would need to be moved further eastwards, towards tree 2. An impact assessment of the proposed works on 2 are outlined on the following pages, which present some restrictions to the design alternatives available for tree 1.

Tree Protection Plan at 2 Thames St, Clarence Park – September 2020

Tree 2 – front garden

Existing dwelling (before partial demolition)	~65m ² (9.5%)
Proposed addition within existing building footprint	~8m ² (1.2%)
Proposed addition outside existing footprint	~61m ² (8.9%)
Proposed paving works (above grade), including entry portico	~43m ² (6.3%)
Trenching for underground services	0m ² (0%)
Total new encroachment	~104m ² (15.2%)
Works within structural root zone (SRZ)	No

It is also acknowledged that there is an existing dwelling on adjoining land to the south at 4 Thames St, Clarence Park that is also within the TPZ of this tree. When considering the overall occupation of the entire TPZ area of this tree from the existing dwelling on the site, the existing dwelling on adjoining land to the south and the proposed new addition, the overall level of existing occupation and new encroachment is greater than 10% of the TPZ area.

Consideration has been given to a range of factors as outlined in section 3.3.4 TPZ encroachment considerations as outlined in the Australian Standard AS 4970-2009 *Protection of trees on development sites as follows:*

- The tree has been growing on the site for ~50 years or more with the existing dwellings on site to the north and south. The tree has successfully grown into the site with the presence of these two dwellings.
- The tree is currently in good health and actively growing.
- The proposed addition has been set back as far as possible from tree 2 to reduce encroachment. (This presents a constraint to design modifications around tree 1 in the rear garden).
- The perimeter pavement around the dwelling (existing and new addition) has been modified to be installed above grade with no excavation, using 75mm reinforced concrete.
- The entry portico is proposed to be modified to be of lightweight construction. The original raft footing (contiguous with the proposed addition) is proposed to be deleted to reduce excavation works. An alternative base for the portico is to be constructed of a lightweight no dig construction, such as a raised timber deck (support concrete pads and posts are acceptable), or reinforced concrete base sitting on top of natural ground level.
- Existing underground services will be utilised to avoid new trenching works.
- Stormwater overflow pipes can be installed above grade along the southern boundary without trenching within the TPZ.
- The driveway area has been designed to use a permeable material (gravel) to allow air and water exchange to the root zone. This is in an area currently used as a driveway.
- The garden area around the tree will be landscaped with mulches and under-plantings. No hard landscaping is proposed.

After considering all these factors, the total level of new building encroachment into the TPZ of tree 2 is <10%, which can be adequately offset by the remaining area within the front gardens to the north. The design has minimised the level of encroachment and the overall impact on the tree as best as possible within site constraints. The development in relation to tree 2 is considered acceptable.

Tree Protection Plan at 2 Thames St, Clarence Park – September 2020

Proposed tree removal

I understand that the design modifications utilised around tree 2 in the front yard have restricted any design changes around tree 1 in the rear yard, as this would push the new addition closer to tree 2. Therefore, consideration should be given to the removal of tree 1 to facilitate the proposed development, whilst preserving tree 2. This removal could occur under the City of Unley *Development Plan* as follows:

PDC Regulated Trees 2 A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:
(d) development that is reasonable and expected would not otherwise be possible.

Tree Protection Plan

To protect suitable trees to be retained on a development site, consideration must be given to the various activities that are occurring within the vicinity of these trees. Modifications to the design and methodology of installing these structures and surfaces have been considered during the design development for the site. In addition, protective fencing and other protective measures are required during the entire development process. In relation to the proposed development at this site, the following tree protection measures are required. A tree protection plan with tree protection guidelines is attached at the end of the report.

Please refer to the attached tree protection plan and specifications at the end of the report for details.

Protective fencing

Protective fencing must be erected around tree 2 prior to any development activities commencing. This fencing is to protect the tree trunk, branches, surrounding soils and tree roots. Other ground protection measures are also be required to facilitate site access and construction works.

Demolition and site clearing activities

The partial demolition of the rear section of the existing dwelling will require heavy machinery to move about on the site. As they are working within the TPZ area, they can potentially compact the soil and damage tree roots, trunks and branches. The tree protection zone for the tree must be established prior to demolition and site work activities commencing. Protective fencing around the tree, with ground protection for machinery access is required. Ground protection should include mulches and/or ground protection boards (such as vehicle rated track mats).

Site preparation/earthworks

The preparation of the site for the new addition requires a range of activities such as levelling, grade changing and trenching for footings and underground services. These activities usually require heavy machinery to move about on the site and can potentially cause harm to the tree, surrounding soils and its root system. Protective fencing around the tree, with ground protection for machinery access is required. Ground protection should include mulches and/or ground protection boards (such as vehicle rated track mats).

Underground services

Several underground services are required to service the new addition. No new trenching for underground services should occur within the TPZ of tree 2. To achieve this, the following has been proposed:

- Existing underground services will be utilised, including sewer, water supply, gas supply, overhead electricity supply.
- Rainwater tank and stormwater pipe overflow shall be diverted to Thames St in PVC pipes installed along the southern boundary above grade within the landscaping soil and mulch layers.

Tree Protection Plan at 2 Thames St, Clarence Park – September 2020

Construction activities

Construction activities are wide and varied. These activities may include but are not limited to; laying of building foundations, building the frame of the structure, brickwork or other walling materials, scaffolding, roofing, interior fitting etc.

These activities require a range of different contractors accessing the site, receiving and storing materials, generating waste and spoil etc. If these activities occur unchecked within a tree protection zone, the cumulative effects of these activities may cause harm to the tree, surrounding soils and its root system.

Protective fencing around the tree, with ground protection for construction teams is required. Ground protection should include mulches and/or ground protection boards (such as vehicle rated track mats). Areas for parking, storage, waste disposal, mixing and wash out areas must be clearly defined, well away from the tree protection zone. Skip bins can be placed on the ground protection area adjacent to the existing dwelling.

Paving

Traditional paving works often require excavation works, soil compaction and the installation of impervious surfaces. These can all have an adverse impact on the soil and the trees root system which can adversely affect tree health. The following is required to minimise the impacts on the tree.

- Perimeter paving is to be constructed of 75mm thick reinforced concrete installed above grade. Some minor levelling (~50mm below existing) of existing driveway gravel can occur to achieve the required levels.
- The driveway area should consist of a gravel. Hard surfaces such as concrete and unit pavers should not be used within the TPZ for car access and parking.

Landscaping

There are a range of landscaping activities that may cause harm to the soil and roots of the tree. These include but are not limited to; grade changes up or down, soil compaction from heavy machinery and stockpiling of materials, damage to tree trunks and branches from machinery, soil contamination from improper chemical use, root cutting from trenching activities for underground services (power and irrigation) and retaining walls, root damage from soil cultivation and planting and from paving activities. This can have an adverse impact on the long-term health of a tree. Landscaping activities must be carried out with care according to the range of guidelines in this tree protection plan.

If all these strategies to minimise the impacts on tree 2 are implemented and observed, there will be a minimal impact on its long-term health.

Conclusion

On the basis of my observations and discussion, I summarise my conclusions as follows:

- I assessed two trees at 2 Thames St, Clarence Park in relation to a proposed alteration to the existing dwelling.
- There is one regulated and one significant tree located on the subject land in the vicinity of the proposed development.
- A range of design modifications have been implemented and proposed in an effort to minimise the impacts on the significant tree.
- Due to site constraints, it is proposed to remove the regulated tree to facilitate the current proposal.
- A tree protection plan has been outlined to protect the significant tree during the construction phase.

As there is a regulated and significant tree located on this site, an application must be made to your local council to approve this development in relation to them (including tree removals). While I believe the recommendations made above are the most appropriate to minimise the impacts on tree 2, Council may take an alternative point of view and refuse consent. Development activities cannot occur until appropriate planning approvals have been granted from your local Council.

Tree Protection Plan at 2 Thames St, Clarence Park – September 2020

If you have any further queries regarding issues raised in this report, please feel free to contact me.

Yours sincerely



Michael Palamountain
Director/Consulting Arborist
B.Sc., Dip. Hort. (Arboriculture)
ISA Certified Arborist (AU007A)
Member: ISA, Arboriculture Australia, SASA

(m) 0412 174 507
(e) michaelpalamountain@gmail.com

I have based this report on my education, experience, ongoing training, site observations and the information provided to me. I have 22 years' experience in the field of arboriculture, both as a practicing (climbing) and consulting arborist. I have climbed and pruned in excess of 1,000 mature trees and assessed and reported on more than 15,000 trees in a wide range of situations. A summary of my qualifications includes:

- Bachelor of Science (Botany and Ecology) – University of Sydney (1994)
- Diploma of Horticulture (Arboriculture) (2005 – updated 2014)
- Certified Arborist (#AU – 0007A)
 - International Society of Arboriculture (2003).
 - I have maintained Continuing Professional Development with this certification.
- I am a registered consulting arborist with Arboriculture Australia.
 - I have maintained Continuing Professional Development with this certification.
- Tree Risk Assessment Qualification (TRAQ)
 - International Society of Arboriculture (2013 – updated 2018)
- Quantified Tree Risk Assessment (QTRA) Registered User
 - (2006 – updated to advanced user 2019) (#770).
- I have an Australian Arborist Industry Licence - Tier 1 (AL1153)

Endnotes

^a Tree and risk assessments can be conducted at different levels and may employ various methods and tools. The level of assessment applied should be appropriate for the circumstances.

Level 1 - Limited visual assessment.

- A visual assessment from a specified perspective, near specified targets.
- The aim is to identify obvious defects or specified conditions.
- Typically identifies trees with imminent or probable likelihood of failure.
- This is the fastest and least thorough form of assessment intended for larger populations of trees.
- This can be carried out as a walkover, drive-by or fly-over inspection.

Level 2 - Standard assessment.

- A level 2 assessment is a detailed ground based visual tree inspection of a tree and its surroundings.
- The use of simple tools (mallet, binoculars, probes, spades), may be required.
- In some instances, only limited information may be gained on specific internal, below ground or upper crown factors.
- For the majority of tree assessments, the standard assessment provides adequate information to guide tree management.

Level 3 - Advanced assessment.

- A level 3 assessment is performed to provide detailed information about specific tree parts, defects, targets or site conditions.
- This assessment is usually conducted after a standard assessment has undertaken if additional information is required and with the approval of the client.
- Specialised equipment is often required for advanced assessment.
- The assessments are generally more time intensive and expensive.
- Advanced assessment techniques may include aerial inspection, detailed target analysis, detailed site evaluation, decay testing, health evaluation, root inspection, tree stability monitoring and load testing.

NOTE: If tree condition cannot be adequately assessed at the specified level a higher level of assessment may be required.

^b A visual tree assessment (VTA) is an analytical process undertaken by a qualified Arborist or other suitably trained person to determine the structural soundness of a tree. Biological and mechanical components of trees are assessed, including tree health; presence of pests and diseases, die-back, foliage density and distribution, and vitality; growth rate, wound wood development, capacity to respond to improved conditions. Mechanical components include trunk lean, crown bias, bark inclusions, wounds, hollowing, trunk bulges, ribs, cracks, branch form, failure history, pruning history, condition of trunk flare, and other existing defects. All these factors are examined to determine if internal weaknesses may be present. If abnormalities are detected, we may conduct further investigations using a range of tools. These include sounding mallets, long thin drill bits, Resistograph, Sonic Tomograph, Air spade and other tools as required. Ref: Mattheck, Claus & Breloer, Helga. *The Body Language of Trees. A Handbook for Failure Analysis*. Department of the Environment. London 1997.

^cRegulated tree means— (as defined in Section 4 Interpretation (1) of the *Development Act 1993*)

- (a) a tree, or a tree within a class of trees, declared to be regulated by the regulations (whether or not the tree also constitutes a significant tree under the regulations); or
- (b) a tree declared to be a significant tree, or a tree within a stand of trees declared to be significant trees, by a Development Plan (whether or not the tree is also declared to be a regulated tree, or also falls within a class of trees declared to be regulated trees, by the regulations);

Tree Protection Plan at 2 Thames St, Clarence Park – September 2020

Section 6A—Regulated and significant trees (as defined in the *Development Regulations 2008*)

- (1) Subject to this regulation, the following are declared to constitute classes of regulated trees for the purposes of paragraph (a) of the definition of **regulated tree** in section 4(1) of the Act, namely trees within the designated area under subregulation (3) that have a trunk with a circumference of 2 metres or more or, in the case of trees with multiple trunks, that have trunks with a total circumference of 2 metres or more and an average circumference of 625 millimetres or more, measured at a point 1 metre above natural ground level.

^d Diameter at Breast Height (DBH) is the diameter of the trunk measured at breast height. This measurement is taken at 1.40m above ground level. (Refer to appendix A of the standard for variations on measuring DBH) This is the nominal point measured to determine Tree Protection Zones using the Australia Standard method AS 4970-2009 *Protection of trees on development sites*. When calculating a DBH for a tree with multiple trunks, the combined DBH do not accurately represent the root volume or area and the TPZ becomes exaggerated. Combining DBH in the following formula results in a revised total DBH that better represents the total stem cross sectional area as if it were 1 stem. From this a more proportional TPZ can then be calculated.

$$\text{Combined DBH} = \sqrt{A^2 + B^2 + C^2 \text{ etc.}}$$

(A, B and C etc. are the DBH of each individual stem)

^e Branching order describes the divisions between successively smaller branches in a tree. The main trunk/s is/are what emerge from the ground and are not considered branches. First order branches (or primary branches) emerge from the main trunk or stems and are the main scaffold branches of the tree. Second order branches (or secondary branches) emerge from these first order branches, followed by third order branches (tertiary branches) and so on. Successive branching is usually characterised by a reduction in branch diameter at each division. Draper, D and Richards, P. *Dictionary for Managing Trees in Urban Environments* CSIRO Publishing and Institute of Australian Consulting Arboriculturalists 2009.

^f **Significant tree** means (as defined in Section 4 Interpretation (1) of the *Development Act 1993*)

- (a) a tree declared to be a significant tree, or a tree within a stand of trees declared to be significant trees, by a Development Plan (whether or not the tree is also declared to be a regulated tree, or also falls within a class of trees declared to be regulated trees, by the regulations); or
- (b) a tree declared to be a regulated tree by the regulations, or a tree within a class of trees declared to be regulated trees by the regulations that, by virtue of the application of prescribed criteria, is to be taken to be a significant tree for the purposes of this Act;

6A—Regulated and significant trees (as defined in the *Development Regulations 2008*)

- (1) Subject to this regulation, the following are declared to constitute classes of regulated trees for the purposes of paragraph (a) of the definition of **regulated tree** in section 4(1) of the Act, namely trees within the designated area under subregulation (3) that have a trunk with a circumference of 2 metres or more or, in the case of trees with multiple trunks, that have trunks with a total circumference of 2 metres or more and an average circumference of 625 millimetres or more, measured at a point 1 metre above natural ground level.
- (2) Subject to this regulation—
 - (a) a prescribed criterion for the purposes of paragraph (b) of the definition of **significant tree** in section 4(1) of the Act is that a regulated tree under subregulation (1) has a trunk with a circumference of 3 metres or more or, in the case of a tree with multiple trunks, has trunks with a total circumference of 3 metres or more and an average circumference of 625 millimetres or more, measured at a point 1 metre above natural ground level; and
 - (b) regulated trees under subregulation (1) that are within the prescribed criterion under paragraph (a) are to be taken to be significant trees for the purposes of the Act.

^g Diameter at Breast Height (DBH) is the diameter of the trunk measured at breast height. This measurement is taken at 1.40m above ground level. This is the nominal point measured to determine Tree Protection Zones using the Australia Standard method AS 4970-2009 *Protection of trees on development sites*. When calculating a DBH for a tree with multiple trunks, the combined DBH do not accurately represent the root volume or area and the TPZ becomes exaggerated. Combining DBH in the following formula results in a revised total DBH that better

Tree Protection Plan at 2 Thames St, Clarence Park – September 2020

represents the total stem cross sectional area as if it were 1 stem. From this a more proportional TPZ can then be calculated.

$$\text{Combined DBH} = \sqrt{(A^2 + B^2 + C^2 \text{ etc.})}$$

(A, B and C etc. are the DBH of each individual stem)

^h This opinion may need to be verified by a qualified landscape architect.

ⁱ Important habitat and biodiversity value are considered to be present when the tree is indigenous to the local area and provides an opportunity for native animals to perch, nest, breed, feed and shelter in the tree. Animals that may use the tree include native birds, mammals, insects and other invertebrates, lizards and other reptiles. Australian native trees will also provide some of these benefits but are not considered to be as important as locally indigenous trees. Exotic trees can also provide some of these benefits but are considered to provide limited habitat and biodiversity value.

^j This opinion may need to be verified by a qualified landscape architect.

^k The Tree Protection Zone (TPZ) radius is calculated by multiplying the trunk diameter at 1.4m by a factor of 12. The radius is measured from the centre of the trunk at ground level. A TPZ should not be less than 2m nor greater than 15m (except where crown protection is required). This method is outlined in the Australian Standard AS 4970 – 2009 *Protection of trees on development sites*.

^l TPZ area = πr^2

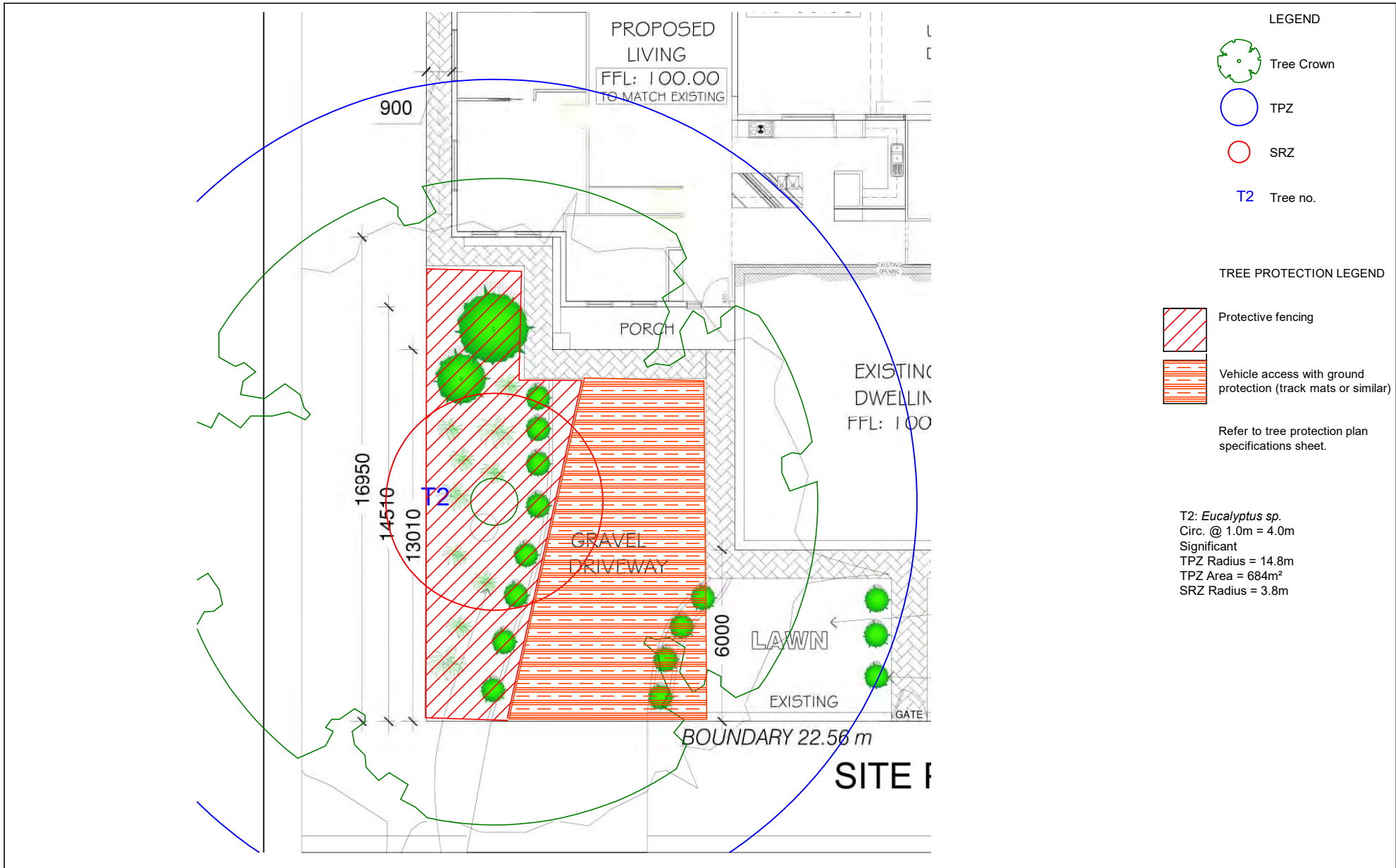
^m The Structural Root Zone (SRZ) is the area around the base of a tree required for the tree's stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold a tree upright. The SRZ is nominally circular with the trunk at its centre and is expressed as a radius in metres. This zone considers the tree's structural stability only, not the root zone required for the tree's vigour and long-term viability, which will usually be a much larger area. There are many factors that affect the size of the SRZ (e.g. tree height, crown area, soil type, soil moisture). The SRZ may also be influenced by natural or built structures, such as rocks and footings. An indicative SRZ radius can be determined from the following formula. Root investigations may provide more information on the extent of these roots. From AS 4970-2009 *Protection of Trees on Development Sites*.

$$\text{SRZ radius} = (D \times 50)^{0.42} \times 0.64$$

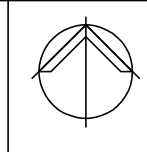
(D= trunk diameter in metres when measured above the root buttress)

Any work within the SRZ should be avoided. Where no alternative exists, the work must be supervised by a qualified Arborist and approved by Local Council. Tree removal may be required depending upon the size and number of roots affected.

ⁿ It may be possible to encroach into or make variations to the standard Tree Protection Zone (TPZ). Encroachment includes excavation, compacted fill and machine trenching. **Minor encroachment** - If the encroachment is less than 10% of the TPZ area and is outside the Structural Root Zone (SRZ), detailed root investigations should not be required. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ. Variations must be made by the project arborist considering relevant factors listed on section 3.3.4 of the standard. **Major encroachment** - If the proposed encroachment is greater than 10% of the TPZ area or inside the SRZ, the project arborist must demonstrate that the tree would remain viable. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ. This may require root investigation by non-destructive methods and consideration of relevant factors including: location and distribution of roots, the potential number and size of root loss, tree species and tolerance to root disturbance, age, vigour and size of tree, lean and stability of the tree, soil characteristics, volume, topography and drainage, the presence of existing or past structures or obstacles and design factors. From Australian Standard AS 4970 – 2009 *Protection of trees on development sites*, section 3.3.



Tree Protection Plan - Construction
 2 Thames St Clarence Park
 Marshall Morgan and Tanja Hollfelder
 Base drawing provided by Amerco Drafting (Site Plan 20/6/20)



DATE
8/9/2020

SCALE
NTS

DRAWING NO
TPP-Const.-1

DRAWN BY
MP

Tree Protection Zone (TPZ) guidelines

All trees to be retained on site to be protected in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites and relevant council conditions of approval.
Refer to Tree Report dated 8th September 2020 for detailed tree protection measures.

Tree Protection Zone Fencing (TPZ)

Sturdy 1.8m high chainmesh fence to be erected as indicated on the plans prior to any works.
Protective fencing and other protective measures to remain in place till completion of project.
TPZ signage to be attached to fencing.
Area within TPZ to be mulched - 75-100mm deep.
The fenced area shall not be used for storage of machinery or construction materials.
The fenced area shall not be used for parking or vehicle access.
No entry to TPZ without consulting project arborist.
Fencing can be removed to facilitate final soft landscaping.

Site Access

Site access should be directed abetween the TPZ fensing and exsting building.
Vehicle access through TPZ requires ground protection (vehicle rate track mats or similar).

Demolition

Protective fencing and ground protection measures shall be established prior to demolition works.
Fencing may be modified to facilitate demolition works in consultation with the project arborist.
Demolition works must proceed with caution in and adjacent to the TPZ.
Demolition machinery must work with caution by standing on hard surfaces and/or outside the TPZ, removing material in a retreating fashion away from the tree.
Demolition of any structures, hard surfaces and/or underground services within the TPZ must be undertaken under supervision from the project arborist.
No stockpiling of debris, soil or any other material within any TPZ.
Any trees and vegetation to be removed must be done without affecting trees to be retained.
Demolition to access the demolition zone through the TPZ with ground protection in place (vehicle rate trackmats or similar).

Site earthworks

All earthworks and trenching must stay outside of the TPZ unless approved by council and project arborist.
Any approved earthworks within the TPZ must be carried out with caution under the supervision of the project arborist.
No grade changes (cut or fill) within any TPZ without approval.
Excavation machinery should stand in a position away from the TPZ to avoid soil compaction and conflict with the trunk and branches.
No stockpiling of soil within any TPZ.
No continuous trenching for underground services within the TPZ without approval.
Excavators to access the building zone through the TPZ with ground protection in place (vehicle rate trackmats or similar).

Construction

The tree must be well protected with fencing and ground protection during all phases of the construction process.
Areas for parking, storage, waste disposal (skip bins), mixing and wash out areas must be clearly defined, well away from the tree protection zone, or on top of suitable ground protection (track mats or similar).
Construction machinery to access the construction zone through the TPZ with ground protection in place (vehicle rate trackmats or similar).

Underground services

No underground services to be installed within any TPZ without council approval and approval from project arborist.
Underground services to be routed around tree protection zones.
If underground services must pass through any TPZ, they must be installed win consultation with the project arborist. This may require directional drilling or hydro excavation.

Permeable Paving

Paving works at the site within any TPZ must be kept to a minimum.
Preparation for paving works within the TPZ must not lower the grade.
Soil compaction must be kept to the minimum level to meet the intended load.
Paving materials must use 75mm reinforced concrete on top of natural grade. Minor levelling permitted.

Landscaping guidelines

TPZ fencing can be removed to facilitate final soft landscaping.
The landscape design should provide the tree with suitable growing conditions.
Landscaping activities must avoid disturbance to the root system.
Existing natural levels must be retained within the TPZ.
Retaining walls should be located outside the TPZ.
The root zone of trees should have a 75-100mm layer mulch applied.
Cultivation of the area under the tree should be kept to a minimum and undertaken with hand tools.
The TPZ area shall not be used for storage, parking or vehicle access.

Tree Protection Plan - Specifications 2 Thames St Clarence Park Marshall Morgan and Tanja Hollfelder	DATE	DRAWING NO
	8/9/2020	TPP-Specs-1
	SCALE	DRAWN BY
	NTS	MP

ATTACHMENT B

REPRESENTATION Category 2 (Page 2)

To: Amy Barratt, City of Unley Development Section

1. This page (ie Page 2) and any attachments may be published on the internet and thus be able to be searched via Google and other internet search engines.
2. In accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and any attachments) will be forwarded to the Applicant for consultation and response.

The closing date for Representations is **5pm on 16 October 2020.**

Application:	090/509/2020/C2 2 Thames Street, Clarence Park 5034
Property affected by Development	

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:
(Please state your reasons so that each planning issue can be clearly identified. Attach extra pages if you wish)

Please find the attached letter.

My concerns (if any) could be overcome by: Please see the attached letter.

WISH TO BE HEARD
 DO NOT WISH TO BE HEARD

by the Council Assessment Panel

(Tick one box only. If you do not tick either box it will be assumed that you do not wish to be heard by the Council Assessment Panel.)

I object to the proposed development because:

I object to the removal of the large and beautiful Red Iron Bark Tree.

This house was purchased in 2013 and at that time the tree was present. The owner was fully aware that they were purchasing a character property with a large tree on it.

The tree has a significant large visual canopy which can be seen in Thames street, Francis street and from Churchill Avenue. The Red Iron Bark Tree is a major asset in the suburb and as such its aesthetic and environmental benefits are unequalled.

The Iron Bark tree's presence helps reduce urban heat by cooling down the surrounding streets and the area. The tree also helps absorb noise and pollution from main arterial roads that surround Clarence Park and provides fresh oxygen in its place. This in turn is helping combat global warming which is increasing at an alarming rate, due to in some part to the removal of large important trees in our cities and suburbs.

This tree is also large enough to be essential to the Eco system above and below the soil. This trees far reaching root system can absorb and filter rain water run off. This in turn helps prevent the transport of chemicals and pollutants from the atmosphere and in the soil into our drainage systems rivers and seas after storms. The action of tree root system filtration then improves the overall quality of our water table and air supply.

Being a large native tree it is also providing a habit for native wildlife such as shelter and food for bees (when in flower) insects, birds possums etc. This tree is also frequently visited by a pair of Kookaburra's that are rare in a inner city location. As many of our native bird species and insects are rapidly declining in our cites the value of these large native tree species in our suburbs becomes imperative to our native and local environments.

It also needs to be taken into consideration that the removal of this large regulated tree will add to the ongoing storm water and pollution expenses incurred by the council and rate payers in order to deal with the thousands of extra litres of water drainage that this single tree can absorb throughout the year.

This single mature tree can improve the market value for the property owner by up to 10 percent. Most people prefer to buy homes in areas with large trees and green spaces. It has been shown that they can help reduce crime and aggression in an area when people live in a community that has a commitment to a green footprint. My understanding is that Unley Council are very committed to keeping a green canopy in our area. The main reason residents move to the Unley council area's is because it has a reputation for being a green area with a green council commitment.

This part of Clarence Park is also within the heritage zone and as such trees also play a very important role in making sure that the area keeps its visual appearance of actually being a heritage area. Otherwise it is just another area without the attributes that single it out as an area of significance. My understanding is Unley Council is very committed to retaining these special areas and their attributes. We must stop the continuous destruction of these large important native trees to protect our environment and our way of life.

I think it is important that the council conduct an independent Arborist report into the long term impacts that could occur as a result of the Red Iron Bark's removal as part of this application process.

My Concerns Could be overcome by:

Is it possible for the owner of this development to go ahead with a solution that could incorporate the tree into the plans so that it does not have to be removed. There are many developments now that include homes that have incorporated large trees and or have planted new trees into the footprint of the building of these homes. Often the new homes are spectacular and highly desirable for there ingenuity of design and incorporation of nature. Ideas such as open courtyard areas around the tree, building a central open area incorporating the tree or an inside garden where it can remain within the development. Incorporating the tree will add future value to the new building and or the surrounding area and improve the owners lifestyle. It is not impossible to for the owner to achieve this and it will only require a little bit more imagination and design.

As the council looks for ways to prevent the loss of its tree canopy in the future, council members must start looking at alternatives to traditional design. It is possible to incorporate the Red Iron bark into the development with a bit of lateral thinking. It will be a unique addition to the property and add value for the owner to the development if done correctly. This is so that we can keep our green city and these important tree assets in our local council areas. Retaining these trees will be better for the environment and help prevent future damage and financial impacts caused by there constant removal.

The Unley council has recently stated in media outlets about its concerns due to the loss of the green canopy in its areas. The green canopy has always been the most desirable attribute of the Unley Council and its areas. It is my understanding that financial recompense is currently being considered to help prevent tree removal but more should be done to keep the trees. Owners and council members need to become more responsible for the trees in our environment. Large trees need to be cared for by qualified Arborists. I suggest that if you can afford to build a new extension, home or dwelling you can afford to maintain existing regulation trees as part of that process.

In order to retain the beauty of our council areas that we purchased our homes in, it becomes incumbent of the council and owners to think about how we can incorporate these beautiful living assets it to our streets and homes. Constantly cutting trees down for the sake of development and progress is not the answer to good development. All the most desirable livable areas in the world have one thing in common, beautiful large trees and green gardens.

Finally trees have become so important to the overall health and well being of the planet and in turn that of human species as a whole, it has become incumbent on us all to be responsible for the trees in our environments. This tree is a large part of the environment in our area and has been for a long time. The owner of this property bought the home knowing that the tree was there first and as such should work with Unley council to try and find a solution to retain the tree and incorporate into the new development.

ATTACHMENT C

2nd November 2020

Amy Barratt
Planning Officer
Development & Regulatory Services
City of Unley
PO Box 1
Unley SA 5061

Response to representations – DA 509/2020/C2
2 Thames Street Clarence Park

Dear Amy,

Thank you for forwarding on the representations received in relation to our proposed development at 2 Thames St, Clarence Park (509/2020/C2).

We would like to take this opportunity to present our position to the relevant representors and to the Development Assessment Panel for their consideration.

As a young child in the early 1970s, I lived with my family in Thames St, Clarence Park and attended school at Westbourne Park Primary School and Pasadena High. I have fond memories of growing up in the area. My family even became friends with the residents at 2 Thames St at that time.

My husband and I purchased the property in 2013 with an air of nostalgia, taking the opportunity to live in my childhood neighbourhood. We acknowledge that when we purchased the property, the building was of heritage character and contained two mature Eucalypts. We embrace the beauty and the flaws of such a building.

We have a growing family, including my loving husband and four children between the ages of 9 and 16. We have been living in this property for several years now. The property is aging and requires regular repairs. The rear portion of the dwelling is out of date with a dated kitchen and a small bathroom with a single toilet. This property is not adequate for my family of six. My husband and I have been carefully planning an upgrade of the property to meet the needs of my family.

The design process for the upgrade of our dwelling has several objectives that needed to be taken into consideration. Primarily, this included the needs of my growing family. We need to modernise the dwelling, provide adequate living areas, update electrics, and provide sufficient amenities for my family. At the same time, we are aiming to preserve this character home and retain and preserve two mature trees. This has proven to be a very challenging balancing act.

We acknowledge and appreciate the concerns raised by the representors. Their comments in relation to the importance and value of trees are valid, and we do not dispute this. The regulated tree does provide some benefits in the local area. In addition, the Significant tree provides greater and more important benefits in the local area. We also acknowledge that the design of a dwelling should incorporate suitable existing trees where possible.

We have worked closely with our architect and project arborist to find a solution that attempts to meet all these objectives. Unfortunately, something had to give.

We considered a range of options and design alternatives in an effort to meet all objectives. These included:

- Demolition of the existing dwelling and construction of a new dwelling with an alternative building footprint in an effort to retain both trees. Please note that the dwelling is not listed as:
 - A state heritage place in Table Un/3 – State Heritage Places in the *City of Unley Development Plan*.
 - A local heritage place in Table Un/4 – Local Heritage Places in the *City of Unley Development Plan*.
- Modifying the design of the dwelling to reduce encroachment into the tree protection zone of the rear tree (Regulated tree). This moved the dwelling closer to the front tree (Significant tree), increasing the level of encroachment into the tree protection zone and increasing the impacts on that tree to unacceptable levels.
- Removing the Significant tree at the front of the property to create a suitable dwelling.
- Removing the Regulated tree at the rear of the property to create a suitable dwelling.

While we were aiming to develop the site to meet the needs of my family and preserve the heritage character of the existing dwelling without having to remove any tree, we developed a design that incorporates the larger significant tree with minimal impact on the root system. However, the design does require that the younger, regulated tree would need to be removed, subject to development consent.

When considering the overall merits of our development application, please take into consideration the following:

- The regulated tree is a smaller and younger tree when compared to the larger and older significant tree at the front of the property.
- The regulated tree forms a lesser visual element in the local area when compared to the significant tree.
- The tree is not indigenous to the local area (it occurs NSW and Qld).
- The species is not listed as rare or endangered in SA.
- While the tree may provide some habitat opportunities, it is not as important as a locally indigenous tree species.
- The retention of the larger and older Significant tree retains higher levels of amenity and environmental benefits in the local area.
- The City of Unley *Development Plan* does not require the applicant to consider alternative design solutions for a regulated tree, as follows:

Regulated Tree - Principle of Development Control 2

A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:

- (a) the tree is diseased and its life expectancy is short;
- (b) the tree represents a material risk to public or private safety;
- (c) the tree is causing damage to a building;
- (d) development that is reasonable and expected would not otherwise be possible;**
- (e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.

In contrast, alternative design solutions must be considered when seeking the removal of a significant tree as follows. This is what our design solution has aimed for.

Significant Trees - Principle of Development Control 8

Significant trees should be preserved and tree damaging activity should not be undertaken unless:

- (a) in the case of tree removal;
 - (i) the tree is diseased and its life expectancy is short; or
 - (ii) the tree represents an unacceptable risk to public or private safety; or
 - (iii) 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 determined to be ineffective; or
 - (iv) 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.**

We trust that the Development Assessment Panel will take into consideration all the factors noted in this letter, not just the fact that we are seeking approval to remove a regulated tree. We believe our proposed development is reasonable for the locality and for a property of this land size, is preserving the character of the dwelling and is retaining and preserving a large Significant tree.

Regards,



Tanja Hollfelder and Marshall Morgan

Regulated Tree - Principle of Development Control 2
A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:
(a) the tree is diseased and its life expectancy is short;
(b) the tree represents an unacceptable risk to public or private safety;
(c) the tree is causing damage to a building;
(d) development that is reasonable and expected would not otherwise be possible;
(e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.
In contrast, alternative design solutions must be considered when seeking the removal of a significant tree as follows. This is what our design solution has aimed for.
Significant Trees - Principle of Development Control 3
Significant trees should be preserved and tree damaging activity should not be undertaken unless:
(a) in the case of tree removal:
(i) the tree is diseased and its life expectancy is short; or
(ii) the tree represents an unacceptable risk to public or private safety; or
(iii) 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 determined to be ineffective; or
(iv) 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.

ATTACHMENT D

2 Thames Street, Clarence Park – Regulated & Significant Trees

Dear Amy

I have considered the updated plans and arboricultural report and do not support the development from an arboricultural perspective. Most notably, the inability to preserve subject trees on a site of greater than 1000 square metres lacks environmental design initiative.

Tree 1 - Red Ironbark

> This tree significantly contributes to both the character and visual amenity of the locality.

The City of Unley is characterised by large mature trees and this character has been further endorsed by the current Council's commitment to increasing this tree cover rather than a reducing tree cover. Furthermore, metropolitan Adelaide has a significant number of 'Red Ironbark' throughout and these trees demonstrate the character of amenity tree planting over the last 50 years.

With respect to the visual amenity, this specimen is clearly observed and notable from the public realm to the east, north and west being Thames Street, Francis Street and Churchill Ave respectively.

> The subject tree also provides important habitat for native fauna as a species that is known to be incredibly friendly, as a food source, for native birds while also commonly a home to reptile such as marbled gecko.

> No arboricultural concerns have been highlighted as a reason for tree removal.

Tree 2 - Gum Tree

> The preservation of this tree is supported, however, once again the inability to design beyond and maintain the Tree Protection Zone (TPZ) within such a large allotment is highlighted, particularly considering the TPZ has existing encroachment in the form of the road reserve to the east and dwellings to the south and north.

> Nonetheless, I believe adherence to the arboricultural report provided, particularly the tree protection measures, will allow for the aesthetic appearance and structural integrity of Tree 2 to be maintained.

> I recommend an additional condition of consent ensure the mentioned tree protective fencing be given a location of placement, this being at no less than 4.00 metres radius from the centre of the tree. This area is to be a complete exclusion zone with strictly no entry unless consented by the Council Arborist.

Regards

Joel Ashforth

NATURAL ASSET LEAD



Tree 1 from eastern aspect.



Tree 1 from northern aspect.



Tree 1 from northern aspect.



Tree 1 from western aspect.



Tree 2 from north/eastern aspect.

ITEM 3**DEVELOPMENT APPLICATION – 090/393/2020/C1 – 51 THOMAS STREET, UNLEY SA 5061 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/393/2020/C1
ADDRESS:	51 Thomas Street, Unley SA 5061
DATE OF MEETING:	17 November 2020
AUTHOR:	Paul Weymouth
DEVELOPMENT PROPOSAL:	Remove Significant Tree - Eucalyptus Camaldulensis (River Red Gum)
DEVELOPMENT PLAN:	4 July 2017
ZONE:	(BUILT FORM) ZONE P 8.5
APPLICANT:	E Esmaili
OWNER:	E Esmaili
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 1
REPRESENTATIONS RECEIVED:	NO
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Recommendation for Refusal

1. PLANNING BACKGROUND

DA 400/2016/C1 Remove Regulated Tree - *Eucalyptus camaldulensis* (River Red Gum) – Approved 16/08/2016.

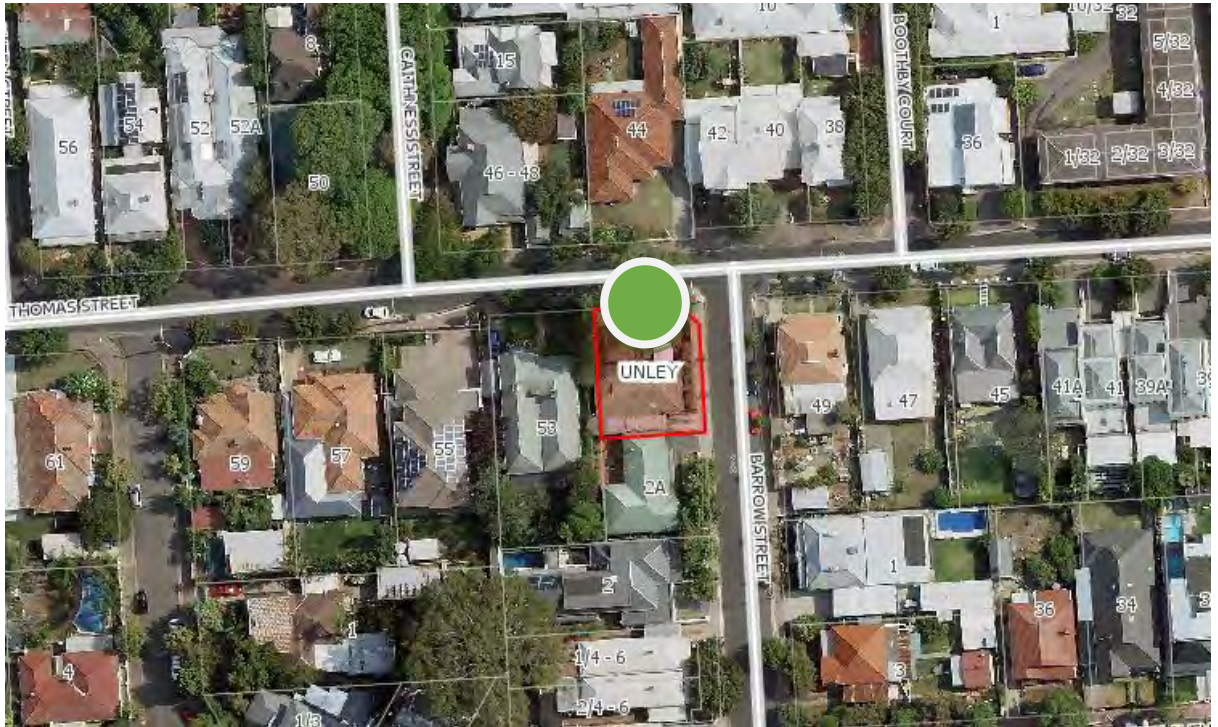
2. DESCRIPTION OF PROPOSAL

The applicant proposes to remove a Significant Tree - *Eucalyptus camaldulensis* (River Red Gum) located within the front yard (adjacent the footpath) at 51 Thomas Street

3. SITE DESCRIPTION

The subject site is located on the north western corner of Thomas Street and Barrow Street. There is an existing single storey dwelling on the site fronting Thomas Street. The tree is located in the north western corner of the subject site immediately adjacent the footpath. The canopy of the tree overhangs the footpath and the front yard of the subject site.

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.

6. ARBORICULTURAL ASSESSMENT

The applicant has engaged Comphort Technical Services to identify potential impacts this tree may have on adjacent properties and persons living or working in the vicinity. In summary the report found that:

- *The tree has healthy foliage and is in good condition,*
- *Its life expectancy is greater than 20 years,*
- *It has caused damage to the footpath area.*
- *The main concern of the applicant is the liability the tree may cause*
- *Removal of the tree is recommended if another solution isn't available to make the footpath area safe*

Refer Attachment A

Council commissioned a report from Project Green. In summary the report found:

- *The subject tree presents as a healthy and well-structured specimen of a Eucalyptus camaldulensis (River Red Gum). The tree has caused significant lifting of the footpath, but the structure of the root crown and surface roots appears to be sound. There are no obvious structural issues with the main stem.*
- *There are no obvious signs of pruning or crown modification in the past. The overall crown is well balanced. The tree has significant amenity value due to its size and location. It is one of the only large trees in the immediate area.*
- *The tree has a low Risk of Harm and the risk is considered Broadly Acceptable. The associated risk to pedestrian traffic as a result of the root crown and surface roots lifting the footpath is outside the scope of this report.*
- *As detailed by the information and assessment in this report the application cannot be supported based on an arboricultural assessment.*
 - *Further investigation of the footpath and the risk it poses should be assessed against relevant standards by an appropriately qualified professional.*
 - *An approach of isolating the immediate root zone while maintaining the subject tree is recommended as the best course of action.*

8. DEVELOPMENT PLAN ASSESSMENT

SIGNIFICANT TREE ASSESSMENT

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

Principles of Development Control		Administration Comments
6	<i>Where a significant tree or significant tree grouping:</i>	
(a)	<i>makes an important contribution to the character or amenity of the local area; or</i>	The tree is approximately 20m tall with a substantial canopy and located in a prominent position on the corner of Thomas and Barrow Street. The tree makes an important contribution to the character or amenity of the local area.
(b)	<i>forms a notable visual element to the landscape of the local area; or</i>	The tree forms a notable visual element as its is significantly higher than the nearby street trees and one of a limited number of tall trees within this locality.
(c)	<i>Contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor.</i>	The tree is indigenous and contributes to habitat value in the area.
<i>Development should be designed and undertaken to retain and protect such significant trees and to preserve these elements</i>		

The tree is 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>	Both the applicant and Council arborist consider the tree is healthy with a long-life expectancy.
(ii)	<i>The tree represents an unacceptable risk to public or private safety; or</i>	The applicant's arborist considers that the tree presents a material risk to the owners and public using the footpath. Project Green advise: <ul style="list-style-type: none"> the tree has a low risk of harm and that the risk is considered broadly acceptable

	Principles of Development Control	Administration Comments
		<ul style="list-style-type: none"> • The associated risk to pedestrian traffic as a result of the root crown and surface roots lifting the footpath is outside the scope of this report. <p>Council asset staff have assessed the footpath area out front of 51 Thomas Street and the effect the tree has had on the footpath and provided the following advice:</p> <ul style="list-style-type: none"> • Council propose to build a road build out, where the kerb would be realigned around the area of footpath which has been affected by the tree. • This will allow Council to create a compliant footpath adjacent the tree also allowing a non-paved area at the base of the tree. • The work was planned to commence in October/November 2020 however has been placed on hold until the CAP have determined the current application. • Subject to the CAPs decision on the current application, the work is scheduled to take place in December 2020 or early 2021. <p>Administration considers that there are reasonable remedial treatments and measures to ensure that the tree does not represent an unacceptable risk to public or private safety.</p>
(iii)	<p><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</i></p>	<p>The tree has caused damage to the brush fence and paving on the adjacent footpath. Remedial measures are available including the proposed kerb buildout. Alterations to the fence could be undertaken to minimise or eliminate future damage.</p>

Principles of Development Control		Administration Comments
	<i>been demonstrated to be ineffective; or</i>	
(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>	Not Applicable

9. CONCLUSION

The application for removal of the tree is not considered to satisfy the provisions of the Development Plan for the following reasons:

- The Significant Tree provides important aesthetic and environmental benefit, and therefore should be retained in accordance with Council Wide Significant Trees Objective 3;
- The Significant Tree makes an important contribution to the character and amenity of the local area, forms a notable visual element to the landscape of the local area, contributes to habitat value and therefore should be retained in accordance with Regulated and Significant Trees PDC 6;
- It has not been demonstrated that the Significant Tree is diseased, that its life expectancy is short, that it represents an unacceptable risk to public or private safety, and that it is causing or threatening to cause substantial damage to a substantial building or structure of value, contrary to Regulated and Significant Trees PDC 8.

The application is therefore recommended for Development Plan REFUSAL

11. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/393/2020/C1 at 51 Thomas Street, Unley SA 5061 to 'Remove Significant Tree - *Eucalyptus Camaldulensis* (River Red Gum)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons

- The Significant Tree provides important aesthetic and environmental benefit, and therefore should be retained in accordance with Council Wide Significant Trees Objective 3;
- The Significant Tree makes an important contribution to the character and amenity of the local area, forms a notable visual element to the landscape of the local area, contributes to habitat value and therefore should be retained in accordance with Regulated and Significant Trees PDC 6;
- It has not been demonstrated that the Significant Tree is diseased, that its life expectancy is short, that it represents an unacceptable risk to public or private safety, and that it is causing or threatening to cause substantial damage to a substantial building or structure of value, contrary to Regulated and Significant Trees PDC 8.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Council Commissioned Arboriculture Report	Administration

ATTACHMENT A

Massoud Esmaili
51 Thomas Street Unley
SA 5061

City of Unley (Unley Council)
development board

3 June 2020

Dear Sir/Madam,

There is a protected Gumtrees in the front yard of the abovementioned property (please see the attachment 1, drawing). This Gumtree has grown into the fence pushing the fence out by 30cm, obstructing the footpass.

When I initially moved into this property in late 2009, I could see a 20cm gap between the fence and the Gumtree and there was no damage to the footpass. However, in the past 10 years or so, this Gumtree has grown to where it is now making the footpath hazardous and unusable.

As you can see in the photo 1 and 2 (attached) root growth has lifted the footpass by about 50-60cm on one side giving it a 30° slope. Furthermore, root growth has made the footpath uneven and unsafe to walk on. As it is now, it is hard for elderly walkers, families with babies in the pram as well as small child to walk on this section of the footpath safely. I have often seen elderly walkers step out on to the road because they don't feel safe to walk on this section of the footpath.

As much as I love to shade this tree is providing in the summer, considering all of the above, I'm worried that it is only a matter of time before someone slips, trips, falls possibly harming themselves or worse, falling into an coming traffic. Therefore, in the in the interest of public safety, I believe the time has come to consider the removal of this Gumtree.

Hereby I am requesting your approval to commence the removal of this Red Gumtree, therefor making the footpath safe for the pedestrians in the area.

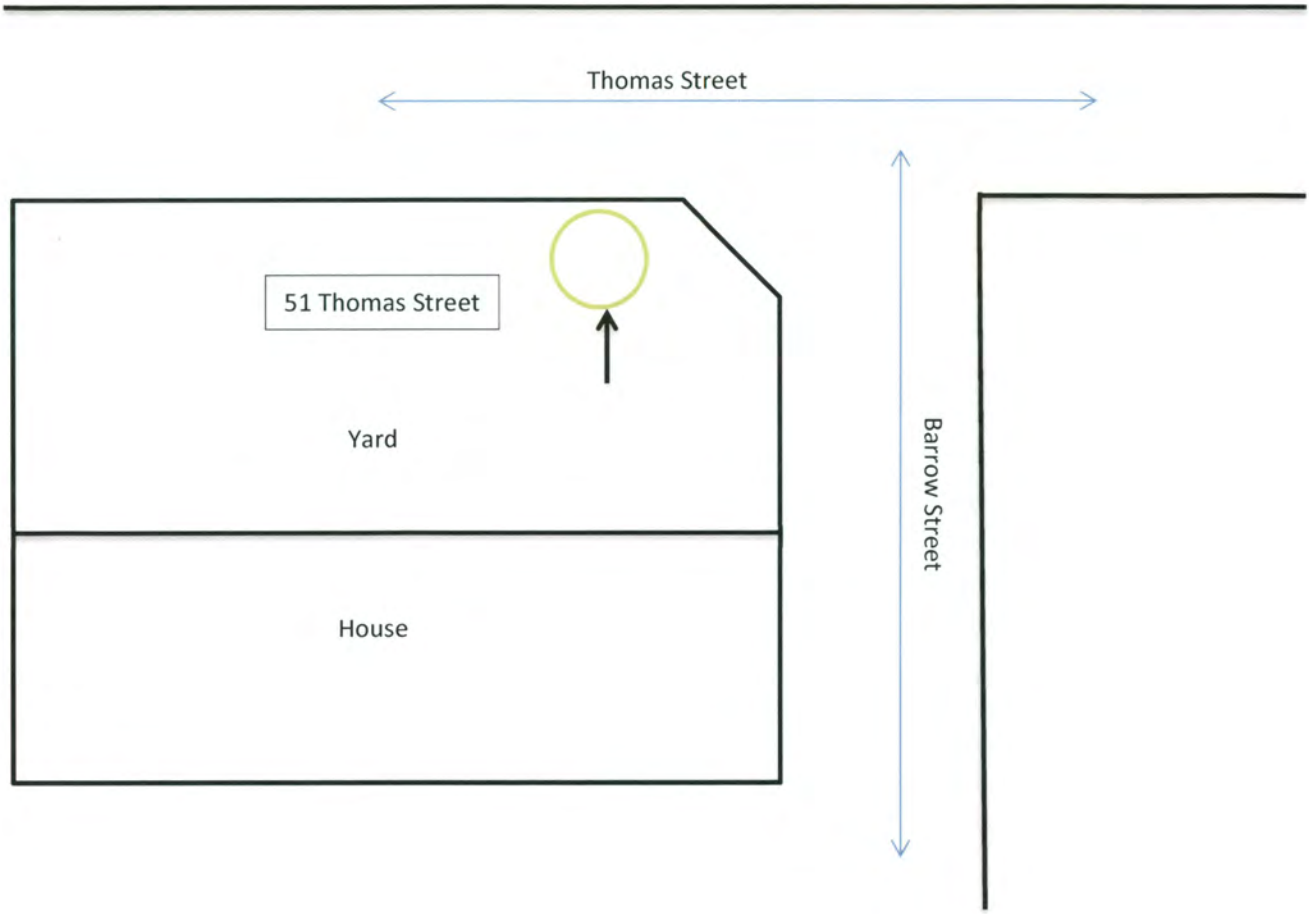
Sincerely



M Esmaili

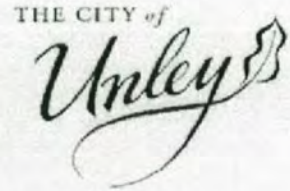






**Details of Regulated Tree
Proposed Removal**

(To be accompanied by a Development Application Form and Fees)



1. Property details

Property No.: 51 Street: Thomas Street Suburb: Unley

2. Tree details

Tree 1:

* Total circumference: 3.53 cm
* Scientific name: Eucalyptus camaldulensis Common name: Red Gum
e.g. *Schinus areira* (Peppercorn Tree)
Reason for removal (please be as specific as possible): River

Tree 2:

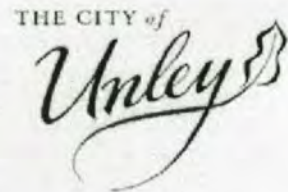
Total circumference: _____
Scientific name: _____ Common name: _____
e.g. *Schinus areira* (Peppercorn Tree)
Reason for removal (please be as specific as possible): _____

Tree 3:

Total circumference: _____
Scientific name: _____ Common name: _____
e.g. *Schinus areira* (Peppercorn Tree)
Reason for removal (please be as specific as possible): _____

Details of Regulated Tree Proposed Removal

(To be accompanied by a Development Application Form and Fees)



Continued...

Replacement Trees

Pursuant to Section 42(4) of the *Development Act 1993*, if the Council grants approval for the removal of a Regulated Tree or Significant Tree, the Council is required to impose a condition requiring you to plant and maintain two (2) trees to replace every Regulated Tree and three (3) trees to replace every Significant Tree. Replacement trees cannot be planted within 10 metres of an existing dwelling or an existing in-ground swimming pool.

If there is no suitable location for you to plant replacement trees in accordance with the above criteria, or if you do not wish to plant replacement trees for whatever reason, the Council may allow you to pay money into its Urban Trees Fund at the rate of **\$94.00*** for each replacement tree that is not planted. Money paid into the Urban Trees Fund is used by the Council to either:

- (a) maintain or plant trees which are or will (when fully grown) constitute significant trees; or
- (b) to purchase land in order to maintain or plant trees which are or will (when fully grown) constitute significant trees.

Please indicate your preference:

- | | | |
|---|----|--|
| <input checked="" type="checkbox"/> Plant Replacement Trees | OR | <input type="checkbox"/> Pay into Urban Trees Fund |
| 2 trees for each Regulated Tree removal | | \$188.00* for Regulated Trees |
| 3 trees for each Significant Tree removal | | \$282.00* for Significant Tree removal |

If the Council grants consent to your Application to remove your tree(s), a condition will generally be imposed on your consent, in accordance with the preference stated above. Please note however, that in some instances, such as where the replacement of trees is important to the character and amenity of an area, the Council may not allow payment into the Urban Trees Fund in lieu of planting replacement trees.

If you have elected to plant replacement trees, the replacement trees shall have the capacity to grow to a minimum height of four (4) metres at maturity.

If you have elected to make a payment into the Urban Trees Fund, you will receive an invoice when the decision is made that will provide 30 days to make payment.

** a 66.6% discount applies to an owner and occupier of the land where the relevant tree is situated and who is the holder of a current 'full Commonwealth pension' Pensioner Concession Card issued by the Commonwealth Government.*

Comphort Technical Services
Bob Amezdroz Diploma of Horticulture and Arboriculture
Wk. 0427012755

Tree assessment at, 51 Thomas Street, Unley on 2020-07-15

The purpose of this report is to identify potential impacts this tree may have on adjacent properties and persons living or working in the vicinity.

The opinions and recommendations are based on a visual inspection from the ground and within the tree with no increment boring to identify if internal decay was present.

Tree species: Eucalyptus camaldulensis (River Red Gum)

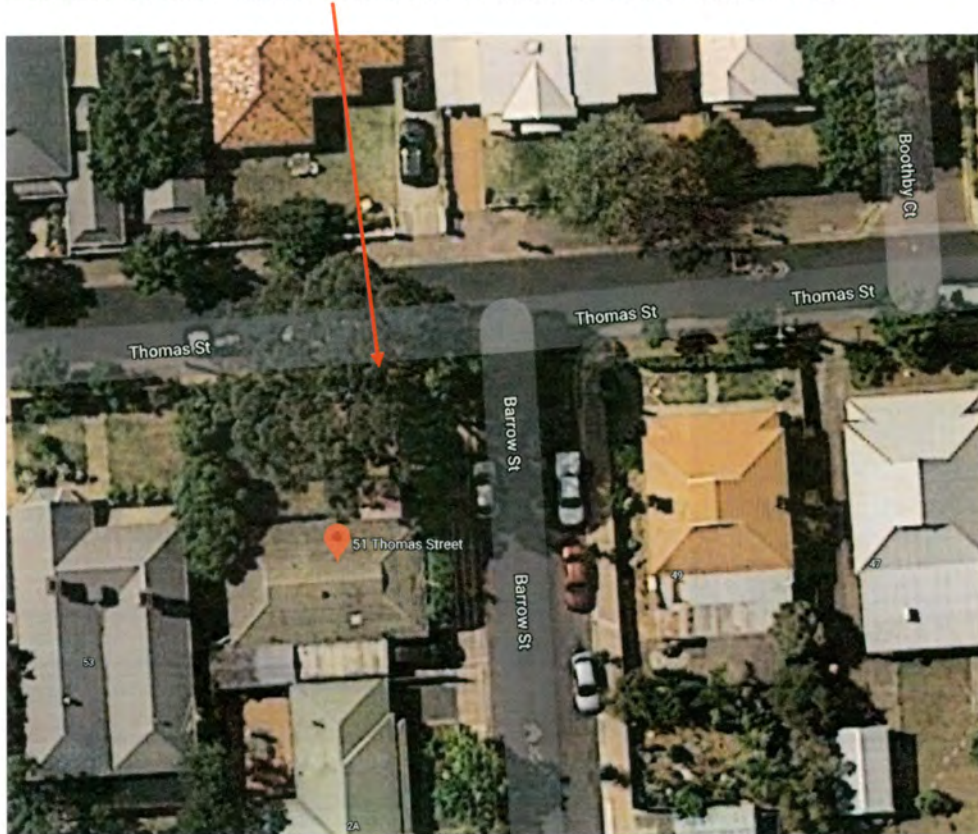


Height of tree: Approximately 21.5m.

Circumference 1m above ground level: 3.55m (Significant tree).

Tree was measured at 1.4m above ground level as the fence obstructed the true measurement at 1m.

Location of tree: North Eastern side of allotment at 51 Thomas Street



Current condition: The tree has healthy foliage and trunk with two main leaders extending out from approximately 4m above ground level. The trunk is slightly pushing the fence and the root zone, on the northern side has lifted the footpath and cracking and misaligning the kerb.

Eucalyptus camaldulensis: This tree identified is semi-mature, possibly 60 years old.

Trunk integrity: Sound at present with good integrity.

Branch integrity: The majority of branches are in good condition with minor deadwood throughout the canopy. There has been no signs of major branch failure. Integrity would be good.

Presence of swollen areas: None.

Presence of fungi: None.

Signs of girdling roots: None.

Presence of bark bleeding extent: Minor on branches where branches have broken off and insect damage occurred.

Any curious growth forms: None.

Spread of the canopy: Approximate 18m.

Any visible disease symptoms: None.

Presence of cankers: None.

Signs of environmental damage: The trees root system is and has previously damaged the footpath, lifting it approximately 200mm above its normal soil height. Cracking and misaligning the kerb by 100mm. These issues are on the council verge and is a major hazard for pedestrians, persons pushing children in pushers and persons using mobility transport. (This was witnessed whilst inspecting the tree). A person tripped and fell, mid-march 2020, caused by the hazard, and said to the owner they were going to contact the council?

Kerb misalignment



The raised area looking east along Thomas Street



Cracking and lifting creating the hazardous condition



Area looking west along Thomas Street

Condition of leaf material: Healthy condition foliage throughout canopy.

Overall trees appearance: Balanced healthy foliage and well-structured trunk.

Trunk characteristics – narrow or open cracks, cavities present: None.

Condition of bark at soil line: No signs of fungi or basal rot.

Presence of borer holes: None.

Presence of dead wood, describe: There was minor deadwood branches throughout canopy.

Native wildlife habitat: None could be seen and no hollows within the trees.

Within the 'Principles of the Development Control'

Part 3- Planning schemes, Division 2 – Development Plans (4a):

(a) makes an significant contribution to the character or amenity of the local area; or

As this tree is of an average size within the property, it does make a major contribution to the character and amenity of Unley. There are other Eucalyptus located near this tree but all are isolated trees.

(b) is indigenous to the local area etc.

This tree is indigenous to the local area but mainly creek and river areas. This tree would have been planted by previous owners.

(c) A rare or endangered species;

This tree species is very common throughout the South Australia.

(d) represents an important habitat for native fauna;

No native fauna could be seen or habitats within this tree.

Significant tree/s should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:

(a) the tree is diseased and its life expectancy is short;

(b) the tree represents a material risk to public or private safety;

(c) the tree is causing damage to a building;

(d) development that is reasonable and expected would not otherwise be possible;

(e) the work is required for the removal of deadwood, treatment of disease, or is in the general interests of the health of the tree.

This tree is healthy and its life expectancy would be greater than 20 years, as shown it can be a material risk to the owners and public using the council footpath. The main concern to the owner is the liability of this hazard as it is a part of his tree. If he removed the offending root zone this would possibly make the tree unstable, introduce diseases into the tree and shorten the life of the tree.

Recommendation:

I would recommend that for all parties concerned, that as this tree is very young and has the possibility to grow to at least 30m in height and girth of the trunk to extend on to council land. This growth would expand the size of the roots and root zone constantly causing a hazardous situation. The legal issue of who is responsible for the hazard and how it is maintained, possibly needs a lawyer to define.

This hazard/risk must be rectified as soon as possible before another injury takes place.

Removal of this tree may be the only alternative if another solution cannot be found to make this area safe to use by all.

Descriptors referred to the Tree Risk Assessment Form

Target number—many trees have multiple targets within the target zone; the target number is provided to list individual targets and to facilitate inclusion of this number in the Risk Categorization chart so that the target description does not need to be rewritten.

Target description—brief description such as “people near tree” “house,” “play area,” or “high-traffic street.” Location of the target can be noted by checking one of the distance boxes to the right of the description.

Target zone—identify where the targets are in relation to the tree or tree part:

Target protection—note any significant factors that could protect the target

Within drip line—target is underneath the canopy of the tree.

Within $1 \times Ht$ —target is within striking distance if the trunk or root system of the tree fails (1 times the height of the tree).

Within $1.5 \times Ht$ —target is within striking distance if the trunk or root system of the tree fails and there are dead or brittle branches that could shatter and fly from the failed tree.

Occupancy rate—an estimated amount of time the target is within the target zone. Use corresponding numbered codes (1–4):

Crown and Branches

Vigor—an assessment of overall tree health; classify as low, normal, or high:

Chlorotic—yellowish-green to yellow.

Necrotic—dead foliage in part of or the entire crown

Codominant—branches of nearly equal diameter arising from a common junction and lacking a normal branch union.

Included bark—bark that becomes embedded in a union between branch and trunk, or between codominant stems, causing a weak structure.

Weak attachments—branches that are codominant or that have included bark or splits at or below the junctions. **Reduced**—pruning to decrease tree height or spread by cutting to lateral branches.

Crown cleaned—pruning of dead, dying, diseased, and broken branches from the tree crown.

Cavity/Nest hole—openings from the outside into the heart-wood area of the tree; record the percentage of the branch circumference that has missing wood.

Canker—localized diseased areas on the branch; often sunken or discoloured.

Gall—**abnormal swellings of tissue caused by pests; may or may not be a defect.**

Sapwood damage/decay—check box if there is mechanical or fungal damage in the sapwood that may weaken the branch, or decay of dead or dying branches

Load on defect—a consideration of how much loading is expected on the tree part of concern.

Likelihood of failure—the rating (*improbable, possible, probable, or imminent*) for the crown and branches of greatest concern.

Appendix 2 Risk Matrix and Descriptor

Consequence

The potential consequence in the event of the tree (or an identified tree part) failing.

Catastrophic (1)	The tree is located in an area that attracts a high frequency of people and/or may cause in excess of \$250,000 (AUD) damage to a fixed asset.
Major (2)	A potential failure may result in fatality or serious injury and/or may cause damage to fixed or mobile assets.
Moderate (3)	A potential failure may result in fatality or serious injury but is unlikely to and/or may cause damage to fixed or mobile assets but is unlikely to.
Minor (4)	The tree is located in an area that is unlikely to attract people or mobile assets with no fixed assets in the impact zone.
Inconsequential (5)	The tree is located in an area that is not typically accessed by people or mobile assets.

I would expect the potential consequence to be Major (2).

Risk Rating

The risk rating of the tree as determined by the risk matrix and the recommended course of action.

Immediate	The tree must be isolated from people and action taken immediately to control the identified hazard. The arborist (or nominated person) shall not leave the area until the identified hazard has been controlled.
Severe	The tree must be isolated from people and action taken to control the identified hazard as soon as possible.
High	Action should be taken to mitigate the risk within one month.
Medium	Action should be taken to mitigate the risk within twelve months.
Low	Action should be taken to mitigate the risk at the custodian's discretion.

I would expect the Risk Rating to be Severe.

Recommendations:

- All tree work to be carried out by qualified arborists and comply with Australian standard AS4373-2007.

- The Australian Standard AS4373 -2007, Pruning Amenity Trees' provides a minimum quality pruning standard that must be applied for all tree works on the subject trees. Pruning should only be carried out by trained and experienced Arborists or Horticulturists.
- The Development Act and the Development Regulations 1993 (DA 1993). This Act controls 'tree damaging activity' in relation to 'significant' trees by declaring it to be 'Development.' Trees 3m or greater in circumference measured 1m above natural ground level within the local council area are deemed as 'significant trees' Where trees have multiple stems they must have an average >625mm. 'Tree damaging activity' includes tree removal, damage to the root system, or pruning that will adversely affect the tree health. Council approval is required prior to any of these activities occurring. Breaches of the act are subject to fines of up to \$120,000.

Bob Amezdroz
Comphort Technical Services
Consulting Arborist
Dip of Hort, Dip of Arboriculture
TRAQ qualified
0427012755

Consultants Liability and Limitations:

All tree assessments are visual inspections and comment on the tree species, that can be seen, touched or inferred from the ground and covers what could reasonably be assessed and available to the assessor at the time of inspection.

The Tree Audit Register (TAR) and recommendations made in this report associated with the project are made in good faith on the basis of the information available to the consultant at the time of the inspection therefore the author accepts no liability for any recommendations made.

The inspection period to which the report applies is two months from the date of the report.

Achievement of objectives set out in such reports will depend among other things on the actions of the client, contractor(s), council, environment and the tree(s), over which the consultant has no control before, during and after the audit has been conducted.

Information contained in this report covers only the tree(s) that were examined and reflects the condition of the tree(s) at the time of inspection. There is no warranty or guarantee, expressed or implied; that problems or deficiencies of the subject tree(s) may not arise in the future.

Care has been taken to obtain all information from reliable sources. All data has been verified in so far as possible; however, the author can neither guarantee nor be responsible for the accuracy of information provided by others.

If you require any further clarification or information, please contact me on the number provided.

ATTACHMENT B



project GREEN

30/08/2020



City of Unley
PO Box 1
Unley SA 5061

Project Green Ref: S27268
Re: Assessment of Development Application
51 Thomas St
UNLEY

Attn. Joel Ashforth

This is to verify that in my capacity as a consulting arborist with Project Green I attended the site indicated above on the 28th of August 2020 to assess a tree on the site and comment on a Development Application lodged with the City of Unley for its removal.

Observations

General Tree Data		<i>Eucalyptus camaldulensis</i> (River Red Gum)	Location of subject tree
Circumference at 1m	+3 m		
Height	22 m		
Spread	20 m		
ULE	20+ yrs		
Health	Good		
Structure	Good		
Legislative Status	Significant		

The subject tree presents as a healthy and well-structured specimen of a *Eucalyptus camaldulensis* (River Red Gum). It is growing on the edge of the northern boundary of the property. The fence is showing an obvious bulge to accommodate the main stem. The tree has caused significant lifting of the footpath, but the structure of the root crown and surface roots appears to be sound. There are no obvious structural issues with the main stem. There are a number of large vertical expansion fissures caused by separation of the bark layer. It forms a bifurcated union at approximately 6 metres with a third smaller branch originating from the west of this union. The union appears structurally sound as observed from the ground. The remaining unions and overall structure of the crown is good. There is evidence of historic minor branch failures in the crown. The foliage in the upper crown reflects distribution and density as is expected of a healthy River Red Gum and only contains minor deadwood.

Project Green Pty Ltd ABN: 78 088 402 706
25-27 Ceafield Road Para Hills West South Australia 5096
Telephone 8283 1300 **Fax** 8258 1933
Email admin@projectgreen.net.au **Web** www.projectgreen.net.au



There are no obvious signs of pruning or crown modification in the past. The overall crown is well balanced. The tree has significant amenity value due to its size and location. It is one of the only large trees in the immediate area.

Risk Assessment

Quantified Tree Risk Assessment (QTRA), Version 5.3/17, was used to ascertain the risk of harm of the subject tree in a 5-year time frame. The bifurcation in the main stem was chosen as the most likely point of failure within the structure of this tree.

Target Range	3	Property: \$35,000 - \$3,500
Probability of Failure	6	1/100,000 – 1/1,000,000
Risk of Harm	< 1/1,000,000	Broadly Acceptable

The resulting risk of harm of < 1/1,000,000 reflects the amount of property damage a failure at the primary union would cost and size of part chosen. The property impacted by a failure at this point would be the low voltage lines and the fence. The probability of failure range is low and equates to 1/100,000 to 1/1,000,000. The risk of harm is broadly acceptable.

The root crown and surface roots of the tree are causing significant lifting of the footpath to the north of the property. The pavers have been replaced with asphalt. This report cannot comment on the risk associated with the uneven footpath other than to say that it is the result of the growth and expansion of the subject tree.

Legislation

Regard was given to the City of Unley Development Plan in relation to the subject tree.

A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:

- (a) *the tree is diseased, and its life expectancy is short;*
The tree is in good health and has a Useful Life Expectancy of greater than 20 years.
- (b) *the tree represents a material risk to public or private safety;*
The tree has a low Risk of Harm and the risk is considered Broadly Acceptable.
The associated risk to pedestrian traffic as a result of the root crown and surface roots lifting the footpath is outside the scope of this report.
- (c) *the tree is causing damage to a building;*
None reported or observed.
- (d) *development that is reasonable and expected would not otherwise be possible;*
The location of the subject tree is not hindering reasonable development.
- (e) *the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.*
The subject tree requires little to no remedial pruning other than minor deadwood removal.

Considerations of Application

Consideration as been given to the Development Application that has been lodged with the City of Unley for the proposed removal of the subject tree at 51 Thomas St, Unley.

Comments below relate to the application.

1. The observations in this report conform with the health, structure and general assessment of the subject tree denoted in the application.
2. The Risk Matrix and Descriptor found in Appendix 2 of the application does not accurately represent the risk posed by failure of a part of the subject tree.
3. Assessing risk to pedestrian traffic posed by the uneven footpath is outside the scope of an arboricultural report.

Recommendations

As detailed by the information and assessment in this report the application cannot be supported based on an arboricultural assessment.

- Further investigation of the footpath and the risk it poses should be assessed against relevant standards by an appropriately qualified professional.
- An approach of isolating the immediate root zone while maintaining the subject tree is recommended as the best course of action.

Prepared by:

Tim Pudney

Dip. Arboriculture

Certified Tree Risk Assessor (TRAQ ISA, QTRA)

ITEM 4**DEVELOPMENT APPLICATION – 090/558/2020/C2 – 11 REGENT STREET, PARKSIDE SA 5063 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/558/2020/C2
ADDRESS:	11 Regent Street, Parkside SA 5063
DATE OF MEETING:	17 November 2020
AUTHOR:	Andrew Raeburn
DEVELOPMENT PROPOSAL:	Construct carport on side boundary.
HERITAGE VALUE:	None.
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 8.3
APPLICANT:	C F Gilbert and M R Gilbert
OWNER:	C F Gilbert and M R Gilbert
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	NONE
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Recommendation for refusal
RECOMMENDATION:	Refuse

1. PLANNING BACKGROUND

Development application 164/2020/C2 to 'carry out alterations and construct two storey additions' was approved in August 2020.

Development application 765/2020/C2 to 'install an inground swimming pool' is currently under assessment.

Negotiations with applicant:

The applicant was advised prior to public notification that the proposed development would be unlikely to be supported. Additionally, it was recommended that the structure be positioned behind the front building line of the dwelling to ensure that it would appear subservient to the dwelling and not interrupt the original form and proportions of the dwelling, particularly the front verandah element.

2. DESCRIPTION OF PROPOSAL

The applicant proposes to construct a carport forward of the dwelling. The proposed carport would in effect continue the front verandah to the side boundary and extend down beside the dwelling.

The carport would have a width of approximately 2.33 metres and the roof would be pitched– with the front section matching the concave form of the front verandah and the rear section being a conventional hip roof.

3. SITE DESCRIPTION

The subject site is located on the south side of Regent Street and is a narrow rectangular allotment with a frontage width of 7.77 metres and a total area of 331m².

The site contains a single fronted Victorian cottage that is essentially in its original form and is setback approximately 4.7 metres from the front boundary. The site benefits from a single width crossover located on the eastern side of the frontage.



Photo 1: view looking south towards the site.

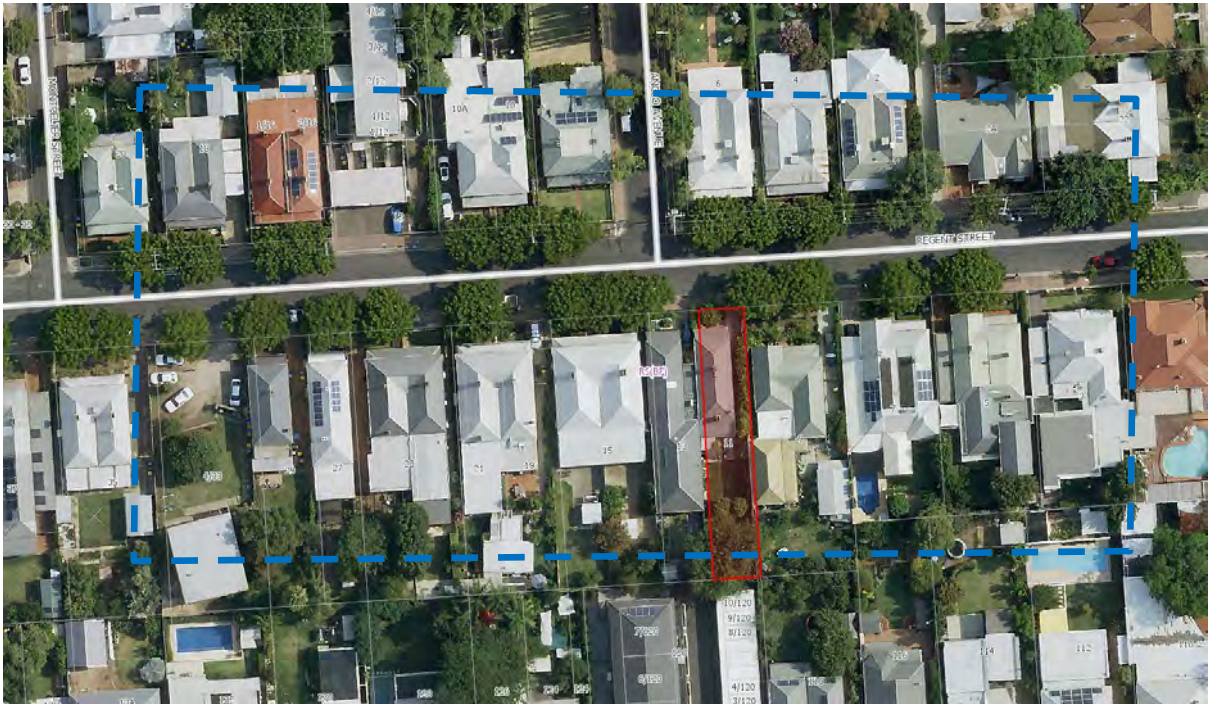


Photo 2: view looking south towards the subject site and demonstrating the two symmetrical single fronted cottages.



Photo 3: view looking south-west demonstrating the setback of the adjacent dwelling.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use and Development Pattern

The locality is characterised by mature, evenly spaced street trees, predominantly single storey Victorian cottages and villas with very consistent and short front boundary setbacks and narrow spacing between dwellings. The reduced setbacks in the area create a compact streetscape appearance.

It is noted that there is some infill development that contrasts with the predominant built form character, however, the character in the area is overwhelmingly consistent with the desired character of the zone.

Given the compact development pattern in the area, there is limited opportunity for on site car parking. Where parking opportunities exist, they are mostly in the form of single width open spaces or carports positioned between dwelling and side boundaries. There are very few examples of double width car parking spaces within the wider area and no car parking structures positioned forward of dwellings in the area between George Street and Montpelier Street.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period no representations were received.

9. DEVELOPMENT DATA

Building Characteristics		
Carport		
Post Height	2.3m	<input type="checkbox"/> 3m
Total Height	3.1m	<input type="checkbox"/> 5m
Total Roofed Area	11.5m	<input type="checkbox"/> 80m ² or 10% of the site, whichever is the lesser
Colours and Materials		
Roof	Custom orb roof sheeting to match existing verandah	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

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

Streetscape Value

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

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

Streetscape Attributes

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

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

Assessment

The existing dwelling is in its original form and makes a strong positive contribution to the desired character of the area. The dwelling is also more prominent within the streetscape due to the larger setback of the dwelling to the east.

The proposed carport structure, positioned forward of the building line and extending the verandah to the boundary, would disrupt the form and proportions of the dwelling, would unbalance the rhythm and pattern within the area and would notably diminish the positive contribution the dwelling makes to the character and appearance of the area.

Relevant Zone Principles of Development Control	Assessment
<i>PDC 14 – Carports and Garages</i>	

<p>A carport or garage should form a relatively minor streetscape element and should:</p> <ul style="list-style-type: none">(a) be located to the rear of the dwelling as a freestanding outbuilding; or(b) where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:<ul style="list-style-type: none">(i) incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and(ii) be in the form of a discrete and articulated building element not integrated under the main roof, nor incorporated as part of the front verandah or any other key element of the dwelling design; and(iii) have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and(iv) not be sited on a side boundary, except for minor scale carports, and only where the desired building setback from the other side boundary is achieved.	<p>The proposed carport would not be located behind the primary façade of the dwelling and would be incorporated as part of the front verandah, contrary to part b (ii) of this PDC.</p> <p>Given the modest proportions of the existing single fronted cottage and the relative prominence of the dwelling within the street due to the larger setback of the dwelling to the east, it is considered that the departure from the above policy would result in the carport being overly dominant and disruptive to the form of the original dwelling and the rhythm of the street.</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		
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
Form of Development	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
Residential Development	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62

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

Relevant Council Wide Provisions	Assessment
Residential Development	
<p>PDC 8 A garage, carport or outbuilding should be setback from the primary street frontage:</p> <p>(a) at least 1.0 metres further than the setback of the associated dwelling;</p> <p>(b) no closer than the front alignment of walls of the associated dwelling if the dwelling incorporates street facing attached verandahs, porticos and similar structures;</p> <p>(c) at least 5.5 metres where a car parking space is required within the driveway.</p>	<p>The proposed carport does not satisfy any of the recommendations of PDC 8</p>
<p>PDC 9 A carport only, may be located forward of the dwelling where the existing exceptional site circumstances prevent the practical undertaking of its</p>	<p>The proposal would meet the exceptional site circumstances detailed by PDC 9 and may conceivably meet the recommendations of part (a) and (b). However, it is considered that the proposal would unreasonably diminish the streetscape presence of the</p>

Relevant Council Wide Provisions	Assessment
<p>construction at the rear of the site or behind the front dwelling wall, providing it does not unreasonably diminish the streetscape presence of the dwelling and the following parameters are met:</p> <p>(a) a single width and permanently open on all sides;</p> <p>(b) setback no less than half the setback of the nearest adjacent dwelling.</p>	<p>dwelling, as detailed in the zone assessment section of this report.</p> <p>As such, the development is not considered to satisfy PDC 9.</p>
<p>PDC 47</p> <p>Garages and carports should have minimum internal dimensions in accordance with the following parameters:</p> <p>(a) 3 metres by 6 metres for a single vehicle;</p> <p>(b) 5.8 metres by 6 metres for two vehicles.</p>	<p>The proposed development does not satisfy PDC 47. It is also noted that the development would not meet Australian Standard AS290.1 (clause 5.4) – recommended internal dimensions.</p>

11. CONCLUSION

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

- The proposed carport structure, being positioned forward of the building line and extending the verandah to the boundary, would disrupt the form and proportions of the dwelling, would unbalance the rhythm and pattern of development within the area and notably diminish the positive contribution the dwelling makes to the character and appearance of the area, contrary to PDC 14 of the Residential Streetscape (Built Form) Zone; and
- The internal dimensions of the carport would be less than recommended under Council Wide (Residential) PDC 47.

The application is therefore recommended for REFUSAL.

12. RECOMMENDATION

MOVED:

SECONDED:

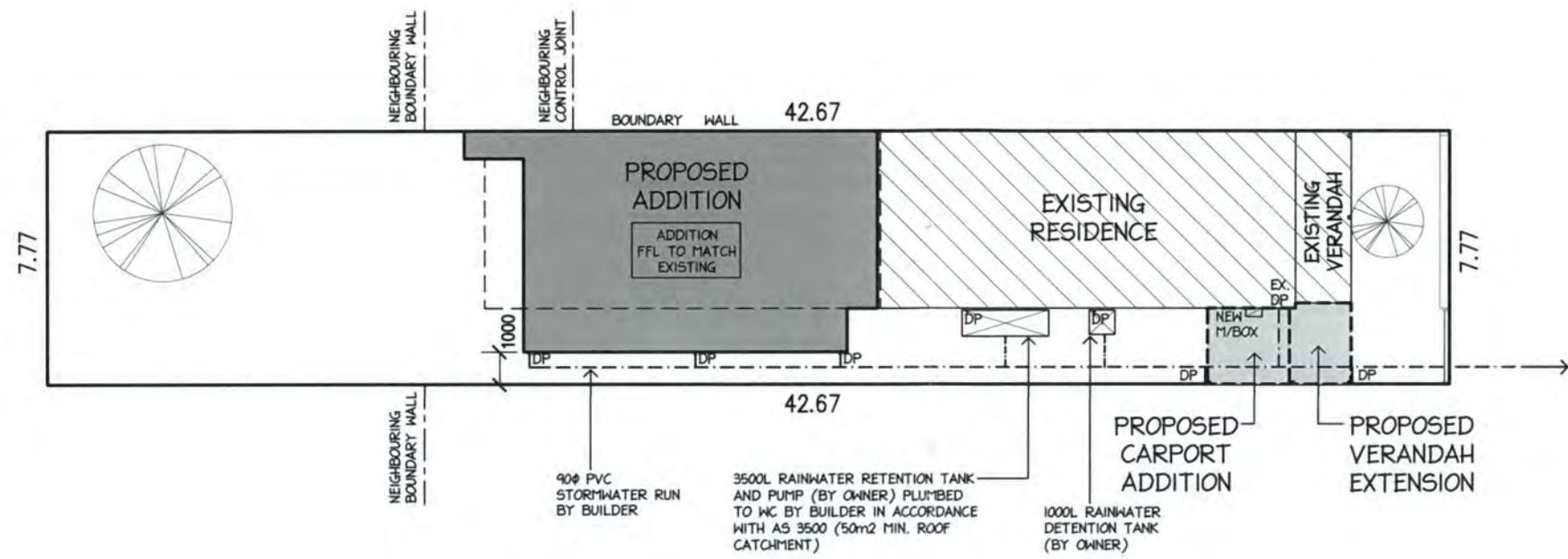
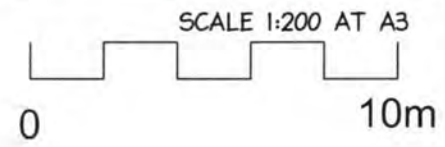
That Development Application 090/558/2020/C2 at 11 Regent Street, Parkside SA 5063 to '*Construct carport on side boundary*' is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The proposed carport structure, being positioned forward of the building line and extending the verandah to the boundary, would disrupt the form and proportions of the dwelling, would unbalance the rhythm and pattern of development within the area and notably diminish the positive contribution the dwelling makes to the character and appearance of the area, contrary to PDC 14 of the Residential Streetscape (Built Form) Zone; and
- The internal dimensions of the carport would be less than recommended under Council Wide (Residential) PDC 47.

List of Attachments		Supplied By:
A	Application Documents	Applicant

ATTACHMENT A

NOTE
 REFER TO SCOTT SALISBURY HOMES SPECIFICATIONS AND INCLUSIONS DOCUMENT FOR ADDITIONAL DEMOLITION INSTRUCTION, ANY EXISTING ITEMS TO BE RETAINED FOR FUTURE USE OR ANY WORKS TO BE COMPLETED BY OWNER.



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NOTE:
 NO CONSTRUCTION IS TO OCCUR ON SITE UNTIL A BOUNDARY IDENTIFICATION SURVEY HAS BEEN UNDERTAKEN AND THEN REVIEWED BY THE SCOTT SALISBURY HOMES RENOVATION AND ADDITION CONSTRUCTION TEAM

City of Unley
 11 AUG 2020
 Received



SITE PLAN
 SCALE 1:200

- NOTE: LANDSCAPING, PAVING AND FENCING BY OWNER
- ALL NEW DOWNPIPES ARE TO BE CONNECTED INTO THE EXISTING STORMWATER SYSTEM TO STREET WATER TABLE - BY BUILDER
- NOTE: OWNER TO REMOVE ANY BRUSH FENCES WITHIN 3m OF DWELLING.

PRELIMINARY ISSUE

AMENDMENTS		
A	INITIAL ISSUE	HH 26.03.20
B	REAR SLIDING DOOR HEIGHT AMENDED. ADDITIONAL NOTES REGARDING LAUNDRY CEILING HEIGHT AND STRIP OF FLOORING ADJACENT UPPER STAIR FLIGHT ADDED	HH 31.03.20

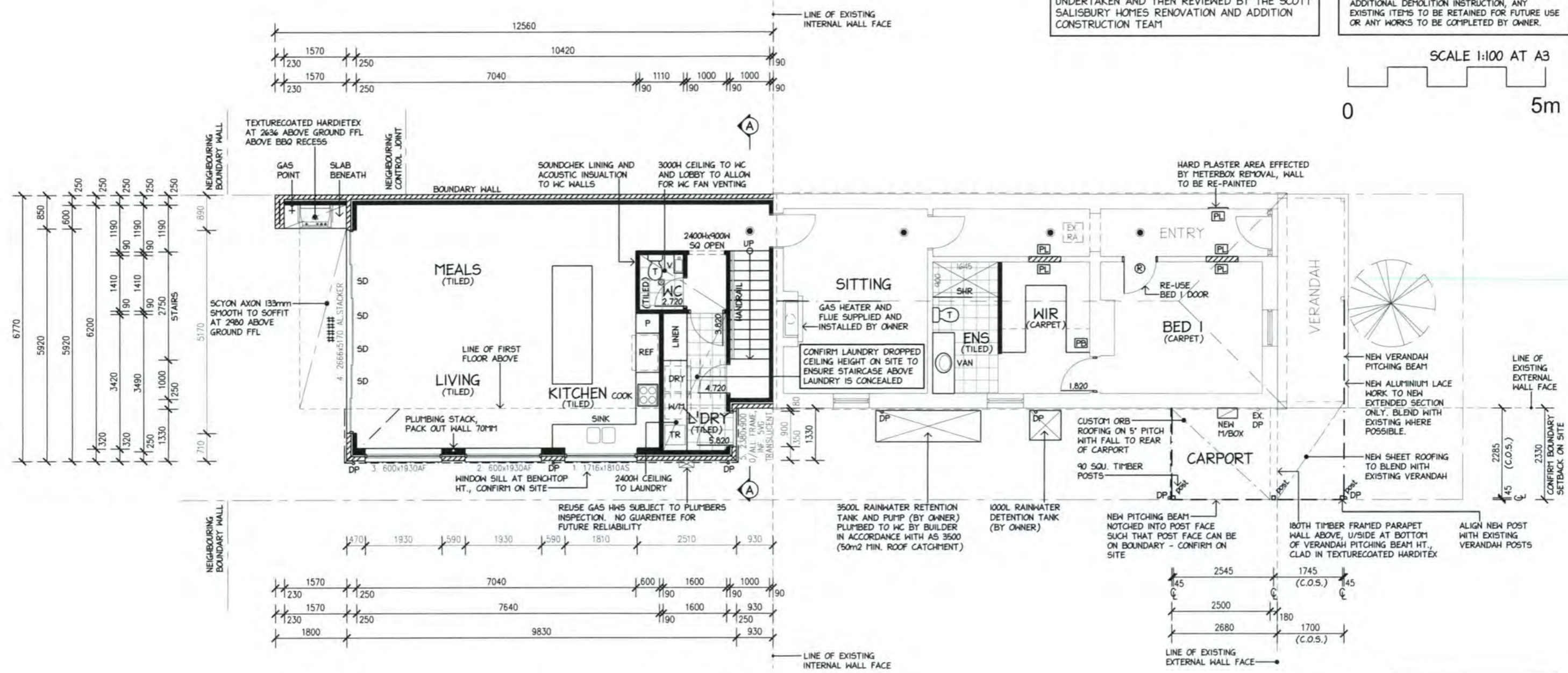
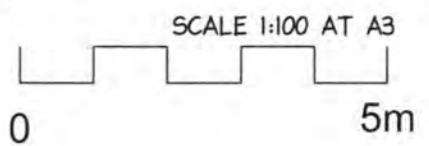
© COPYRIGHT. These drawings are copyright and remain the exclusive property of Scott Salisbury Homes. Reproduction of the whole or any part of these drawings without written permission is prohibited.

Figured dimensions shall take preference over scaled drawings. Contractors should verify all dimensions and notify any discrepancies prior to commencement.

Client: C. & M. GILBERT		<p>SCOTT SALISBURY HOMES</p> <p>Licence No. GL57020 ABN 97 004 375 167</p> <p>PO BOX 2075 MORPHETTVILLE SA 5043</p> <p>474 Anzac Highway CAMDEN PARK SA 5038</p> <p>Phone: (08) 8376 6555 Fax: (08) 8376 0205 Email: homes@scottsalisburyhomes.com.au Web: www.scottsalisburyhomes.com.au</p>
Project: PROPOSED ADDITION		
At: 11 REGENT STREET, PARKSIDE		
Designer: SJB	Drawn by: HH	
Date: 26.03.20	Sheet: 1 OF 7	
Issue: B	Job Number: 3985	

NOTE:
NO CONSTRUCTION IS TO OCCUR ON SITE UNTIL A BOUNDARY IDENTIFICATION SURVEY HAS BEEN UNDERTAKEN AND THEN REVIEWED BY THE SCOTT SALISBURY HOMES RENOVATION AND ADDITION CONSTRUCTION TEAM

NOTE
REFER TO SCOTT SALISBURY HOMES SPECIFICATIONS AND INCLUSIONS DOCUMENT FOR ADDITIONAL DEMOLITION INSTRUCTION, ANY EXISTING ITEMS TO BE RETAINED FOR FUTURE USE OR ANY WORKS TO BE COMPLETED BY OWNER.



PROPOSED GROUND FLOOR PLAN
SCALE 1:100

NOTES
ALL KITCHEN & WET AREA LAYOUTS SHOWN ON THIS PLAN ARE INDICATIVE ONLY. REFER TO JOINERY PLANS FOR CORRECT LAYOUTS AND PLUMBING POSITIONS
PROVIDE ELECTRICAL CONDUIT IN SLAB TO KITCHEN ISLAND BENCH WHERE APPLICABLE
CONCRETE SLABS BELOW MAIN FLOOR TILING TO BE REINFORCED AS PER ENGINEER'S RECOMMENDATION
2040 HIGH INTERNAL DOORS TO HAVE TIMBER FRAME OPENING OF 2110

REFER TO JOINERY AND ROBE LAYOUTS FOR ANY PLASTERBOARD LINED BULKHEADS REQUIRED ABOVE JOINERY OR ROBES
PROVIDE RESTRICTED WINDOW OPENINGS IN ACCORDANCE WITH NCC VOL.2 PART 3.9.2.6 AND 3.9.2.7.
RECESSED DOOR / WINDOW FRAME, 50mm DEEP REBATE (HIDDEN TO SUIT)
● HARDWIRED SMOKE DETECTOR WITH BATTERY BACK-UP INSTALLED IN ACCORDANCE WITH AS 3786. SMOKE ALARMS COMPLYING WITH AS 3786 TO BE INTERCONNECTED IN ACCORDANCE WITH NCC VOL.2 PART 3.7.5.2

REMOVABLE DOOR HINGES AS REQUIRED TO BE FITTED IN ACCORDANCE WITH NCC VOL.2 PART 3.8.3.3
○ EXHAUST FAN DUCTED TO ATMOSPHERE OR VENTILATED ROOF SPACE INSTALLED IN ACCORDANCE WITH NCC VOL.2 PART 3.8.7.3
□ PLASTER FINISH TO NEW BRICK WALL TO MATCH EX.
▨ BRICK VENEER WALL
▨ TIMBER FRAMED STUD WALL
▨ SINGLE LEAF BRICK WALL W-PLASTER FINISH TO MATCH EXISTING
REBATE DEPTH TO BE DETERMINED AFTER SITE INSPECTION BY SITE MANAGER

□ STEEL COLUMN AS PER ENGINEER'S DETAILS
DP = 75Ø ROUND PVC DOWNPIPES UNLESS OTHERWISE NOTED
[R/A] ROOF ACCESS
[S/L] SKYLIGHT

AMENDMENTS		
A	INITIAL ISSUE	HH 26.03.20
B	REAR SLIDING DOOR HEIGHT AMENDED. ADDITIONAL NOTES REGARDING LAUNDRY CEILING HEIGHT AND STRIP OF FLOORING ADJACENT UPPER STAIR FLIGHT ADDED	HH 31.03.20

PRELIMINARY ISSUE

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Figured dimensions shall take preference over scaled drawings. Contractors should verify all dimensions and notify any discrepancies prior to commencement.

City of Unley
11 AUG 2020
Received

AREAS	m2
GF ADDITION	: 73.1
FF ADDITION	: 66.2
VERANDAH	: 4.7
CARPORT	: 5.8
TOTAL	: 149.8

Client: C. & M. GILBERT	
Project: PROPOSED ADDITION	
At: 11 REGENT STREET, PARKSIDE	
Designer: SJB	Drawn by: HH
Date: 26.03.20	Sheet: 3 OF 7
Issue: B	Job Number: 3985

SCOTT SALISBURY HOMES

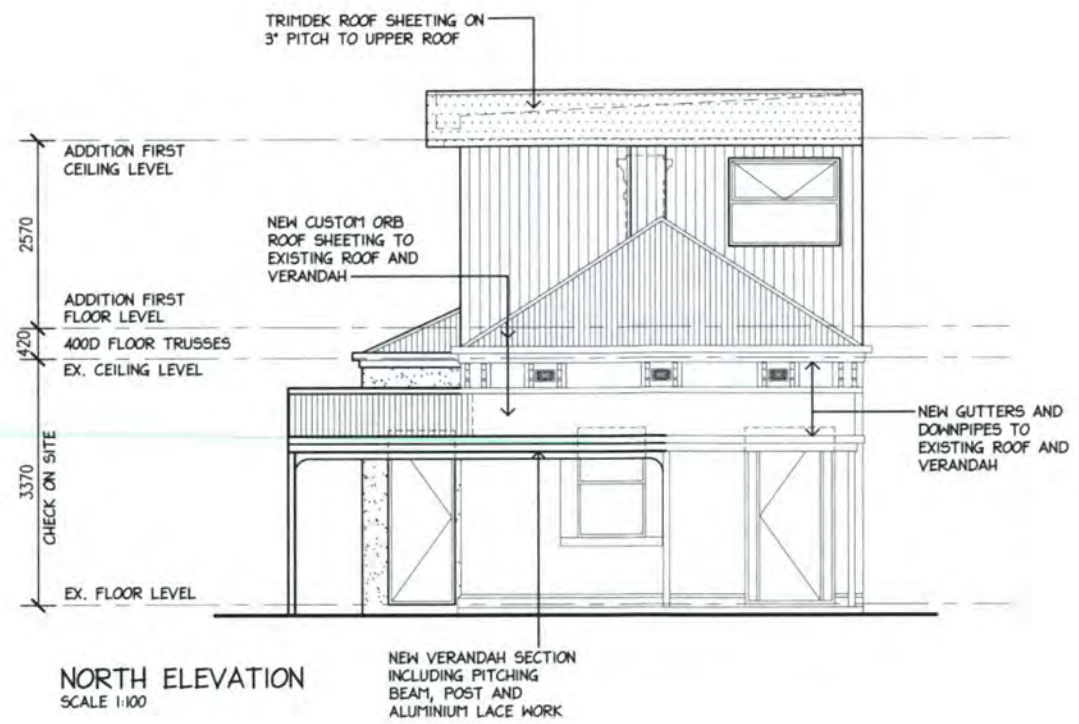
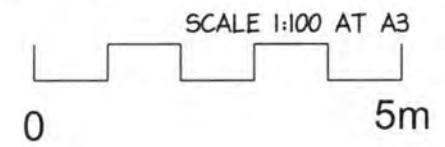
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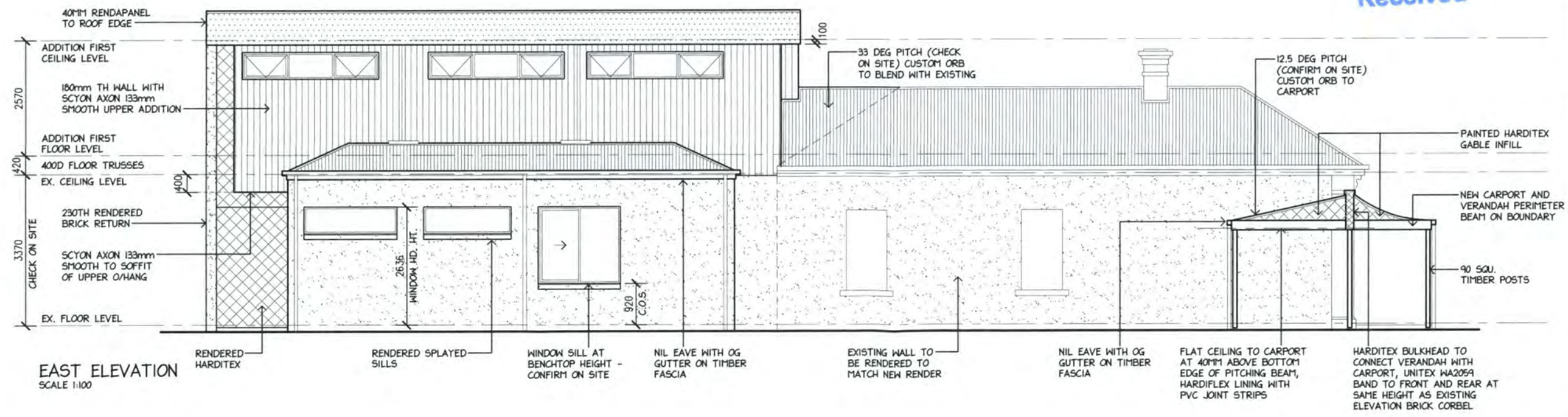
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City of Unley
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At: 11 REGENT STREET, PARKSIDE	
Designer: SJB	Drawn by: HH
Date: 26.03.20	Sheet: 5 OF 7
Issue: B	Job Number: 3985

ITEM 5
DEVELOPMENT APPLICATION – 090/592/2020/C2 – 17 CLARK STREET,
WAYVILLE 5034 (GOODWOOD)

DEVELOPMENT APPLICATION NUMBER:	090/592/2020/C2
ADDRESS:	17 Clark Street, Wayville 5034
DATE OF MEETING:	17 November 2020
AUTHOR:	Brendan Fewster
DEVELOPMENT PROPOSAL:	Carry out alterations and construct additions including upper storey, verandah, in-ground swimming pool and garage with loft on common boundary
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	RESIDENTIAL STREETSCAPE (BUILT FORM) ZONE POLICY AREA 9 – SPACIOUS PRECINCT 9.9 - WAYVILLE
APPLICANT:	P Ayling
OWNER:	C S Goh and M L Hay and G La Spina and V La Spina and A M C La Spina
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:	Building bulk and mass Streetscape character Overshadowing Privacy Boundary development

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The proposal is for the construction of additions to the rear of an existing dwelling that comprise a new upper storey, ground floor living areas and a verandah. The additions are designed with flat and pitched roofs and materials that include brick and Colorbond standing seam cladding, aluminium frame windows and doors and Colorbond roof sheeting.

A garage with a gable end roof is to be constructed along the rear and southern side boundaries. The wall along on the rear boundary will measure 10.6 metres in length and 6.7 metres in length along the side boundary. The building has a wall and ridge height of 3 metres and 5.8 metres respectively. A loft area will be provided within the roof space.

A new in-ground swimming pool will be installed adjacent to the rear boundary.

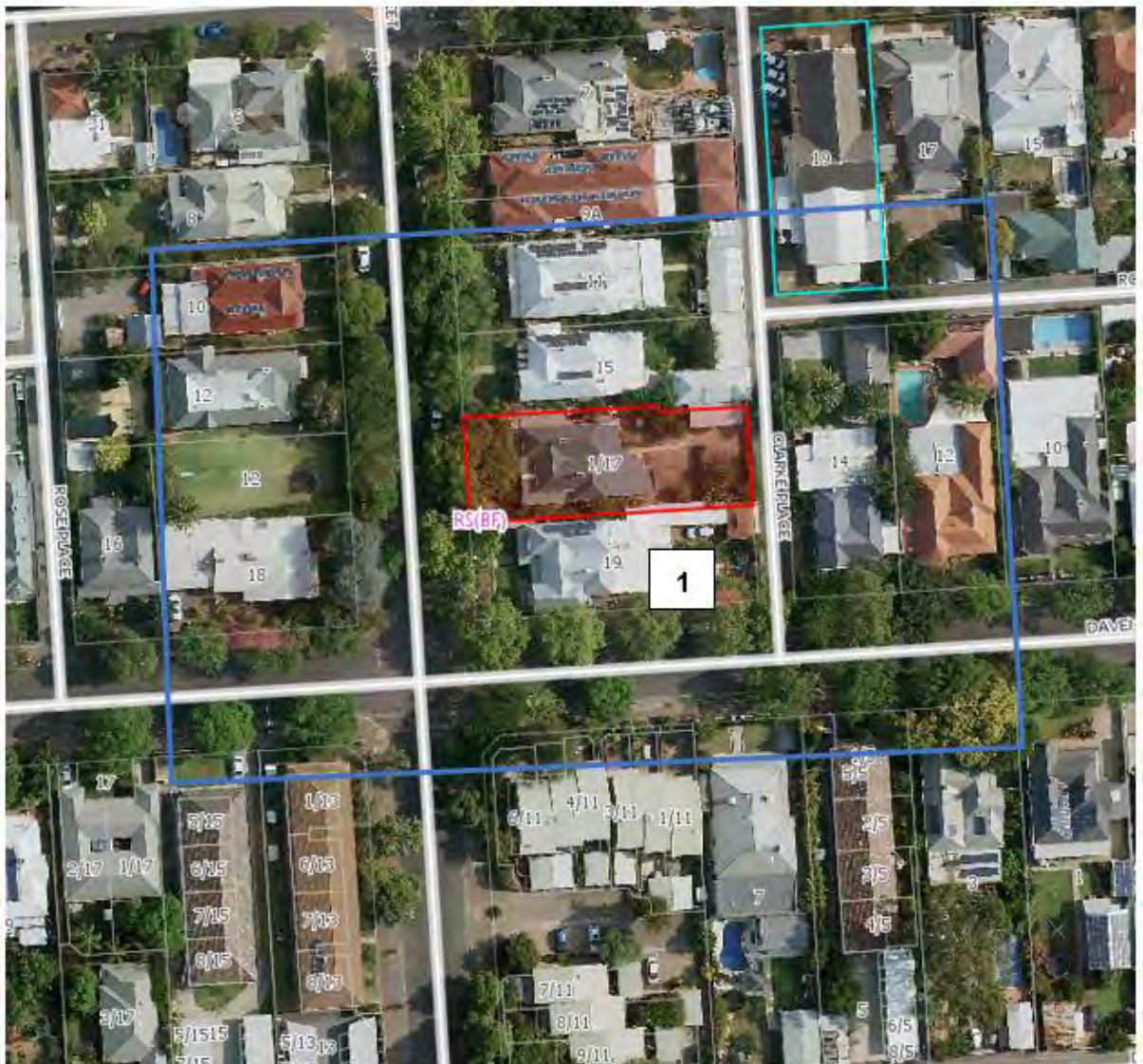
3. SITE DESCRIPTION

The subject land is a residential allotment located at 17 Clark Street, Wayville. The land is a rectangular shape allotment with a frontage of 17.83 metres and total site area of approximately 860m². The land backs onto Clark Place, which is a public laneway.

Currently occupying the land is a single storey cottage style dwelling and a shed in the rear yard.

The land is relatively flat and does not contain any Regulated trees.

4. LOCALITY PLAN



 Subject Site  Locality  Representations

5. LOCALITY DESCRIPTION

Land Use

The locality is entirely residential in land use. Existing development comprises predominantly of detached dwellings at low densities. There are some conventional unit developments on the southern side of Davenport Terrace.

Land Division/Settlement Pattern

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

Dwelling Type / Style and Number of Storeys

Existing dwellings include traditional cottages and bungalows of single storey scale. There are several conventional style buildings to the south on Davenport Terrace.

Fencing Styles

Fencing styles and heights are varied and include solid brick, low timber pickets, brush and hedging.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

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

19 CLARK STREET, WAYVILLE (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Design and appearance is not consistent with the desired character	The current design is consistent with the desired character
The garage does not comply with side boundary setbacks and height requirements	The Development Plan allows for boundary walls. The garage complies with the boundary setback requirements
The garage access door would encroach on the laneway	The door can be recessed or removed. <i>Staff comment – the access door would open inwards</i>
Vehicle access for the garage does not satisfy the Australian Standard	Clark Place is the only vehicle access to the property. Turning and manoeuvring is adequate
Proposal plans do not show setback distances	Amended plans provided
Visual impact of garage	The design takes cues from the local character
Overshadowing impacts	Shadow diagrams have been provided. The two storey built form is located centrally on the allotment

Loss of privacy	Screening devices to be provided to south facing windows
No landscaping details provided	While there are existing trees along the southern boundary, the owner is willing to plant more trees

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Dwelling Additions and garage	Development Plan Provision
Total Site Area	860m ²	Existing allotment
Frontage	17.83m	Existing allotment
Depth	48.77m	Existing allotment
Building Characteristics		
Floor Area		
Ground Floor	150m ²	
Upper Floor	78m ² 50% of ground floor	<input type="checkbox"/> 50% of ground floor
Garage	91m ²	
Site Coverage		
Roofed Buildings	48%	<input type="checkbox"/> 50% of site area
Total Impervious Areas	70% approx.	<input type="checkbox"/> 70% of site <input type="checkbox"/>
Total Building Height		
From ground level	7.81m - additions 5.8m - garage	Two storey
Setbacks		
Ground Floor		
Front boundary (west)	6m - carport	Behind main face of dwelling
Side boundary (north)	1.32m	1m
Side boundary (south)	1.5m	1m
Rear boundary (east)	16.3m	5m
Upper Floor		
Front boundary (west)	14.0m behind primary street facade	Behind primary street facade
Side boundary (north)	7.3m	3m
Side boundary (south)	3.3m min	3m
Rear boundary (east)	15.43m	8m
Wall on Boundary - garage		
Location	Eastern boundary Southern boundary	
Length	10.6m 6.7m	
Height	3m – walls 5.79m - ridge	
Private Open Space		
Min Dimension	7m	<input type="checkbox"/> 4m minimum
Total Area	250m ² (29%)	<input type="checkbox"/> 20%

Car parking and Access		
On-site Car Parking	3 spaces total	3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Covered on-site parking	3 spaces	<input type="checkbox"/> 1 car parking space
Driveway Width		Rear lane
Garage/Carport Width		N/A
Garage/ Carport Internal Dimensions	6.16m x 8.0m	5.8m x 6m for double
Colours and Materials		
Roof	Light Grey	
Walls	Brick & Fibre Cement	
Fencing	Timber Panels	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

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

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

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

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

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

Assessment

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

The proposal comprises additions primarily to the rear of the existing dwelling that include a new upper storey that is located approximately 14 metres behind the front façade of the dwelling and 23 metres from the street frontage. The upper storey would not be readily visible within the streetscape due to the significant separation the street and the modest building scale.

While the additions are modern and taller than the roofline of the existing dwelling, the upper storey would be recessive and inconspicuous appearance within the streetscape. In this regard, the upper storey is only 7.5 metres in width, is located centrally on the site and is designed with a gable end roof that references the pitched roof of the dwelling.

The inconspicuous appearance of the additions within the streetscape would ensure that the built form and spatial characteristics of the locality are sufficiently maintained. The proposal is therefore considered to be consistent with the Objectives and Desired Character for the Residential Streetscape (Built Form) Zone.

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

Relevant Zone Principles of Development Control	Assessment
<p><i>character, and responds, positively to the streetscape context of its locality in terms of the:</i></p> <ul style="list-style-type: none"> <i>(i) rhythm of buildings and open spaces (front and side setbacks) of building sites; and</i> <i>(ii) building scale and forms (wall heights and proportions, and roof height, volumes and forms); and</i> <i>(iii) open fencing and garden character; and</i> <i>(iv) recessive or low key nature of vehicle garaging and the associated driveway.</i> 	
<p>PDC 4 <i>Alterations and additions to a building should be located primarily to the rear of the building and not be visible from the street or any public place unless involving the dismantling and replacement of discordant building elements so as to better complement the building's original siting, form and key features.</i></p>	<p>The proposed additions are located to the rear of the dwelling, and while the ridge of the upper storey would be 1.75 metres taller than the ridge of the dwelling, the main building mass would be concealed by the existing roofline. The siting of the addition approximately 23 metres from the road frontage would also minimise views of the addition within the streetscape.</p>
<p>PDC 9 <i>Development should present a single storey built scale to the streetscape. Any second storey building elements should be integrated sympathetically into the dwelling design, and be either:</i></p> <ul style="list-style-type: none"> <i>(a) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street; or</i> <i>(b) set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.</i> 	<p>As the original façade of the dwelling would be retained and the proposed upper storey addition is to be set well behind the primary street façade, the overall scale and massing of the additions would not adversely impact upon the streetscape. Similarly, the additions would be well removed from side and rear boundaries so as to maintain the visual and spatial amenity of neighbouring properties.</p> <p>The design, siting and overall size of the additions are considered to satisfy PDC 9 of the Residential Streetscape (Built Form) Zone.</p>
<p>PDC 14</p>	<p>The proposal includes the construction of a garage to the rear of the dwelling that will be accessed from a rear laneway (Clark</p>

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

Policy Area Desired Character

Policy Area 9 – Spacious
Desired Character
<p><i>This policy area contains eleven precincts located across the City of Unley from Everard Park and Clarence Park in the west through to Parkside and Fullarton in the east.</i></p> <p><i>The desired character and streetscape attributes to be retained and enhanced for each of these precincts is set out below. The table below identifies in detail the differences between the twelve precincts in terms of the predominant:</i></p> <p><i>a) allotment widths and sizes;</i></p> <p><i>(b) front and side building setbacks including the collective side setbacks; and</i></p> <p><i>(c) the prevailing architectural styles (and characteristic built forms and detailing).</i></p> <p><i>Desired Character</i></p> <p><i>The streetscape attributes include the:</i></p> <p><i>(a) low scale building development;</i></p> <p><i>(b) spacious road verges and front and side building setbacks from the street;</i></p> <p><i>(c) forms and detailing of the predominant architectural styles (variously Victorian and Turn-of-the-Century double-fronted cottages and villas, and</i></p>

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.

Assessment

The Desired Character for the Policy Area seeks to ensure that the streetscape attributes are retained and enhanced. As considered above, the proposed additions are well setback from the front of the dwelling and are designed with a modest scale and simple modern form. This would sufficiently maintain the low building scale of the existing dwelling and the prevailing streetscape.

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 11 – Setbacks to Public Lane	Where a site adjoins a public lane, PDC 11 allows outbuildings to be built to the lane boundary. The siting of the proposed garage on the lane boundary is therefore acceptable. A personal access door within the proposed garage will open inwards, thus not encroaching upon the public laneway.
PDC 12 – Garage Access	The existing laneway is considered wide enough for vehicles to enter and egress the proposed garage in a safe and convenient manner. The design and siting of the garage would be consistent with other existing garages along the laneway.
PDC 13 & 14 – Side and Rear Boundary Setbacks	Based on the height of the proposed additions, Council Wide PDC 13 recommends minimum side boundary setbacks of 1 metre and 3 metres for the ground and upper levels respectively. The proposal satisfies these side setback requirements as the ground level would have a side setback of at least 1.32 metres, with the upper level setback further at 3.3 metres from the southern boundary. The minimum rear setback of 15.43 metres also satisfies Council Wide PDC 13.
PDC 15 – Garages	The proposed garage will be sited on the southern side boundary for a length of 6.7 metres. As the side wall of the garage would be sited against an adjoining outbuilding and carport, the proposed garage would not be visually overbearing when viewed from the neighbouring property.
PDC 19 & 20 – Private Open Space	Approximately 250m ² of private open space will be retained with the dwelling, which equates to 29% of the site area. The layout, orientation and amount of private open space satisfies Council Wide PDC 20 and is considered suitable for clothes drying, entertaining and other domestic activities.
PDC 38 & 39 – Overlooking	<p>The north and south-facing upper storey window openings would have the potential for direct views into neighbouring properties.</p> <p>The northern elevation does not include any details of privacy screening (i.e. obscure glazing) for the bedroom and living room window. In the absence of such details, a condition of consent has been recommended.</p>

Relevant Council Wide Provisions	Assessment
	<p>The southern elevation includes horizontal privacy screens, however design details of the screen have not been provided. A condition of consent has been recommended.</p> <p>Direct views to the rear from the east-facing living windows and balcony will be screened sufficiently by the roof of the proposed garage. Any oblique views in this direction would not impact on the privacy of adjacent residential properties as there would be a separation distance of 20 metres or more.</p> <p>Subject to satisfying the conditions of consent, the proposed measures are considered adequate in maintaining the privacy of neighbouring properties in accordance with Council Wide PDC 38 and 39.</p>
<p>PDC 41 – Overshadowing and Natural Light</p>	<p>Given the east to west orientation of the subject land and the two scale of the additions, it is reasonable to expect that some shadow would be cast over the southern neighbour.</p> <p>In response to concerns raised by the adjoining property owners at 19 Clark Street, the applicant has provided a series of shadow diagrams for the winter solstice on 21 June that show the adjoining property receiving well in excess of three hours of sunlight. The shadow would primarily be cast over the existing buildings that extend along the northern boundary of the adjoining property.</p> <p>The living room windows and rear yards of neighbouring properties will continue to have adequate access to sunlight in accordance with Council Wide PDC 41.</p>

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 additions and garage are ancillary and subordinate to the existing dwelling and therefore would not change the existing residential use of the land;
- The proposal is an orderly and desirable form of development within the Residential Streetscape (Built Form) Zone, which envisages alterations and additions to existing dwellings;

- The proposed additions have been carefully designed with a simple modern form, modest scale and material palette that would complement the original form and features of the dwelling;
- The design and siting of the proposed development would not adversely impact upon the amenity of neighbouring properties, in terms of visual impact and access to natural light; and
- The size, scale and siting of the proposed additions is consistent with the existing development pattern in the locality.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/592/2020/C2 at 17 Clark Street, Wayville 5034 to carry out alterations and construct additions including upper storey, verandah, in-ground swimming pool and garage with loft on common boundary is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
4. That the upper floor windows on the northern and southern elevations be treated to avoid overlooking prior to occupation of the development by being fitted with either permanently fixed obscure glazing or horizontal screens to a minimum height of 1700mm above floor level with such glazing or screens to be kept in place at all times. Details of privacy screens shall be provided to the reasonable satisfaction of Council prior to Development Approval.
5. That the upper level loft of the garage approved herein shall be used for domestic storage only.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

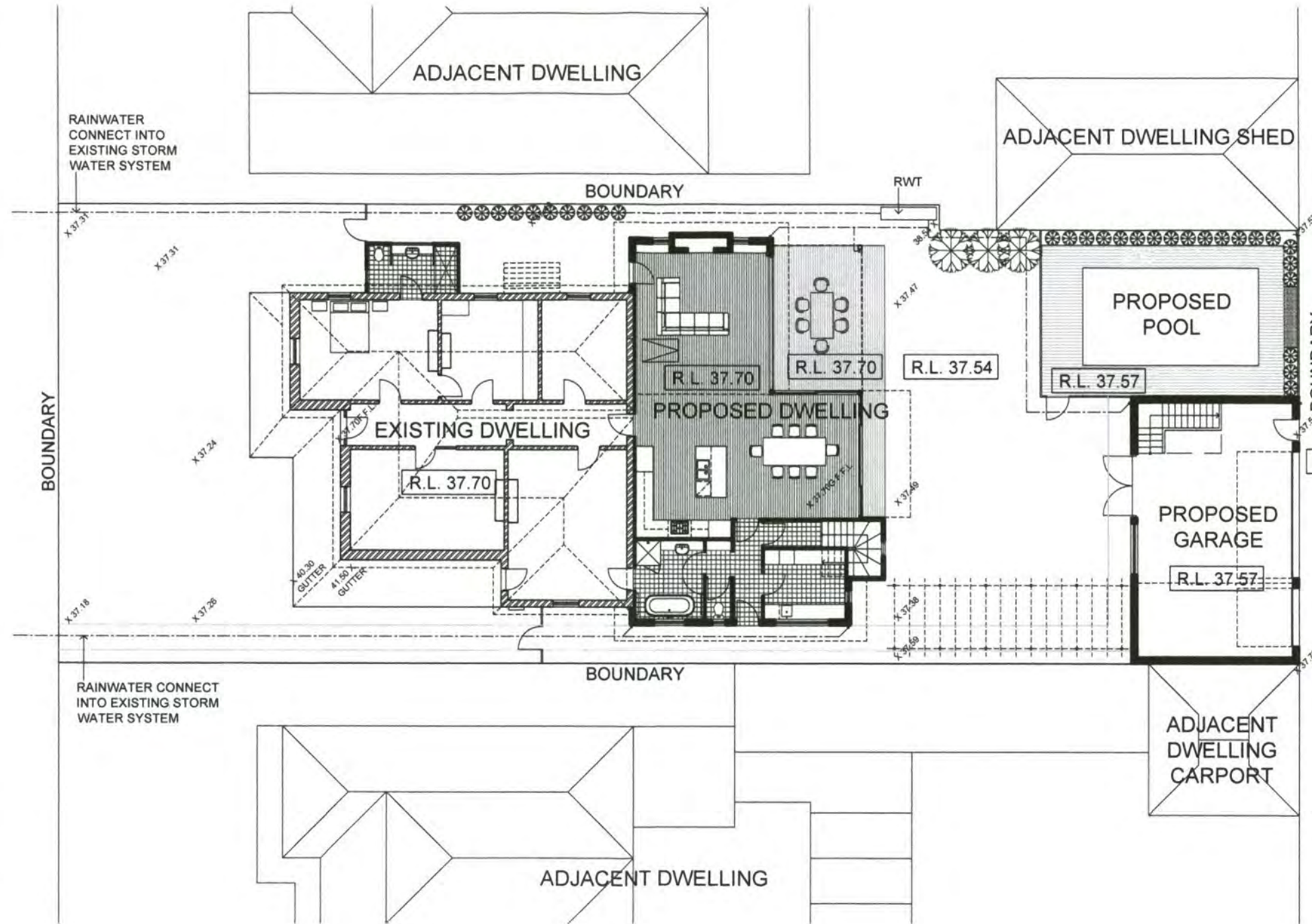
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services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

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Administration
C	Response to Representations	Applicant
D	Additional comments from representor	Administration

ATTACHMENT A

CLARK STREET

CLARK PLACE



SITE PLAN
SCALE 1:200

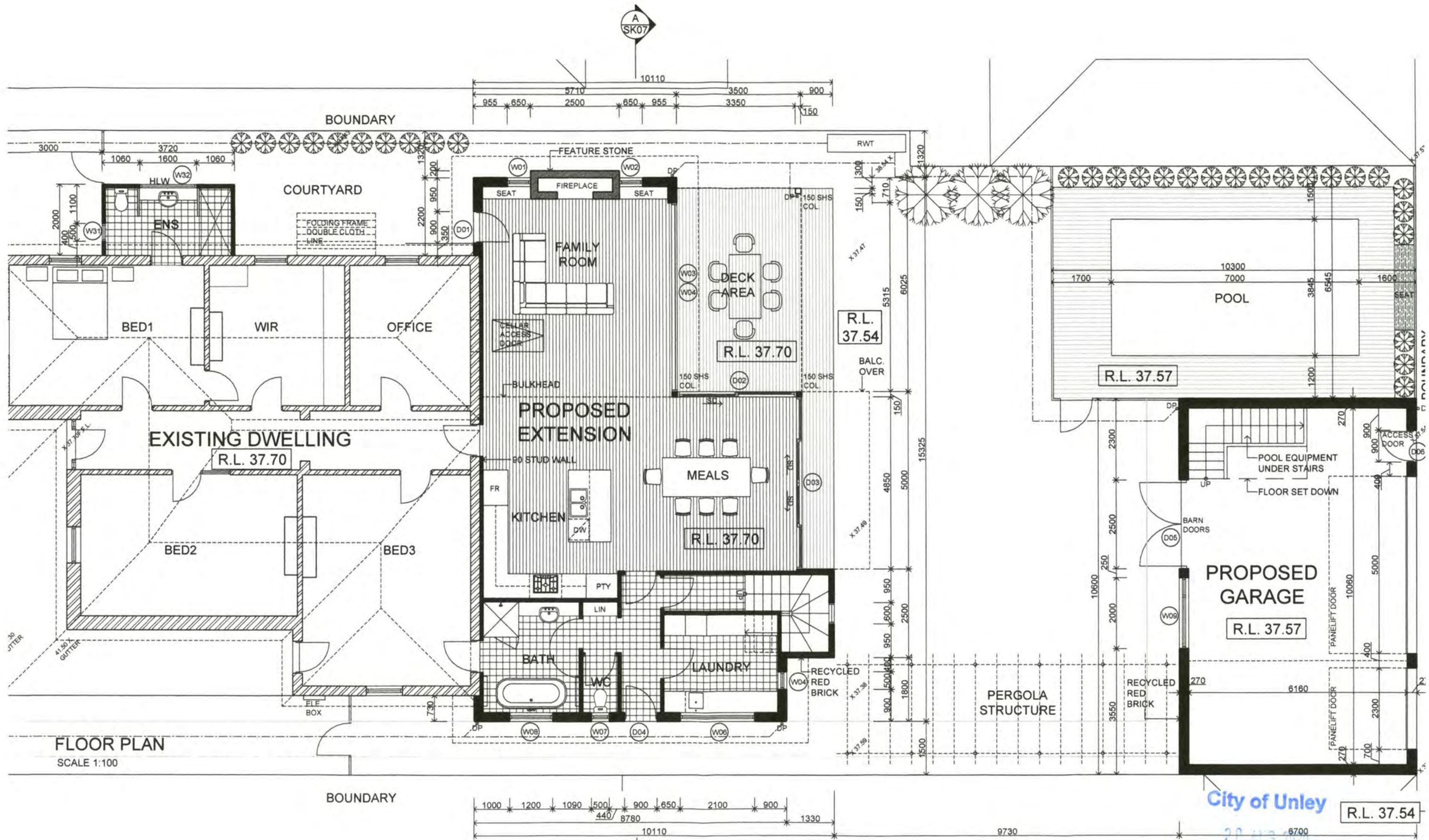
City of Unley

20 AUG 2020

Received



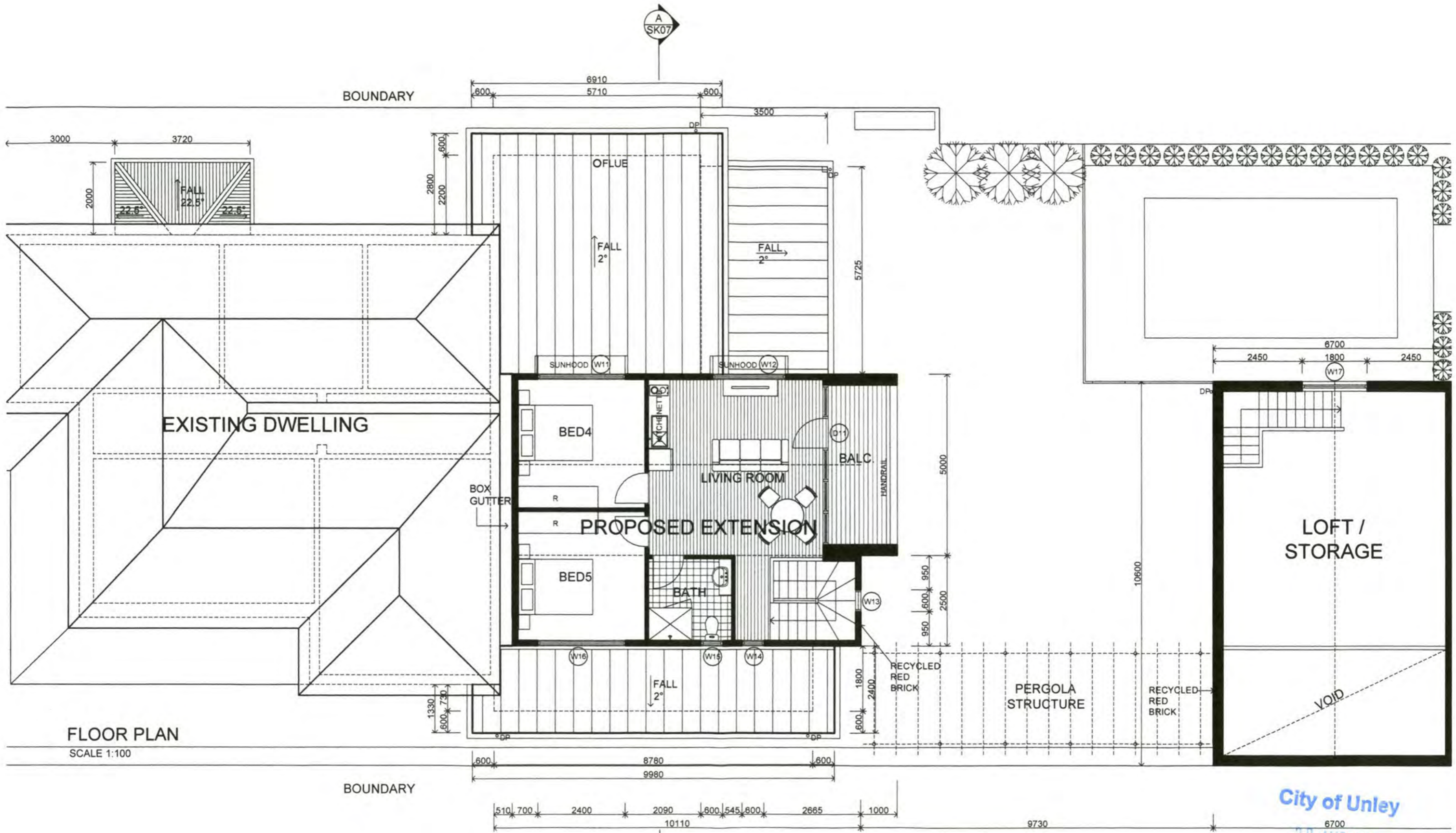
AYLING group		ARCHITECTURE • DESIGN • CONSTRUCTION		
11 Dillon Rd, ALDGATE, SA 5154 Ph: 0401 625 096		Email: ayinggroup@optusnet.com.au Website: ayinggroup.com.au		
Project name PROPOSED EXTENSION FOR SIM AND MEGAN		Project Address 17 CLARK STREET, WAYVILLE SA 5034		
Drawing title SITE PLAN	Scale 1:200	Date AUG 2020	Project No. 20-04-SM59	Drawing No. SK-01



FLOOR PLAN
SCALE 1:100

City of Unley
27 AUG 2020

AYLING group		ARCHITECTURE • DESIGN • CONSTRUCTION		
11 Dillon Rd, ALDGATE, SA 5154 Ph: 0401 625 096		Email: ayinggroup@optusnet.com.au Website: ayinggroup.com.au		
Project name PROPOSED EXTENSION FOR SIM AND MEGAN		Project Address 17 CLARK STREET, WAYVILLE SA 5034		
Drawing title GROUND FLOOR PLAN	Scale 1:100	Date AUG 2020	Project No. 20-04-SM	Drawing No. 168K-02

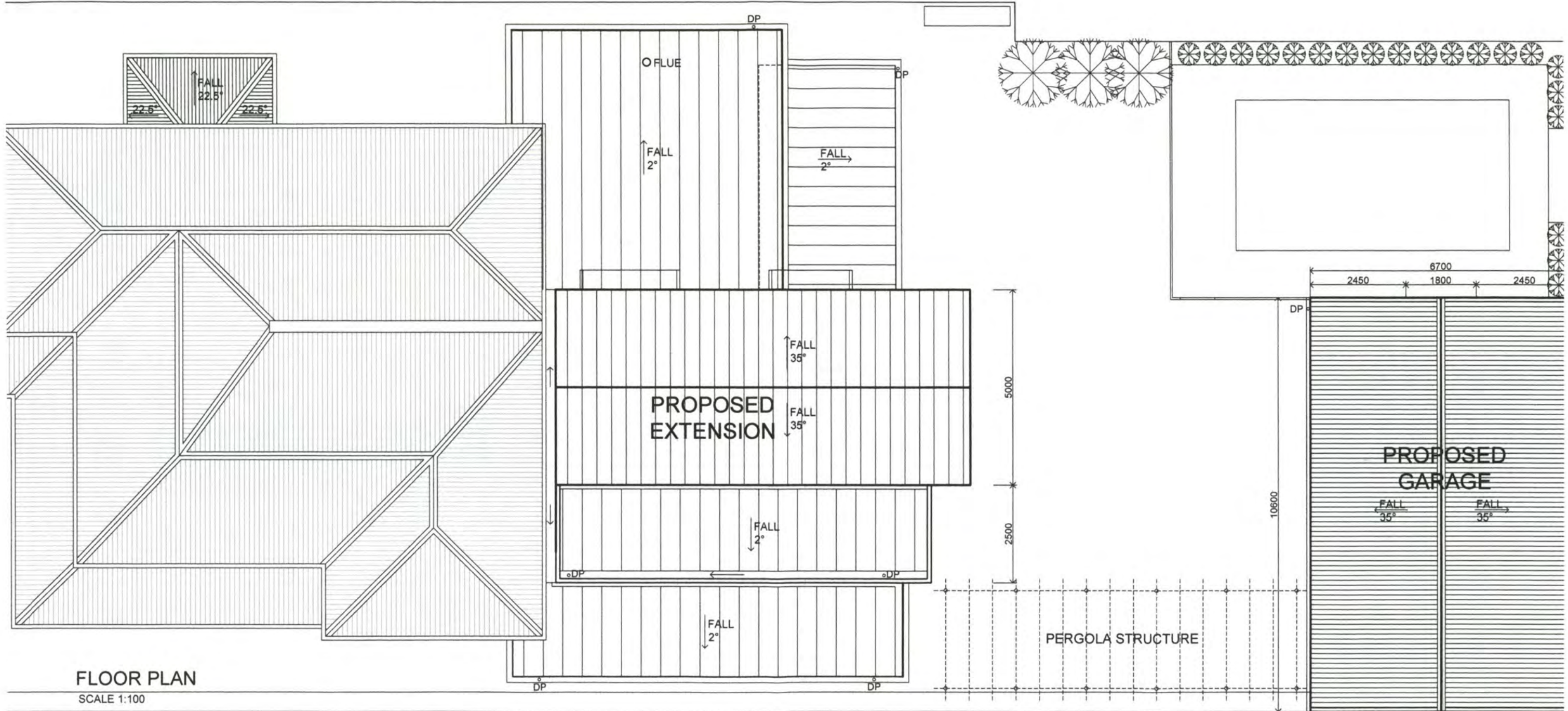


FLOOR PLAN
SCALE 1:100

City of Unley
27 AUG 2020

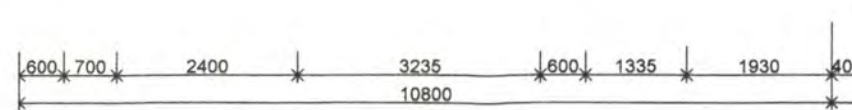
AYLING group		ARCHITECTURE • DESIGN • CONSTRUCTION		
11 Dillon Rd, ALDGATE, SA 5154 Ph: 0401 625 096		Email: ayinggroup@optusnet.com.au Website: ayinggroup.com.au		
Project name PROPOSED EXTENSION FOR SIM AND MEGAN		Project Address 17 CLARK STREET, WAYVILLE SA 5034		
Drawing title FIRST FLOOR PLAN	Scale 1:100	Date AUG 2020	Project No. 20-04-SM ¹⁶¹	Drawing No. SK-03

BOUNDARY



FLOOR PLAN
SCALE 1:100

BOUNDARY

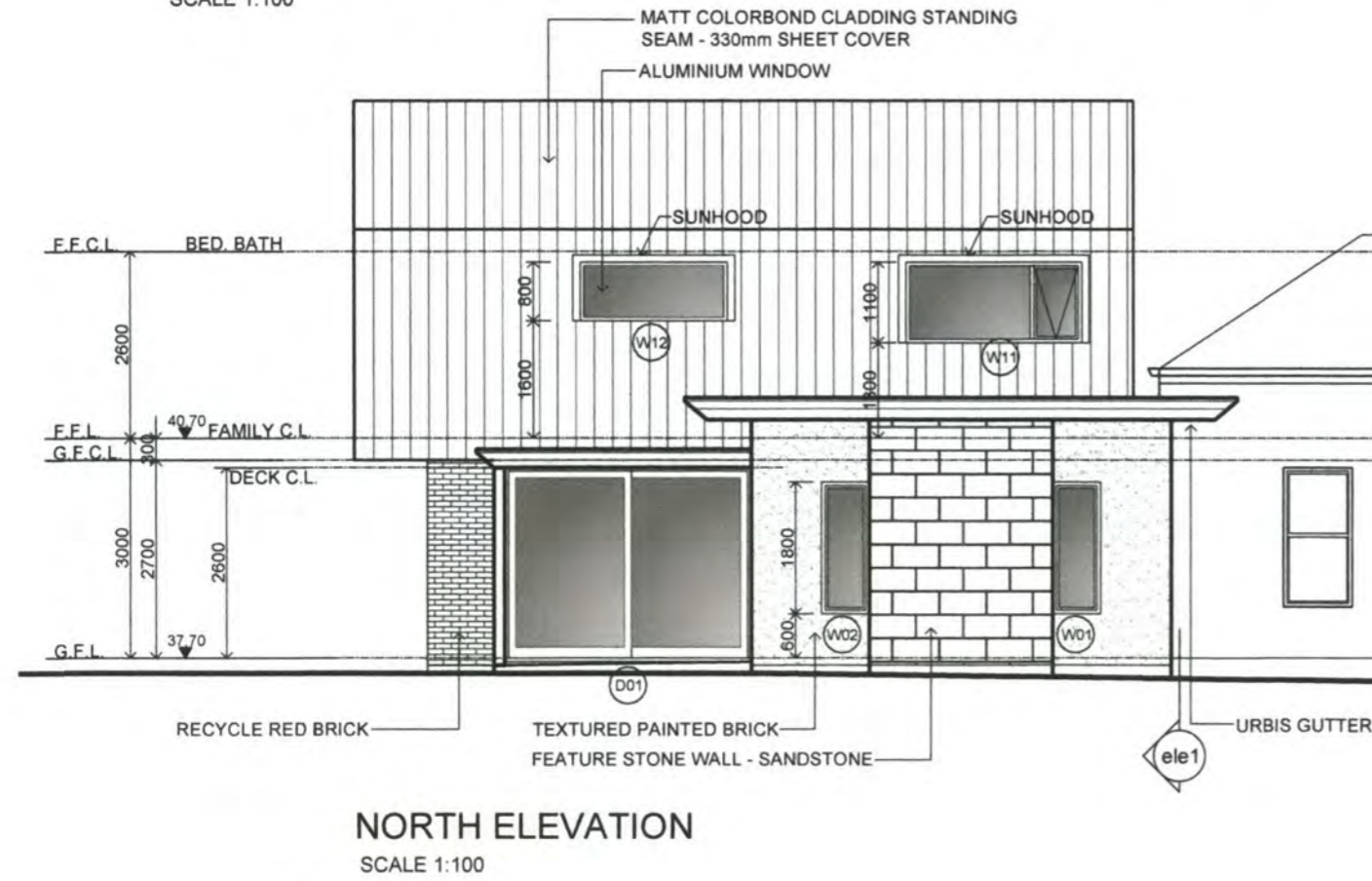
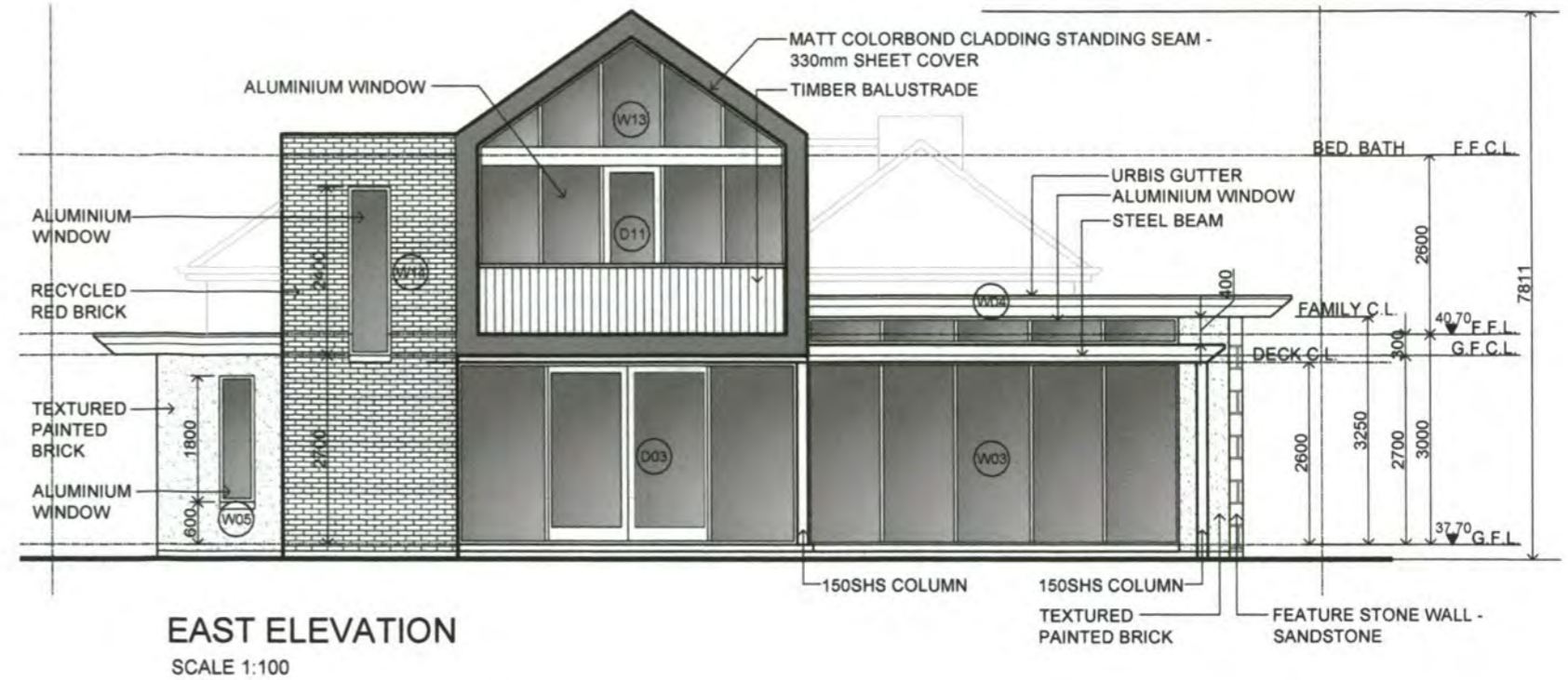
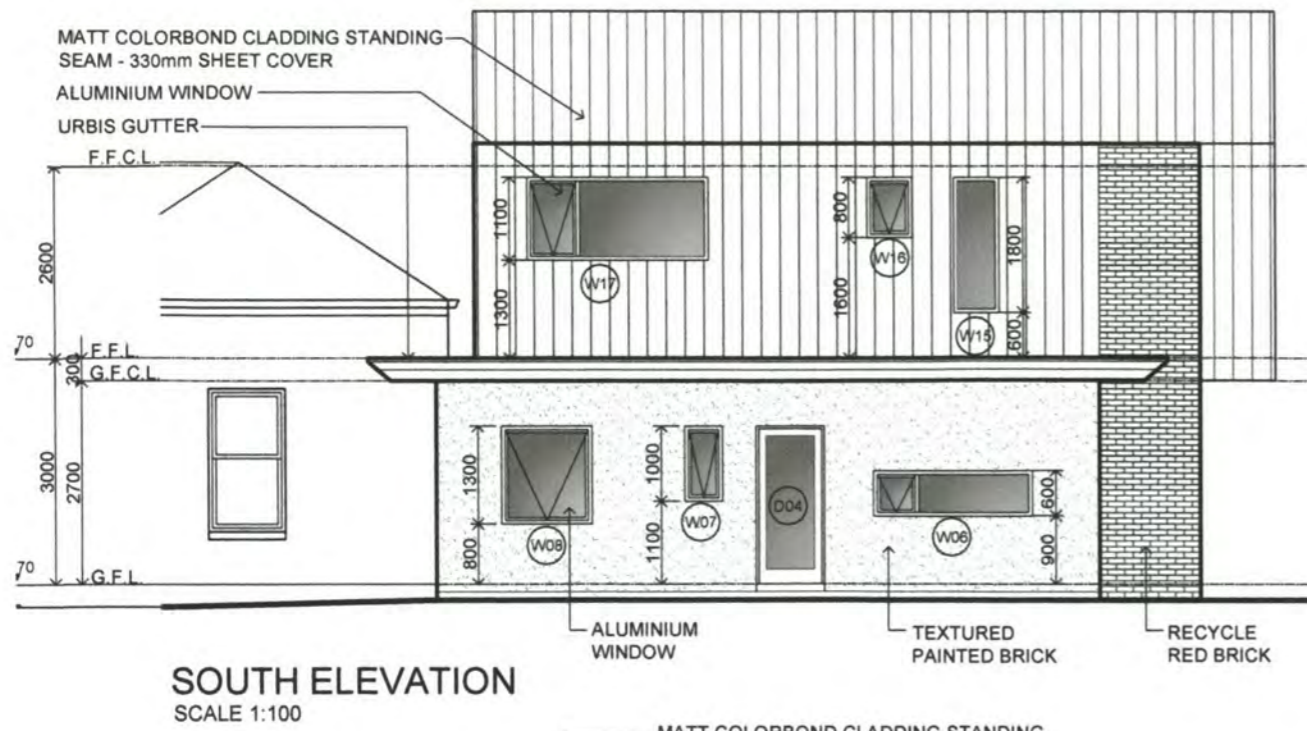


City of Unley

20 AUG 2020

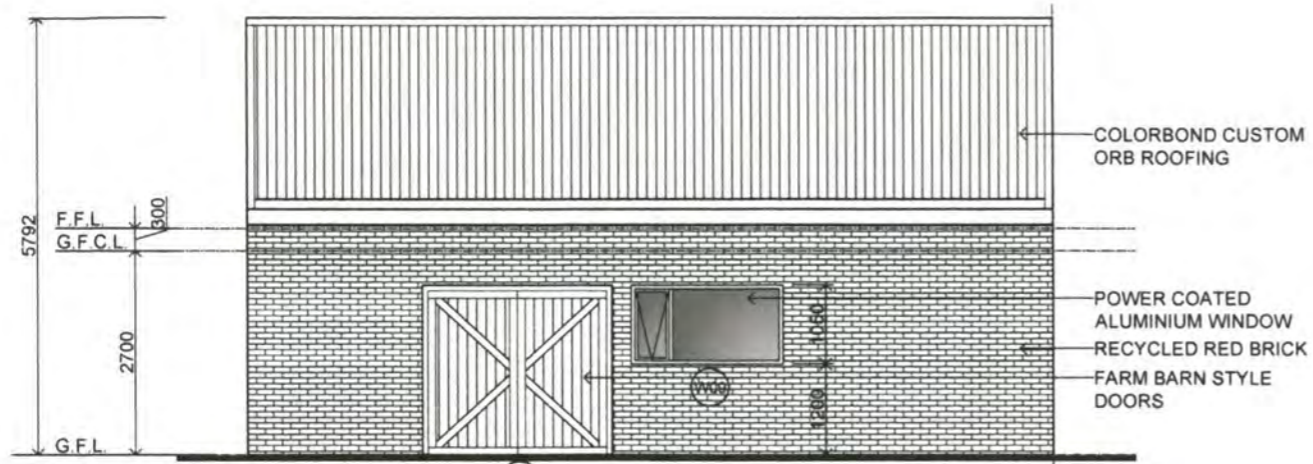
AYLING group		ARCHITECTURE • DESIGN • CONSTRUCTION		
11 Dillon Rd, ALDGATE, SA 5154 Ph: 0401 625 096		Email: ayinggroup@optusnet.com.au Website: ayinggroup.com.au		
Project name PROPOSED EXTENSION FOR SIM AND MEGAN		Project Address 17 CLARK STREET, WAYVILLE SA 5034		
Drawing title ROOF PLAN	Scale 1:100	Date AUG 2020	Project No. 20-04-SM ⁶²	Drawing No. SK-04



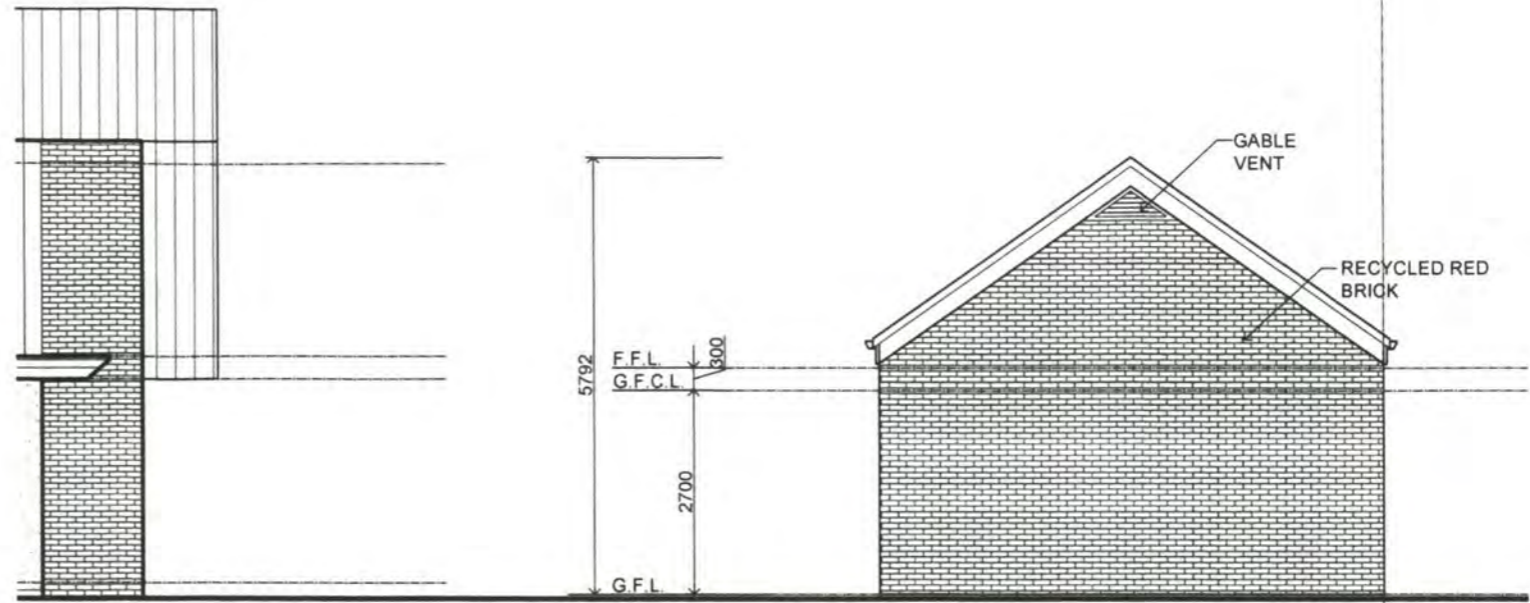


City of Unley
20 AUG 2020
Received

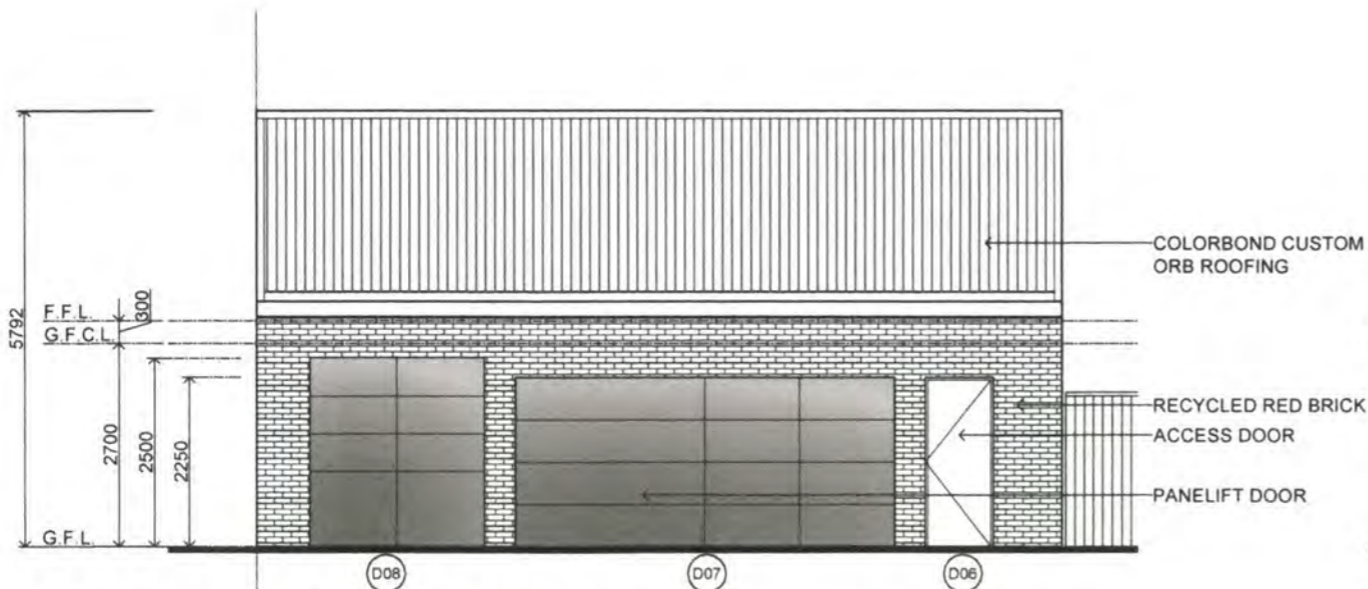
AYLING group		ARCHITECTURE • DESIGN • CONSTRUCTION		
11 Dillon Rd, ALDGATE, SA 5154 Ph: 0401 625 096		Email: ayinggroup@optusnet.com.au Website: ayinggroup.com.au		
Project name PROPOSED EXTENSION FOR SIM AND MEGAN		Project Address 17 CLARK STREET, WAYVILLE SA 5034		
Drawing title ELEVATIONS (1)	Scale 1:100	Date AUG 2020	Project No. 20-04-SM63	Drawing No SK-05



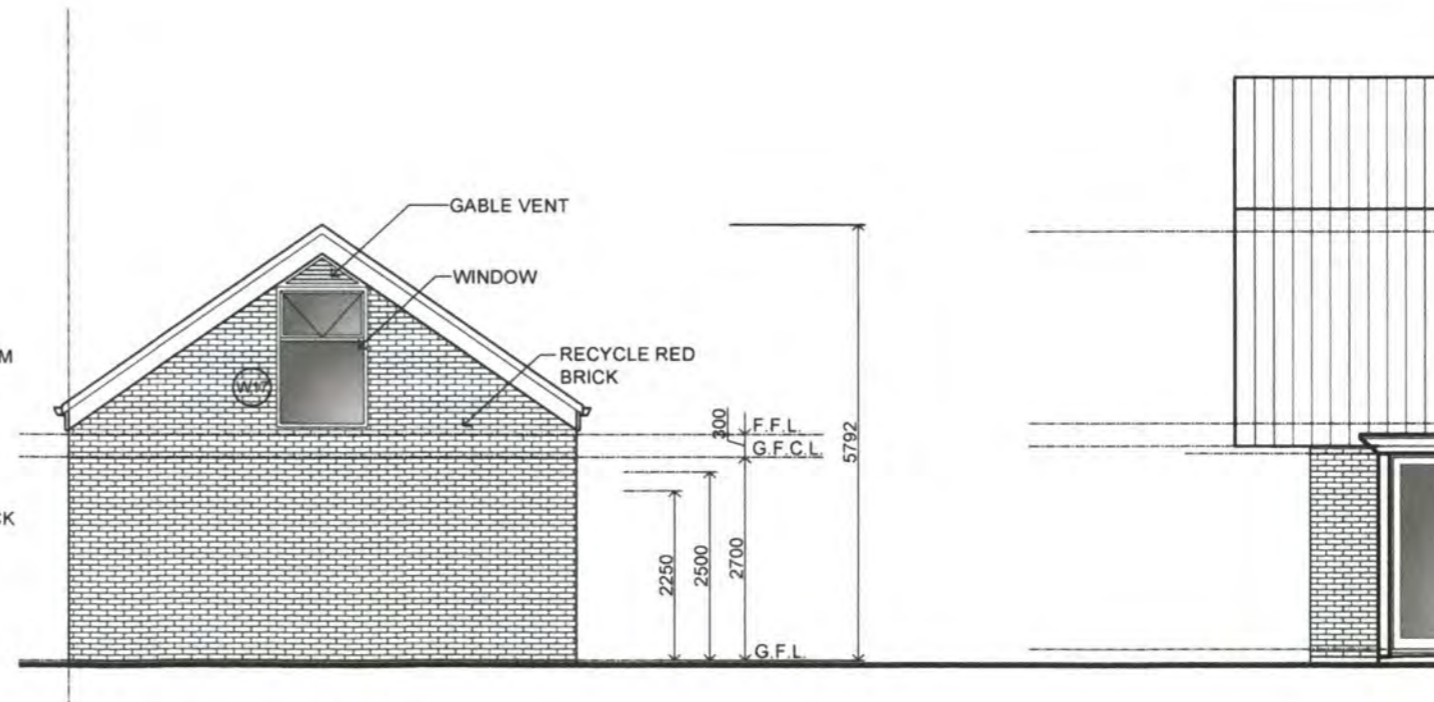
GARAGE WEST ELEVATION
SCALE 1:100



GARAGE SOUTH ELEVATION
SCALE 1:100



GARAGE WEST ELEVATION
SCALE 1:100



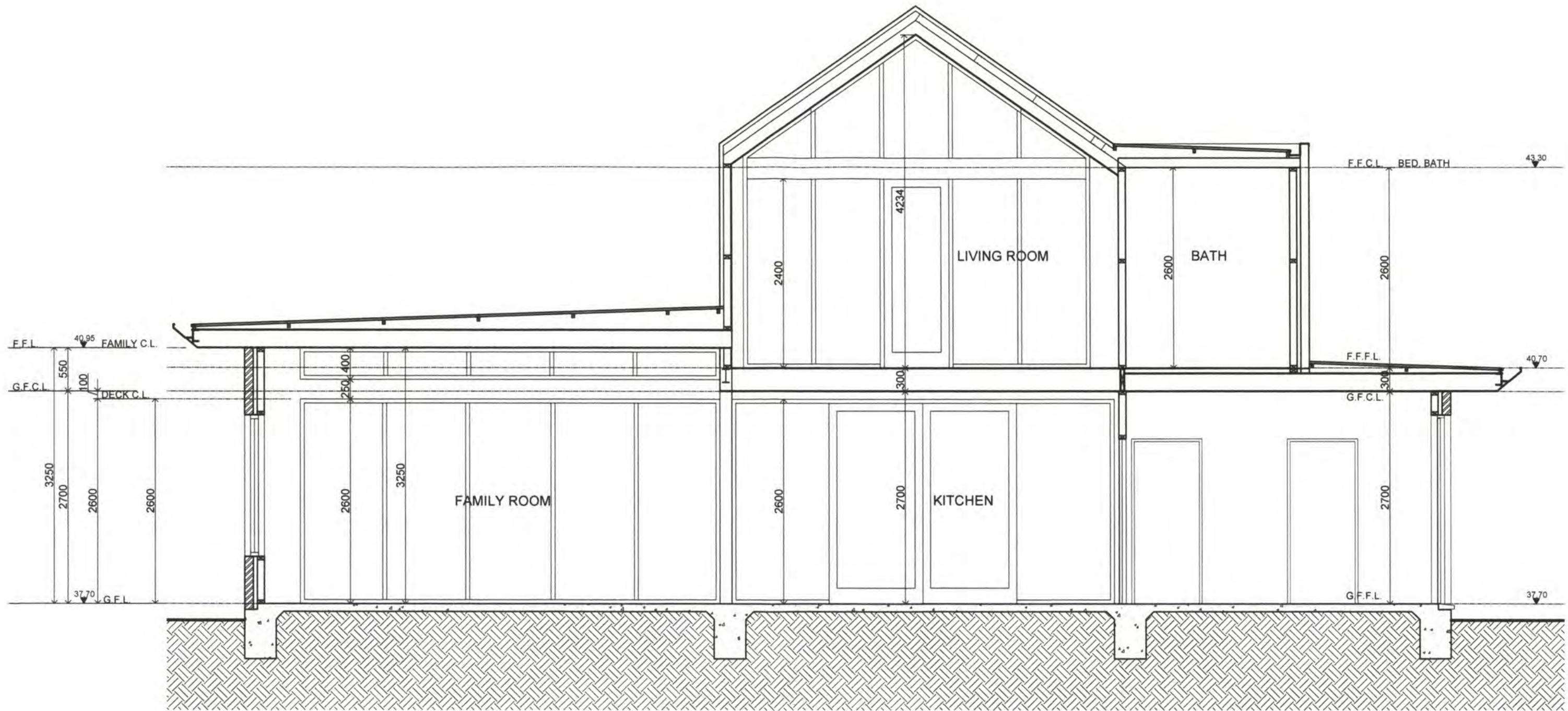
NORTH ELEVATION
SCALE 1:100

City of Unley

20/08/2020

Received

AYLING group		ARCHITECTURE • DESIGN • CONSTRUCTION		
11 Dillon Rd, ALDGATE, SA 5154 Ph: 0401 625 096		Email: ayinggroup@optusnet.com.au Website: ayinggroup.com.au		
Project name PROPOSED EXTENSION FOR SIM AND MEGAN		Project Address 17 CLARK STREET, WAYVILLE SA 5034		
Drawing title ELEVATIONS (2) GARAGE	Scale 1:100	Date AUG 2020	Project No. 20-04-SM 164 SK-06	Drawing No.



SECTION A
SCALE 1:50

City of Unley
20 AUG 2020
Received

AYLING group		ARCHITECTURE • DESIGN • CONSTRUCTION		
11 Dillon Rd, ALDGATE, SA 5154 Ph: 0401 625 096		Email: ayinggroup@optusnet.com.au Website: ayinggroup.com.au		
Project name PROPOSED EXTENSION FOR SIM AND MEGAN		Project Address 17 CLARK STREET, WAYVILLE SA 5034		
Drawing title SECTION	Scale 1:50	Date AUG 2020	Project No. 20-04-SM65	Drawing No SK-07

ATTACHMENT B

Andrew Raeburn
Development Officer
City of Unley
Civic Centre
181 Unley Road
Unley
South Australia 5061

By email & hand: pobox1@unley.sa.gov.au

Dear Andrew,

Representation Category 2
Application Number 090/592/2020/C2
Property Address 17 Clark Street, Wayville 5034

I refer to Unley City Development Plan and the Development Application for 17 Clark Street, Wayville for alterations and additions including an upper storey, verandah, in-ground swimming pool and garage with loft and provide representation in relation to the proposed application with reference to Unley Development Plan clauses as follows:

Design & Appearance

1 We do not believe that the proposed design is consistent with the desired character for the zone or policy area with regard to:

- (b) Street and boundary setbacks*
- (e) Building form, scale, mass and height*
- (h) Roof form and pitch*
- (j) Overlooking and overshadowing*
- (l) Access and car parking*

Our design and regulatory concerns for each of the above are included below.

Street and Boundary Setbacks

5 Comment
North and south side setbacks to new additions appear to satisfy Street and Boundary Setbacks outlined in the Development Plan, however the proposed Garage with Loft does not appear to comply with side boundary setback requirements. Please refer to our discussions regarding this point under 15 Garages below.

Public Lane

Dwellings and Outbuildings

11 *Where a site adjoins a public lane, not wider than 6.10 metres, vested in Council, and performs as a secondary road to the majority of abutting properties in that lane, no building setback is required, other than where direct pedestrian access or windows are provided then appropriate setbacks should be provided.*

Comment
The pedestrian door to the proposed Garage / Loft opens directly off the east site boundary onto the rear laneway with no appropriate setback.

Garages and Carports

- 12 *Garages and carports accessed from a public lane should be sited and designed to provide safe and functional vehicle access in accord with AS 2890.1 for vehicle turning and maneuvering.*

Comment

The proposed Garage vehicle access door to 19 Clark Street opens directly onto the rear lane. No compliance with AS 2890.1 is demonstrated.

Side & Rear Boundaries

- 13 North and south side setbacks to proposed house additions are required to satisfy Street and Boundary Setbacks outlined in the Development Plan as follows:

- *Minimum side setback requirement for a single storey residence at 4 metres high is 1 metre.*
- *Minimum side setback requirement for a double storey residence over 7 metres is 3 metres plus half the building height over 7 metres.*
- *Minimum rear setback for 7 metres is 3 metres plus half the building height over 7 metres.*

Comment

The applicant's drawings do not provide clear dimensions demonstrating compliance with the Development Plan requirements for side and rear boundary setbacks.

Garages

- 15 *Garages, carports, verandahs, pergolas, outbuildings and like structures should be sited and designed to be ancillary to the dwelling and not visually dominate the locality and should:*

- (c) *Have a minimum setback of 1.8 metres for solid walls.*

Comment

The proposed two storey Garage / Loft brick wall is located on the shared side boundary with 19 Clark Street. Our understanding is that the Garage / Loft does not meet Development Plan requirements due to the height of the proposed south Garage / Loft wall on the shared boundary and the lack of 1.8 metre setback from the south boundary.

Building Form, Scale, Mass & Height

- 23 *Building form, scale, mass and height*

Comment

We are concerned that the visual mass and height of the Garage / Loft located on the boundary shared with 19 Clark Street do not satisfy side boundary setback requirements outlined above.

- 29 Garages & Carports

- (c) *Have a width no greater than 30% of the site width or a maximum garage or carport width of 6.5 metres, which ever is the lesser amount.*

Comment

The proposed Garage width is 10.60 metres. We do not believe that the proposed Garage width complies with Clause 29(c).

- 38.0 Overlooking
Direct overlooking from upper level (above ground floor level) habitable room windows and external balconies, roof patios, terraces and decks to habitable room windows and useable private open space of other dwellings should be minimized through adoption of one or more of the following:

- (a) *Building layout*

Comment

The proposed second storey addition is located towards the south boundary of 17 Clark Street. This is likely to result in overshadowing of north facing windows to the rear lounge and adjacent bedroom to 19 Clark Street.

The massing of the proposed second storey addition will most likely cast shadows along the northern edge of 19 Clarke Street. We believe that shadows will be cast over the existing rear pergola and shed which are proposed to be demolished and replaced with a deck and private open space during 2021.

The proposed Garage / Loft to 17 Clark Street will cast significant shadows over the north edge of 19 Clarke Street and overshadow part of the proposed future open space along the north boundary of 19 Clarke Street.

(b) *Location and design of windows, balconies, roof patios and decks*

Comment

Proposed windows on the second storey south elevation of 17 Clark Street will provide views directly into the rear living room and adjacent bedrooms of 19 Clark Street. Proposed windows also overlook the existing and proposed side and rear private open spaces of 19 Clark Street.

The proposed second storey rear balcony will overlook the existing and proposed side and rear private open space of 19 Clark Street.

Shadow and overlooking diagrams are not provided with the application. We request that shadow and overlooking diagrams are provided that clearly demonstrate compliance with Clause 38.0

(c) *Screening devices*

Comment

Proposed projecting side wall/screens to the proposed second storey balcony do not restrict overlooking into the side and rear private open space of 19 Clark Street.

(d) *Adequate separation distances*

Comment

Adequate separation distances between proposed second storey south facing windows and the rear balcony to 17 Clark Street and the rear living room and rear private open space to 19 Clark Street do not appear to have been respected and taken into consideration in the design.

Diagrams showing the extent of 15 and 30 metre arc separation distances are not provided with the application.

We request that diagrams are provided that clearly demonstrate compliance with Clause 38.0n(a), (b), (c) & (d).

(e) *Existing landscaping and supplementary screen tree planting*

Comment

There is no evidence of existing and proposed supplementary tree planting along the south boundary of 17 Clark Street. A landscape plan showing tree and plant species and planting arrangements is not provided with the application.

39 *To maintain a reasonable level of visual privacy to adjacent residential properties the following measures are sought:*

(b) *Obscure viewing by raising windows or incorporating obscure glass windows to a height at least 1.7 metres above floor level.*

Comment

Windows to the proposed second storey south elevation do not show obscure glass to 1700mm above floor level.

- (c) *Use permanently fixed external screening devices such as screens, fences, wing walls, panels, planter boxes or similar measures adequate to restrict 120 degree views.*

Comment

Permanently fixed screening devices to proposed south facing second storey windows and the rear balcony are not evident in application drawings.

- (d) *Provide a separation distance of 15 metre radius to windows of habitable rooms in potentially impacted dwellings and 30 metre radius to private open space.*

Comment

Diagrams showing a 15 metre radius to windows of habitable rooms in the potentially impacted dwelling and 30 metre radius to private open space are not provided on the drawings. We request that diagrams are provided that clearly demonstrate compliance with Clause 39.0 (d).

Overshadowing and Natural Light

- 41 *Development should allow direct winter sunlight access to adjacent residential properties and minimize the overshadowing of:*

- (a) *Living room windows, wherever practicable*

The proposed second storey addition is located towards the south boundary of 17 Clark Street. This is likely to result in overshadowing of north facing windows to the rear lounge and adjacent bedroom to 19 Clark Street.

Comment

Shadow diagrams are not provided with the application. We request that shadow and overlooking diagrams are provided that clearly demonstrate compliance with Clause 41.0(a).

- (b) *The majority of private open space areas, communal open space and upper level balconies that provide the primary open space provision.*

Comment

The proposed second storey addition is located towards the south boundary of 17 Clark Street. This is likely to result in overshadowing the side and rear private open space of 19 Clark Street.

Shadow diagrams are not provided with the application. We request that shadow and overlooking diagrams are provided that clearly demonstrate compliance with Clause 41.0(b).

I can be contacted on 0417 803 161 to discuss my concerns outlined above.

Yours faithfully



Deb Fyfe
19 Clark Street, Wayville

REPRESENTATION Category 2 (Page 2)

To: **Andrew Raeburn, City of Unley Development Section**

1. This page (ie Page 2) and any attachments may be published on the internet and thus be able to be searched via Google and other internet search engines.
2. In accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and any attachments) will be forwarded to the Applicant for consultation and response.

The closing date for Representations is **5pm on 30 September 2020.**

Application:	090/592/2020/C2 17 Clark Street, Wayville 5034
Property affected by Development	

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

(Please state your reasons so that each planning issue can be clearly identified. Attach extra pages if you wish)

PLEASE REFER TO THE ATTACHED LETTER WHICH
OUTLINES MY CONCERNS TO THE APPLICATION
IN ACCORD WITH UNLEY CITY DEVELOPMENT PLAN

My concerns (if any) could be overcome by:

MY CONCERNS BUT LINED IN THE ATTACHED
LETTER BEING ADDRESSED IN AN AMENDED DESIGN

WISH TO BE HEARD

DO NOT WISH TO BE HEARD

by the Council Assessment Panel

(Tick one box only. If you do not tick either box it will be assumed that you do not wish to be heard by the Council Assessment Panel.)

ATTACHMENT C

AYLING GROUP

Architecture • Design • Construction
New Homes Renovations

11 Dillon, Aldgate, SA 5154
Ph: 0401 625 096
Email: aylinggroup@optusnet.com.au
Web: aylinggroup.com.au

ABN: 90 976 658 842
Contractors Licence BLD 225467

Andrew Raeburn
Development Officer
City of Unley
Civic Centre
181 Unley Road,
Unley,
SA 5061

Dear Andrew,

RE: 17 Clark Street, Wayville, SA 5034
DA No. 090/592/2020/C2

This letter is in response to the representation forwarded to us and my client for the said planning application lodged with the Unley City Council.

Item 1

We believe the current proposed design is consistent with the character for the zone or policy area.

Item 11

The access door or gate to the garage is for access to the rear lane. We understand it possibly may be a safety issue opening to the rear lane.

The client has indicated that he is willing to recess the door or remove this access door/gate and use the roller doors.

Item 12

The rear lane Clarke Place is the only vehicular access to the properties fronting Clarke Street from Clarke Lane.

Without the use of this lane for vehicular access would be unusual considering the number of existing garages and carports fronting onto the rear lanes. (Refer photo examples)

We consider the garage necessary to provide for off street parking to the dwelling and we believe vehicle turning and manoeuvring is perfecting adequate and much better than an off street carpark with narrow 6m aisles.

Item 13

Please find attached amended drawing indicating dimensions in relation to side and rear setbacks.

Item 15

We understand 1.8m would refer to other outbuildings/pergolas and open sided structures and the like.

We refer you to Item 'a' in the development plan:

(a) site any solid wall at least 600 millimetres off the boundary or on the boundary

There are a number of examples of garages/carports all fronting the rear lane boundaries or side boundaries. (Refer Photos attached)

Item 23

We believe the garage complies with boundary setback as per (a) above

Item 29

Item c in the development plan doesn't refer to garages in public lanes:

Garages and carports facing the street (excluding public lanes) should reinforce the prominence of the associated dwelling in the streetscape, and be compatible with the prevailing built form within the zone and locality, and in any case:

We believe we are addressing the local character of the area with respect to proportion, design and material (Red Brick) and traditional design with Gable features.

A Church in Clarke Place has significant stone structures and facades with some gable like features and our design takes into consideration that local character of the rear lane (Clarke Place) Refer to similar Garage examples in Rose Lane with recycled red brick and stone fronted gable and high pitched roof.

Item 38

(a)

The comment refers to concerns over overshadowing.

We refer you to a shadow diagram drawing attached for your information.

In relation to built form we have designed an extension with single storey (sides) and 2 storey built form predominantly central to the allotment with the gable box being the most centrally located part of the two storey.

This reduces the massing along neighbour's boundaries and creates a classic yet modern built form to accommodate the owners design requirements.

(b)

South Facing Upper Level Windows - We are able to address the concern by providing external screens to design. (Refer amended drawing)

Balcony – this does not overlook the side boundaries as it screened off on both sides with a solid wall.

(c)

We disagree with this statement. The balcony has a solid wall on both sides containing or directing the view to the rear of the owner's allotment. (Refer photo taken previously from the existing roof prior to demolition)

(d)

We are addressing this with a screening device (South Facing Windows)

(e)

We understand there is already a number of trees and shrubs planted along the Southern Side Boundary but the owner is happy to consider more screening plants along Southern Boundary to address the concerns.

Item 39

(b)

We have already addressed this (South facing windows) with screening devices as the owner prefers that over opaque type glass as per item (c)

(c)

(c) use permanently fixed external screening devices such as screens, fences, wing walls, panels, planter boxes or similar measures adequate to restrict 120 degree views;

We created a return (or wing wall) on both sides of the windows overlooking the Balcony and rear yard. Refer Architectural drawings.

This significantly restricts view or field of vision to much less than 120 degrees as described above.

(d)

With the addition of Screening devices (Refer drawing) and the blade/wing wall of the Upper storey living windows significantly restricts the view to the South Boundary so we believe the separation distance doesn't apply.

Item 41

(a)

Refer to shadow diagrams provided.

The shading is not dissimilar to the main roof of the main dwelling by a small margin.

The rear garage would shade the adjacent Carport Structure (Not Habitable Room)

(b)

The Proposed 2 storey addition is not close to the Southern Boundary due the offset. (3.3m)

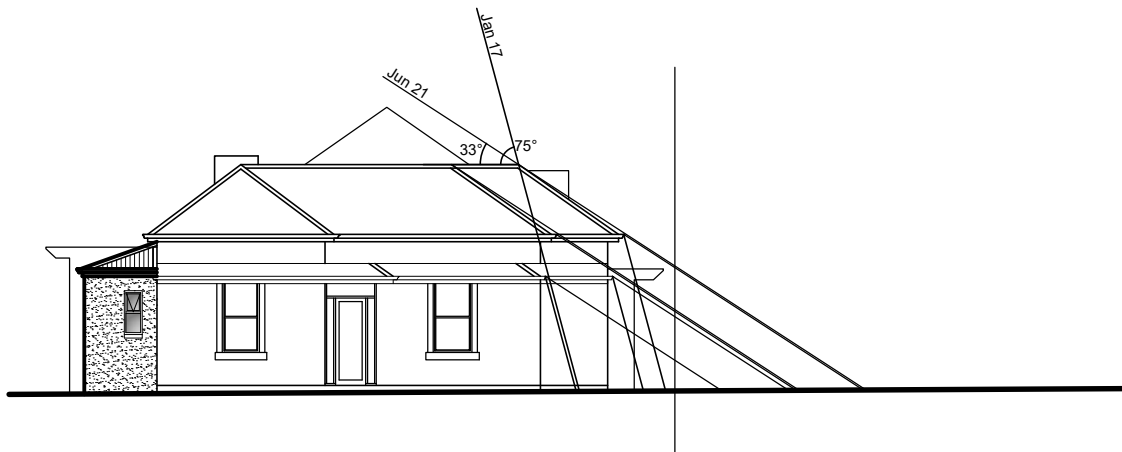
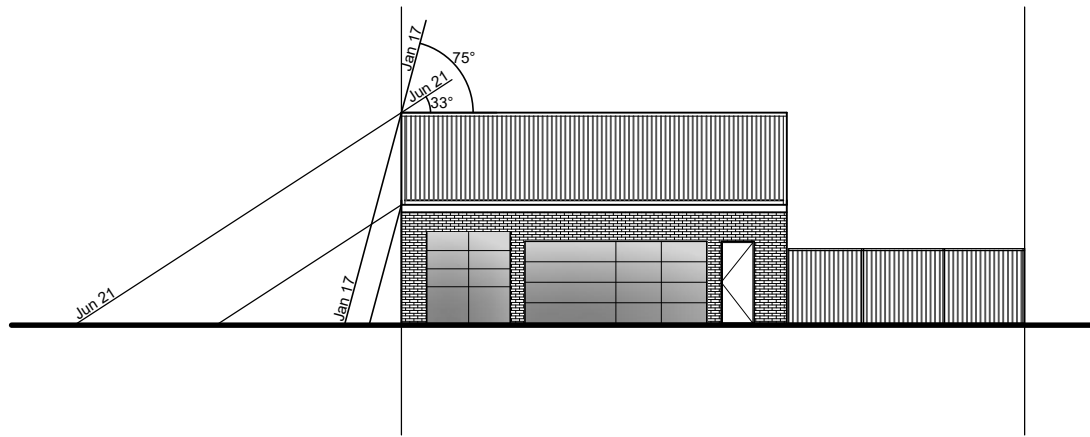
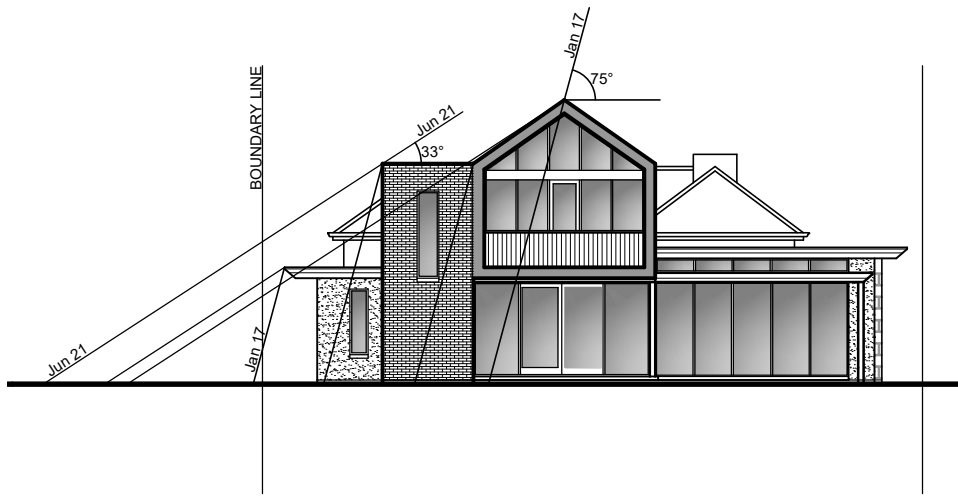
We have designed the rear extension with minimal impact in mind with a lower flat roof section (Stairwell, Bathroom and Bed5) before creating a pitched roof section which is approximately 5.8m from the Southern Boundary.

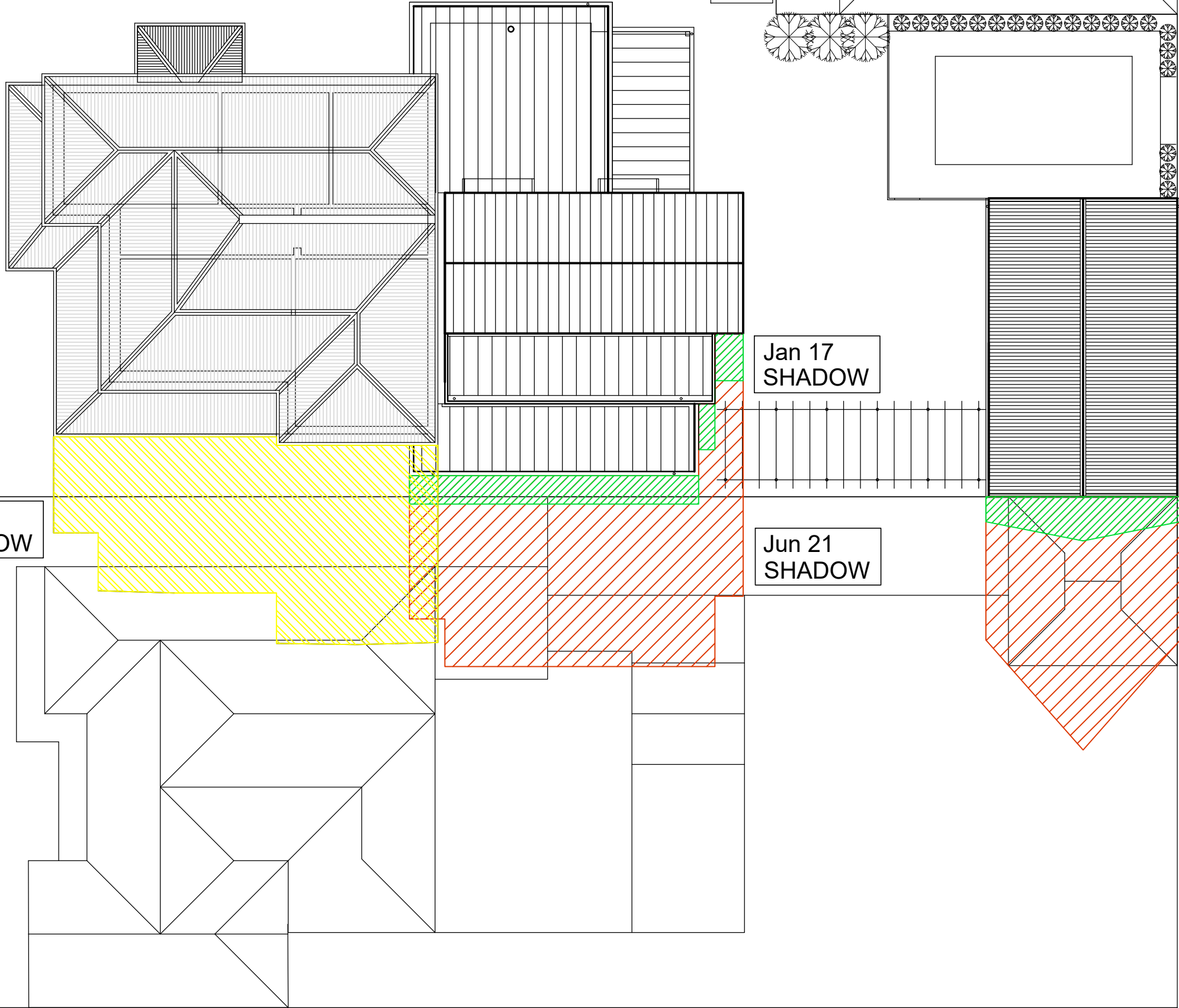
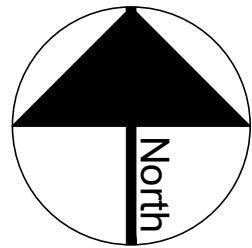
Should you have an queries I can be contacted on 0401625096 or via email aylinggroup@optusnet.com.au

Sincerely,

Pascoe Ayling

AYLING GROUP





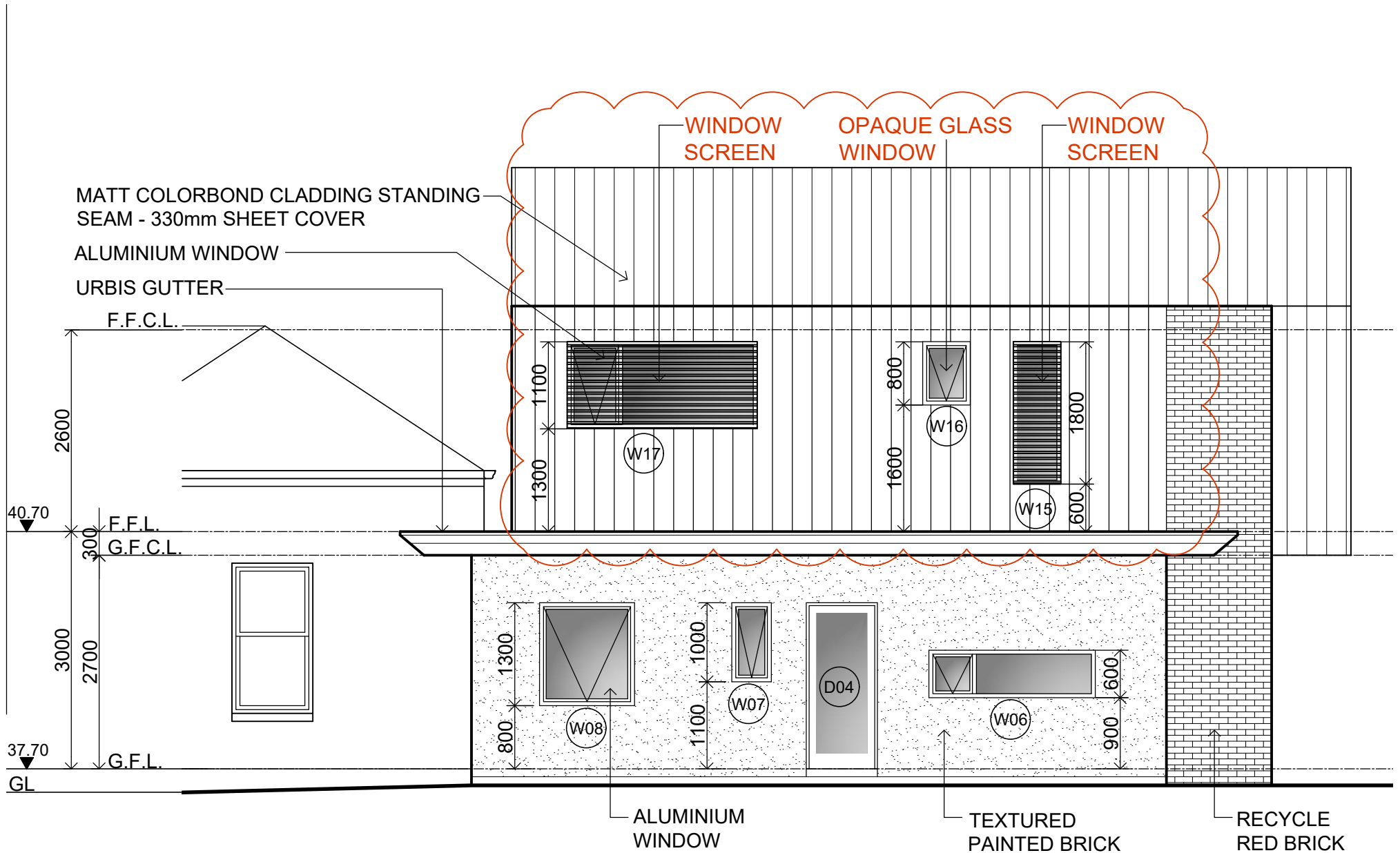
Jun 21
SHADOW

Jan 17
SHADOW

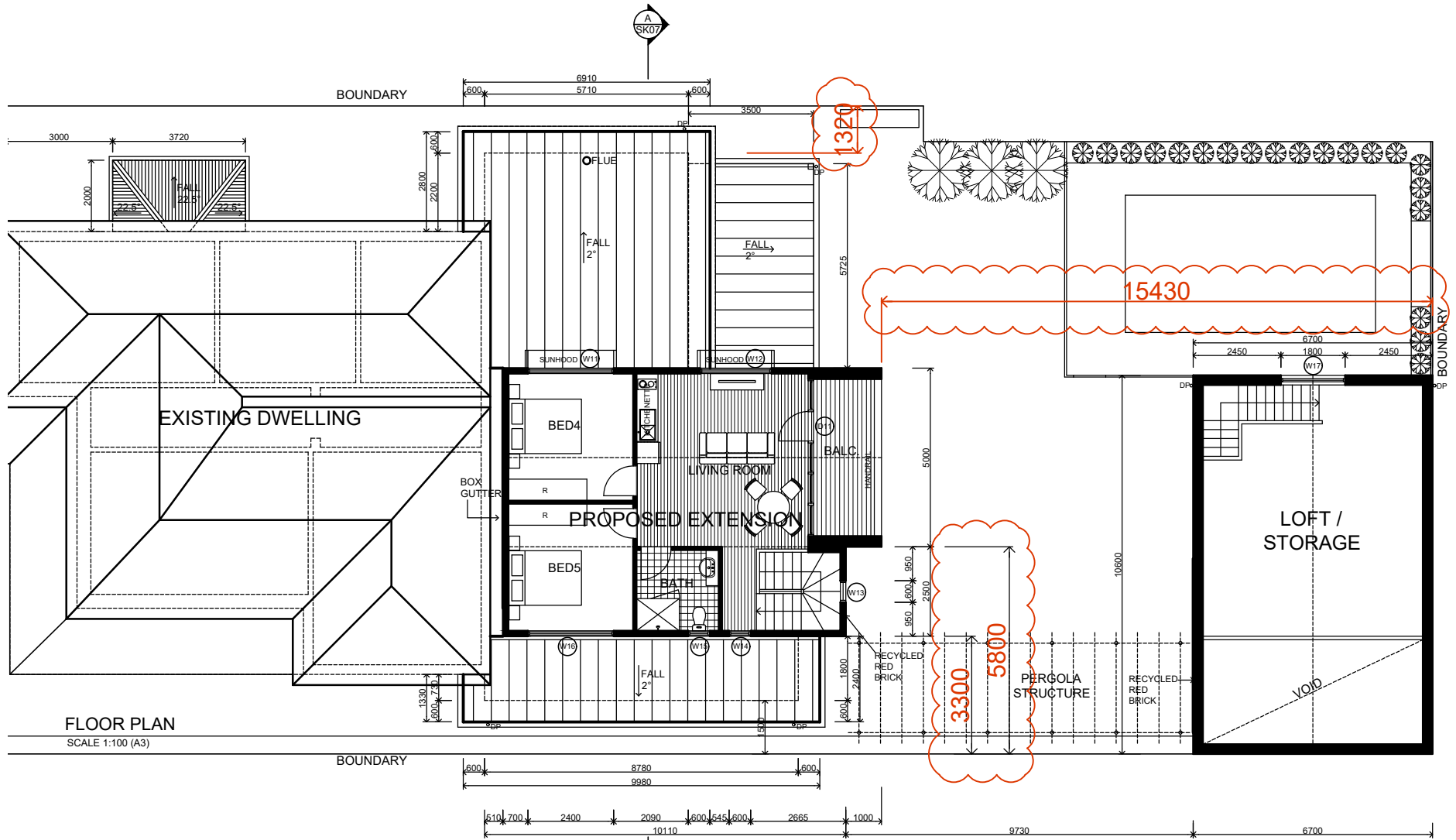
Jun 21
SHADOW

Jan 17
SHADOW

Jun 21
SHADOW



SOUTH ELEVATION
SCALE 1:100



AYLING group		ARCHITECTURE • DESIGN • CONSTRUCTION			
11 Dillon Rd, ALDGATE, SA 5154 Ph: 0401 625 096		Email: ayinggroup@optusnet.com.au Website: ayinggroup.com.au			
Project name PROPOSED EXTENSION FOR SIM AND MEGAN		Project Address 17 CLARK STREET, WAYVILLE SA 5034			
Drawing title FIRST FLOOR PLAN	Scale 1:100 (A3)	Date OCT 2020	Project No. 20-04-SM	Drawing No. SK-03	



Existing Loft Space Above Garage in Davenport Lane



Existing Red Brick Garage in Rose Lane



Existing Red Brick Garage with Stone Gable in Rose Lane



Large Gable Fronted Garage in Rose Lane



Clark Place – View South



Existing 2 Storey Dwelling
Facing Davenport Lane



View South-East From 17 Clark
Street



View East From 17 Clark Street

ATTACHMENT D

Andrew Raeburn
Development Officer
City of Unley
Civic Centre
181 Unley Road
Unley
South Australia 5061

By email: pobox1@unley.sa.gov.au

Dear Andrew,

Additional Information

Representation Category 2

Application Number 090/592/2020/C2

Property Address 17 Clark Street, Wayville 5034

On behalf of the owner of 19 Clarke Street, Wayville, we wish to include the attached drawings as back ground information to our client's objection to proposed alterations and additions to 17 Clark Street, Wayville.

We are in the process of designing alterations and additions to the existing house and rear private open space to 19 Clarke Street.

We have attached a copy of the existing site plan, existing floor plan and proposed alterations and additions of 19 Clarke Street which show the following:

Proposed Demolition

- Demolition of existing rear additions including Living / Dining Room, Sitting Room, Kitchen, Laundry and Bathroom
- Demolition of existing pergolas, sheds and carport along the north boundary of 19 Clark Street

Proposed Alterations & Additions

- New Kitchen, Laundry, Dining & Lounge Rooms with north and east facing windows
- External deck and pool
- Garage and equipment Room
- Landscaped rear garden

We believe the above and attached background information is important for Council's Assessment Panel to consider as design and shadow diagrams of proposed additions to 17 Clark Street show:

- Significant overshadowing of the existing and proposed Living Room north facing windows and private open space of 19 Clark Street.
- Overlooking of rear private open space from the proposed first floor level 1 rear deck to 17 Clark Street.

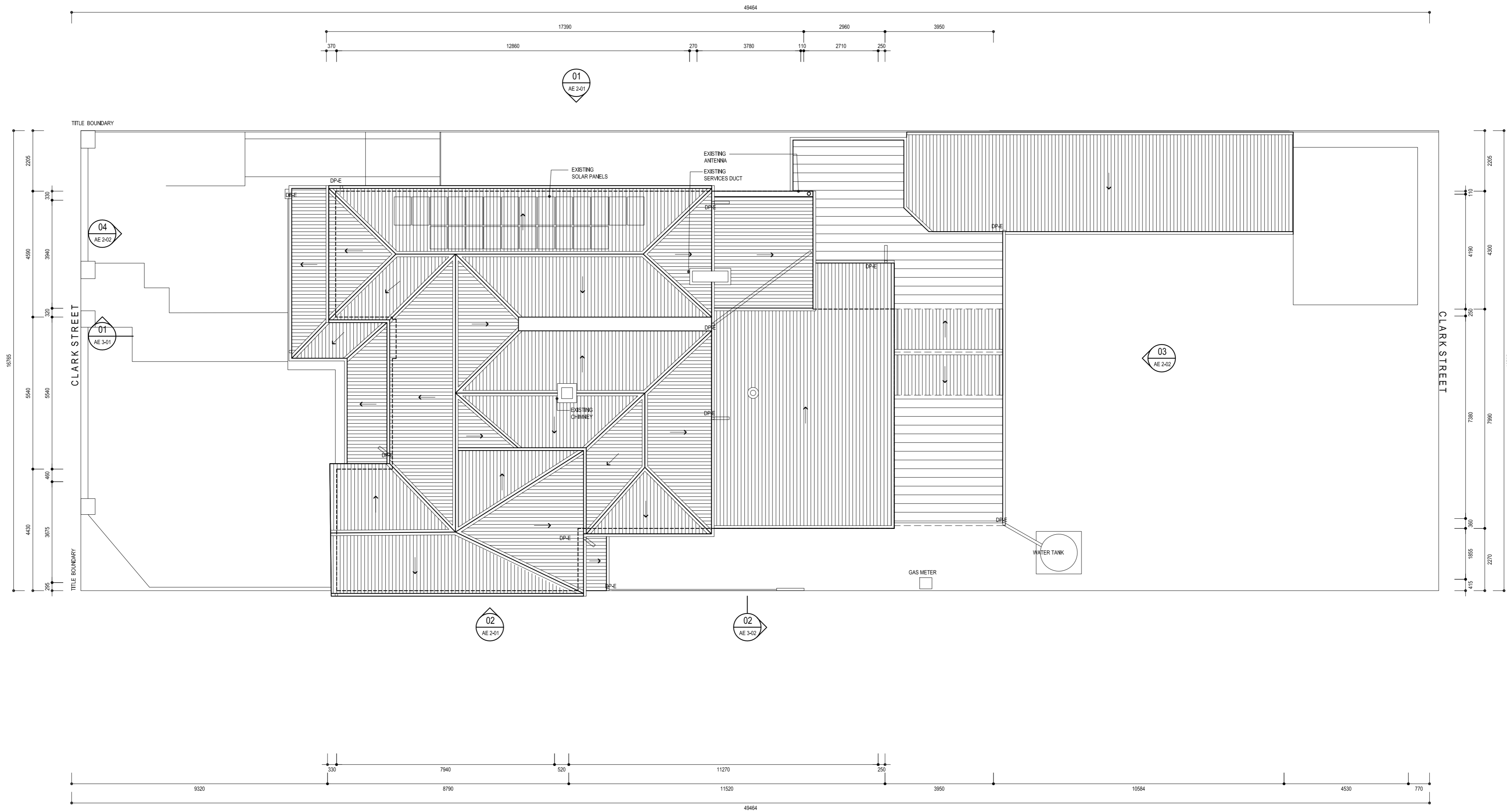
The major concerns outlined in our clients letter to Council, have not been addressed in the applicants response.

I can be contacted on 03 9036 2227 or 0412 221 991 to discuss the concerns outlined above – if required.

Yours faithfully

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right. The signature is enclosed within a faint, hand-drawn oval.

Lindsay Davis
Garner Davis Architects



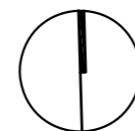
01 EXISTING SITE & ROOF PLAN
1:100

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NOTE
This drawing is to be read in conjunction with the secondary consultants drawings, details and specifications and any other written instructions issued during the course of the contract. The contractor shall verify all dimensions on site prior to commencing any works.

No.	Description
P-0	Issue for Information

Date
December 2019



**Alterations and Additions to
19 Clark Street, Wayville 5034
South Australia**
Project No **1803 00**

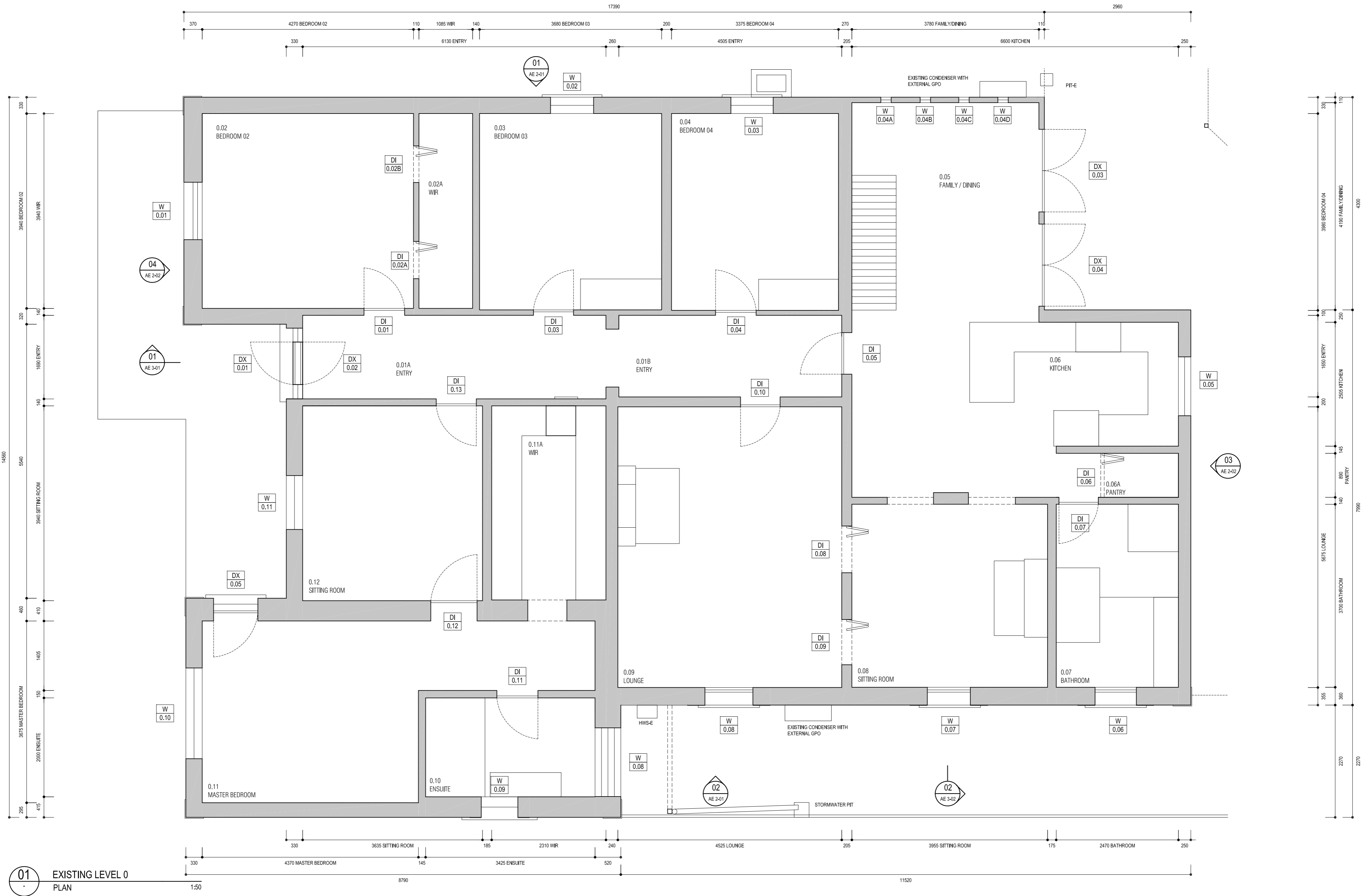
Drawing Title
Scale
Date
Issue

Existing Site & Roof Plan
1:100 @ A2
December 2019
Preliminary

AE 1-01
P-0

PO Box 2033 St Kilda West
Victoria 3182 Australia
Tel 61 3 9036 2227
gda@garnerdavis.com.au
www.garnerdavis.com.au

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01 EXISTING LEVEL 0
PLAN

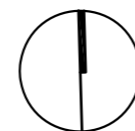
1:50

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No.	Description
P-0	Issue for Information
P-1	Added Identifiers

Date
December 2019
December 2019



Alterations and Additions to
19 Clark Street, Wayville 5034
South Australia

Project No **1803 00**

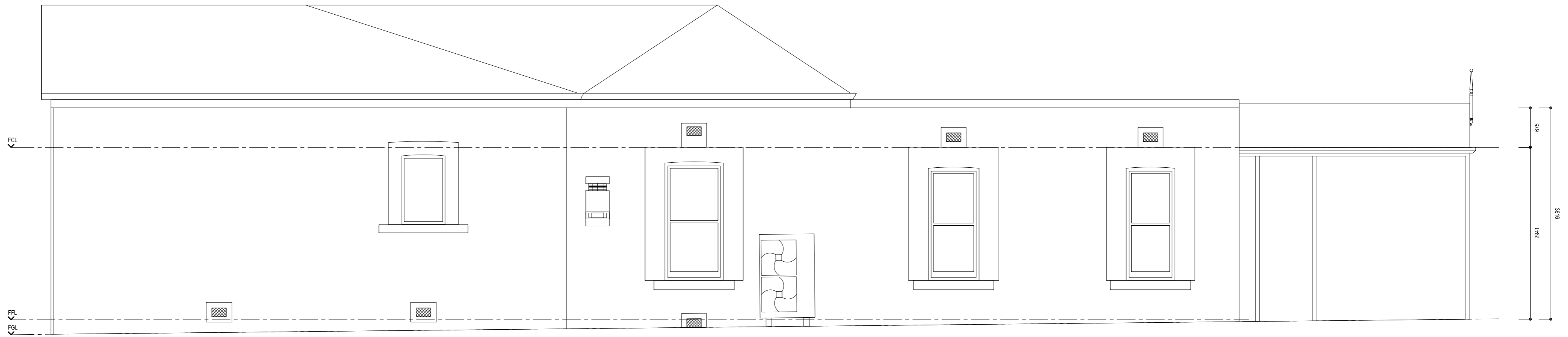
Drawing Title
Scale
Date
Issue

Existing Level 0 Plan
1:50 @ A2
December 2019
Preliminary

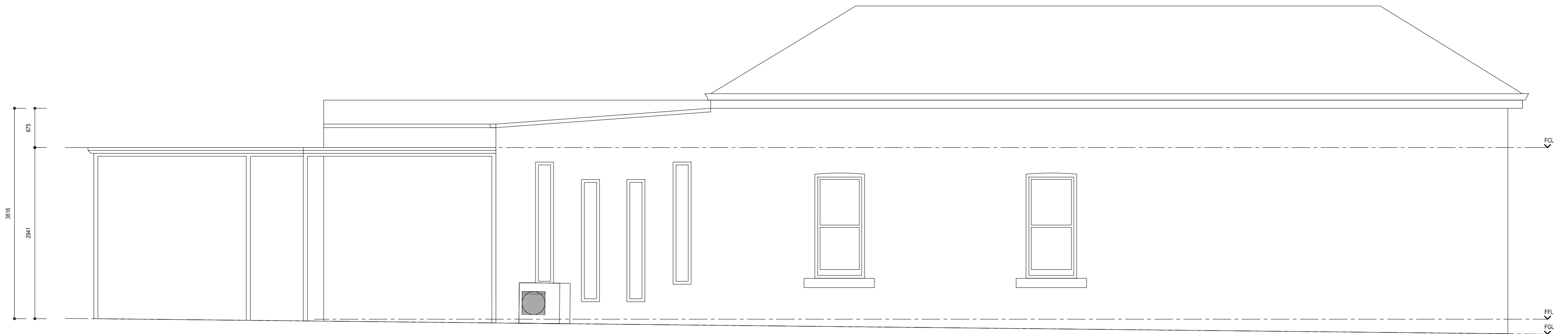
AE 1-02
P-1

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02 EXISTING SOUTH
AE 2-01 ELEVATION 1:50



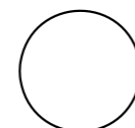
01 EXISTING NORTH
AE 2-01 ELEVATION 1:50

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NOTE
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No.	Description
P-0	Issue for Information
P-1	Added Roof

Date
December 2019
December 2019



**Alterations and Additions to
19 Clark Street, Wayville 5034**

1803 00

Project No

Drawing Title

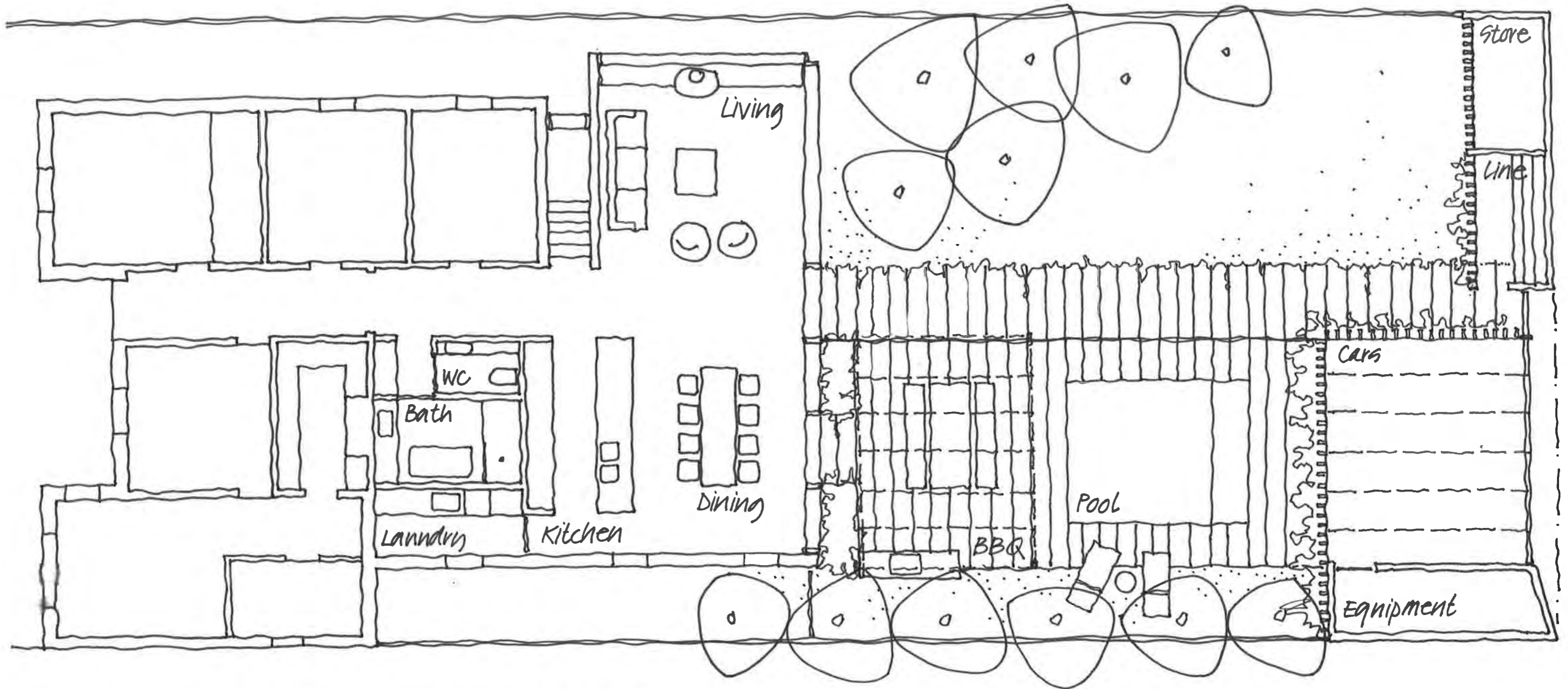
Scale
Date
Issue

North & South Elevations
1:50 @ A2
December 2019
Preliminary

AE 2-01
P-1

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concept for 19 Clark Street, Wayville
 August 2018
 Garner Davis Architects
 Approx 1:100

ITEM 6**DEVELOPMENT APPLICATION – 090/647/2020/C2 – 34 MILLER STREET,
UNLEY SA 5061 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/647/2020/C2
ADDRESS:	34 Miller Street, Unley SA 5061
DATE OF MEETING:	17 th November 2020
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Carry out alterations and construct ensuite addition on boundary
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape Built Form Zone 9.7
APPLICANT:	P Hutchison
OWNER:	M I Haines and A Catterall
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (One oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representation
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Wall on boundary

1. PLANNING BACKGROUND

No relevant planning background.

2. DESCRIPTION OF PROPOSAL

The applicant proposes to alter the existing dwelling at 34 Miller Street and construct an ensuite addition.

3. SITE DESCRIPTION

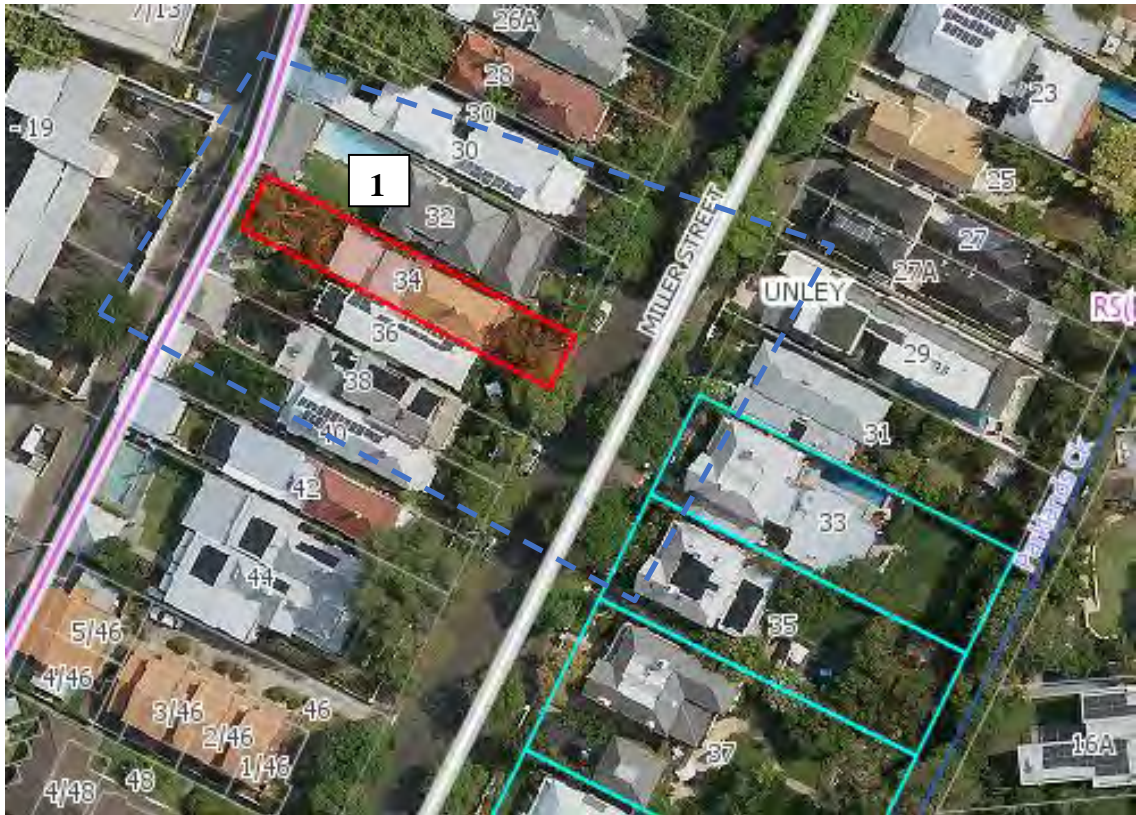
The subject site is located within the Residential Streetscape Built Form Zone, Policy Area 9.7.

The site is regular in shape having a frontage to Miller Street of 7.92m, a depth of 50.29m and a secondary street frontage to Miller Place.

The site is currently occupied by a single storey, detached dwelling and outbuilding (vehicle access via Miller Place).

No Regulated Trees are identified on the subject land, or within close proximity of the proposed development.

4. LOCALITY PLAN



 Subject Site  Locality  Representations

5. STATUTORY REFERRALS

No statutory referrals required.

6. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were necessary.

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 representation was received as detailed below.

32 Miller Street (object – does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
<ul style="list-style-type: none"> • The development will reduce the security of 32 Miller (access to roof) • The development will reduce natural light into a habitable room and reduce visual amenity from the room • The proposed development will result in boundary to boundary development 	<ul style="list-style-type: none"> • Development has already been built to the common boundary (from the adjoining property) • The development is proposed to be a render finish to blend with the existing dwelling

(* denotes non-valid planning considerations)

8. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	398m ²	
Frontage	7.92m	
Depth	50.29m	
Building Characteristics		
Floor Area		
Ground Floor	5.7m ²	
Setbacks		
Front boundary	8.73m	
Side boundary	On boundary	
Wall on Boundary		
Length	4.25m	□9m or □50%□ of the boundary length, whichever is the lesser
Height	3m	□3m
Materials	Hardies 'Zero-Lot' fire rated with Hardies Easy-Lap sheet cladding, texture coated and painted	

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

9. ASSESSMENT

Residential Streetscape Built Form Zone, Policy Area 9.7
<p>Objective 1: <i>Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</i></p>
<p>Desired Character</p> <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> <ul style="list-style-type: none"><i>a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and</i><i>b) allotment and road patterns; and</i><i>c) landscape features within the public road verge and also within dwelling sites forward of the building façade; and</i><i>d) scale, proportions and form of buildings and key elements.</i>
<p>Assessment</p> <p>The subject site is located among a cluster of compact dwelling sites with narrow street frontages (34-42 Miller Street). It is common for dwellings within this cluster to be located on a side boundary, with minimal gaps between buildings.</p> <p>The existing dwelling is located on the southern side boundary. The proposed development is located within the side setback of the northern boundary which is approximately 1.4m in width.</p> <p>The proposed ensuite addition is located behind the main dwelling façade and associated front verandah, and setback from the primary street (>8.5m).</p> <p>The location of the proposed development is considered to adequately maintain a sense of space between buildings and complement the existing pattern of development.</p>

Relevant Zone Principles of Development Control	Assessment
<p>3 <i>Development should retain and enhance the streetscape contribution of a building by:</i></p> <p>a) <i>retaining, refurbishing, and restoring the building; and</i></p> <p>b) <i>removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</i></p> <p>c) <i>avoiding detrimental impact on the building's essential built form, characteristic elements, detailing and materials as viewed from the street or any public place (ie only the exposed external walls, roofing and chimneys, verandahs, balconies and associated elements, door and window detailing, and original finishes and materials of the street façade); and</i></p> <p>d) <i>altering or adding to the building and carrying out works to its site only in a manner which maintains its streetscape attributes and contribution to the desired character, and responds, positively to the streetscape context of its locality</i></p>	<p>The proposed addition is considered to form a subservient building element relative to the associated dwelling for the following reasons;</p> <ul style="list-style-type: none"> • The proposed addition is located alongside and set behind the main dwelling façade; • The addition is a flat roof design and is not located under the main dwelling roof; • The addition is of minimal height relative to the existing dwelling; and • The proposed development maintains the existing streetscape attributes of the existing dwelling.
<p>Boundary Walls</p> <p>13 <i>Building walls on side boundaries should be avoided other than:</i></p> <p>a) <i>a party wall of semi-detached dwellings or row dwellings; or</i></p> <p>b) <i>a single storey building, or outbuilding, which is not under the main dwelling roof and is setback from, and designed such that it is a minor, low and subservient element and not part of, the primary street façade, where:</i></p> <p>i. <i>there is only one side boundary wall, and</i></p> <p>ii. <i>the minimum side setback prescribed under the desired character is met on the other side boundary; and</i></p> <p>iii. <i>the desired gap between buildings, as set out in the desired character, is maintained in the streetscape presentation.</i></p>	<p>The proposed development would result in 'boundary to boundary' development of the site and as such does not satisfy related Zone Principle 13, b) i).</p> <p>As discussed above (PDC 3) the proposed development is not considered to detrimentally impact the streetscape presentation of the associated dwelling.</p>

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Crime Prevention	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Design and Appearance	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23
Energy Efficiency	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4
Form of Development	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
Public Notification	<i>PDCs</i>	1
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
Crime Prevention	
PDC 2	<p>PDC 2 speaks to the promotion of security by minimising access between roofs, balconies and windows of adjacent buildings.</p> <p>It is acknowledged that the proposed development reduces a gap between the subject site and adjacent site however the nature of the proposed development is not unexpected between two residential land uses.</p> <p>The boundary between public and private property is defined by existing side and front fencing.</p> <p>Of note, the site and adjoining site currently exhibit structures on the boundary.</p>
Residential Development	
PDC 14	<p>A habitable room is located adjacent the proposed development, approximately 1m from the boundary and includes partially obscured windows.</p>

Relevant Council Wide Provisions	Assessment
	<p>The proposed wall is 4.25m in length and 3m in height.</p> <p>With the exception of part c), the proposed development satisfies PDC 14 and is limited in length and height to maintain visual amenity and provision of natural light to adjacent properties.</p>

10. CONCLUSION

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

- The proposed development is consistent with the Residential Streetscape Built Form Zone Desired Character in that;
 - The location of the proposed development is considered to adequately maintain a sense of space between buildings and complement the existing pattern of development; and
 - the proposed development is not considered to detrimentally impact the streetscape presentation of the associated dwelling.
- The proposed development is limited in length and height to maintain visual amenity and provision of natural light to adjacent properties.

The application is therefore recommended for Development Plan CONSENT.

11. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/647/2020/C2 at 34 Miller Street, Unley SA 5061 to 'Carry out alterations and construct ensuite addition on boundary' is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

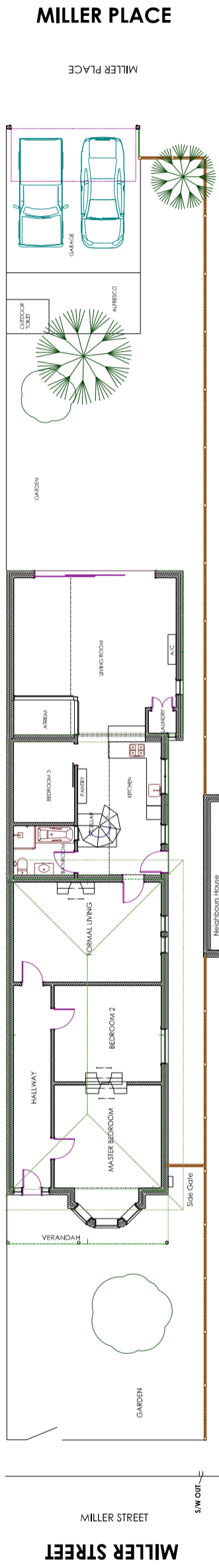
- Your attention is drawn to the requirements of **Development Regulation 76C- Fire Safety Requirements - Brush Fences**.

It is a requirement for the purpose of building rules assessment that brush fences (existing, proposed or altered) must be clearly identified on all documentation to be lodged for building rules consent. Brush fences within 3 metres of any dwelling will require development approval.

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

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

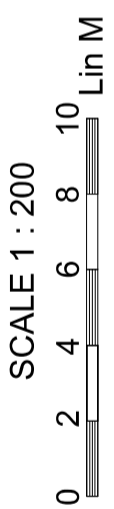
ATTACHMENT A



WORKING DRAWINGS
Issued for DEVELOPMENT APPROVAL

DATE	26-09-2019
ISSUE	Issued for DEV Approval

Existing Site Plan



Proposed Ensuite Addition
for - A & M CATTERALL
at - 34 MILLER STREET, UNILEY SA 5061
Date - 26 September 2019 A3 Sheet 1 of 5
Working Drawings WD1



33 Salisbury Street, Unley SA 5061
(08)7231 0723 ACN 446 785 188
enquiries@hutchandco.com.au

All dimensions and sizes are subject to verification and must be confirmed prior to manufacture of special items.
Site Boundaries and Area, subject to Boundary Survey by Licensed Surveyor.
Project dimensions override scaled dimensions.
Written specifications override drawings unless otherwise specified.
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**WORKING DRAWINGS
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201

DATE

26-09-2019

ISSUE

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Proposed Site Plan



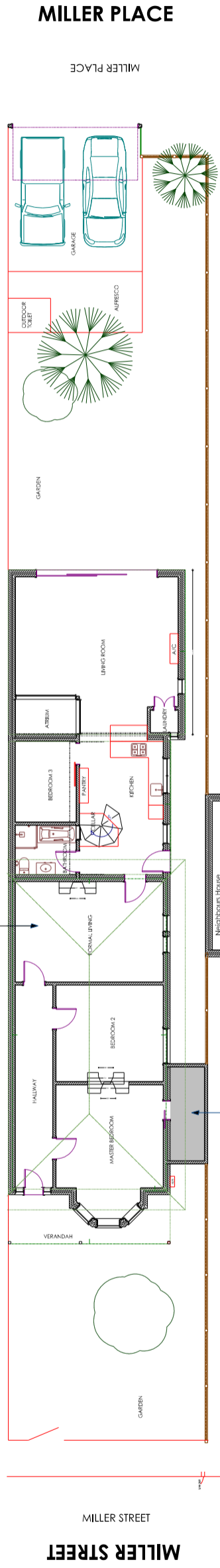
SCALE 1 : 200



Lin M

Proposed Ensuite Addition

for - ALAN & MARGIE CATTERALL
at - 34 MILLER STREET, UNLEY SA 5061
Date - 26 September 2019 A3 Sheet 2 of 5
Working Drawings WD1



Existing Dwelling
Living Area: 165m² approx

Proposed Ensuite Addition:
Additional Area: 6.4m² approx

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**WORKING DRAWINGS
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DATE 26-09-2019

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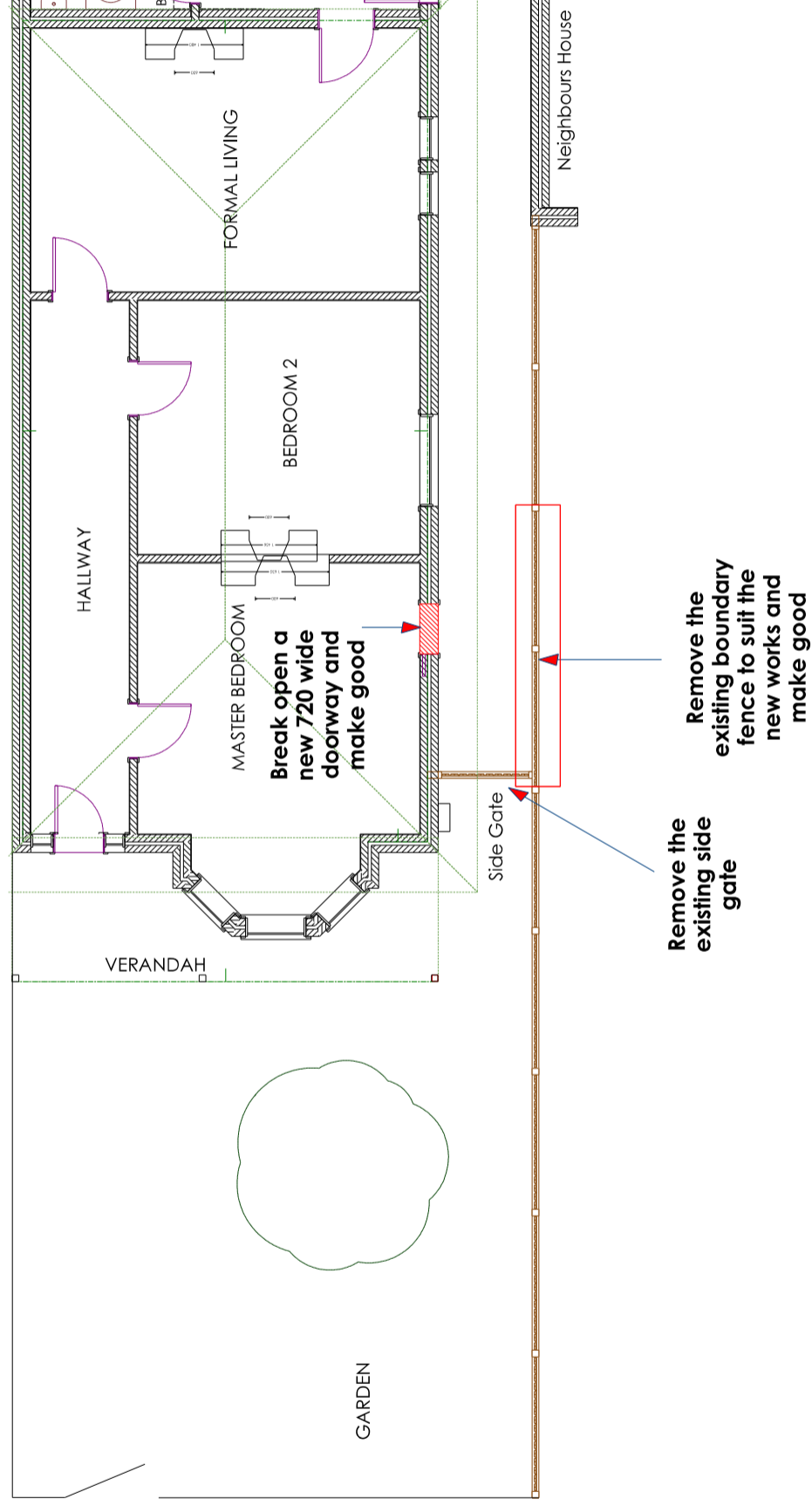
**Existing Floor/
Demolition Plan**

SCALE 1 : 100



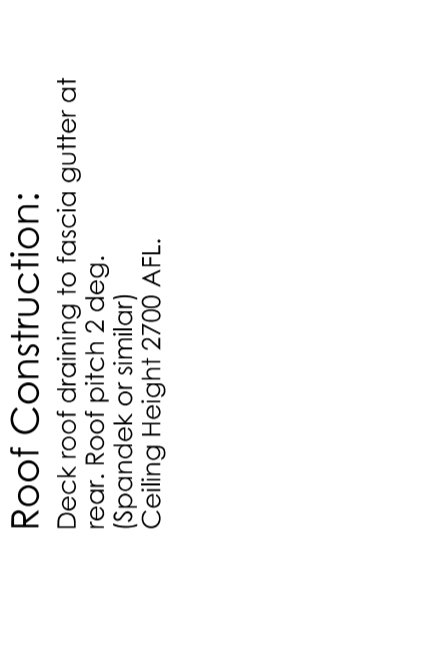
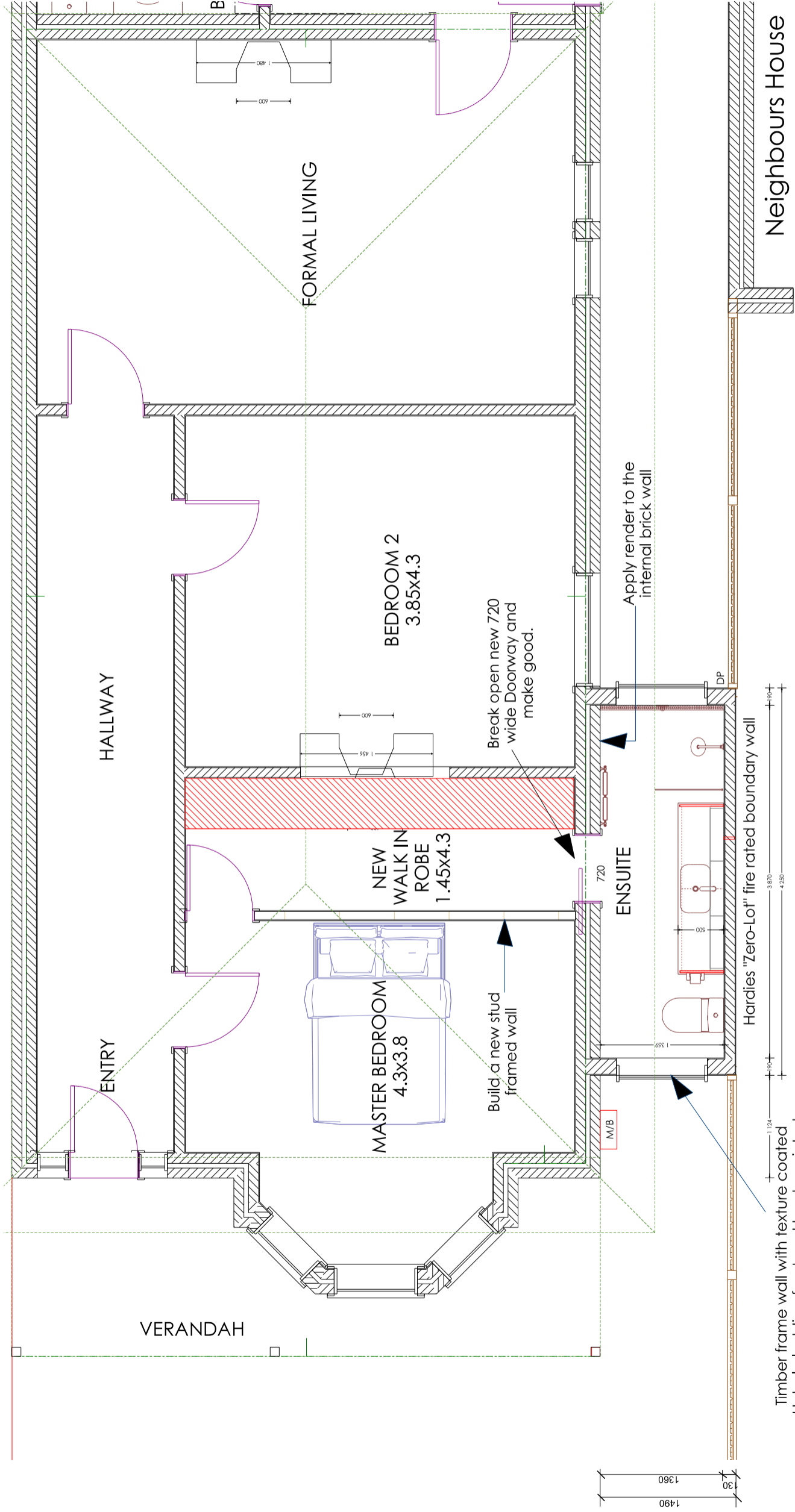
Proposed Ensuite Addition

for - ALAN & MARGIE CATTERALL
at - 34 MILLER STREET, UNLEY SA 5061
Date - 26 September 2019 A3 Sheet 3 of 5
Working Drawings WD1



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Roof Construction:
Deck roof draining to fascia gutter at rear. Roof pitch 2 deg. (Spandek or similar) Ceiling Height 2700 AFL.

Additional Area: 6.4m²

Timber frame wall with texture coated Hebel cladding front and back, painted as selection.

WORKING DRAWINGS
Issued for DEVELOPMENT APPROVAL

DATE 26-09-2019

ISSUE Issued for DEV Approval

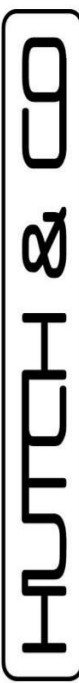
Proposed Part Floor Plan



SCALE 1 : 50
0 .5 1.0 1.5 2.0 2.5 Lin M

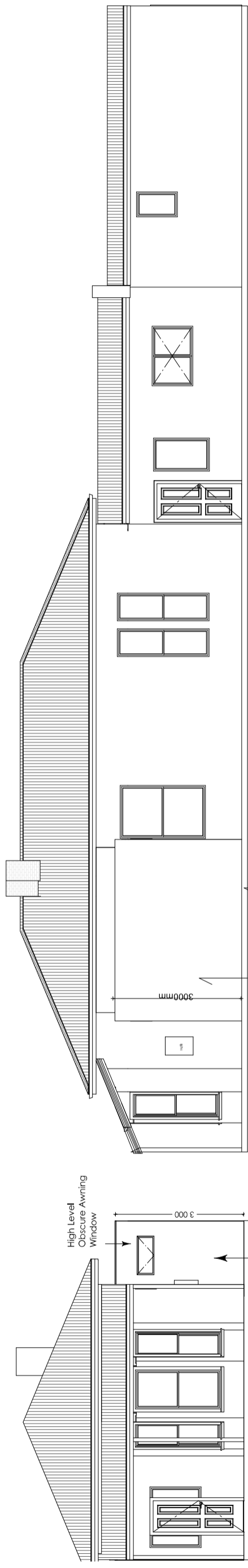
Proposed Ensuite Addition

for - ALAN & MARGIE CATTERALL
at - 34 MILLER STREET, UNLEY SA 5061
Date - 26 September 2019 A3 Sheet 4 of 5
Working Drawings WD1



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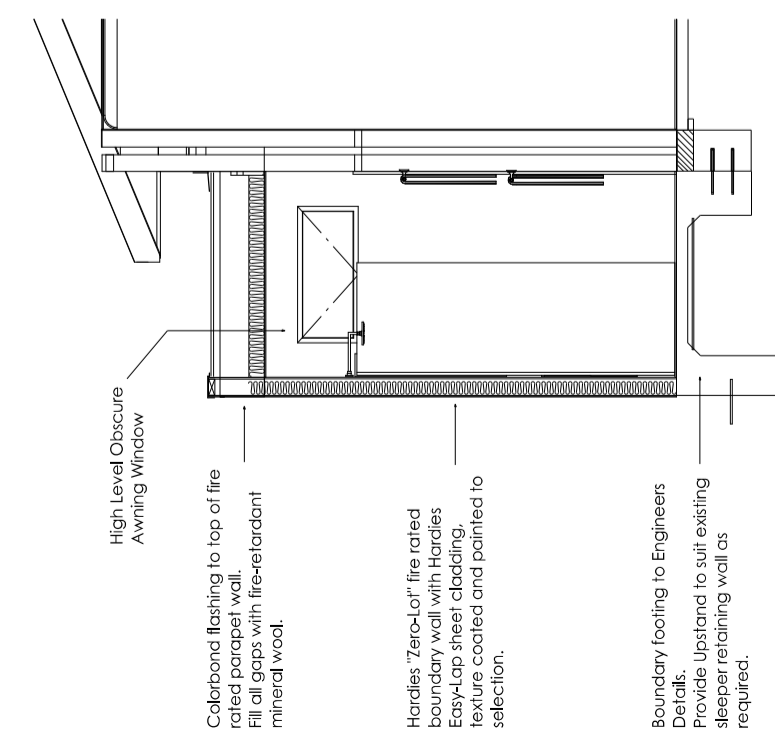


Front Elevation
SCALE 1 : 100

Side Elevation
SCALE 1 : 100

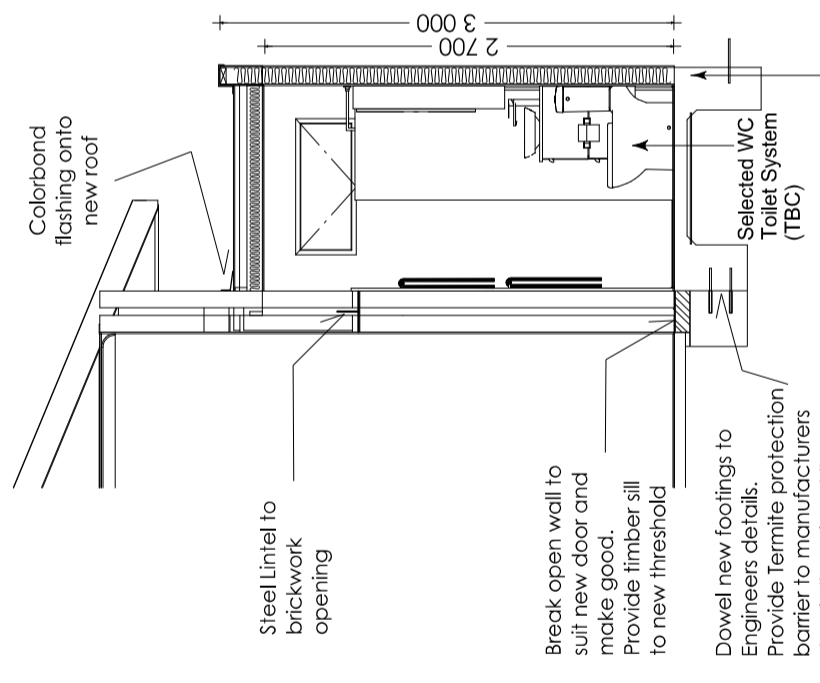
High Level Obscure Awning Window
Timber frame wall with texture coated Hebel cladding painted to selection.

Hardies "Zero-Loi" fire rated boundary wall with Hardies Easy-Lap sheet cladding, texture coated and painted to selection
Boundary footing to Engineers details. Provide Upstand to suit existing sleeper retaining wall as required.



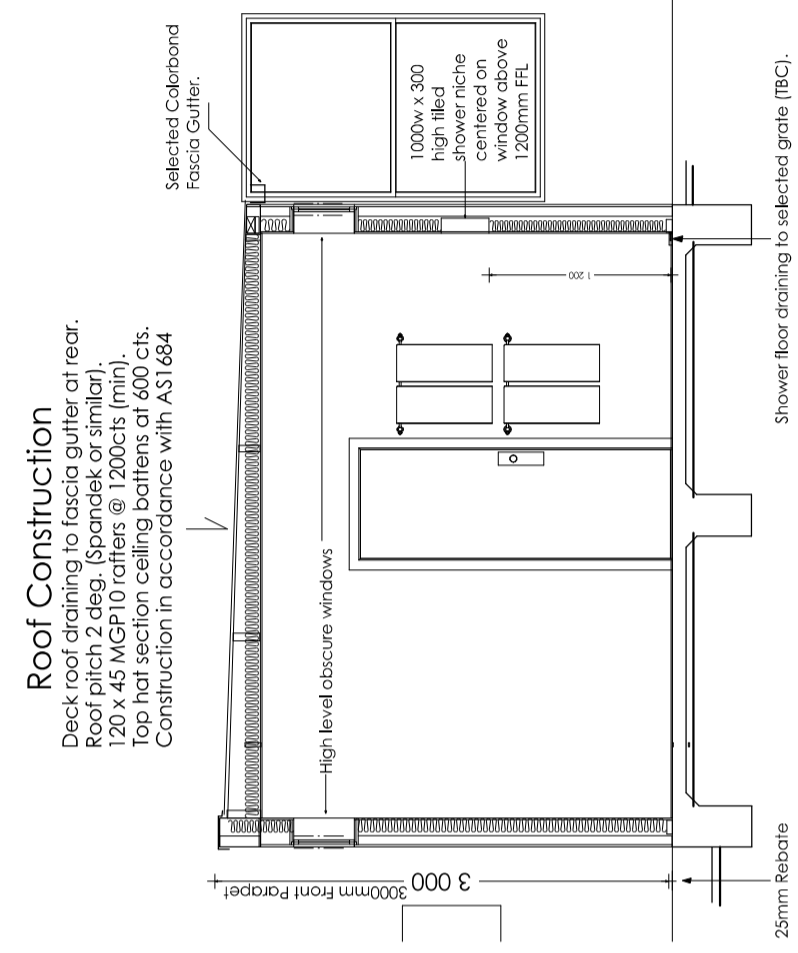
Section C
SCALE 1 : 50

Colorbond flashing to top of fire rated parapet wall. Fill all gaps with fire-retardant mineral wool.
Hardies "Zero-Loi" fire rated boundary wall with Hardies Easy-Lap sheet cladding, texture coated and painted to selection.
Boundary footing to Engineers Details. Provide Upstand to suit existing sleeper retaining wall as required.



Section B
SCALE 1 : 50

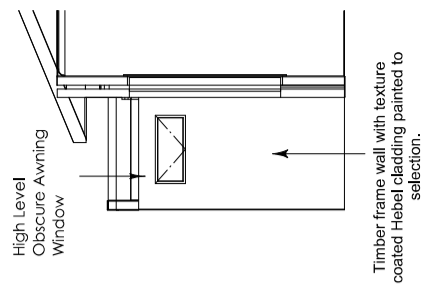
Break open wall to suit new door and make good. Provide timber sill to new threshold
Dowel new footings to Engineers details. Provide Termite protection barrier to manufacturers details "Termimesh" or similar.



Section A-A
SCALE 1 : 50

Roof Construction
Deck roof draining to fascia gutter at rear. Roof pitch 2 deg. (Spondex or similar). 120 x 45 MGPI0 rafters @ 1200cts (min). Top hat section ceiling battens at 600 cts. Construction in accordance with AS1684

Wall Construction
90 x 35 MGPI0 studs @ 450cts. 3 stud corners
Construction in accordance with AS 1684



Rear Elevation
SCALE 1 : 100

WORKING DRAWINGS
Issued for DEVELOPMENT APPROVAL

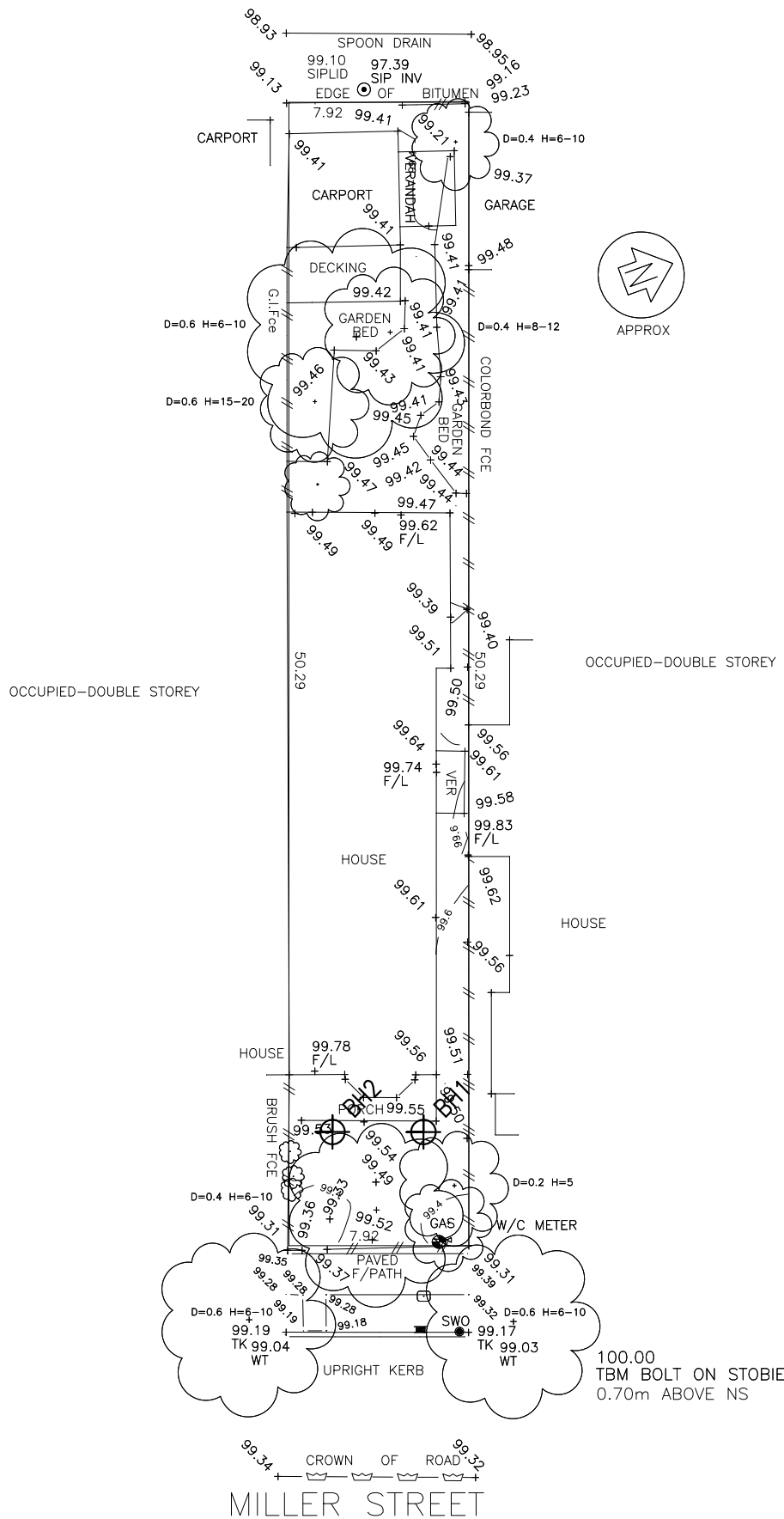
Proposed Ensuite Addition
for - ALAN & MARGIE CATTERALL
at - 34 MILLER STREET, UNLEY SA 5061
Date - 26 September 2019 A3 Sheet 5 of 5
Working Drawings WD1

HUTCH & CO
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(08)7231 0723 ACN 446 785 188
enquiries@hutchandco.com.au
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Elevations & Sections
SCALE Varies
0 1

204
DATE 26-09-2019

ISSUE Issued for DEV Approval



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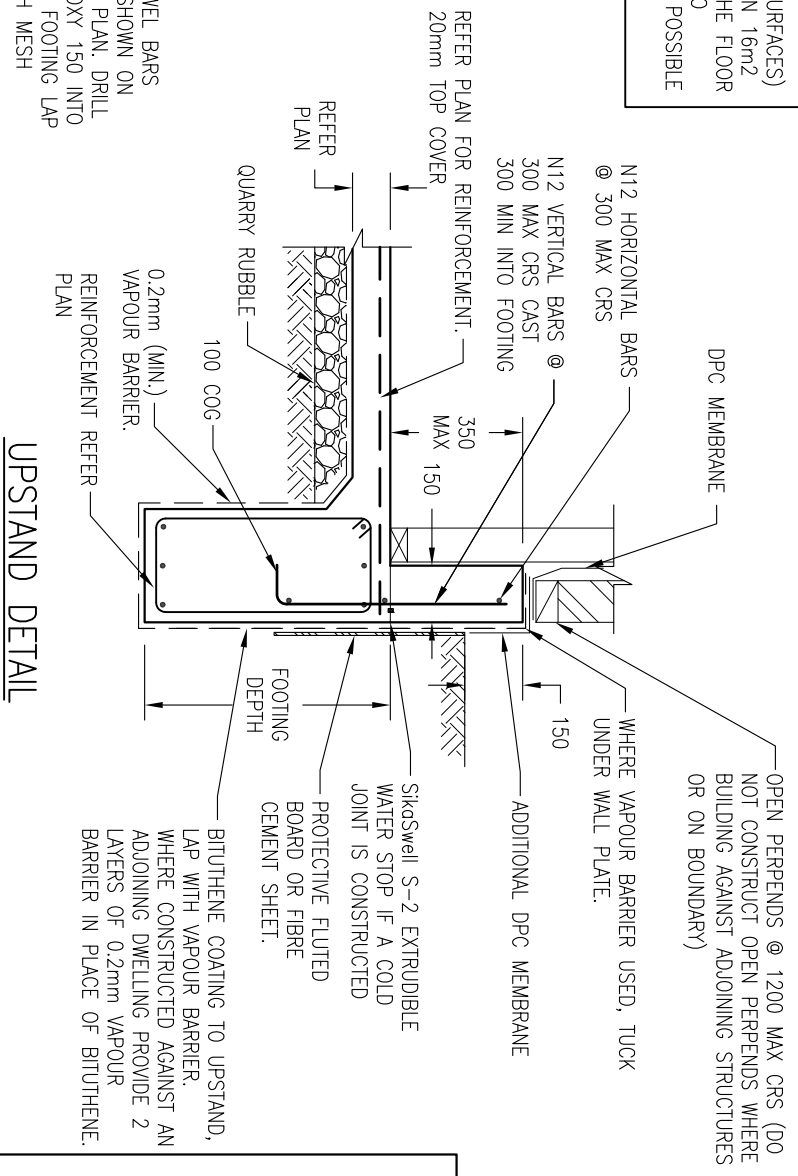
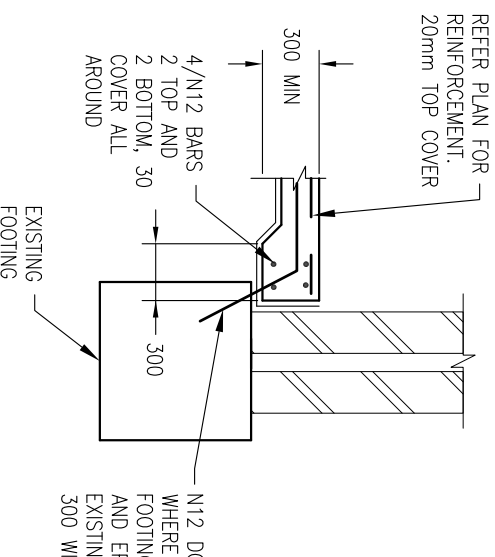
BOREHOLE LOCATION PLAN

ADDRESS:
**NO.34 MILLER STREET
UNLEY**

CLIENT:
ALAN CATTERALL

DRAWN:	D.A.
SCALE:	N.T.S
DATE:	29-Oct-19
JOB No:	BHC28080

WHERE BRITTLE FLOOR COVERINGS (eg TILED SURFACES) ARE TO BE USED OVER AN AREA GREATER THAN 16m² FLEXIBLE ADHESIVE IS TO BE USED BETWEEN THE FLOOR COVERING AND SLAB, APPLY IN ACCORDANCE TO MANUFACTURERS SPECIFICATION TO ALLOW FOR POSSIBLE CONCRETE SHRINKAGE.



FOOTING BEAMS

BEAM	WIDTH (mm)	DEPTH (mm)	REINFORCEMENT TOP SIZE No.	BOTTOM SIZE No.
B1	300	750	3 N16	3 N16



DEPTH OF FILL FOUND IN BOREHOLE

HOLE 1 0mm

HOLE 2 0mm

LEGEND

- 3/N12 x 2000mm LONG CRACK CONTROL BARS TIED TO UNDERSIDE OF TOP MESH. STEP IN FOOTING BEAM, REFER TO FOOTING CONSTRUCTION REPORT FOR DETAILS.
- 1200mm LONG (MIN) x FOOTING WIDTH WIDE PIER, FOUND 100mm INTO NATURAL SOIL OR CONTROLLED FILL IF PRESENT (REFER TO BORELOGS). REINFORCE WITH 4/N12 RODS VERTICAL WHERE DEPTH BELOW BASE OF FOOTING EXCEEDS 400mm. EXTENT OF PIERS TO BE CONFIRMED ON SITE.

SET DOWN IN RAFT SLAB REFER TO FOOTING CONSTRUCTION REPORT FOR DETAILS. ENSURE FOOTING DEPTHS ARE MAINTAINED BELOW SET DOWN.

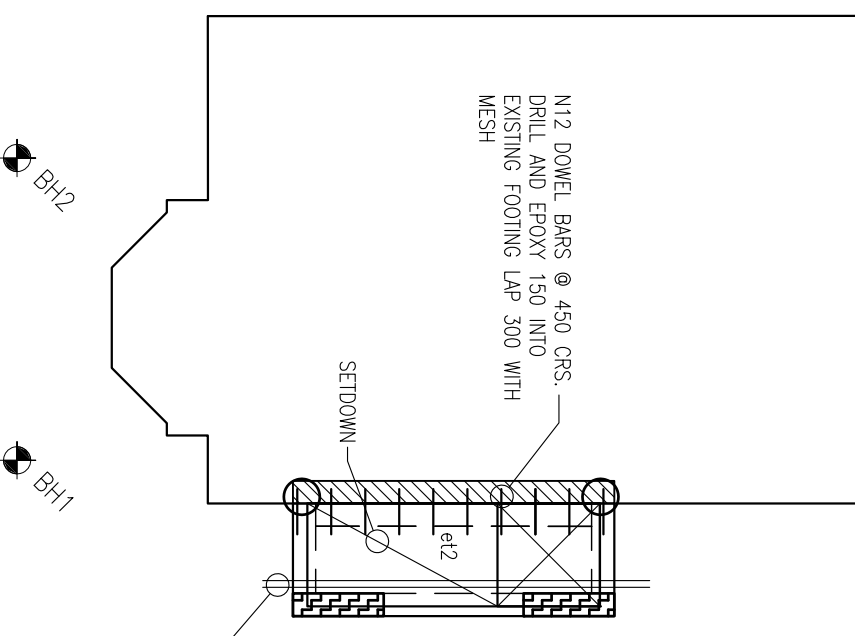
- 125mm THICK SLAB WITH TWO LAYERS OF MESH, ONE LAYER PLACED WITH 20mm TOP COVER AND THE OTHER WITH 30mm BOTTOM COVER. REFER TO SLAB NOTES FOR MESH SIZE. AREA SHOWN HATCHED IS INDICATIVE ONLY AND IS TO BE CONFIRMED ON SITE.

4/N12 DOWELS (2 TOP & 2 BOTTOM) DRILL AND EPOXY 150mm INTO EXISTING FOOTING LAP 450mm WITH FOOTING REINFORCEMENT. WHERE BLUESTONE FOOTING ARE ENCOUNTERED OR DOWELS CAN NOT BE DRILLED CONTACT THIS OFFICE FOR FURTHER ADVICE.

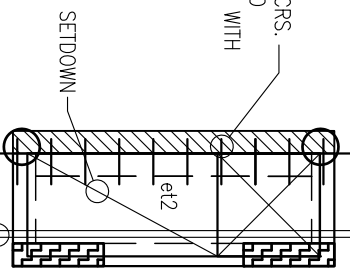
TILTING PIERS 1200mm LONG (MIN) x FOOTING WIDTH WIDE PIERS FOUNDED 500mm (MIN) BELOW THE BASE OF THE FOOTING AND INTO NATURAL SOIL. WHILE TILTING PIERS REDUCE THE ROTATION OF THE ADDITION IT SHOULD BE NOTED THAT PIERS OF APPROXIMATELY 3.0m IN DEPTH WOULD BE REQUIRED TO STABILISE THE FOOTING SYSTEM. THE ABOVE RECOMMENDED DEPTH IS CONSIDERED AN ECONOMIC COMPROMISE. CONTACT THIS OFFICE IF DEEPER PIERS ARE PREFERRED.

DENOTES ASSUMED LOCATION OF EXISTING FOOTING TO REMAIN. MAINTAIN SLAB THICKNESS ABOVE EXISTING FOOTING. CONTACT THIS OFFICE IMMEDIATELY IF EXISTING FOOTING LAYOUT IS DIFFERENT FROM THAT SHOWN.

EXISTING HOUSE



N12 DOWEL BARS @ 450 CRS. DRILL AND EPOXY 150 INTO EXISTING FOOTING LAP 300 WITH MESH



FOOTINGS CONSTRUCTED ON BOUNDARY TO BE FOUNDED INTO NATURAL SOIL OR CONTROLLED FILL A MINIMUM OF 600mm BELOW THE EXISTING ADJACENT ALLOTMENT GROUND LEVEL.

STORMWATER PIPE TO BE ACTUAL 100Ø (DNV) PIPE LAGGED & FITTED WITH FLEXIBLE CONNECTIONS IN ACCORDANCE WITH SOIL CLASSIFICATION OR PROVIDE 100Ø SLEEVE TO ALLOW 90Ø PIPE TO PASS THROUGH.

ALL FOOTING BEAMS ARE "B1" UNLESS NOTED OTHERWISE

FOOTING PLAN

ADDRESS: NO.34 MILLER STREET UNLEY

CLIENT: ALAN CATTERALL

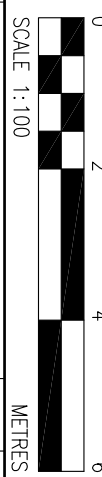
Residential Commercial Industrial Consulting Engineers

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JOB No. F28080 SHEET No. 1 of 1 ISSUE No. -

DRAWN: R.M. DESIGN: D.A. DATE: 29-Oct-19



No.	REVISION	BY	DATE

LIGATURES:
W8 @ 1200mm CRS. WHERE FOOTING BEAM IS NOT FOUND IN NATURAL SOIL/CONTROLLED FILL PROVIDE LIGATURES @ 300mm CRS.

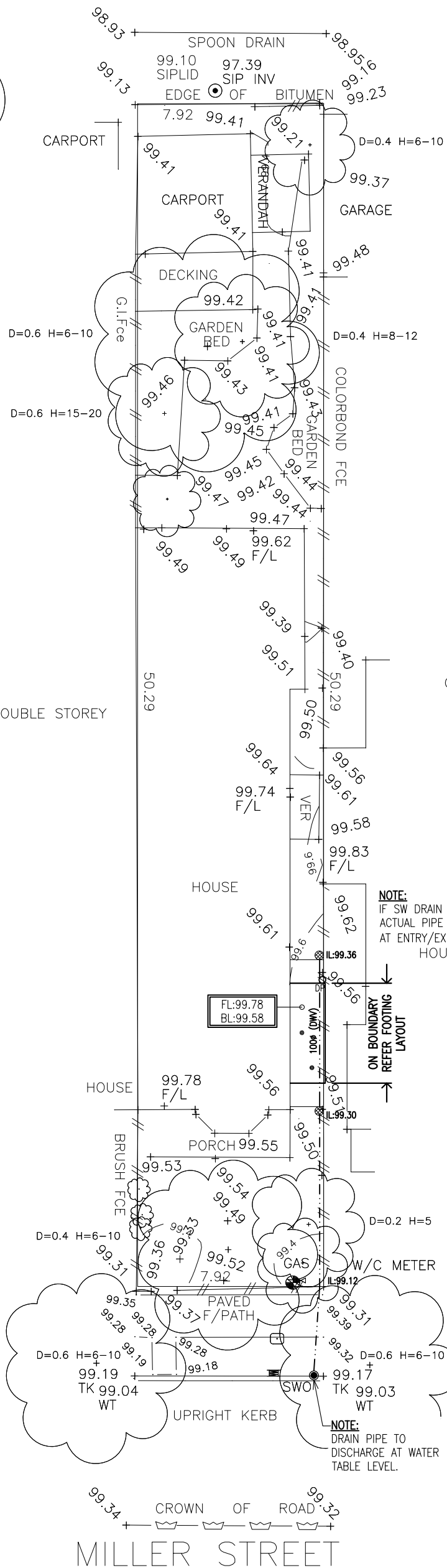
SLAB:
100mm THICK SLAB REINFORCED WITH ONE LAYER OF SL72 TOP WITH 20mm COVER. WHERE THE DEPTH OF FILL BELOW THE SLAB PANELS EXCEEDS 400mm INCREASE SLAB DEPTH TO 125mm AND PLACE AN ADDITIONAL LAYER OF SL72 MESH BOTTOM WITH 30mm OF BOTTOM COVER. (REFER TO LEGEND). N20 CONCRETE UNLESS NOTED OTHERWISE. (FOR ALL JOBS LOCATED IN CORROSION ZONE, CONCRETE STRENGTH FOR EXTERNAL FOOTINGS (EXPOSED FACE) MUST BE N32 CONCRETE).

SOIL CLASSIFICATION: H2-D
- 40mm THICK CLOSED-CELL POLYETHYLENE LAGGING AROUND STORMWATER AND SEWER DRAIN PENETRATIONS THROUGH EXTERNAL FOOTINGS. - FLEXIBLE CONNECTIONS IN SEWER & STORMWATER DRAIN ARE REQUIRED

GENERAL NOTES

- 1) THIS DRAWING TO BE READ IN CONJUNCTION WITH THE FOOTING CONSTRUCTION REPORT AND ARCHITECTURAL DRAWINGS. IF ANY CONFLICT OCCURS CONTACT THIS OFFICE IMMEDIATELY.
- 2) THIS FOOTING PLAN ASSUMES THE SITEMARKS AND DRAINAGE ARE CARRIED OUT IN ACCORDANCE WITH THE FOOTING CONSTRUCTION REPORT.
- 3) THESE DRAWING ARE NOT TO BE SCALED FROM. ALL WRITTEN DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE.
- 4) ALL FOOTINGS TO BE FOUNDED A MINIMUM 100mm INTO NATURAL SOIL OR CONTROLLED FILL IF PRESENT (REFER TO BORELOGS), FOOTING TO BE TRENCHED OR PIERED AS REQUIRED TO ENSURE 100mm MINIMUM FOUNDED.
- 5) PIERS AND EXTENT OF THICKENED SLAB/DOUBLE MESH ARE SHOWN INDICATIVELY ONLY AND SHALL BE CONFIRMED ON SITE AT THE TIME OF A TRENCH INSPECTION.

A3



NOTES:

ANY SURPLUS SPOIL FROM SITEWORKS IS THE OWNERS RESPONSIBILITY AND SHOULD BE REMOVED OR DISPERSED AS APPROPRIATE...

ANY RETAINING WALLS SHOWN ON THIS PLAN ARE TO BE CONSTRUCTED BY THE OWNER EXCEPT WHERE THE RETAINING WALL FORMS PART OF THE BUILDING STRUCTURE...

--- : STORMWATER DRAIN PIPES UNDER GRAVITY FLOW USED TO CONNECT SURFACE & ROOF STORMWATER DRAIN PIPES TO THE STREET WATER TABLE.

ENSURE GRAVITY FLOW PIPES MAINTAIN SUFFICIENT GRADE TO MEET THE APPROPRIATE OUTLET AS SHOWN ON THIS PLAN.

WHERE GRATED SURFACE STORMWATER SUMPS ARE USED GRADE SOIL/PAVING IN TOWARDS SUMPS IN ACCORDANCE WITH THE "BENCH" NOTES ON THIS PAGE.

SUMP SIZES AND QUANTITY SHOWN ARE RECOMMENDED AS A MINIMUM. LOCATIONS AND SIZES MAY BE ALTERED AT THE DRAIN AND PAVING CONTRACTORS DISCRETION...

USE THE "SUBSTITUTE" VERTICAL FLEXIBLE CONNECTION SET-UP AS SHOWN ON DETAIL SHEET SD1 WHERE DP'S CONNECT INTO THE DRAINPIPE...

OCCUPIED-DOUBLE STOREY

NOTE:

- REFER TO DETAIL SHEET PD1 FOR RECOMMENDED MINIMUM PAVEMENT SETDOWN FROM UNDERSIDE OF REBATE FOR CLASS "H2-D" SITE SOIL CLASSIFICATION...

NOTE: IF SW DRAIN PIPE UNDER SLAB IS ACTUAL PIPE PROVIDE SWIVEL JOINTS AT ENTRY/EXIT POINTS. HOUSE

NOTE:

- SEWER DRAIN RUN AS PER THE PLUMBERS RECOMMENDATION HOWEVER ENSURE ANY PROPOSED OR EXISTING STRUCTURES FOOTING SYSTEMS ARE NOT UNDERMINED...

NOTE:

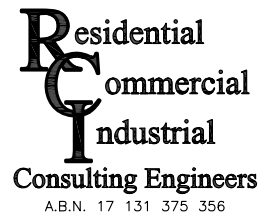
IF STORMWATER DRAIN PIPE COVER ACROSS COUNCIL VERGE IS NOT ACHIEVED, PROVIDE A 3.0mm THICK ALUMINIUM CHEQUER PLATE "TOP HAT" SECTION ABOVE PIPE FOR PROTECTION AND ANTI SLIP MEASURES...

100.00 TBM BOLT ON STOBIE 0.70m ABOVE NS

SITWORKS PLAN

ADDRESS: NO.34 MILLER STREET UNLEY

CLIENT: ALAN CATTERALL



1 Hawke Street ALBERT PARK, SA 5014 P (08) 8241 2326 F (08) 8241 2409

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JOB No. C28080 SHEET No. 1 of 1 ISSUE No. -

DRAWN: R.M DESIGN: D.A. DATE: 29-Oct-19

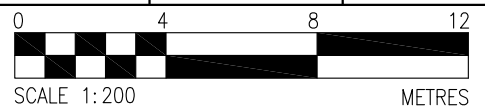


Table with 4 columns: No., REVISION, BY, DATE

GENERAL NOTES: SITWORKS & STORMWATER DRAINAGE TO BE CONSTRUCTED BY THE OWNER OR THE OWNERS REPRESENTATIVE (IE. THE BUILDER WHERE STATED WITHIN THE BUILDING CONTRACT)...

SOIL CLASSIFICATION: H2-D 40mm THICK CLOSED-CELL POLYETHYLENE LAGGING AROUND STORMWATER AND SEWER DRAIN PENETRATIONS THROUGH EXTERNAL FOOTINGS...

BENCH: BUILDING AREA TO BE BENCHMARKED TO 200mm BELOW THE FINISHED FLOOR LEVEL. GRADE SITE AWAY FROM HOUSE AS FOLLOWS:- GRADE PAVED AREAS 35mm IN 1000mm...

IMPORTANT NOTE: TO ASSIST IN AVOIDING A "DOWNHILL" MOVEMENT OF FILL ONCE IT HAS BEEN PLACED, A SERIES OF HORIZONTAL BENCHMARKED PLATFORMS SHOULD BE EXCAVATED INTO THE GROUND...

SEWER: THIS SEWER DESIGN IS BASED ON THE SHORTEST POSSIBLE RUN. BUILDER/PLUMBER TO CONFIRM SEWER CONNECTION INVERT LEVEL AND ASSUMED LAYOUT PROVIDED ON THIS DRAWING...

STORMWATER: GRAVITY FLOW STORMWATER SYSTEM IS TO BE LAID @ 1 IN 250 MIN GRADE WITH 100mm MIN COVER EXCEPT AS NOTED BELOW UNDERSIDE OF PAVING:- 50mm (SUBJECT TO PEDESTRIAN TRAFFIC)...

SURVEY: THIS IS NOT A BOUNDARY SURVEY. THEREFORE THE RELATIONSHIP BETWEEN OCCUPATION AND THE PLOTTED BOUNDARY IS INDICATIVE. LEVELS ARE BASED ON A TEMPORARY DATUM (UNO). THE DATUM (SHOWN ON THIS PLAN) IS TO BE LOCATED PRIOR TO COMMENCING SITEWORKS.

DESIGN LEGEND

- 250 SQUARE x 285 DEEP "RELN" RAINWATER PIT (PVC), (SERIES 250) OR SIMILAR (U.N.O.) GRATED SURFACE S/W SUMP 900 STORMWATER DRAIN PIPE - 900 PVC (U.N.O.) AT 1 IN 250 (0.40%) MIN FALL (U.N.O) EXCEPT ON SEALED SYSTEM...

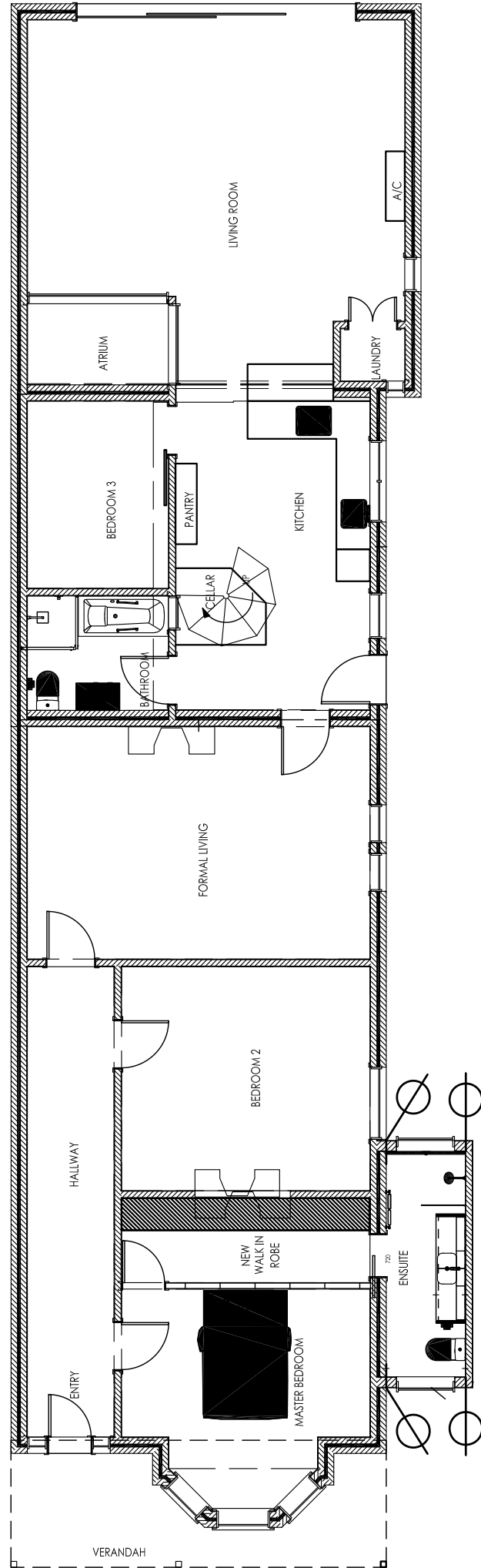
SURVEY LEGEND

- ETSA WATER CONNECTION SEWER IP STORMWATER IP TELECOM LIGHT POLE STOBIE POLE PEG

KEY

Table with 2 columns: Symbol, Description (TK TOP OF KERB, WT WATER TABLE, BL BENCH LEVEL, FL FLOOR (POURED) LEVEL, SW STORMWATER, DPO DOWNPIPE, U.N.O. UNLESS NOTED OTHERWISE, C.O.S CHECK ON SITE, APPROXIMATE, RD ROLLER DOOR REBATE, DIAMETER, IL INVERT LEVEL (BOTTOM OF GRAVITY FLOW STORMWATER DRAIN PIPE SYSTEM))

A3



ARTICULATION PLAN

ADDRESS: NO.34 MILLER STREET
UNLEY

CLIENT: ALAN CATTERALL

**Residential
Commercial
Industrial**
Consulting Engineers
A.B.N. 17 131 375 356

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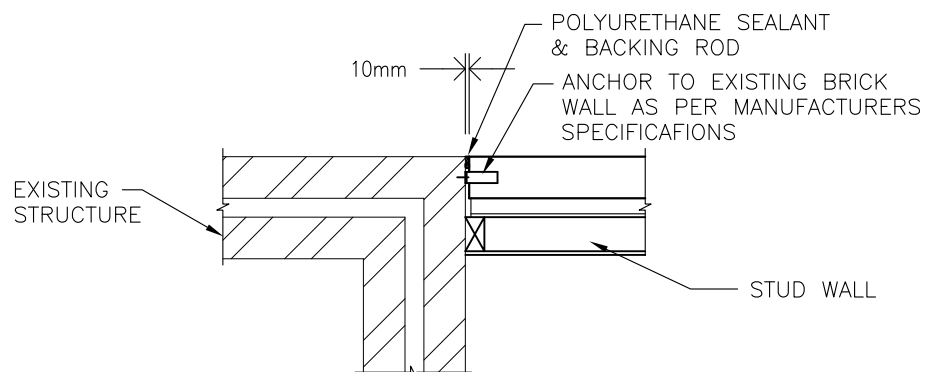
JOB No. A28080	SHEET No. 1 of 1	ISSUE No. —
DRAWN : R.M	DESIGN: D.A.	DATE: 29-Oct-19



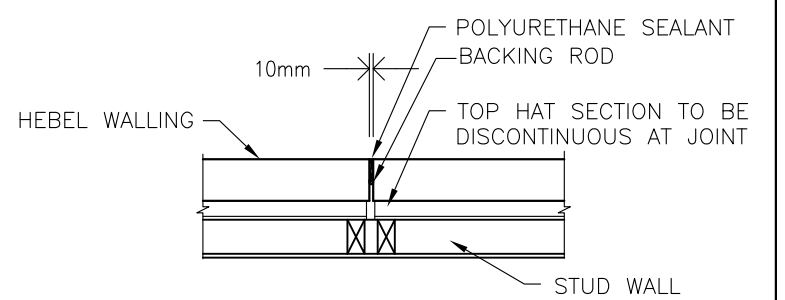
No.	REVISION	BY	DATE

ARTICULATION JOINTS SHOWN ARE A MINIMUM ONLY FOR FOOTING PERFORMANCE. PROVIDE ADDITIONAL JOINTS AS SPECIFIED BY THE WALLING SYSTEM MANUFACTURER.

HORIZONTAL ARTICULATION JOINTS:— PROVIDE HORIZONTAL JOINTS AT 3m MAXIMUM CENTRES OR AT FLOOR JOIST LEVEL, WHICHEVER IS LESSER HEIGHT.



(⊙) ARTICULATION JOINT DETAIL
(ADDITION)



(⊙) ARTICULATION JOINT DETAIL
(HEBEL VENEER WALL)

ATTACHMENT B

REPRESENTATION Category 2 (Page 2)

To: Amy Barratt, City of Unley Development Section

1. This page (ie Page 2) and any attachments may be published on the internet and thus be able to be searched via Google and other internet search engines.
2. In accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and any attachments) will be forwarded to the Applicant for consultation and response.

The closing date for Representations is 5pm on 2 October 2020.

Application:	090/647/2020/C2 34 Miller Street, Unley SA 5061
Property affected by Development	32 MILLER STREET UNLEY SA 5061

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

(Please state your reasons so that each planning issue can be clearly identified. Attach extra pages if you wish)

- i) The development will reduce the security of 32 Miller St by providing a means of access to the roof of 32 Miller St given the proximity;
- ii) Will have a visual impact on 32 Miller St and will interrupt the view from a habitable room;
- iii) will reduce natural light into a habitable room and reduce visual amenity from this room
- iv) 34 Miller St is constructed on the southern boundary - the proposed development will remove the 1m setback required on the northern side and (iv), Quality of build materials

My concerns (if any) could be overcome by:

THE proposed development being rejected by Council
 If approved, I would ask for some consultation and opportunity to input into the type of construction of the boundary wall including options to the proposed materials such as brick

WISH TO BE HEARD

DO NOT WISH TO BE HEARD

by the Council Assessment Panel

(Tick one box only. If you do not tick either box it will be assumed that you do not wish to be heard by the Council Assessment Panel.)

ATTACHMENT C

From: Paul Hutchison
Sent: Mon, 12 Oct 2020 12:23:24 +1030
To: Amy Barratt
Cc: alan catterall
Subject: RE: 090/647/2020 at 32 Miller Street
Attachments: Screenshot (4).png, 32 Miller Built on the boundary.jpg, 32 Miller Built on the boundary2.jpg, 32 Miller double storey blocking sunlight.jpg, 32 Miller double storey blocking sunlight2.jpg, render will blend in with 32 Miller Street render.jpg, Dark area this was a sunny day.jpg, 32 Miller Street original Building.jpg

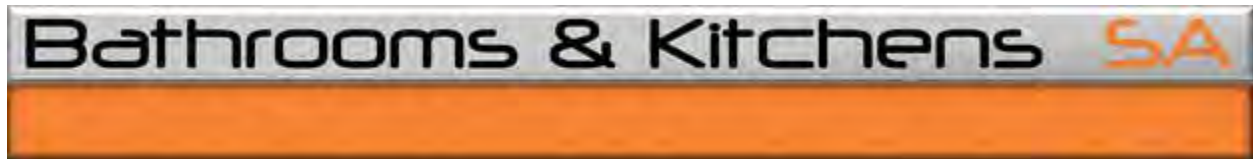
Hi Amy,

Thank you for sending through the representation from 32 Miller Street Unley.
Please find attached some photographs showing what 32 Miller Street originally was and what it is now. Also shows that they have built on the same boundary that we propose and that the render of our proposed extension will blend in with their home and will blend in with 34 Miller Street also. I have cc,d the owners of 34 Miller Street, Alan & Margie Catterall if they also would like to pass on any further comments regarding the representation.

I look forward to hearing back from you

Kind Regards

Paul Hutchison
Director
0414 644773

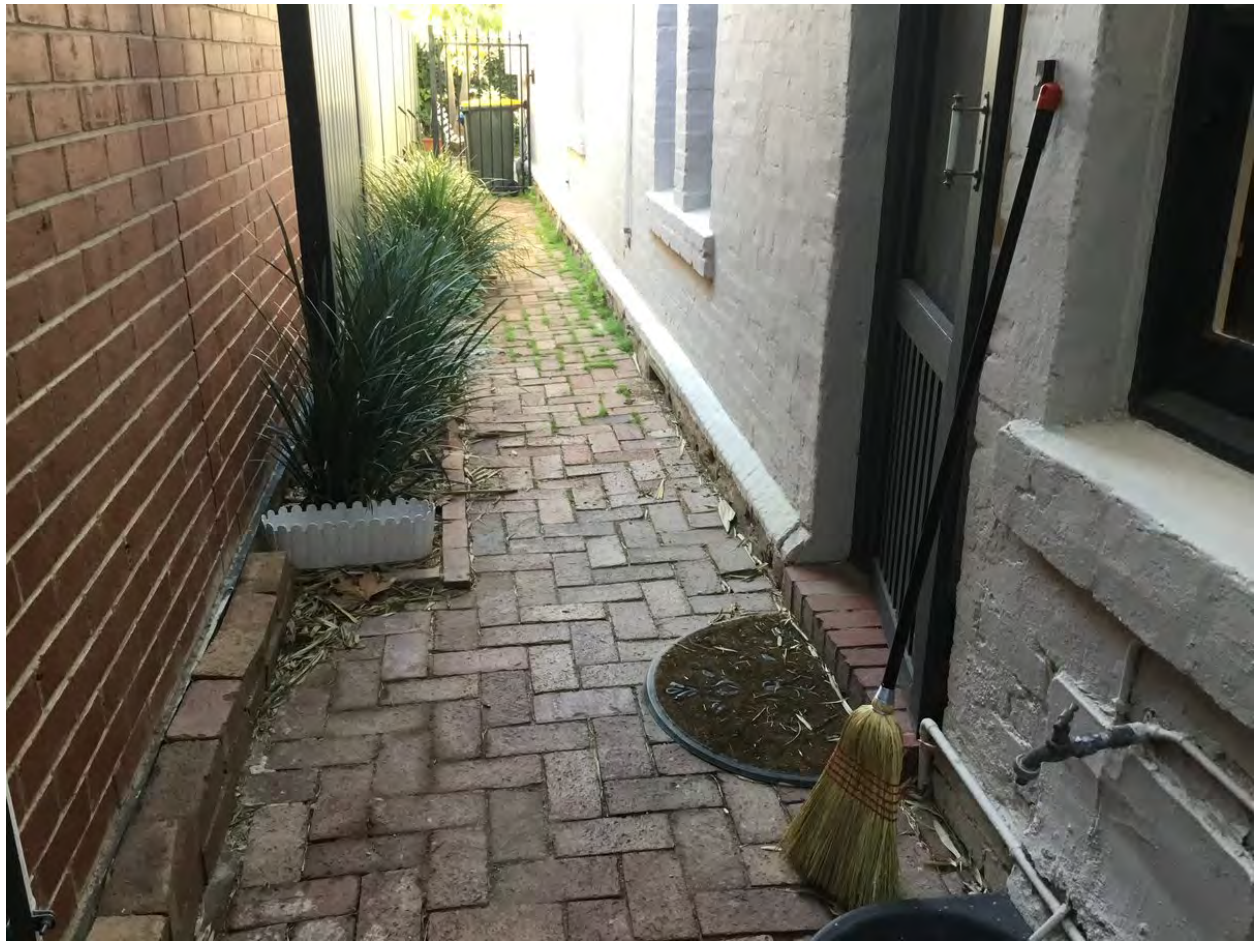
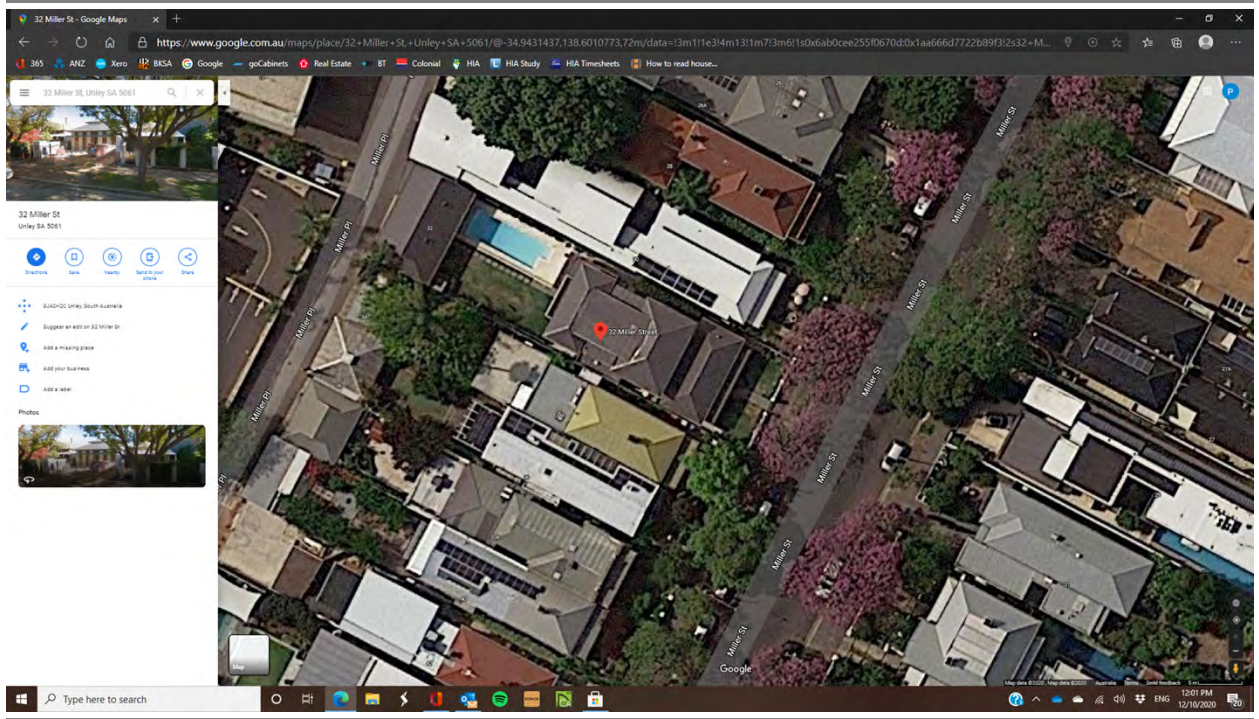


HIA Bathroom Designer of the Year 2007 & 2008
HIA Australian Bathroom Designer of the Year 2008 & 2009
KBDI Australian Bathroom Designer of the Year 2009
Certified Kitchen & Bathroom Designer
paul@bathroomsandkitchenssa.com.au
www.bathroomsandkitchenssa.com.au



Winners for Design & Service Four Years in a Row

From: Amy Barratt <abarratt@unley.sa.gov.au>
Sent: Monday, 12 October 2020 11:46 AM













ITEM 7**DEVELOPMENT APPLICATION – 090/415/2020/NC – 647 SOUTH ROAD,
BLACK FOREST SA 5035 (CLARENCE PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/415/2020/NC
ADDRESS:	647 South Road, Black Forest SA 5035
DATE OF MEETING:	17 November 2020
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Construct a storage shed in associated with existing consulting rooms (Non-Complying)
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Neighbourhood Centre
APPLICANT:	Total Fitouts and B Kelly
OWNER:	KYMP Pty Ltd (ACN 638 810 269)
APPLICATION TYPE:	Non-Complying
PUBLIC NOTIFICATION:	Category 3
REPRESENTATIONS RECEIVED:	NONE
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Non-Complying development
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Land use Built form Non-complying

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The proposal is for the construction of a storage shed in association with an existing commercial building that is used for medical consulting rooms. The proposed building will be used for the storage of equipment and supplies associated with the consulting rooms and some personal effects of the property owner will also be stored in the building.

The proposed building will measure 14.67 metres in length, 6.18 metres in width and 3.9 metres to the ridge of the roof. The building is designed with a pitched

gable end roof and Colorbond cladding finished in Ironstone. The building will be sited 1.3 metres from the South Road frontage and 600mm from the southern side boundary.

3. SITE DESCRIPTION

The subject site is a single allotment located at the corner of South Road and Forest Avenue. The site is commonly known as 647 South Road, Black Forest and is formally described as Allotment 1 in Deposited Plan 2740, Certificate of Title Volume 6135 Folio 12 in the area named Black Forest.

The site has a frontage of approximately 19.5 metres to South Road, a frontage to Forest Avenue of 31.5 metres and a total area of approximately 770m².

It is noted that there are no easements, encumbrances or Land Management Agreements on the Certificate of Title.

The subject site and land to the east and south is within the Neighbourhood Centre Zone, while land on the northern side of Forest Avenue is within the Residential C150 Zone.

The site is currently occupied by a single storey commercial building that is built to the boundary of both road frontages. The building was previously used as a veterinary clinic and is now used for medical consulting. At the rear of the site is a bitumen car park that is accessed from Forest Avenue.

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

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

Commercial uses dominate both sides South Road and include retail showrooms, small shops, consulting rooms and mechanical repairs. Adjoining the subject land on Forest Avenue is a place of worship. There is residential development on the northern side of Forest Avenue and further to the east.

Development Pattern and Streetscape Character

Development along South Road generally addresses the road frontage, however there are some car parking areas located between the buildings and the road frontage.

Residential development along Forest Avenue comprises a mix of detached and semi-detached dwellings and residential flat buildings at relatively low densities.

Building Type and Styles

Commercial buildings are up to two storeys in height, with many buildings displaying fascia signage. Residential development along Forest Avenue is predominantly single storey with a mix of architectural styles.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

Category 3 notification was undertaken in accordance with Section 38 of the *Development Act 1993*. During the ten (10) business day notification period, no representations were received.

9. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	770m ²	Existing
Frontage	19.5m	Existing
Depth	31.5m	Existing
Building Characteristics		
Floor Area		
Ground Floor	91m ²	Not specified
Site Coverage		
Roofed Buildings	44%	Not specified
Total Impervious Areas	90%	Not specified
Total Building Height		
From ground level	3.9m	Two storeys
Setbacks		
Front boundary (west)	1.3m	0m (continuous frontage)
Secondary Street (north)	N/A	
Side boundary (south)	600mm	
Rear boundary (east)	19m	
Car parking and Access		
On-site Car Parking	11 existing spaces	1 per 50m ² of total floor area

Colours and Materials		
Roof	Colorbond (Ironstone)	
Walls	Colorbond (Ironstone)	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Neighbourhood Centre Zone
<i>Objective 1: Accommodation of shopping, community, entertainment, education, religious and recreational facilities at a scale appropriate to the neighbourhood.</i>
Assessment
<p>The subject land contains a building that is currently being used for medical consulting purposes. This existing use is consistent with Objective 1 of the Neighbourhood Zone, which envisages a mix of small-scale commercial and community uses.</p> <p>The proposed building will be used primarily for the storage of equipment and supplies associated with the consulting rooms. Some personal effects of the property owner will also be stored within the building from time to time. As the proposed storage would mostly relate to the operation of the existing consulting rooms and that no commercial activities (i.e. trade) are to be undertaken within the building, the proposed store will be ancillary and subordinate to the existing use of the land.</p> <p>The ancillary nature of the proposed use and the relatively small scale of the building would ensure that the Objective of the Zone is not undermined. Accordingly, the proposal is considered to be orderly and appropriate in land use planning terms.</p>

Relevant Zone Principles of Development Control	Assessment
<i>PDC 1 Development should be, primarily, shopping, community, entertainment, educational, religious and recreational facilities at a scale appropriate to the neighbourhood.</i>	<p>The proposal is not a commercial store as not trade will take place within the building.</p> <p>As the proposed store will primarily serve the existing consulting rooms, the proposal will not change the existing use of the land. The existing consulting rooms will continue to contribute to the Objective of the Neighbourhood Centre Zone as an area for small-scale commercial activities.</p>
<i>PDC 2 Development should provide a continuous retail frontage, and not exceed two storeys in height.</i>	<p>The existing building on the land is single storey and is built to the boundary of both road frontages. There is currently a space of approximately 7.4 metres between the southern end of the building and the</p>

Relevant Zone Principles of Development Control	Assessment
	<p>adjoining building to the south. While PDC 2 is seeking a continuous commercial frontage, this section of South Road does not have a continuous development pattern as most properties have car parking to the front of the site or wide access points.</p> <p>It is considered that the siting of the proposed building would not undermine the ability to extend existing building façade along the South Road frontage in the future as the sheet metal construction of the proposed building would allow the orderly and economic removal and replacement of the building.</p> <p>The proposed building is single storey with a ridge height of 3.9 metres. The height and scale of the building is consistent with PDC 2.</p>
<p>PDC 5 <i>Development should limit direct vehicular access to arterial roads.</i></p>	<p>There is no vehicular access from South Road and the proposed store would not generate any additional traffic.</p>
<p>PDC 6 <i>Vehicle parking should be provided in accordance with the rates set out in Table Un/5 - Off Street Vehicle Parking Requirements or Table Un/5A - Off Street Vehicle Parking Requirements for Designated Areas (whichever applies).</i></p>	<p>There is an existing bitumen car park at the rear of the property that is accessed from Forest Avenue. There are 11 spaces within the car park.</p> <p>Table Un/5 recommends a car parking rate of one space per 50m² of floor area for a store. As the proposed building has a floor area of 91m², there is a requirement for two car parking spaces.</p> <p>As the proposed building would be used only for the storage of equipment and some personal effects, with no commercial trade, there would be no additional demand for car parking. The existing car parking on the site is therefore acceptable.</p>

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Commercial and Industrial Development	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 4
Crime Prevention	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Design and Appearance	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 12, 13, 14, 15, 17, 19, 20, 21, 22, 23
Form of Development	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 12, 13
Interface Between Land Uses	<i>Objectives</i>	1, 2, 3
	<i>PDCs</i>	1, 2, 3, 6
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Transportation (Movement of People and Goods)	<i>Objectives</i>	1, 7, 10, 13
	<i>PDCs</i>	1, 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25

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

Relevant Council Wide Provisions	Assessment
Design and Appearance	
Objective 1 and PDC 1, 2 & 3 - Building Design and Appearance	<p>As noted above, a continuous retail frontage is desirable within the Neighbourhood Centre Zone. While the proposal would not provide a continuous frontage, the proposed building is considered to have sufficient regard for the surrounding built form environment. The building is relatively small-scale and will be screened by a row of trees and a metal palisade fence. The construction materials will have a non-reflective finish as required by PDC 3.</p> <p>The building would not be readily visible from the residential properties on Forest Avenue as it would be located behind the existing building on the land</p> <p>The building small-scale and the screening afforded by landscaping and fencing would ensure that the proposed building has minimal visual impact when viewed from the road frontages and nearby residential properties.</p> <p>The proposal therefore satisfies PDC 1 and 2.</p>

Relevant Council Wide Provisions	Assessment
Interface Between Land Uses	
PDC 1 & 2 – Amenity Impacts	<p>The subject land is situated within a commercial area that interfaces with residential development to the east along Forest Avenue.</p> <p>PDC 1 and 2 seek to ensure that new development is designed and operated in a manner that 'minimises' adverse amenity impacts. The storage building is considered low-impact as the items to be stored are non-hazardous, minimal vehicle movements will be generated as no trade will take place and the building would not be visible from residential properties.</p> <p>Accordingly, the amenity of the locality would not be adversely affected.</p>
Transportation (Movement of People and Goods)	
PDC 13 – Vehicular Access	<p>There will be no change to the existing access arrangements and the additional traffic generated by the development would be negligible. Safe and convenient access will continue to be provided.</p>

11. CONCLUSION

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

- The proposal is an orderly and desirable form of development in the context of the site and its locality;
- The proposed store will be ancillary and subordinate to the existing use of the land;
- The proposed building is small-scale and will be screened by a row of trees and a metal palisade fence;
- The building is low-impact as the items to be stored are non-hazardous and minimal vehicle movements will be generated; and
- The building would not be visible from residential properties and would not detract from the built form character on South Road.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/415/2020/NC at 647 South Road, Black Forest SA 5035 to construct a storage shed in associated with existing consulting rooms (Non-Complying) is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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

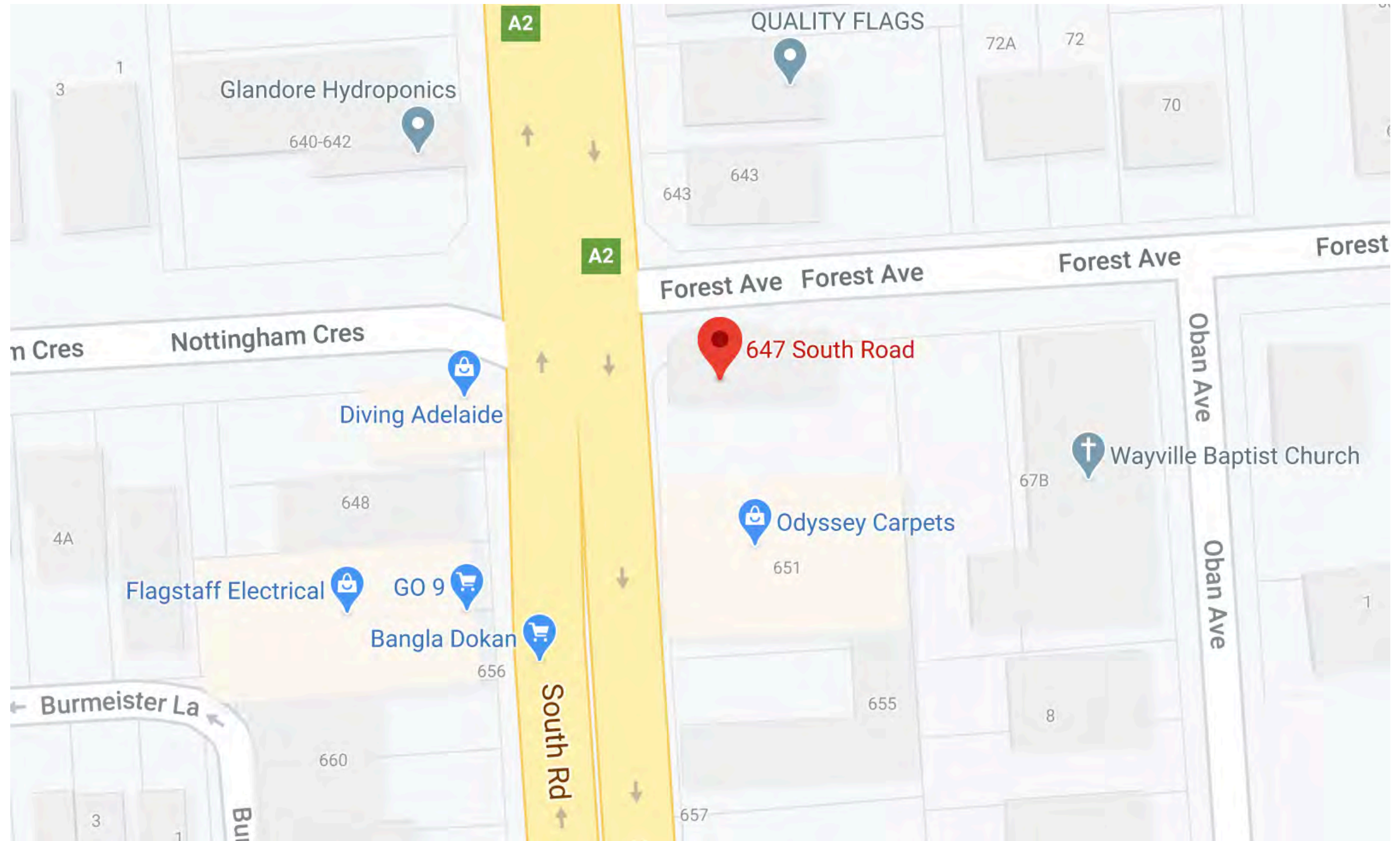
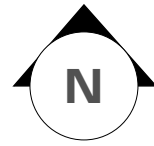
NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

List of Attachments		Supplied By:
A	Application Documents	Applicant

ATTACHMENT A

Site Location



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client
 Phil Puckridge

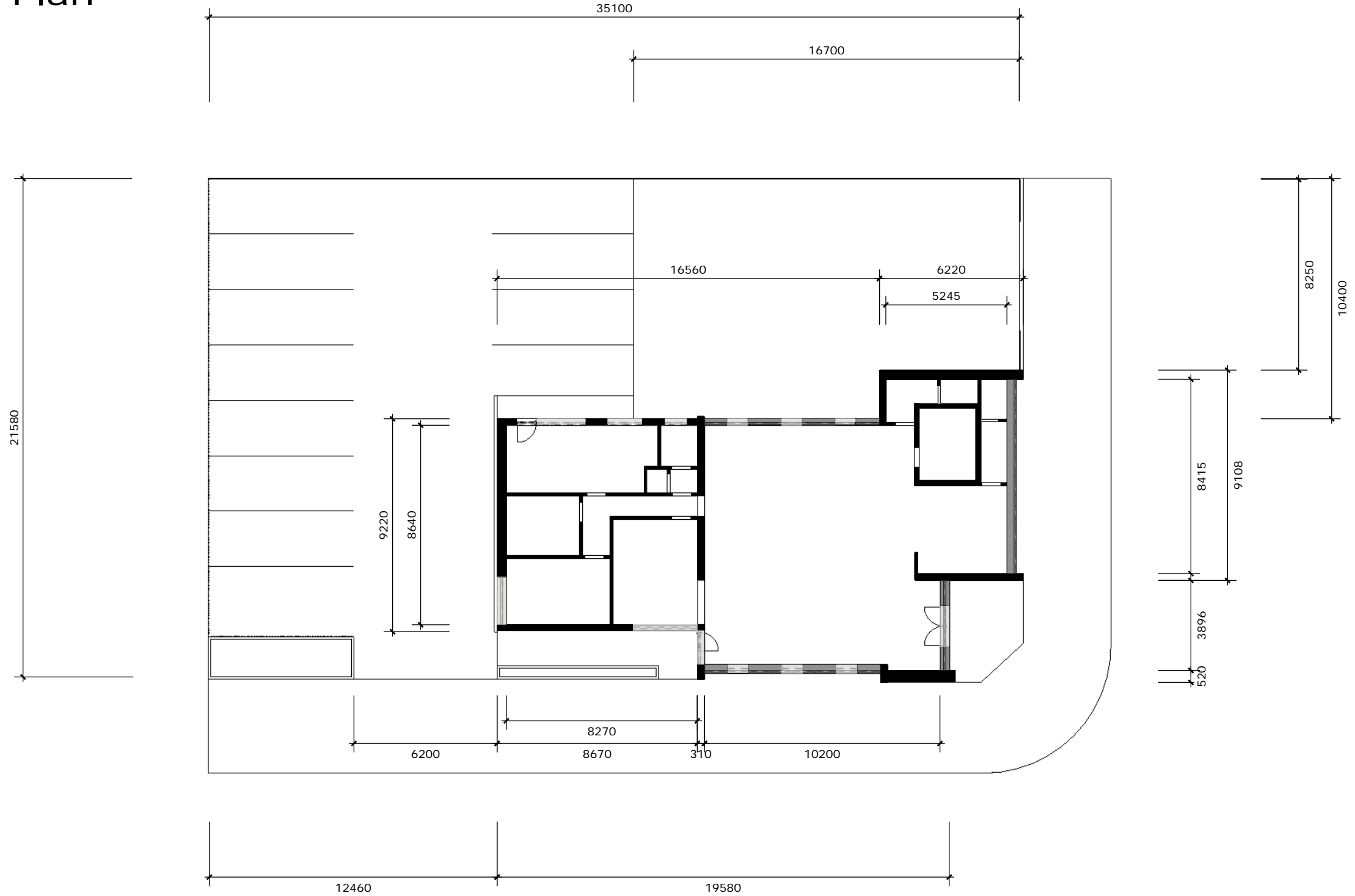
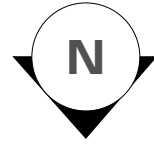
project
 AVC Advanced Vascular Care

job no.
 055

issue details
 All dimensions to be confirmed on site
 Drawings to be used in conjunction with
 storage shed construction document.

drawing details	page no.
Site Location	3
issue	
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date	scale
May 20, 2020	NTS

Existing Site Plan



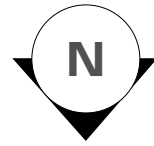
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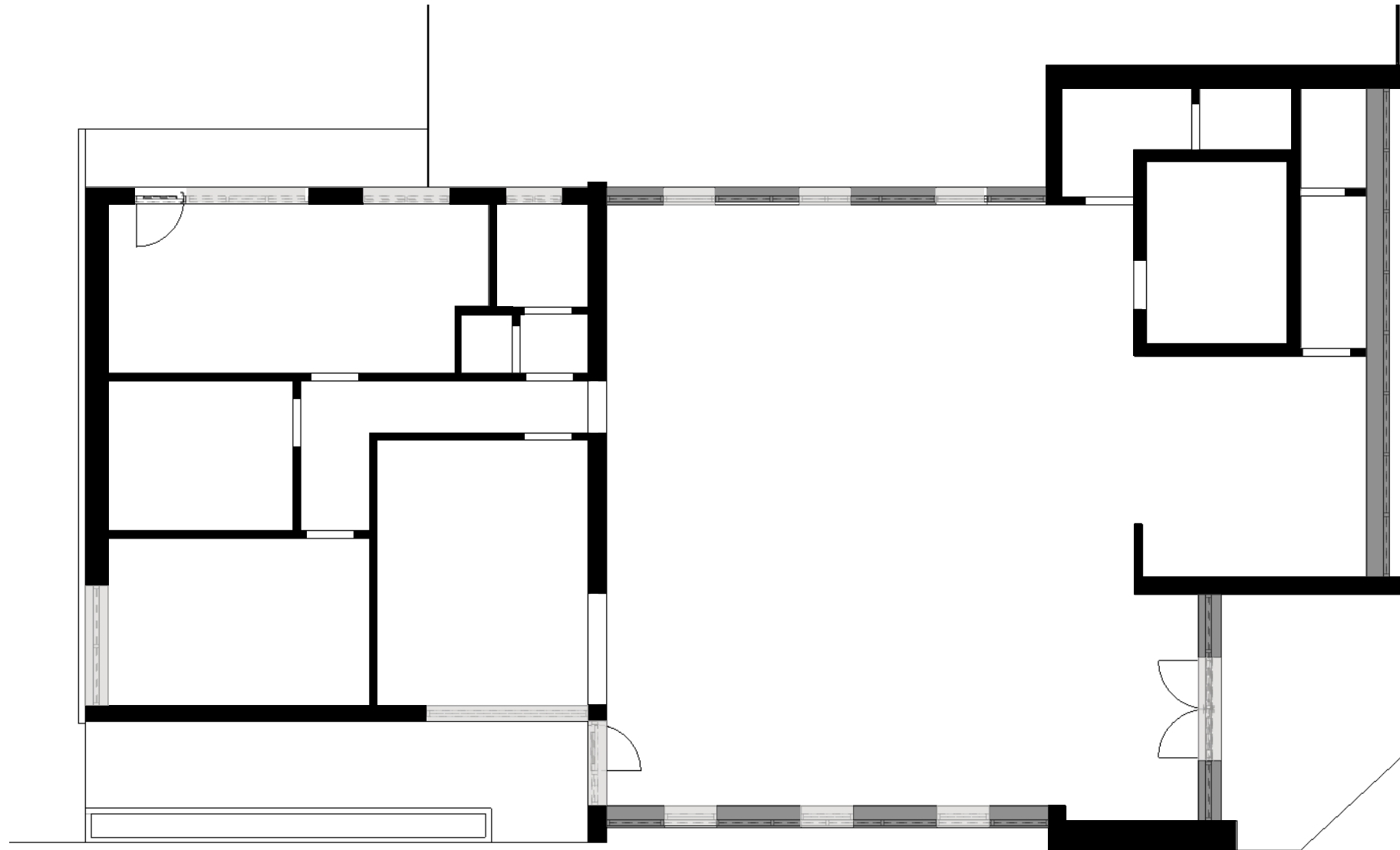
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Existing Floorplan



notes

Note: External doors to remain as existing



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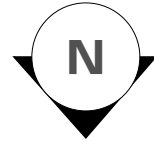
project
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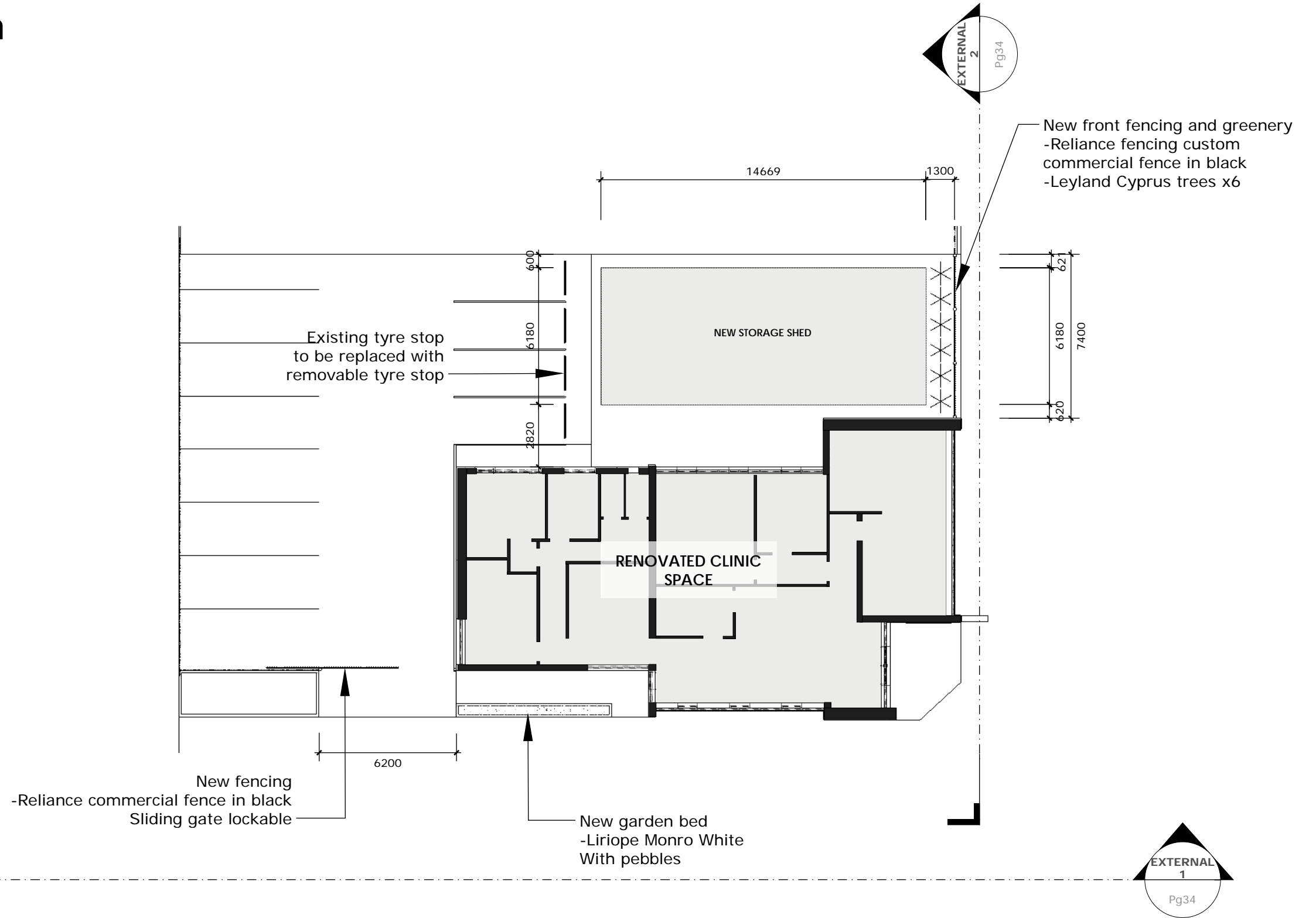
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Proposed Site Plan



notes

Note: External doors to remain as existing



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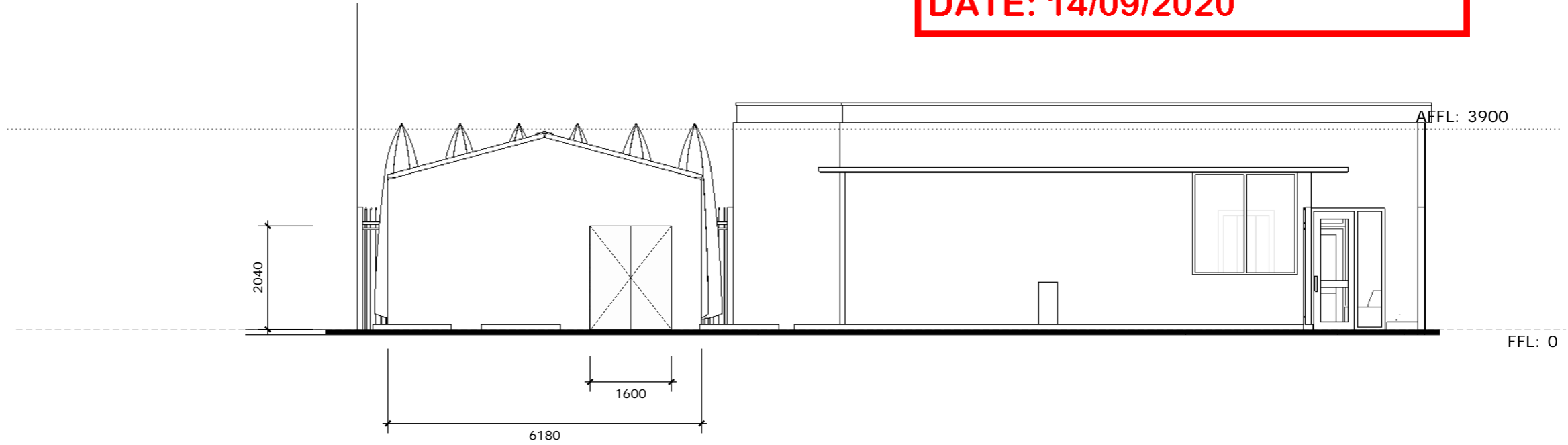
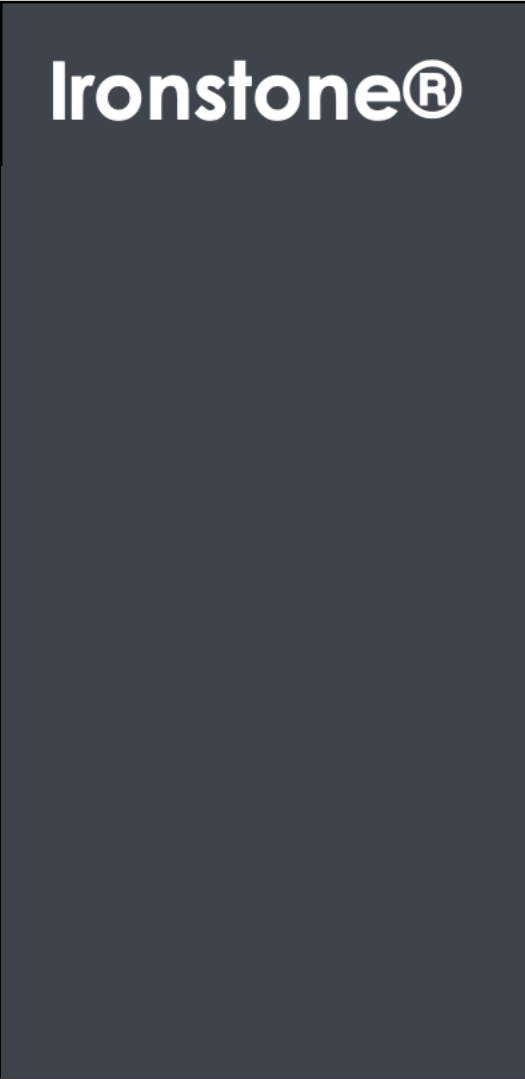
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Shed Views

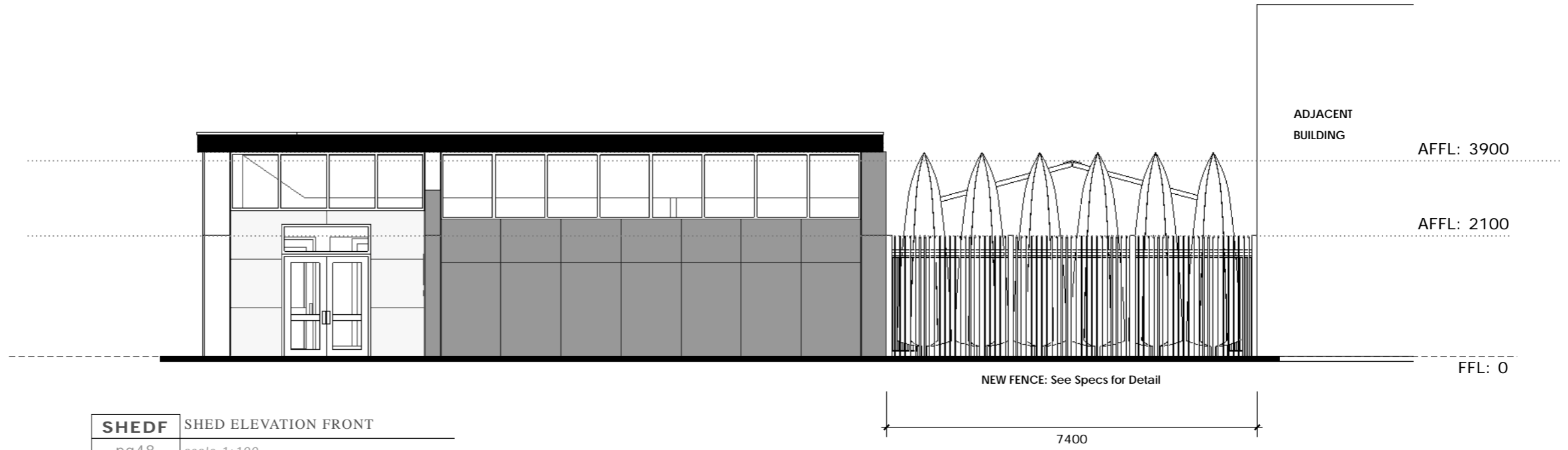
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DATE: 14/09/2020

notes

See technical drawings document for additional details.
Shed in Colourbond Ironstone



SHEDR SHED ELEVATION REAR
pg48 scale 1:100



SHEDF SHED ELEVATION FRONT
pg48 scale 1:100



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AVC Advanced Vascular Care

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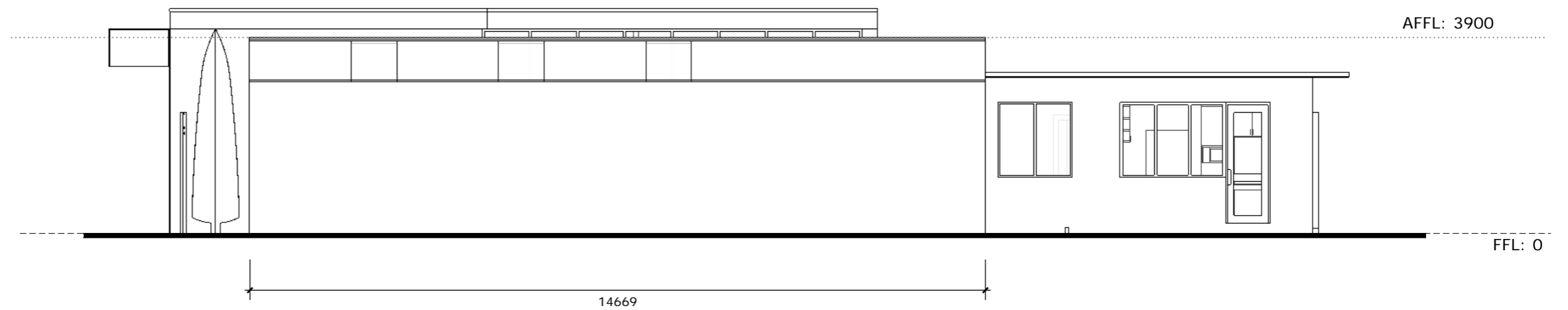
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Shed Views

notes

See technical drawings document for additional details.
Shed in Colourbond Ironstone

Ironstone®



SHEDS SHED ELEVATION SIDE
pg49 scale 1:100

**AMENDED PLAN / DOCUMENT
DATE: 14/09/2020**



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job no.
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issue details
*All dimensions to be confirmed on site
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storage shed construction document.*

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<i>Shed Views</i>	<i>49</i>
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URPS

Total Fitouts
20ADL-0631
11 September 2020

**647 South Road, Black Forest
Construction of Storage Shed and Fence
Statement in Support and Statement of Effect**



Statement in Support and Statement of Effect

11 September 2020

Lead consultant	URPS
Prepared for	Total Fitouts
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URPS Ref	R001_v1_200907

Document history and status

Revision	Date	Author	Details

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1.0 Introduction

URPS acts on behalf of the applicant, Total Fitouts, in the matter described above.

On 29 July, The City of Unley advised that Council had decided to proceed with and assessment of application number 090/415/2020/NC and requested a Statement of Effect.

In accordance with the non-complying process please consider this to be the 'Statement in Support' and 'Statement of Effect' as it has been prepared in accordance with section 39(2) (d) of the Development Act 1993, and Regulation 17(5) of the Development Regulations 2008. This statement includes:

- A description of the nature of the development and the nature of its locality;
- A statement as to the provisions of the Development Plan which are relevant to the assessment of the proposed development;
- An assessment of the extent to which the proposed development complies with the provisions of the Development Plan;
- An assessment of the expected social, economic and environmental effects of the development on its locality; and
- Any other information specified by the relevant authority when it resolves to proceed with an assessment of the application (being information which the relevant authority reasonably requires in the circumstances of the particular case).

Council further requested a copy of the Certificate of Title and Elevation Plans which are attached to this Statement of Effect.



2.0 Subject Land and Locality

2.1 Subject Land

The subject land is 647 South Road, Black Forest, located within The City of Unley.

The land is situated on the corner of South Road and Forest Avenue, with an approximate area of 770 square metres. The frontage to South Road is approximately 19.5 metres and the frontage to Forest Avenue is approximately 31.5 metres.

The allotment is almost rectangular in shape, except for a corner cut-off, and comprises an established single storey building used as “consulting rooms” (i.e. previously a vet but now focused on vascular care).

Vehicle access to the land is obtained from Forest Avenue in which 12 existing on-site car parking spaces are available in a sealed car parking area.

The subject land is generally flat.

2.2 Locality

The locality comprises a variety of Development Plan Zones including, ‘Neighbourhood Centre Zone’, ‘Commercial Zone’, ‘Residential C150 Zone’ and ‘Residential B350 Zone’. These zones reflect the mix of established land uses and building types throughout the locality.

The immediate locality primarily comprises commercial land uses fronting South Road, with residential land uses primarily situated within other nearby side streets such as Forest Avenue.

The locality is generally flat and buildings typically have a height of one or two-storey’s.

South Road is a “primary arterial road” as per the Development Plan.



3.0 Proposed Development

The proposal is for:

- A new storage shed (i.e. “store”) with an area of 90.2 square metres (14.6 x 6.18) and an approximate total height of 3.9 metres.
- Front boundary fence with a height of 2.4 metres and a length of 7.4 metres.

The position and street presentation of the fence and shed are shown in **Images 1** and **2** below.

For planning purposes, having regard to Schedule 1 of the Development Regulations 2008 and land uses explained within the applicable Development Plan, I consider the proposal to be best described as a “store” as defined below:

“Store means a building or enclosed land used for the storage of goods, and within or upon which no trade (whether wholesale or retail) or industry is carried on, but does not include a junk yard, timber yard or public service depot”.

The proposed store will be partly used in association with the existing use of the land for “consulting rooms”, but also partly for the private use of the land owner.

Equipment to be stored generally includes office equipment associated with the existing “consulting room” land use and personal equipment of the land owner (i.e. hobby craft – snow equipment and other general items).

No trade or industry will be undertaken within the proposed store, it is simply for the storage of general items and only accessible by staff of the existing “consulting rooms” or the land owner. In addition, no chemicals or hazardous materials will be stored.

Image 1: Position of new storage shed in relation to existing car parking area and existing building.

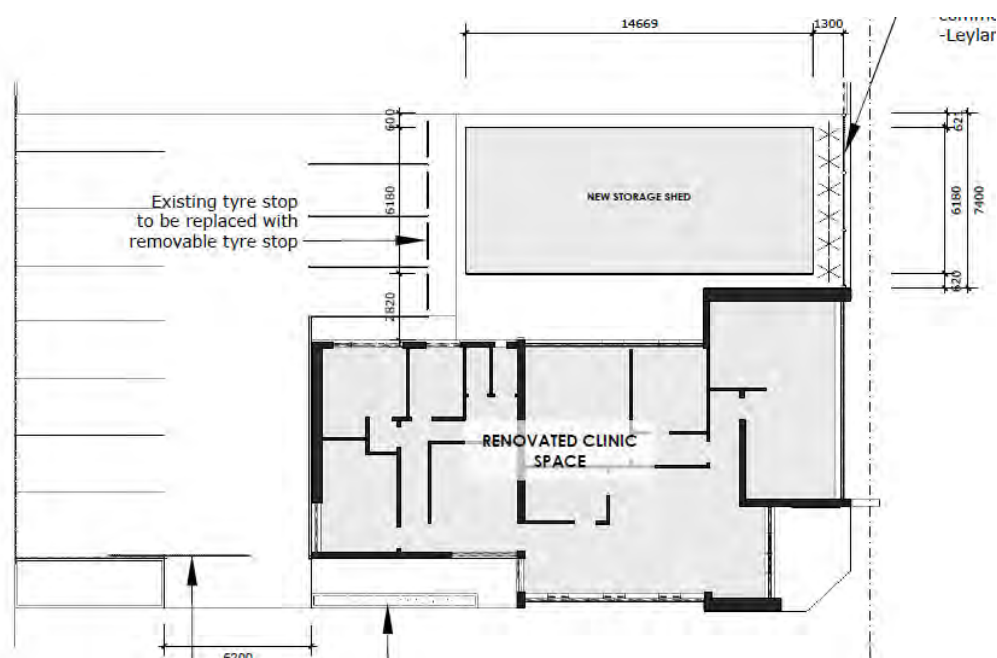
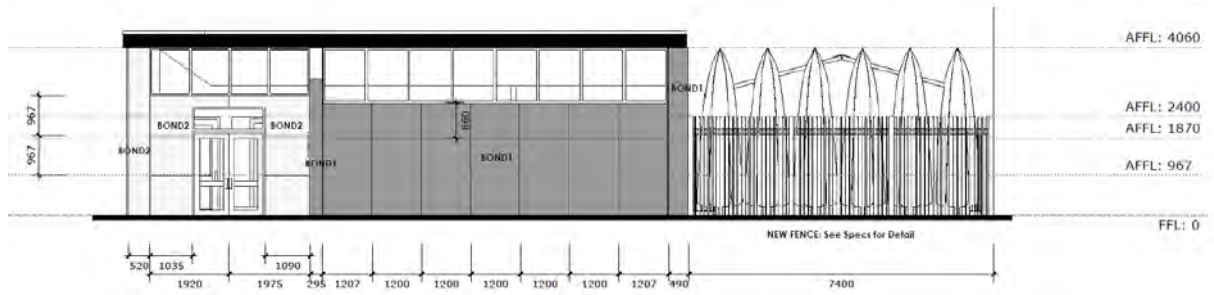




Image 2: Presentation of proposed storage shed and fence to South Road.





4.0 Procedural Considerations

4.1 Zoning

The subject land is located within the Neighbourhood Centre Zone of the Unley (City) Development Plan (consolidated 19 December 2017). It is not located within any Policy Area or Precinct.

The land is also adjacent the 'Residential C150 Zone' and "Residential B350 Zone' and South Road is delineated as a "primary arterial road" in the Development Plan.

4.2 Nature of the Development

Having regard to Schedule 1 of the Development Regulations 2008 and land uses explained within the applicable Development Plan, I consider the proposal to be best described as a "store" as defined above.

4.3 Assessment Pathway

A "store" is specifically prescribed as non-complying in the Zone and therefore the proposal will be assessed as such.

4.4 Public Notification

The proposal would normally be Category 3 for public notification given the proposal is a "non-complying" form of development. However, in this circumstance, the Zone states:

All kinds of development are assigned as Category 1 development in the Neighbourhood Centre, except:...

(c) non-complying development (other than minor non-complying development as identified in Part 1 of Table Un/8)

Table Un/8 then states under the heading "Minor Non-complying Development":

Any development classified as non-complying under this Development Plan which comprises:...

(b) the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used, and which constitutes, in the opinion of the relevant authority, development of a minor nature only.

In my opinion, the proposal qualifies as a "minor non-complying development" and can be treated as Category 1 for public notification purposes for the following reasons:

- The proposal will be used as ancillary to or in association with the existing building and use of the land as "consulting rooms".
- The proposal will facilitate the better enjoyment of the existing building on the land, and the authorised use of the land.
- The proposal is of a minor nature only because:
 - > The building and proposed fence are small scale structure when viewed in the context of the locality.



- > The proposed land use is dormant in that it will only introduce very low levels and infrequent activity to the locality, by persons already attending the site for the existing use that will be retained.
- > The site of the proposed development is approximately 40 metres from the nearest residential land use and separated by a public road and other buildings. The proposal will not impact upon the amenity of a residential land use.
- > The proposal will be set-in from nearby property boundary and the store will be screened when viewed from South Road.
- > The proposal will not jeopardise the ongoing operation of other land uses within the locality.
- > The proposal will not modify existing on-site car parking arrangements or traffic movements to and from the land.
- > The proposal will have no bearing upon the function of South Road.
- > The proposal will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

On this basis, and in my opinion, the proposal qualifies as a “minor non-complying development” and can be treated as Category 1 for public notification purposes in accordance with the Development Plan.

4.5 Referrals

The proposal will not modify existing vehicle access or on-site car parking arrangements, and will not increase traffic to and from the subject land. In addition, the land is not subject to road widening.

As such, in relation to an arterial road, the proposal will not:

- Alter an existing access.
- Change the nature of movement through an existing access.
- Create a new access.
- Encroach within a road widening setback.

After review of Schedule 8 within the Development Regulations 2008, the proposal does not require referral to any other body.



5.0 Planning Assessment

Having considered the relevant provisions of the Development Plan, the following matters are most pertinent:

- Land Use.
- Design and Appearance.
- Interface with Sensitive Land Uses.
- Car Parking and Traffic.

Each of these matters are addressed in detail below under their respective headings.

5.1 Land Use

The land is located in the Neighbourhood Centre Zone where Objective 1 states:

Objective 1: Accommodation of shopping, community, entertainment, education, religious and recreational facilities at a scale appropriate to the neighbourhood.

Principle 1 within the Zone further states the following:

1 Development should be, primarily, shopping, community, entertainment, educational, religious and recreational facilities at a scale appropriate to the neighbourhood.

(Underlining added)

The proposal is for a store, which is to be used partly in association with the existing use of the land for “consulting rooms”, but also partly for the private use of the land owner.

Equipment to be stored generally includes office equipment associated with the existing “consulting room” land use and personal equipment of the land owner (i.e. hobby craft – snow equipment and other general items).

No trade or industry will be undertaken with the proposed store, it is simply for the storage of general items and only accessible by staff of the existing “consulting rooms” or the land owner. In addition, no chemicals or hazardous materials will be stored.

Although not specifically addressed by the Zone, the proposed land use will be secondary to the authorised use of the land and will not introduce matters that disrupt the functionality of the locality or the achievement of the Zone. The proposal will simply make functional use of a vacant space on the subject land.

For these reasons, I consider that the proposed land use to be appropriate within the Neighbourhood Centre Zone.

Other important facets of the proposed land use include:

- The proposed facility will not require the regular delivery and collection of materials. Items stored are generally small in size and can be transported using a domestic vehicle.



- The proposal will not increase the number of staff on-site, nor will it generate any additional car parking demand beyond that already existing on the site.
- All materials will be stored inside the building at all times. No materials will be stored outside or be situated in public view.

5.2 Design and Appearance

The appearance of the development from South Road is shown on the proposed plans and in **Image 2** above.

The proposed store will have the appearance of a domestic outbuilding, with an approximate area of 90.2 square metres (14.6 x 6.18) and an approximate eave height of 3 metres, and total height of 3.9 metres.

The front boundary fence will have a height of 2.4 metres and a length of 7.4 metres to South Road.

Council Wide, Design and Appearance Principles 1 and 3 state:

1 Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:

- (a) building height, mass, proportion and siting;
- (b) external materials, patterns, colours and decorative elements;
- (c) roof form and pitch;
- (d) façade articulation and detailing;
- (e) verandahs, eaves, parapets and window screens.

3 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.

The Zone does not comprise a “Desired Character” statement however anticipates a continuous retail frontage along South Road, with a height not exceeding two-storeys.

The design and appearance of the proposal satisfies the Development Plan as follows:

- The proposal will have a small scale that is the equivalent of a single storey building and ancillary to the primary building on the land (i.e. the existing consulting rooms building).
- The mass and proportions of the building are appropriate to the overall scale of the building, and other buildings within the locality.
- The external materials of the storage building and fence will be low-light reflective.
- The roof form and pitch of the storage building is low yet proportionate to the remainder of the building.

Although the proposal won't provide a continuous retail façade along South Road, the design and appearance is considered to be acceptable for the reasons explained above, in addition to the following:

- The storage building will occupy a part of the site that is presently vacant and undeveloped.
- The building will be screened by fencing and landscaping when viewed from South Road.



- The storage building will not be prominently visible from Forest Avenue, which primarily has a residential character as it progresses further east.
- The proposal is discreet and will improve the existing appearance of the subject land to South Road, including the site of the proposed storage building.

5.3 Interface with sensitive land uses

The subject land is situated adjacent the 'Residential C150 Zone' and 'Residential B350 Zone', both of which are generally intended to accommodate residential development which is generally sensitive to commercial impacts.

Notwithstanding the intent of adjacent zones, the adjacent land uses are primarily commercial in nature as follows:

- 643 South Road = Chartered Accountants business situated in the 'Residential C150 Zone'.
- Properties fronting the western side of South Road = Commercial land uses situated in the Commercial Zone.
- 67 Forest Avenue = Wayville Baptist Church and associated car park situated in the Neighbourhood Centre Zone.
- 72A Forest Avenue = Dwelling situated in 'Residential B350 Zone'.

Notably, all adjacent land uses are commercial in nature with the nearest dwelling situated at 72A Forest Avenue.

The protection of amenity for nearby residential land uses is encouraged by the Development Plan through the General Section provisions, particularly Interface between Land Uses Principle 1 which states:

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

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

Having regard to the proposed development, there would not be any detrimental impact that would affect the amenity of the locality through any of the following:

- **Emission of effluent, odour, dust or other airborne pollutants:**
 - > The nature of the use and items stored will not cause these external impacts.



- > Putrescible, hazardous or liquid wastes will not be stored.
- > All items will be stored indoors.
- **Hours of operation and noise:**
 - > The proposal does not include any trade or manufacturing. The proposal only involves the storage of small scale, inert items.
 - > The proposal does not involve the regular loading or unloading of goods. It is expected that the store will be visited up to once per week or as needed by the existing business on the land.
 - > All items stored could, if needed, be transported by domestic sized vehicles meaning large trucks will not visit the subject land.
- **Vibration or electrical interference**
 - > The nature of the proposal and equipment stored will not produce vibration or electrical interference that would detrimentally impact nearby land uses.
- **Light spill:**
 - > The proposed facility will not involve any floodlighting or after hours use that would require external lighting.
- **Glare:**
 - > The proposed development will be constructed and finished in non-reflective materials.
- **Traffic impact:**
 - > Items stored will be small in size and transportable via domestic sized vehicles. Trucks will not visit the subject land.
 - > Movements to and from the land associated within the proposal will occur very infrequently, up to once per week.
 - > No change to existing driveways, crossovers, car parking or vehicle movement arrangements are proposed.

On this basis, and acknowledging the predominant commercial nature of adjacent land uses, the proposal will not impose detrimental impacts upon the amenity of the locality.

5.4 Car Parking and Traffic

As explained above, the proposal will not modify existing vehicle access or on-site car parking arrangements, and will not increase traffic to and from the subject land. In addition, the land is not subject to road widening.

Items stored will be small in size and transportable via domestic sized vehicles. Therefore, trucks will not visit the subject land. Movements to and from the land associated within the proposal will occur very infrequently, up to once per week.

As such, in relation to South Road (a primary arterial road), the proposal will not:

- Alter an existing access.
- Change the nature of movement through an existing access.
- Create a new access.
- Encroach within a road widening setback.



The proposal will therefore maintain safe, efficient, easy and convenient vehicle movements throughout the locality and in accordance with the Development.



6.0 Social, economic and environmental effects

The proposal is considered to have positive or neutral social, environmental and economic impacts, as follows:

6.1 Social

- It makes efficient use of underutilised land in a manner that is acceptable to the locality and compatible with adjacent activities.
- All materials stored are inert. They are not hazardous and will not produce external impacts such as odour.

6.2 Economic

- The proposal will make a minor contribution to economic activity and employment opportunities during construction.
- The proposal will operate in a manner that will not jeopardise surrounding land uses and activities.
- The proposal will make effective use of underutilised land.

6.3 Environmental

- The proposal does not include the storage of hazardous materials or listed wastes.
- All materials will be stored indoors.
- The proposal is not situated in an area that is liable to inundation.
- All materials will be stored indoors on an impervious surface.
- The proposal will not generate noise in a manner that is contrary to the Development Plan and Environment Protection (Noise) Policy.



7.0 Conclusion

The proposed development is simply for a storage building and associated fencing. Items stored will relate to the existing “consulting rooms” on the land and also include some personal items of the land owner.

In summary, I note the following with respect to the Development Plan:

- The proposed land use is acceptable in the Neighbourhood Centre Zone. No trade or industry will be undertaken within the proposed store, it is simply for the storage of general items and only accessible by staff of the existing “consulting rooms” or the land owner.
- Items stored will be small in size and transportable via domestic sized vehicles. As such, trucks will not visit the subject land.
- Vehicle movements to and from the land associated with the proposal will occur very infrequently, up to once per week. As such, the proposal will not substantially increase activity on the land or within the locality.
- The proposal will not modify existing vehicle access or on-site car parking arrangements, and will not increase traffic to and from the subject land. In addition, the land is not subject to road widening. As such, the proposal will have no bearing upon traffic within the surrounding road network.
- The proposal will not impose detrimental impacts upon the amenity of the locality and has an acceptable interface with surrounding land uses.

For all of the reasons outlined in this report, the proposed development satisfies the relevant provisions of the Development Plan to warrant Development Plan Consent.

information relating to actual litigation or litigation that the Panel believes on reasonable grounds will take place.