

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 21 July 2020 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.


Gary Brinkworth
ASSESSMENT MANAGER

Dated 09/07/2020

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

21 July 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 16 June 2020, as printed and circulated, be taken as read and signed as a correct record.

A G E N D A

Apologies
Conflict of Interest
Confirmation

Item No	Development Application	Page
1.	55-65 Duthy Street Malvern – 19/2019/C3	4-172
2.	8 Roberts Street Unley – 694/2019/C2	173-243
3.	1/277 Young Street Wayville – 719/2019/C2	244-303
4.	11 Frew Street Fullarton – 170/2020/C2	304-372
5.	300 Cross Road Clarence Park – 215/2019/DIV	373-409
6.	10 Ringarooma Avenue Myrtle Bank – 180/2020/C2	410-438
7.	60 Park Street Hyde Park – 263/2020/C2	439-519
8.	39A Davenport Terrace Wayville – 9/2020/C1	520-619

Any Other Business
Matters for Council's consideration

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

DEVELOPMENT APPLICATION NUMBER:	090/19/2019/C3
ADDRESS:	55-65 Duthy Street, Malvern 5061
DATE OF MEETING:	21 st July 2020
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Change of use from shop to cafe, coffee processing and sale, and installation of associated roof mounted ventilation equipment (retrospective)
HERITAGE VALUE:	Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic Conservation Zone, Policy Area 6
APPLICANT:	Samual Alan McKay
OWNER:	Duthy Street Properties Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 3
REPRESENTATIONS RECEIVED:	YES (3 Object, 4 Support)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations Category 3 application where a representor wishes to be heard
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Interface with residential properties Car parking and traffic

1. PLANNING BACKGROUND

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

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

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

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

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

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

The subject application was lodged on the 16th January 2019, it was publicly notified (Category 3) mid-April 2019 and was due to be heard by the Council Assessment Panel at the August 2019 meeting.

Prior to the meeting, the application was removed from the agenda by Administration as the application had not undergone consultation with a prescribed body (Environmental Protection Authority), pursuant to Section 37 of the Development Act.

The application was referred to the EPA (refer Part 5 Statutory Referrals below) in August 2019 and since this time the applicant and the EPA have been corresponding. Accordingly, further information has been provided and amendments to the ventilation equipment are proposed to satisfy the EPA's requirements.

The representors have received a copy of the further information and amendments prior to the subject CAP meeting.

1. DESCRIPTION OF PROPOSAL

Details of the proposal are summarised as follows;

- A café providing a dine in and takeaway facility, primarily for the consumption of caffeine products;
- Light refreshments and refrigerated drinks are available however, no commercial kitchen is proposed;
- Small batch 'artisan' coffee roasting is undertaken on the premises;
 - producing sufficient roasted product to predominantly serve customers attending the café, and;
 - ancillary product sale (representing less than 10% of the final product)
- Installation of roof mounted ventilation equipment (namely a cooling fan and roasting machine exhaust and burner in the form of two flue stacks placed on the roof)

Coffee roasting is proposed to occur between the hours of 9:00am and 5:00pm, Monday to Saturday.

Details of the 'roasting' are provided as follows;

- Roasting is undertaken via a 20kg fluid bed roaster, producing a 17kg roast (from 20kg input);
- On average a roasting cycle takes 20 minutes to complete both warming up and cooling down periods;
- Approximately 14 – 15 cycles occur per week, resulting in an average roasting time of 4.8 hours per week.

The opening hours of the café are proposed as follow;

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

Staff are onsite either side of the opening hours.

2. SITE DESCRIPTION

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

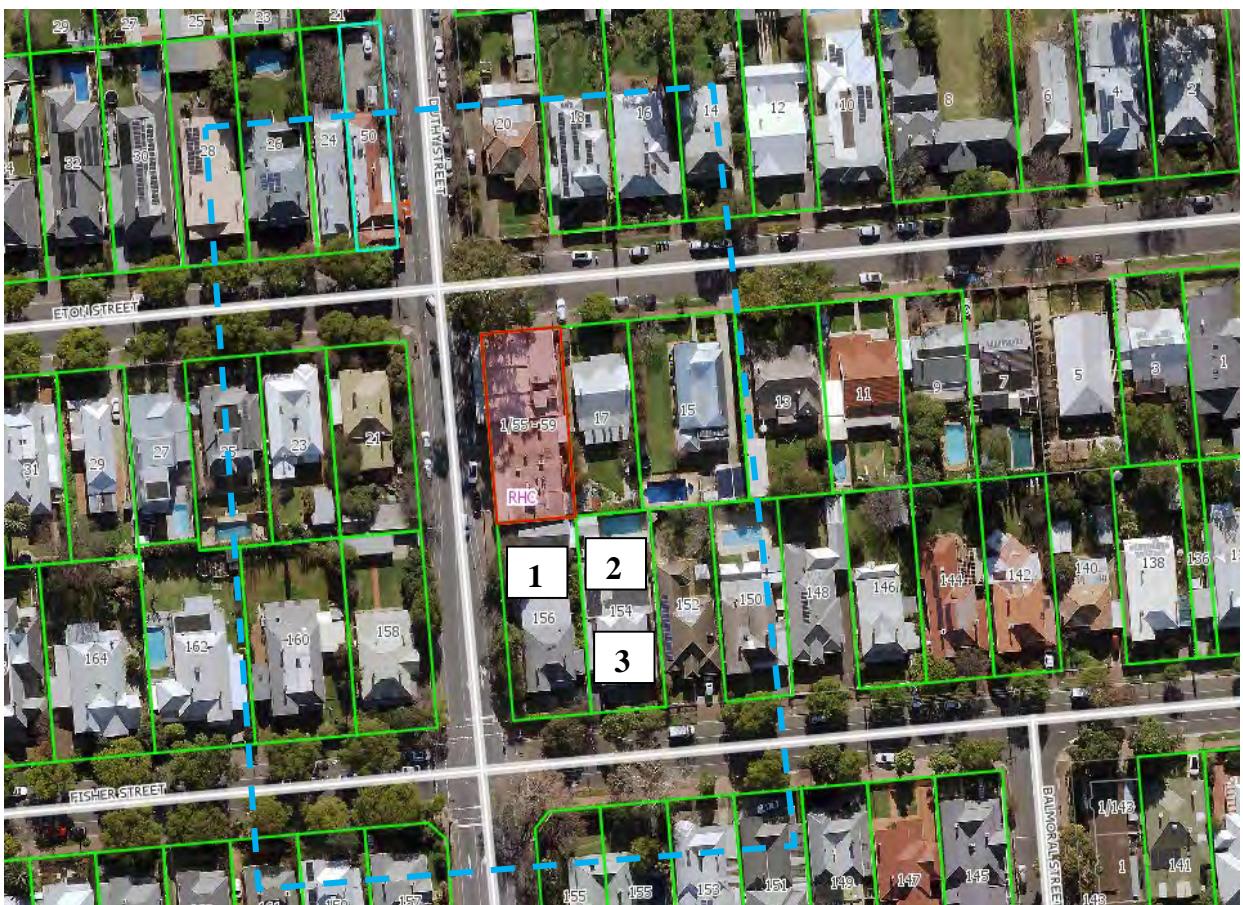
The subject land is occupied by a non-residential, single storey building. The subject land includes a 'Contributory' item; however, the 'Contributory' status relates to the original shop front located in the northern part of the land. The proposed development relates to the portion of building which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

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

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

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

3. LOCALITY PLAN



 Subject Site  Locality  Representations

4. LOCALITY DESCRIPTION

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

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

Land Use

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

Dwelling Type / Style and Number of Storeys

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

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

5. STATUTORY REFERRALS

Pursuant to Schedule 8, Part 11 of the Development Regulations development that involves an activity specified in Schedule 22 (including development with the capacity or potential to operate above the threshold level) requires a referral to the Environmental Protection Authority for direction.

The proposed application falls within Schedule 22 of the Development Regulations as it involves

(6) Produce Processing Works: *the conduct of works for processing any agricultural crop material being—*

(a) works for the processing of agricultural crop material by deep fat frying, roasting or drying through the application of heat with a processing capacity exceeding 30 kilograms per hour;

...

Referral responses from the Environmental Protection Authority can be found in Attachment C (final response) and Attachment G (correspondence).

It is noted that *the recommended evaluation distance for produce processing works with a capacity greater than 30 kg/hr is 200 metres. The nearest houses to the site of the development are located immediately to the east, south-east and south of the subject land with many other houses notably situated within the recommended 200m radius.*

In practice, activities may be brought closer to sensitive land uses than the recommended evaluation distances, provided it can be demonstrated that any environmental impacts would not compromise amenity. It should also be noted that the recommended evaluation distance is calculated in consideration of the older style roasting machines without afterburners.

Advice in the EPA letter includes consideration of the locality with respect to existing land uses and is aimed at protecting the environment and avoiding potential adverse impacts upon the locality.

As such, a detailed air quality and noise assessment has been undertaken by the EPA and has been summarised below:

Air Quality

If not designed and managed appropriately, a proposed coffee roasting activity may release smoke and odour.

- *The applicant has confirmed that an afterburner is fitted and interlocked with the coffee roaster until the afterburner has reached its operational temperature. The coffee roaster also uses a cyclone filtration system and*

is expected to be effective in reducing the quantity of solid particulate material likely to be emitted during roasting and cooling.

- *The applicant has committed via correspondence to the EPA dated 17 April 2020 to adjusting the flue stacks*
- *if need to be 3m above the highest point in a 30m radius¹ and not be fitted with a rain protector. In addition to the exit velocity of the flue gas is above 10m/s.*
- *Post construction testing would be undertaken to confirm that the current coffee roasting system achieves:*
 - *After increased stack modifications have been undertaken, a retention time in the afterburner chamber of a minimum 4.5 seconds at a minimum of 650c; and*
 - *A cooling cycle stack exit velocity of 10m/second.*
 - *If parameters are not achieved from test results then a solution would be engineer that would allow the agreed parameters to be met.*

Based on the above, the environmental outcomes expected from meeting these parameters are considered fair and reasonable within the practical framework of the Environment Protection Act and the Environment Protection (Air Quality) Policy and, as such, the EPA is satisfied with the proposal from an air quality grounds, noting that some odour and smoke would most likely be experienced but the level of impact considered low.

Noise

- *As the site will only be active during day-time hours, the relevant noise requirement is 47dB(A).*
- *If the applicant installs one of the two recommended acoustic treatments as detailed within the Environmental Noise Assessment prepared by Sonus Ref No. S6315C2 and dated February 2020, then the development would be able to meet the indicative noise levels of the Environment Protection (Noise) Policy 2007.*
- *The applicant has committed via correspondence dated 17 April 2020 to installing one of the two recommended acoustic treatments.*

Based on the above, the EPA is satisfied with the proposal from a noise perspective. Conditions are directed below to ensure that the applicant undertakes all reasonable and practicable measures to minimise off-site noise, as per the general environmental duty required by the Environment Protection Act.

Waste

Given that the proposed activities are located within the building, no water quality impacts are anticipated.

Environmental Authorisation

¹ The highest point within a 30 metre radius is taken from the stack, and does not include trees or hardware that has no effect on wind behaviour (such as antennae, other stacks, Stobie Poles, chimneys etc)

The operation of a Coffee Roaster with a processing capacity exceeding 30 kilograms per hour requires an Environmental Authorisation (EPA License) pursuant to the Environment Protection Act.

Conclusion

Provided the coffee roaster is operated as outlined in this development application and directed conditions (with all existing equipment in place) it is considered unlikely that the proposal will have an adverse environmental impact.

6. NON-STATUTORY (INTERNAL) REFERRALS

Environmental Health Department

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

Transport and Traffic Department

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



This indicates that parking is in high demand in the area, with sections of Eton Street 85%+ occupied. However, east and west of this parking on Eton Street is significantly lower (0-20%). There was also parking available directly outside the development on both sides of Duthy Street.

- *There were seven customers and at least two staff present when this parking data was collected. This suggests that parking demand is significantly contributed to by other existing businesses in the area.*
- *Parking data does suggest however if parking demand were to significantly increase, for example if there were 40+ seats occupied in the cafe, it would increase parking supply to 100% in the areas surveyed. In addition to this, it would push parking further into Eton Street. However, if parking demand were in line with that corresponding to 20 seats, it is unlikely to have a significant impact.*

Heritage Architect

Administration sought informal advice from Council's Consulting Architect with regards to the visual impact of the roof stacks. The following advice was provided:

- *I think that trying to hide the flues with screens would look odd and add unnecessary visual bulk to the roof of the building particularly given the required height, (the flues are very high).*

- *In my experience, the best approach is to select a material or colour that has least visual impact when viewed in context (usually against the sky). This is not easy as background colours and light levels change all the time.*
- *Painting is one option. The best option is probably a mid-grey colour such as Dulux 'Guild Grey'.*

7. PUBLIC NOTIFICATION

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

A summary of the matters raised by each of the opposing representations (refer Attachment D) are explained below along with the applicant's response (refer Attachment E).

ISSUES RAISED	APPLICANTS RESPONSE
Land Use (‘industrial’, ‘commercial’ not appropriate for the site or the Zone)	<p>The proposal is a consent use within the Zone and satisfies the intent of the Unley Council Development Plan. It provides for a continued low impact land use that is entirely consistent with its former use as a shop, albeit with the proposal seeking to allow for the processing of coffee for use in association with the shop, and for the installation of roof mounted ventilation equipment.</p> <p>The proposal has sought to ensure that equipment used in the normal conduct of the business is compliant with current industry and environmental standards, thereby minimising disruption to air quality.</p>

ISSUES RAISED	APPLICANTS RESPONSE
Visual impact of flues	<p>The flue is not out of character with other commercial developments that may include a commercial kitchen, wood oven or roof mounted ventilation systems.</p> <p>It is mandatory that the flue extend a minimum of 3 metres above the exit point at the roof and meets industry standards and regulations.</p> <p>There has been no recognition that there were four existing flues on the building and that numerous similar structures appear on the roof of the two adjoining food related tenancies.</p> <p>To minimise any visual intrusion, the Applicant has indicated a willingness to paint both flues within one month of installation to a colour satisfactory to Council and adjoining property owners.</p>
Negative impacts on amenity (including noise and odour)	<p>No smoke emanates from the development.</p> <p>Odour The proposed development will comply with EPA requirements in that the flues will be of required height and that the exit velocity of flue gas is above 10m/s during the complete roasting and cooling cycle.</p> <p>There is a slight odour associated with the process, evident within a very small radius for approximately 3-4 mins of the 9 minutes cycle. The 'odour' is likened to a bread baking smell, which is not considered offensive.</p> <p>Noise The accompanying Environmental Noise Assessment conducted by Sonus concludes that the predicated noise levels from the proposed development will achieve the relevant requirements subject to implementation of specific acoustic lining and hours of operation.</p> <p>We acknowledge the recommendations and commit to their implementation, also</p>

ISSUES RAISED	APPLICANTS RESPONSE
	acknowledging that the attenuation is likely to form part of a condition of consent.
Traffic parking and road safety concerns	<p>Duthy Street is a public road whereby parking, and any associated location or time restrictions remain a matter for the Council.</p> <p>The movement of vehicles, such as speed, manoeuvring and conduct of drivers is a matter for the SA police.</p>

(* denotes non-valid planning considerations)

8. FURTHER INFORMATION

Following the withdrawal of the application from the August 2019 CAP meeting agenda, Mr Phil Brunning, of Phil Brunning and Associates, submitted further correspondence dated 22 October 2019 on behalf of the representors (Ms Briggs and Mr Lampard). This correspondence has been included as Attachment B and the applicant has provided a letter in response (refer Attachment A).

The representors raise concern that the scale and intensity of the coffee roasting activity amounts to an ‘industry’ as defined by the Development Regulations, and that the development application is therefore a ‘non-complying’ form of development.

Administration have sought legal advice in relation to the above concern and are satisfied that the proposed development does not include a stand-alone industry land use, and that the roasting activities are ancillary to the use of the premises as a café.

9. ASSESSMENT

Zone Desired Character and Principles of Development Control

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

Retention, conservation and enhancement of contributory items, and the complementary replacement or redevelopment of non-contributory buildings.

Desired Character

Heritage Value

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

The important defining heritage values and statements of desired character are expressed for each of the zones seven distinctive policy areas. These values stem from the original road layout and settlement patterns. There is a strong consistency and an identifiable pattern in the way buildings, of varying proportions, are sited and massed relative to the site sizes and widths of street frontages. There is also an identifiable rhythm of spaces between buildings and their street setbacks. Dwellings are of a traditional street-fronting format and adopt a strong street "address" with open front gardens and fencing, and with outbuildings and garaging being a recessive or minor streetscape element. There is also a consistency in the built fabric itself with characteristic use of building forms, detailing, materials and colours.

Contributory Items

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

Assessment

The existing building group is identified as a highly valued building which makes a positive contribution to the character of the area. The existing building group includes three non-residential tenancies having long standing use rights. The existing, and proposed, businesses provide 'convenience' goods to serve the day-to-day needs of the neighbourhood.

The proposed building work (installation of two flue stacks) are located on the part of the building which does not provide original character contribution (1960s/1970s addition) and are setback >10m from the western boundary and 3.475 m and 8.5 m respectfully from the southern boundary as can be seen on the aerial photo below (circle in yellow):



In order to satisfy EPA requirements, the coffee roaster is required to have flue stack heights of no less than 3.0 metres above the highest point within a 30m radius (taken from the stack). The applicant has assessed this requirement and confirms that the flue stack height will meet this requirement should the application be approved. The total height of the flue stacks will be approximately 8.6 metres above street level (consistent with the existing flue on the adjoining tenancy 'Kirkbright Seafood'). Given the proposed height, the flues will be visible from a public vantage point and the neighbouring residential properties. While flues are not a commonly expected form of development within a Residential Zone, the proposal relates to an existing non-residential premises and roof mounted ventilation can reasonably be expected (discussed in further detail further below).

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

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

<p>c) removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</p> <p>d) altering or adding to the item and carrying out works to its site only in a manner which maintains or enhances its contribution to the desired character, and responds positively to the characteristic elements and streetscape context of its locality</p>	<ul style="list-style-type: none"> • Maintain the contribution of the building to the Desired Character of the Zone and Policy Area. The proposal will continue to contribute to the streetscape context and the locality. <p>The proposal satisfies PDC 3.</p>
<p>PDC# 4</p> <p><i>Alterations and additions to a contributory item should be located primarily to the rear of the building and not be visible from the street or any public road unless involving the dismantling and replacement of discordant building elements so as to reinstate or better complement the building's original fabric, form and key features.</i></p>	<p>The proposal will retain the buildings original fabric, form and key features.</p> <p>The addition of the roof mounted ventilation, while visible, is a reasonable and expected appendage of a non-residential land use. The proposal does alter the appearance of the Contributory building, and the additions does not form a permanent addition (i.e. can be removed at a later date).</p> <p>The proposal satisfies PDC 4.</p>
<p>PDC# 5</p> <p><i>A contributory item adapted, expanded or redeveloped for alternative residential accommodation and/or care, or alternatively for a community or non-residential use should be:</i></p> <p>a) confined to an existing non-residential building or its site;</p> <p>b) of a form and nature readily able to accommodate such a use; and</p> <p>c) of a small scale and low impact, or serves a local community function, and in any event, have a minimal impact on abutting or nearby residential occupiers.</p>	<p>In accordance with PDC 5, the proposed works will:</p> <ul style="list-style-type: none"> • Be confined to the existing non-residential building site. • Serve the local community. • Be small scale and low impact on nearby residential occupiers, as discussed in more detail below. <p>The proposal satisfies PDC 5.</p>

Policy Area Desired Character

Policy Area 6 – Spacious Unley and Malvern Trimmer Estate	
Desired Character	
<i>Heritage Value</i>	
<p>An important appreciation of the heritage value is formed by the comprehensive subdivision by Trimmer (and Grainger) during 1881-1884 of the area originally known as ‘New Parkside’, ‘Malvern’ and ‘Malvern Extension’. This subdivision demonstrates the extensive growth of Unley as a suburban area in the late 19th Century.</p>	
<i>Desired Character</i>	
<p>The spacious streetscape character is founded on wide, tree-lined streets, grid street layout (with axial views focused on the central oval feature in ‘New Parkside’) and generous front gardens. Intrinsic to the area is an extensive, intact collection of contributory items including distinctive Victorian and Turn-of-the-Century villas (asymmetrical and symmetrical), double-fronted cottages and limited complementary, Inter-war era, styles. More affluent, original owners developed some larger, amalgamated allotments in the southern areas establishing grander residences and gardens.</p>	
<p>Development will:</p>	
<p class="list-item-l1">(a) conserve contributory items, in particular symmetrical and asymmetrical villas of Victorian and Turn-of-the-Century era and double-fronted cottages; and</p>	
<p class="list-item-l1">(b) be of a street-fronting dwelling format, primarily detached dwellings; and</p>	
<p class="list-item-l1">(c) maintain or enhance the predominant streetscapes and regular road and allotment patterns with:</p>	
<p class="list-item-l2">(i) dwelling sites typically of 15 metres in street frontages and with site areas of 750 square metres; and</p>	
<p class="list-item-l2">(ii) front setbacks of some 7 metres; and</p>	
<p class="list-item-l2">(iii) side setbacks of between 1 metre and 3 metres so as to maintain a total spacing between neighboring dwelling walls, of some 4 metres; and</p>	
<p class="list-item-l1">(d) maintain and respect important features of architectural styles of contributory items having typically:</p>	
<p class="list-item-l2">(i) building wall heights in the order of 3.6 metres; and</p>	
<p class="list-item-l2">(ii) total roof heights in the order of 5.6 metres or 6.5 metres; and</p>	
<p class="list-item-l2">(iii) roof pitches in the order of 27 degrees and 35 degrees.</p>	

Assessment

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

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

Relevant Council Wide Objectives and Principles of Development Control

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

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

The pertinent planning considerations are discussed below.

10. DISCUSSION

Land Use

General Section, Form of Development, Principle 7 states:

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

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

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

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

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

Interface between land uses

General Section, Form of Development, Principle 8 states:

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

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

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

In determining whether the proposed scale will preserve residential amenity in the locality it is important to have regard to the "interface" provisions of the

Development Plan in particular General Section, Interface between Land Uses, Objective 1, and Principle 1 which states:

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

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

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

a) Odour and Smoke

If managed in accordance with the EPA requirements the proposed coffee activity will produce minimal smoke and odour.

The amount of roasting time is limited and is not continuous.

The EPA have undertaken a technical air quality assessment and advise that the 'level of impact is considered low'.

b) Noise

The application is accompanied with an Environmental Noise Assessment prepared by Sonus, dated February 2020 (refer Attachment A). A summary of the findings are provided below;

- The assessment considers noise levels at all nearby residences from activity at the proposed development including noise from roof mounted equipment, and internal activity;
- In order to achieve the goal noise levels of the EPA Policy, attenuation will need to be provided within the outlet ducts of the coffee cooling fan and coffee roaster. Specifically, the ducts should be internally (acoustically) lined with either:
 - 50mm thick insulation with a minimum density of 32 kg/m³ for a minimum distance of 2.5m for the coffee roaster exhaust and 1.5m for the cooling fan exhaust; or
 - 100mm thick insulation with a minimum density of 32 kg/m³ for a minimum distance of 2.0m for the coffee roaster exhaust and a minimum distance of 0.5m for the cooling fan exhaust.
- The above should be installed in addition to any existing attenuators at the time of measurement.
- The operation of the coffee roasting should be limited to between the hours of 7am and 10pm

- It is therefore considered that the facility has been designed to minimise adverse impacts, avoid unreasonable interference on amenity and will not detrimentally affect the locality by way of noise, thereby achieving the relevant provisions of the Development Plan related to environmental noise.

The applicant advises that coffee roasting is proposed to occur between the hours of 9:00am and 5:00pm, Monday to Saturday (conditioned accordingly).

Administration and the Environment Protection Authority are satisfied with the above recommendation (conditioned accordingly).

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

g) Hours of operation

The proposed hours of operation for the café are as follows:

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

Albeit an opening time of 6.30am, the proposed hours of operation are compatible with the nature of other development in the vicinity and do not extend excessively into sensitive residential times.

h) Traffic impacts

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

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

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

With reference to Schedule 1 of the *Development Regulations 2008*, the proposal does not satisfy the definition of ‘restaurant’ and is more akin to a ‘shop’ use. No increase in floor area is proposed as part of the subject application. As such, the off-street vehicle parking rate does not alter from the previous use (fruit and vegetable shop) to the proposed use (coffee shop).

Visual impact

The above-mentioned Principle of Development Control does not specifically recognise ‘visual impact’; however it is considered relevant in this circumstance.

Council Wide Design and Appearance PDC 4 recommends that *structures located on the roofs of buildings to house plant and equipment should be screened from view to the street and adjacent building viewing points (existing or*

envisioned) and should form an integral part of the building and roof top design in relation to creating an attractive appearance, external finishes and colours.

The erection of the roof mounted ventilation system is a required component of the proposed land use. Given the flues will be added to an existing building, there is no opportunity to integrate the structures into the roof top design. Further, it is acknowledged by Council's consulting architect that the 'screening' of the flues would add unnecessary bulk to the roof. To reduce visual impact, it is recommended that the flues be painted a mid-grey colour (conditioned accordingly).

It is evident that a roof mounted structure is located on the northern part of the land (pitched roof) and is received as ancillary to the non-residential land use. The subject roof area (flat roof) will see the addition of two, tall flue stacks which were otherwise absent per the previous land uses.

The height of the flue stacks are significant to ensure compliance with EPA requirements (please note that the 'as built' stacks are required to be extended in height to those indicated in the photos below).



It is acknowledged that the visual amenity, primarily as viewed from the adjoining residential properties, will be impacted with the construction of the flue stacks.

The flues are setback from the common boundaries, and are 'slim', resulting in minimal impact with regards to shadowing.

On balance, the flue stacks are not considered to unreasonably impact the amenity of the surrounding area or residents. The flue structures are considered an expected and ancillary form of development with the existing non-residential land uses and do not necessarily represent a permanent building element.

Summary

The proposed development does not impede on the overall ability for residents to live within their surroundings without unreasonable interference with their health, welfare, convenience and comfort.

While it is acknowledged that the perception or tolerance for things that may impact amenity (such as noise and odour) may differ from one to another, the technical assessment of the subject application (undertaken by the EPA) concludes that the proposal is within an acceptable tolerance and is unlikely to have adverse environmental impact.

Environmental Authorisation

Separate and in addition to the subject development application, an environmental authorisation in the form of a licence is required, from the Environment Protection Authority (EPA), for the operation of this development.

A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.

Further, the EPA will require as part of a licence application, the production of a 'verification report' prepared by an independent, experienced and qualified engineer which demonstrates compliance with all engineering aspects related to air quality and noise attenuation as detailed in the Development Application and EPA directed conditions.

CONCLUSION

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

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

While the concerns raised by the representors are acknowledged, the proposal and supporting information is considered to have addressed the points raised in relation to amenity impacts, traffic, built form and land use.

The application is therefore recommended for Development Plan CONSENT.

11. RECOMMENDATION

MOVED:

SECONDED:

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

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development must be undertaken in accordance with the following plans and details, except where varied by any subsequent condition set out below (as relevant):
 - 1.1.1. letter from Planning Studio dated 25 May 2020, Ref: P0191.02;
 - 1.1.2. email from Ignite Services dated 4 June 2020 and 25 May 2020;
 - 1.1.3. environmental noise assessment prepared by Sonus, dated February 2020, Ref S6315C2;
 - 1.1.4. letter from Hark! Director Samuel McKay titled 'commitment letter' dated 17th April 2020;
 - 1.1.5. indicative floor plan, and internal floor plan with flue locations provided by the applicant; and
 - 1.1.6. letter from Planning Studio dated 31 July 2019, Ref: P0191.01
2. Coffee roasting must not occur outside the following hours:
 - Monday to Saturday 9:00am and 5:00pm
3. The Development must not be open to the public outside the following hours:
 - Monday to Friday 6.30am to 2.30pm;
 - Saturday and Sunday 7.00am to 1.00pm
4. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm on any day between Monday and Saturday.
5. The roof mounted ventilation shall be painted (mid-grey) no later than three (3) months from the date of the Development Approval and maintained at all times to the satisfaction of Council.

6. Coffee roasting time shall be limited to a maximum of 15 cycles per week (maximum of 5 hours per week).
7. Wholesale revenue from on-site roasted coffee shall not exceed 10%. Further, the manufacturing/packaging of coffee ‘capsules or pods’ shall not be undertaken on-site.
8. The Environment Protection Authority Direction shall be completed no later than three (3) months from the date of the Development Approval and maintained at all times to the satisfaction of Council and the Environment Protection Authority.

Environment Protection Authority Direction:

9. The existing attenuators must be retained within the outlet duct of the coffee cooling fan and the internal dimensions of the duct should remain at the current diameter to ensure the maintenance of airflow. The insulation may be protected with a perforated steel sheet lining on the inside of the duct. The lining should have an open area of at least 15%.
10. The outlet ducts of the coffee cooling fan and roaster exhaust must be appropriately attenuated within three (3) months of the granting of Development Approval, with either;
 - a) 50mm thick insulation with a minimum density of 32 kg/m³ for a minimum distance of 2.5m for the coffee roaster exhaust and 1.5m for the cooling fan exhaust; or
 - b) a 100mm thick insulation with a minimum density of 32 kg/m³ for a minimum distance of 2.0m for the coffee roaster exhaust and a minimum distance of 0.5m for the cooling fan exhaust.
11. The coffee roaster must achieve the following operational parameters:
 - a) the afterburner retention time must be at a minimum of 4.5 seconds and a minimum of 650 degree Celsius throughout the roasting cycle;
 - b) the afterburner stack exit velocity must be a minimum of 10m/s;
 - c) the cooling-cycle stack must have a minimum exit velocity of 10m/s;
 - d) the stacks must not have their upward flow impeded by a rain protector; and
 - e) the stacks must be modified to be at a height of at least 3m above the highest point within a 30m radius.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm, including undertaking all reasonable and practicable operational measures to minimise off-site noise.
- An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the

Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence

- A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.
- The EPA will require as part of a licence application, the production of a 'verification report' prepared by an independent experienced and qualified engineer which demonstrates compliance with all engineering aspects related to air quality and noise attenuation as detailed in the Development Application and EPA directed conditions. If a post construction assessment indicates any parameters are not initially met then the applicant will be required to make the necessary adjustment to meet these requirements and revalidate as part of the validation report.
- EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>
- The applicant should ensure that the proposed development conforms to the Food Act 2001, Food Regulations 2002 and the Australian Food Safety Standard.
- The applicant should ensure that the proposed development conforms to the Local Litter and Nuisance Control Act.
- This authorisation does not include consent for additional advertisements. A separate consent will be required for further advertisements that constitute "development".

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Addendum Representation	Administration
C	EPA Referral Advice	EPA
D	Representations	Administration
E	Response to representations	Applicant
F	Council Traffic Advice	Administration
G	EPA Requests for Further Information	EPA

ATTACHMENT A

25 May 2020

Ref: P0191.02

Ms Amy Barratt
Urban Planner
City of Unley
PO Box 1
UNLEY SA 5061

Dear Amy,

RE: Development Application 090/19/2019/C3
Hark! Coffee
55 - 65 Duthy Street, MALVERN SA 5061

Planning Studio continues to act for Mr Sam McKay ('the Applicant') and Mr Theo Engela, owners of Hark! Coffee, and lessee of the existing shop located at 65 Duthy Street, Malvern.

I refer to the ongoing assessment of the above development application, and most particularly to the additional information requested by the EPA and Council, and to the additional written representation of the adjoining property owner, prepared by Phil Brunning & Associates.

We note that the additional written representation of Phil Brunning & Associates, dated 22 October 2019, was received outside of the prescribed notification period and is in addition to that responded to in my letter of 31 July 2019.

Notwithstanding, the matters raised by Mr Brunning are addressed in the following submission.

The key consideration of the proposal remain land use, scale and intensity of the use proposed, and the potential for amenity impacts such as noise, odour, traffic and perceived visual impact arising from flue stacks (2).

Processing of the application

Mr Brunning, on behalf of the representor, has raised concern with administrative processes and subsequent delays arising from the Schedule 8 EPA referral. While this resulted in a withdrawal of the matter from the intended CAP Agenda meeting, my client accepted a need for the Schedule 8 referral to be undertaken, and has worked closely with the EPA since the commencement of the referral period. The final report of the EPA remains outstanding at the time of writing, although it is anticipated that the report will conclude that considerations of noise and odour have been satisfactorily addressed through acoustic assessment and attenuation, and odour minimisation.

It is important to note that there is no smoke generated through the roasting process.

During the course of the referral, the EPA have queried a number of aspects of the proposal which have subsequently required the engagement and reporting of independent specialist consultants and further modelling in relation to acoustic and odour attenuation.

Council has been provided with additional information and technical assessments of Sonus Pty Ltd and Ignite Services which outline some minor modifications to the proposal to ensure that acoustic and odour performance of the roasting processes adequately comply with the required standards. Further advice from Ignite Services, regarding exit velocity of flue gas is attached.

The Schedule 8 EPA referral report is forthcoming.

Environmental Noise Assessment

As part of the EPA referral, Sonus Pty Ltd were engaged to undertake an assessment of the proposal. The assessment considers noise levels at nearby residences from activity at Hark! Coffee, including noise from roof mounted equipment and internal activity.

Sonus have concluded that:

The predicted noise levels from the proposed development will achieve the relevant requirements of the Environment Protection (Noise) Policy 2007, subject to the implementation of the following:

- Ensuring operation of the coffee roasting machine is limited to between the hours of 7:00am and 10:00pm; and
- Installation of specific lining to the outlet ducts of the coffee cooling fan and roasting machine exhaust.

We acknowledge that recommended attenuation is likely to form part of a condition of consent.

Proposed hours of operation are well within the extent of hours recommended by Sonus. There is no impediment to complying with all recommendations of Sonus.

A copy of the Sonus Report is attached.

Air Quality

The EPA have requested an amendment to the proposal that requires flue stacks to be extended to a height not less than 3.0 metres above the highest point within a 30m radius.

Attached, and below, is an elevation that depicts the required flue extensions to heights of 3 metres above the highest point within a 30m radius, being the parapet wall of Kirkbright Seafood, a tenancy to the north of Hark! Coffee, within the same group of shops. Resultant extensions would be 2303mm (north flue) and 1278mm (south flue) respectively. Heights of the two flues would be consistent with the existing flue on Kirkbright Seafood, as shown in Figure 1 below. Specialist trades have been arranged to install the flue extensions upon the granting of consent. Such work would be undertaken immediately.

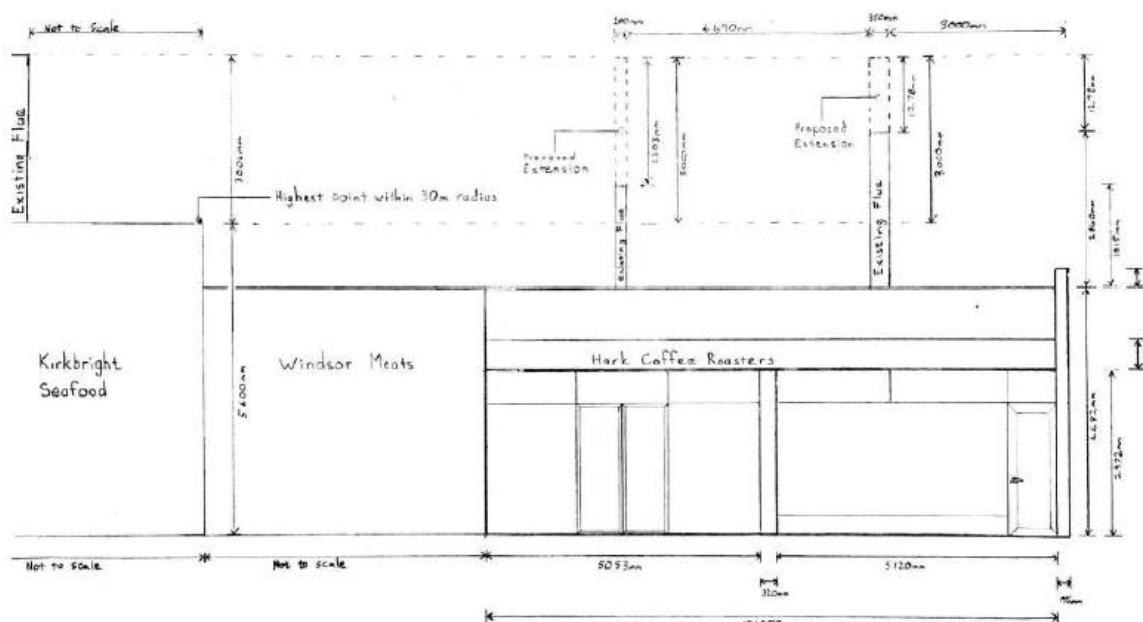


Figure 1 | Elevation depicting flue height

While it is somewhat misleading to refer to the overall height above ground level given the placement of flues and other plant equipment at various locations/depths and setbacks on the existing roof, both flues will extend to a maximum height, above street level, of 8.6 metres. Of note, the two flues are sited 7.8 meters from the rear (east) property boundary and 3.475 meters and 8.5 metres respectfully from the southern boundary. Additional fenestrations, signage supports and air conditioning units are visible for the full length of the commercial property. The group of shops has a long established non-residential history, with varying non-residential uses operating from the site throughout history. The placement of plant and equipment on the roof of a commercial building is not uncommon. Similarly, residential dwellings within the locality also contain roof mounted ventilation features such as masonry chimneys and metal flues, and air conditioning equipment. Such features are vertical in nature and visually unobtrusive.

Flue extensions will be constructed in the same material as the existing flues. To minimise any visual intrusion, the Applicant has indicated a willingness paint both flues within one month of installation, in a colour satisfactory to Council and the adjoining property owners. Council's consulting architect has recommended the use of Dulux 'Guild Grey'. Inclusion of a condition of consent requiring painting within one month of installation would not be opposed. Our client also maintains an earlier offer to the adjoining landowner to facilitate the installation of additional screening on the adjoining property. Previous discussions with the adjoining landowner have been around the planting of bamboo or other suitable fast growing screening vegetation. There is a willingness to discuss preferences directly with the landowner.

The existing building, comprising numerous flue stacks associated with varying tenancies is depicted in Photo 1 below.

We reiterate that the flue extensions would not be out of character with existing roof mounted infrastructure on the existing building, nor dissimilar to chimneys and flues evident on residential properties within the locality.



Photo 1 | Duthy Street panorama photo of subject land (Hark! Coffee far right)

The EPA has also requested confirmation that the exit velocity of flue gas is above 10m/s during the complete roasting and cooling cycle.

Attached is confirmation that Ignite Services (installer) will ensure the gas velocity on Hark! Coffee Roasters afterburner will be adjusted to 10m/s once flues are extended to the proposed height in elevation plan.

The EPA have also asked for written confirmation from the Applicant that any recommendations in the Environmental Noise Assessment Report are proposed to be implemented as part of the development application.

While it is anticipated the recommendations of Sonus will be captured within Conditions of Consent, Mr McKay has provided the requested written confirmation to the EPA. Council has been provided a copy.

We believe all matters advised by the EPA have been adequately addressed and trust the final EPA referral report will be provided to Council prior to the scheduled CAP meeting.

Land Use

The fundamental consideration of this proposal is the nature, scale and intensity of the roasting component of the café operation, and subsequent confirmation that the primary use of the land remains a 'shop'.

While the land use per se, is not understood to be contentious insofar as it seeks consent for a café to be operated within an existing shop, we understand and appreciate a need to describe the specific elements of the land use in a manner that gives Council confidence that the roasting of coffee beans remains an integral and ancillary part of the café, and not in and of itself an industrial activity.

The two activities can not be divorced.

Hark! Coffee prides itself on being a small batch artisan coffee roaster, providing a unique opportunity to utilise its own product within the café. An integral part of modern café culture is the pursuit of a high quality product and an operation that sets individual cafes apart from others. It is an increasingly competitive market.

At Hark! coffee beans are roasted to exemplary standards, where in-house roasting ensures quality control and a high standard of product development. Hark! are able to guarantee a product for customers. Roasting in-house ensures Hark! are able to produce a quality product that ultimately determines the success of the business. The express purpose is to share a passion for high quality coffee with customers, for consumption within the café, as a takeaway coffee or in the supply of coffee beans or pods which allows customers to enjoy Hark! coffee within their own home.

In the current global health crisis, the business has had to adapt to trading restrictions and is dependant on an ability to adapt to an ever changing market and global economy.

This is what sets Hark! apart from other cafés within the locality, and within Adelaide more broadly. Roasting beans in house, for use in the café and in the retail sale of Hark! beans and pods, ensures that Hark! can guarantee their product. Roasting in house also enables costs to be minimised, removing the need for a third party supplier. This has an immediate benefit of minimising traffic that would otherwise be associated with regular deliveries.

In recent years, coffee consumers have come to expect an 'experience' when engaging with the coffee industry. As much as it is about the quality of the product, there is a desire to experience the artisan craft and the evolution of the product. The accommodation of roasting equipment within the café is as much a marketing tool as it is a practical aspect of the business. This can be likened to the increasing trend for distilling and fermentation equipment being on display within breweries, wineries, distilleries and the like, with the evolution of dining facilities being collocated with equipment. There's an undeniable attraction to being in amongst the equipment and feeling part of the process. Being able to observe the roaster, see the hessian sacks of beans and then consume the product being produced brings a level of authenticity to the café that is often not available.

The roaster is an integral part of the success of the café.

The proposal has been described by Council as a 'Change of Use from Shop to Café, coffee processing and sale, and installation of a flu'.

Schedule 1 defines a 'shop' as follows:

shop means—

- (a) premises used primarily for the sale by retail (my emphasis), rental or display of goods, foodstuffs, merchandise or materials; or
 - (b) a restaurant; or
-

There is no doubt that the proposed use accords with the definition of a 'shop'.

As outlined above, the roaster is fundamental to the success of the café. Roasting activities are, in nature, no different to a bakery processing bread and bakery products offered for sale, a restaurant using ovens and such equipment to prepare the meals consumed or offered for sale by takeaway, or a butcher preparing the meat products that are offered for sale by retail.

The primary use of the land is in the preparation and serving of foodstuff and beverages to members of the public, both seated and in a takeaway capacity. The land use is supported by in-house roasting of coffee beans. This is a common occurrence within the hospitality industry as cafés have become a well-known source for artisan beverage production.

The primary use of the land remains retail in nature.

Scale and Intensity of Proposal

It has been alleged that the site is being used for the wholesale production of roasted coffee, asserting that the proposal is industrial in nature. This is not an accurate depiction of the conduct of the business nor an accurate description of the land use.

As a small batch roaster, the operators of the business have openly 'tested the waters' to determine if there is a viable market with respect to their product. Like any small business, it is not unreasonable, when considering what the future 'may' hold, for my client to look at opportunities within the market. This is no indication that roasting is occurring at a scale or intensity that would change the essential nature of the proposal, nor the predominant use of the site.

At present there is no viable wholesale market associated with the coffee roasted at the Duthy Street site, with current take-up by only a single wholesale customer. With wholesale revenue equating to less than 10%, there is no doubt that retail sales of coffee remain paramount to the survival of the business.

Hark! continues to offer pre-packaged beans and pre-filled capsules for sale. Capsules, or pods, are manufactured, filled and packaged in a third party facility in Queensland. While briefly available at a small number of independent supermarkets in Adelaide, pods are no longer available for sale outside of the café and online orders. In any case, pods are not manufactured on site.

It is not unusual or inappropriate for a retail business to produce a product to be offered for sale on the premises or elsewhere. Other retailers on Duthy Street engage in such activities where raw ingredients are used to manufacture goods for sale, including in some cases by wholesale. Retail neighbours include bread and bakery products being manufactured and sold at Pat-a-Cake and Nettle & Knead bakeries, and raw chickens being sold by Windsor Meats to Funky Chicken to be later cooked and sold. A significant number of retail outlets also host wholesale sale activities as part of their customer base.

The sale of coffee products from the premise is consistent with the definition of a shop, and with other activities undertaken in the locality.

To assist in understanding the scale and intensity of roasting on the site, it is helpful to gain an understanding of the duration and frequency of roasting.

Operating hours of the café are proposed as 6:30am – 2:30pm Monday to Friday and 7:00am – 1:00pm Saturday and Sunday, although the café is currently closed on Sundays. Staff are onsite for up to an hour either side of opening hours. Within any given week, the café could be staffed for a total of up to 66hours.

A roasting cycle takes, on average, 20 minutes to complete, allowing for both warming up and cooling down periods. Approximately 14 – 15 cycles occur per week, resulting in a total average roasting time of 280 minutes, or 4.6 hours. As a percentage of staff hours, this equates to 7%.

The roaster is, on average, in use for a total of 4.6 hours, or 7%, of the time the café is staffed and in operation. As a proportion, coffee roasted for the wholesale market represents a mere 10% of the final product, equivalent to 28 mins roasting time. The current facility and equipment would not be sufficient to service a larger wholesale market. Should that be a future direction of the business, clearly that could not, and would not, be undertaken at the Duthy Street site.

It is obvious that roasting is not the primary activity on the site, and that the retail sale and consumption of food and beverages remains the primary use of the land.

While we understand the request to better outline the nature of the land use, it is not appropriate that planning regulation seek to stifle the success of small business, nor to determine an application on a perceived or hypothetical scale of operation. The owners of Hark! Coffee are aware that business growth, beyond that required to service a thriving café, may require relocation of roasting equipment in due course.

While wholesale activities remain an insignificant proportion of the business, we feel there is adequate and enforceable controls available to ensure the scale and intensity of roasting, for use in association with the café, remains at a level that is compatible with the mixed use nature of the locality.



Photo 2 | View of existing development from Duthy Street, Malvern

Closing

We remain of the opinion that the proposed development satisfies the intent of the Unley Council Development Plan. It provides for a continued low impact land use that is entirely consistent with its former use as a shop, albeit with the proposal seeking to allow for the processing of coffee for use and sale in association with the shop, and for the installation of roof mounted ventilation equipment.

The proposal has sought to ensure that equipment used in the normal conduct of the business is compliant with current industry and environmental standards, thereby negating environmental noise nuisance and minimising disruption to air quality.

It has been demonstrated that the proposal '*has been designed to minimise adverse impacts, avoid unreasonable interference on amenity and will not detrimentally affect the locality by way of noise, thereby achieving the relevant provisions of the Development Plan related to environmental noise*' (Sonus).

The proposal has also satisfied current EPA air quality requirements.

We remain of the view that the application for a '*Change of Use from Shop to Café, coffee processing and sale, and installation of two flues*' substantially satisfies the Unley Council Development Plan and warrants Development Plan Consent.

Should the Council Assessment Panel provide an opportunity for representors to be heard in person at its meeting, it is requested that the Applicant, Mr Sam McKay and/or his representative also be afforded such opportunity.

It is requested that Council staff advise the date, time and location of the Council Assessment Panel meeting as soon as possible.

Should you wish to discuss any aspects of this correspondence or the proposal further, please do not hesitate to contact me on 0431 527 636 or emma@planningstudio.com.au.

Yours sincerely



Emma Barnes | MPIA | Director

Cc S McKay & T Engela
Environment Protection Authority

From: Sam McKay
Sent: Thu, 4 Jun 2020 11:49:42 +0930
To: Amy Barratt; Emma Barnes; Theophilus Engela
Subject: Fwd: - DA 090/19/2019 (EPA Ref DA 34703) Change of use from shop to cafe, coffee processing and sale at 65-67 Duthy Street, Malvern. (Retrospective approval) [DLM=For-Official-Use-Only]
Attachments: image001.wmz

Hi Amy,

Please see attached confirmation by Ignite Services to satisfy EPA requirements. This has been off the back of multiple conversations between Ignite and EPA, hence the delay.

Kind Regards,
Sam

----- Forwarded message -----

From: Ignite Services <tim@igniteservices.com.au>
Date: Thu, 4 Jun 2020 at 11:00 am
Subject: RE: - DA 090/19/2019 (EPA Ref DA 34703) Change of use from shop to cafe, coffee processing and sale at 65-67 Duthy Street, Malvern. (Retrospective approval) [DLM=For-Official-Use-Only]
To: Both, Stephen (EPA) <Stephen.Both@sa.gov.au>
Cc: Sam McKay <sam@harkcoffee.com>

Morning Stephen

Following up on your email , I can confirm that Hark Coffee have engaged our services to undertake the following tests on completion of the modifications to their current Coffee Roasting system

- 1- After increased stack modifications have been undertaken that the retention time in the afterburner chamber will be a minimum of 4.5seconds at a minimum of 650c .
- We will provide confirmation of cooling cycle stack exit velocity of 10m/second .
- If once modifications have been made that the EPA parameters have not been met we will engineer a solution that will allow the agreed parameters to be met .
- The fluing will retain the current rain head configuration so as to not impede the any upward flow of gasses

As its current status stands Certifications have been met as per the Australian standards Type B .

Please advise if you require any additional information

Regards Tim



Tim Williams – General Manager

8 Cardiff Court

Cavan SA 5094

Email: tim@igniteservices.com.au

Web: www.igniteservices.com.au

Ph: 08 8359 6637

Mob: 0407 663 577

From: Both, Stephen (EPA) <Stephen.Both@sa.gov.au>
Sent: Tuesday, 2 June 2020 3:35 PM
To: tim@igniteservices.com.au
Cc: EPA:Planning <EPA.Planning@sa.gov.au>; Linard, Dennis (EPA) <Dennis.Linard@sa.gov.au>
Subject: Re:- DA 090/19/2019 (EPA Ref DA 34703) Change of use from shop to cafe, coffee processing and sale at [65-67 Duthy Street](#), Malvern. (Retrospective approval) [DLM=For-Official-Use-Only]

Emma Barnes

From: Sam McKay <sam@harkcoffee.com>
Sent: Monday, 25 May 2020 12:03 PM
To: Emma Barnes
Subject: Fwd: Roaster Testing for EPA
Attachments: image001.wmz

To Whom It May Concern,

Ignite Services ensures the gas velocity on Hark Coffee Roasters afterburner will be 10m/s once flues are extended to the proposed height in elevation plan. We have received the job from Hark and await planning approval to commence this work.

Please feel free to call me if you have any Queries

Regards Tim



Tim Williams – General Manager

8 Cardiff Court

Cavan SA 5094

Email: tim@igniteservices.com.au

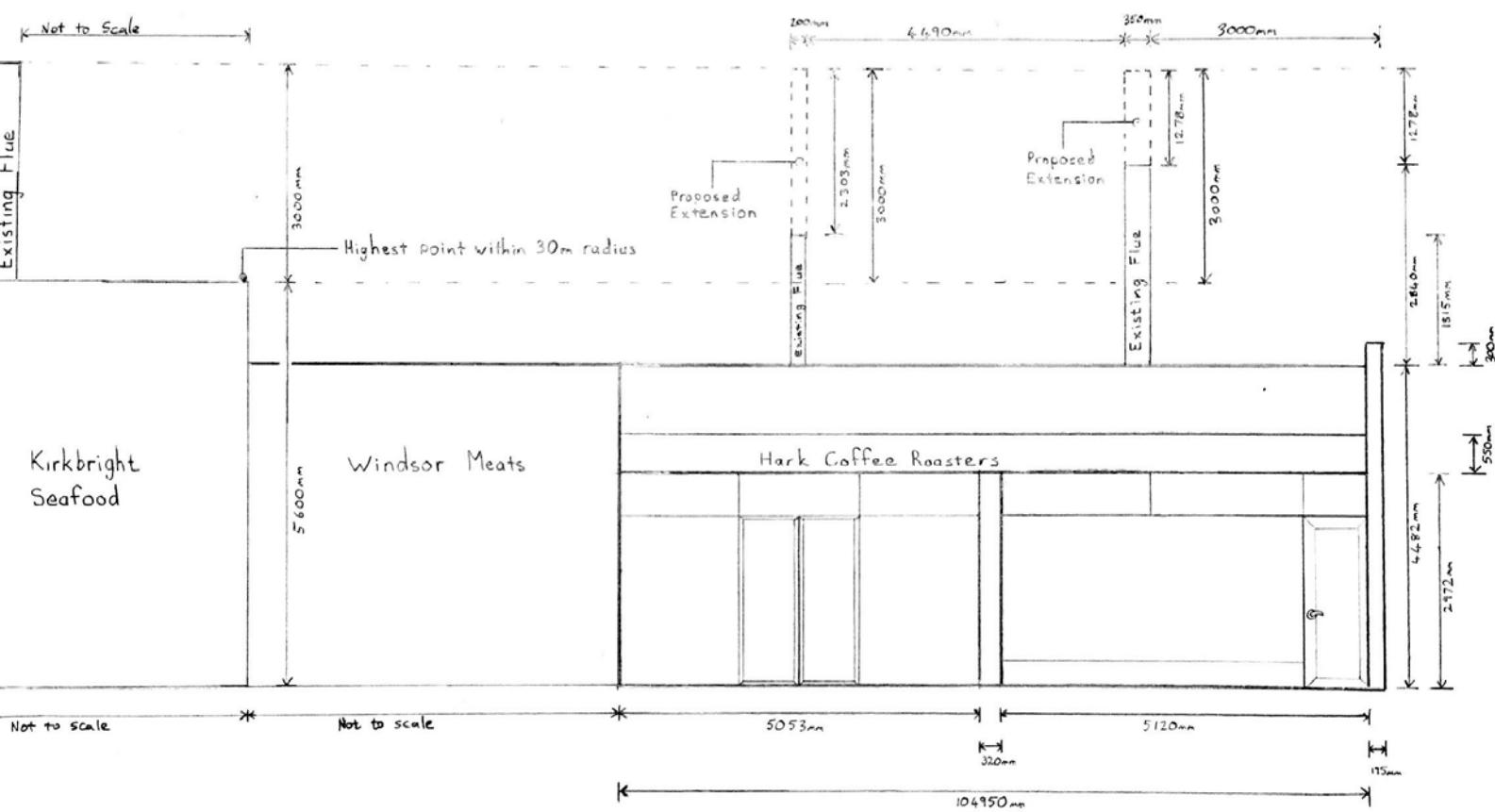
Web: www.igniteservices.com.au

Ph: 08 8359 6637

Mob: 0407 663 577

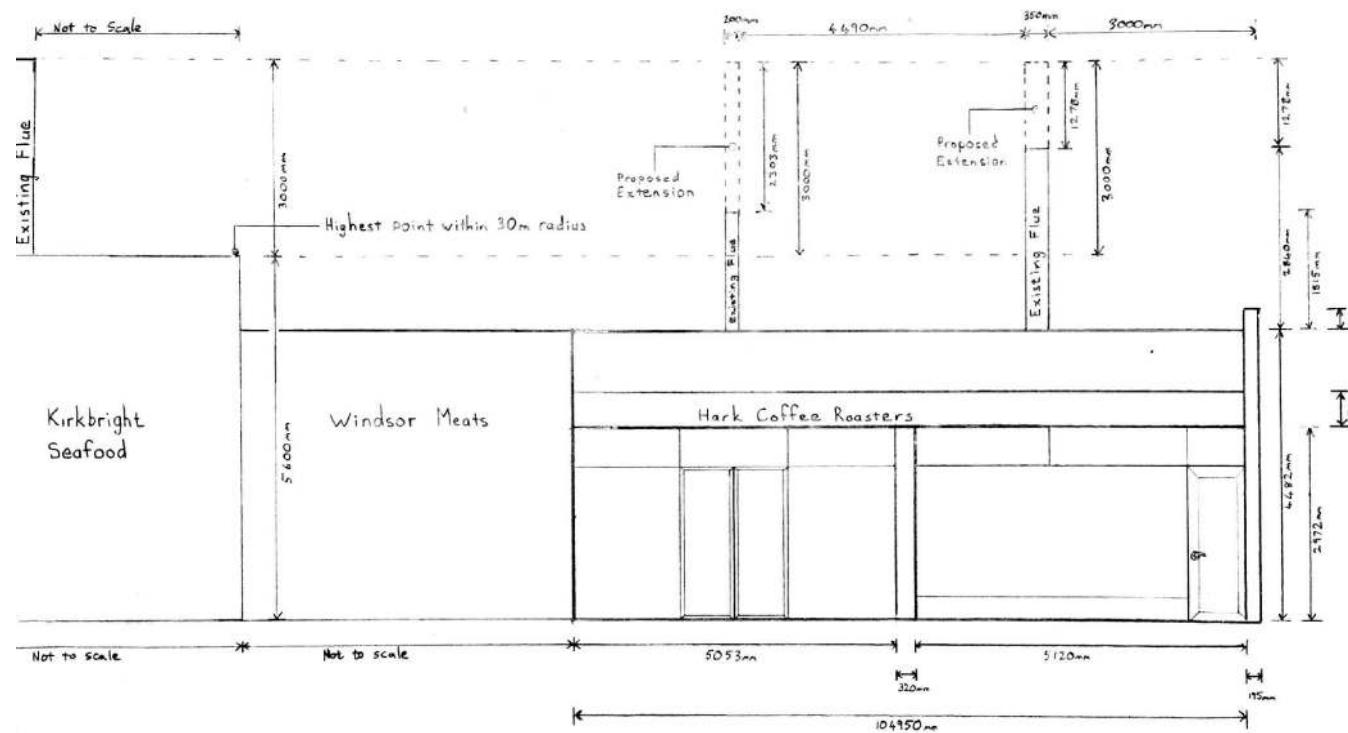
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65 - 67 Duthy St. Malvern



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65 - 67 Duthy St. Malvern



Hark! Coffee

Environmental Noise Assessment

February 2020

S6315C2

sonus.

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Environmental Noise Assessment
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Document Title : Hark! Coffee
Environmental Noise Assessment
Document Reference : S6315C2
Date : February 2020
Author : Chris Turnbull, MAAS
Reviewer : Jason Turner, MAAS

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1 INTRODUCTION

An environmental noise assessment has been made of Hark! Coffee located at 65-67 Duthy Street, Malvern.

The development comprises a change in land use from a shop to a café, coffee processing and sale facility. It is understood that a coffee roasting machine associated with the coffee processing has been in operation at the site for more than 12 months and the applicant is seeking retrospective approval for its operation.

The closest existing noise sensitive locations are the residences located immediately to the east and south, and to the west on the opposite side of Duthy Street, as shown in Appendix A.

The assessment considers noise levels at all nearby residences from activity at the proposed development, including noise from:

- Roof mounted equipment; and
- Internal activity.

The assessment has been based on:

- Site inspections and noise measurements of the proposed activities conducted on 3 and 10 February 2020; and
- The understanding that the café will not operate outside of the hours between 7:00am and 10:00pm.

2 CRITERIA

2.1 Development Plan

The subject site and nearby residences are located within the *Spacious Unley and Malvern Trimmer Estate Policy Area 6* within the *Residential Historic (Conservation) Zone* in the *Unley (City) Council Development Plan*¹ (the **Development Plan**). The Development Plan has been reviewed and the following provisions considered relevant to the noise assessment.

General Section – Interface between Land Uses

Objective 1 *Development located and designed to minimise adverse impact and conflict between land uses.*

Objective 2 *Protect community health and amenity from adverse impacts of development.*

Objective 3 *Protect desired land uses from the encroachment of incompatible development.*

PDC 1 *Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:*

(b) noise

PDC 2 *Development should be designed and sited to minimise negative impact on existing and potential future land uses desired in the locality.*

PDC 6 *Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.*

Noise Generating Activities

PDC 7 *Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.*

PDC 8 *Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.*

¹ Consolidated 19 December 2017.

2.2 Environmental Protection (Noise) Policy 2007

Interface between Land Uses PDC 7 from the Development Plan references the *Environment Protection (Noise) Policy 2007* (the **Policy**), which provides goal noise levels to be achieved at nearby residences from activity at a site.

The Policy is based on the World Health Organisation Guidelines to prevent annoyance, sleep disturbance and unreasonable interference on the amenity of an area. Therefore, compliance with the Policy is considered to be sufficient to satisfy all provisions of the Development Plan relating to environmental noise.

The Policy provides goal noise levels to be achieved at residences based on the principally promoted land use of the Development Plan locality in which the noise source (Hark! Coffee) and the noise receivers (the nearby residences) are located. Based on the land zoning and the development nature of the proposal, the following goal noise levels are provided by the Policy to be achieved at all nearby residences:

- An average (L_{eq}) noise level of 47 dB(A) during the day (between 7:00am and 10:00pm);
- An average (L_{eq}) noise level of 40 dB(A) during the night (before 7:00am or after 10:00pm); and
- A maximum (L_{max}) noise level of 60 dB(A) during the night (before 7:00am or after 10:00pm).

In this circumstance, it is understood that the roasting machine will not be operated during the night time hours of the Policy such that only the day time criterion of 47 dB(A) is relevant to this assessment.

When measuring or predicting noise levels for comparison with the Policy, adjustments may be made to the average goal noise levels for each “annoying” characteristic of tone, impulse, low frequency, and modulation of the noise source. The characteristic must be dominant in the existing acoustic environment and therefore the application of a penalty varies depending on the assessment location, time of day, the noise source being assessed, and the predicted noise level. The application of penalties is discussed further in the Assessment section of this report.

3 CRITERIA

3.1 Noise Sources

The noise levels at sensitive locations from activity at the site have been predicted based on measurements taken at the subject site of the following noise sources:

- *Roof mounted equipment*

Equipment located on the roof associated with the coffee roasting comprises the coffee cooling fan, roasting machine exhaust, and burner. The noise levels from each item of plant have been measured individually and collectively to enable the noise at residences to be predicted.

- *Internal Activity*

Activity associated with roasting includes the loading and start-up of the roasting machine, operation of the roasting machine, movement and cooling of beans. The noise level from internal activity has been determined from a measurement conducted inside while the coffee roasting machine was operating. The highest measured noise level during operation of the roasting machine has been used in the predictions.

Noise levels for the above activities are provided in Appendix C.

3.2 Operational Assumptions

The predictions of noise from use of the facility have been based on the following operational assumptions for worst case level of activity in any 15-minute² period:

- Continuous operation of the coffee roasting machine exhausting through the roof and operation of the associated roof mounted burner;
- Continuous operation of the coffee cooling fan exhausting through the roof; and
- Internal activity associated with the operation of the roasting machine.

² The default assessment period of the Policy.

3.3 Recommendations

Based on the above, in order to achieve the goal noise levels of the Policy, attenuation will need to be provided within the outlet ducts of the coffee cooling fan and coffee roaster. Specifically the ducts should be internally (acoustically) lined with either:

- 50mm thick insulation with a minimum density of 32 kg/m³ for a minimum distance of 2.5m for the coffee roaster exhaust and 1.5m for the cooling fan exhaust; or
- 100mm thick insulation with a minimum density of 32 kg/m³ for a minimum distance of 2.0m for the coffee roaster exhaust and a minimum distance of 0.5m for the cooling fan exhaust.

The above should be installed in addition to any existing attenuators at the time of measurement. The internal dimensions of the duct should remain at the current diameter to ensure that airflow is maintained. The insulation may be protected with a perforated sheet steel lining on the inside of the duct. The lining should have an open area of at least 15%.

3.4 Predicted Noise Levels

With the recommended acoustic treatments incorporated and consideration of penalties, noise levels at residences from Hark! Coffee have been predicted under the relevant meteorological conditions (CONCAWE meteorological category 5) in accordance with the Policy. The predicted noise levels at the nearest residences are provided in Table 3. Based on these predictions, the site will achieve the goal noise levels of the Policy at all relevant locations.

Table 3: Highest predicted average (L_{eq}) noise levels at residences.

Residence (as labelled in Appendix A)	Predicted Noise Level	Criteria
A	47 dB(A)	47 dB(A)
B	46 dB(A)	47 dB(A)
C	41 dB(A)	47 dB(A)

Analysis of the predicted noise spectrum at residences indicates the presence of a tone at 315Hz, which would warrant the application of a 5 dB(A) penalty for an annoying noise characteristic. This penalty has been included in the predicted noise levels in Table 3. No other penalties are warranted.

4 CONCLUSION

An environmental noise assessment has been made of Hark! Coffee located at 65-67 Duthy Street, Malvern.

The assessment considers noise from the operation of the roof mounted equipment and internal activity associated with coffee processing.

The predicted noise levels from the proposed development will achieve the relevant requirements of the *Environment Protection (Noise) Policy 2007*, subject to the implementation of the following:

- Ensuring operation of the coffee roasting machine is limited to between the hours of 7:00am and 10:00pm; and
- Installation of specific lining to the outlet ducts of the coffee cooling fan and roasting machine exhaust.

It is therefore considered that the facility has been designed to *minimise adverse impacts, avoid unreasonable interference on amenity and will not detrimentally affect the locality by way of noise*, thereby achieving the relevant provisions of the Development Plan related to environmental noise.

APPENDIX A

Figure 3: Development site locality and nearby residences.



APPENDIX B***Table 5: Noise Data***

Equipment	Noise Level
Coffee Cooling Fan (unattenuated)	91 dB(A) SWL
Coffee Roaster Exhaust (unattenuated)	89 dB(A) SWL
Burner in enclosure	76 dB(A) SWL
Coffee Roaster Inside	85 dB(A) Internal noise level



17th April 2020
EPA Ref: 34703
Development App Number: 090/19/2019

Commitment Letter

The following letter is Hark's commitment letter to both the Council and EPA that we intend to implement the changes suggested by the EPA to bring Hark into line with Development Act 1993.

Air Quality:

In regard to air quality Hark can confirm that the flue stacks will be adjusted if need be to 3m above the highest point in a 30m radius and not be fitted with a rain protector.

Working with Ignite services will ensure that the exit velocity of the flue gas is above 10m/s during the complete.

Noise:

In regard to noise, Hark can confirm that one of the following options will be implemented:

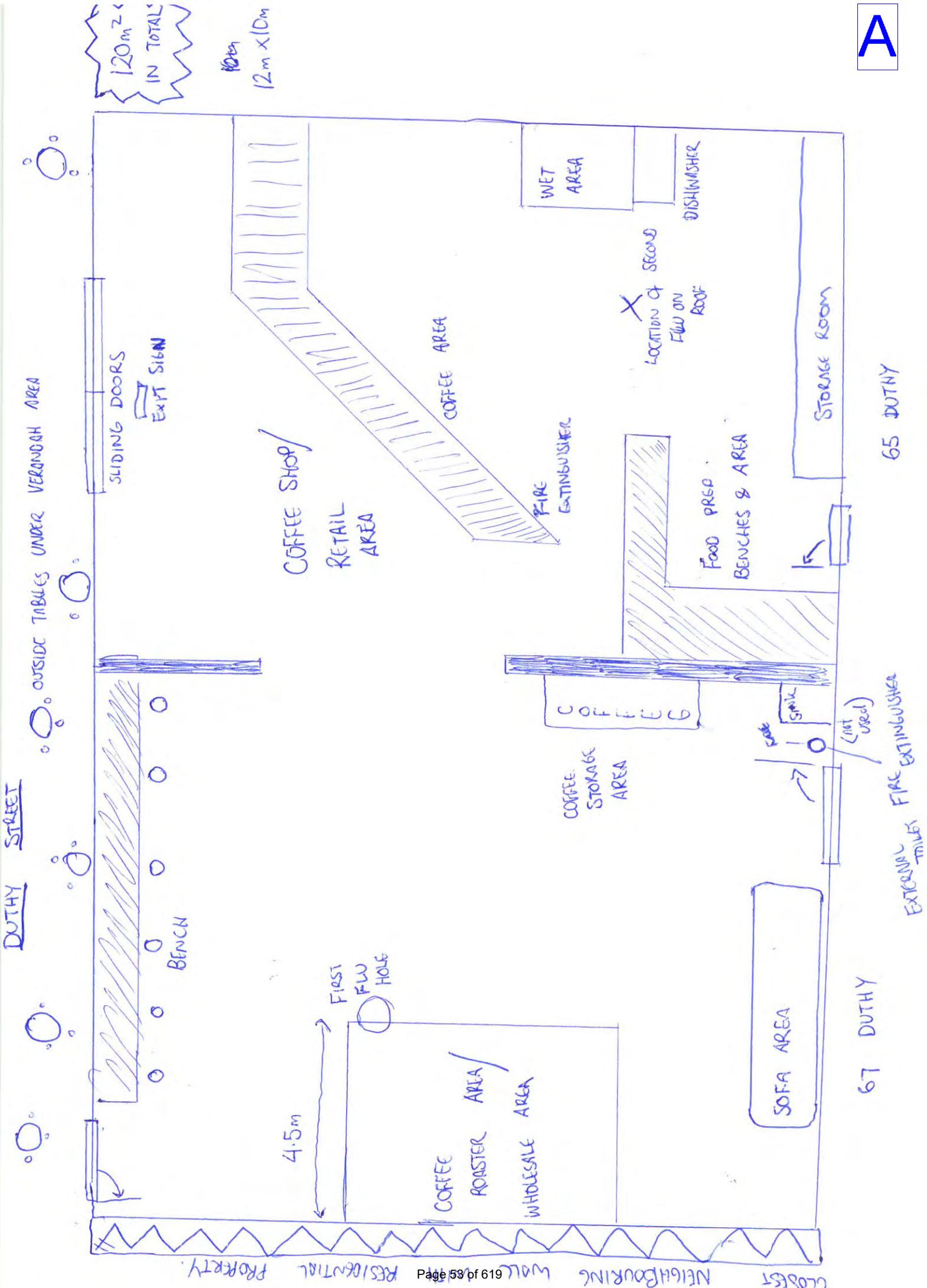
- 50mm thick insulation with a minimum density of 32 kg/m³ for a minimum distance of 2.5m for the coffee roaster exhaust and 1.5m for the cooling fan exhaust; or
- 100mm thick insulation with a minimum density of 32 kg/m³ for a minimum distance of 2.0m for the coffee roaster exhaust and a minimum distance of 0.5m for the cooling fan exhaust.

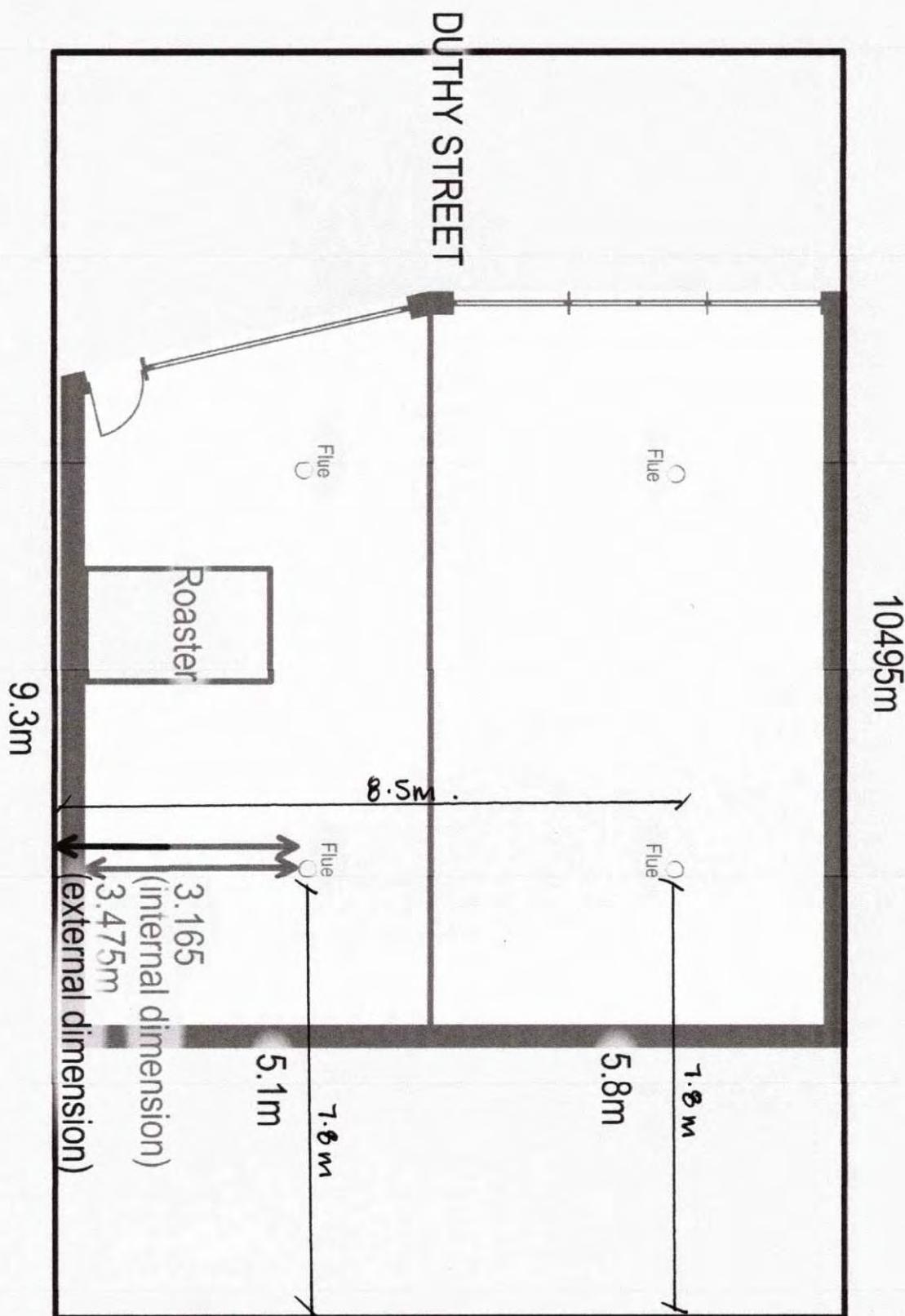
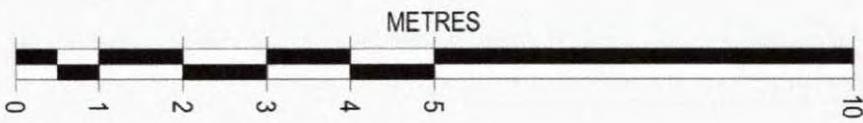
It is our understanding that this will satisfy all requirements by EPA and should be considered as a document to be added to our development application.

Signed:

Samuel McKay
Director

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31 July 2019

Ref: P0191.01

Ms Amy Barratt
Urban Planner
City of Unley
PO Box 1
UNLEY SA 5061

Dear Amy,

RE: Development Application 090/19/2019/C3
Hark Coffee
55 - 65 Duthy Street, MALVERN SA 5061

Planning Studio has been engaged by Mr Sam McKay ('the Applicant'), owner of Hark Coffee, and lessee of the existing shop located at 55 – 65 Duthy Street, Malvern.

Mr McKay and his business partner, Mr Theo Engela took over the lease of the premises in October 2018, with an understanding that they could operate the premises as a café. As part of the café operation, a coffee roaster and associated flue equipment was installed. The existing premises contained four (4) flue's, erected on the roof of the existing building. Works to the premises included the replacement of an existing flue with an installation that meets current industry and EPA standards, and an adjoining after burner.

Commensurate with works, the Applicant has obtained an Electrical Certificate of Compliance, Gas Certificate of Compliance, Certificate of Compliance (Gas-Fired Appliance) and has submitted a 'Food Business Notification Form' to the Council.

There was no indication at the time that there was a need for a change of land use, or that the operation contravened any aspects of the *Development Act* ('the Act') or *Development Regulations 2008* ('the Regulations').

Notwithstanding, the Applicant has been advised that an authorisation for a change of use from Shop to Café, including coffee processing and sale, and the installation of the ventilation equipment (flues) is required. In an endeavour to ensure the use carries all necessary approvals, the Applicant has lodged a Development Application on a without prejudice basis.

1 THE PROPOSAL

The proposal has been described by Council as a 'Change of Use from Shop to Café, coffee processing and sale, and installation of a flu'.

Schedule 1 defines a 'shop' as follows:

shop means—

- (a) premises used primarily for the sale by retail, rental or display of goods, foodstuffs, merchandise or materials; or
- (b) a restaurant; or
- (c) a bulky goods outlet or a retail showroom; or
- (d) a personal service establishment, but does not include—

- (e) a hotel; or
- (f) a motor repair station; or
- (g) a petrol filling station; or
- (h) a plant nursery where there is no sale by retail; or
- (i) a timber yard; or
- (j) service trade premises; or
- (k) service industry;

The proposed use accords with the definition of a 'shop'.

Council have elected to further describe individual elements of the proposal, including the process by which the foodstuffs offered for sale are prepared, namely the processing of coffee and its associated sale.

Such activities are, in nature, no different to a bakery processing bread and bakery products offered for sale, a restaurant using ovens and such equipment to prepare the meals consumed or offered for sale by takeaway, or a butcher preparing the meat products that are offered for sale by retail.

The inclusion of the specific operations within the proposal description is considered unnecessary.

Notwithstanding, we note the installation of ventilation equipment, on the roof of the shop, forms the basis of opposing representations, rather than the use itself, and so will proceed to address such concerns.

It is noted that the change of use per se does not appear to be contentious.

2 THE LAND

The land is situated within the Residential Historic (Conservation) Zone, and more particularly within Policy Area 6 – Spacious Unley and Malvern Timmer Estate of the Unley Development Plan, consolidated 19 December 2017.

Within the Zone, a 'shop' is exempted from non-complying development whereby the proposal comprises '*alterations and/or additions to an existing shop or group of shops on the same site*'.

This exemption applies to the subject land, being an existing shop within a group of tenancies containing the proposed shop and two others, being a butcher (Windsor Meats) and a seafood shop (Gulf Seafood).

It is understood the subject tenancy was previously a fruit and vegetable shop.

The proposal is a consent use within the Zone, and has been subject to Category 3 public notification.

Photos of the subject land are provided over page.

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Photo 1 | View of existing development from Duthy Street, Malvern



Photo 2 | Subject Land – Hark Coffee, 65 Duthy Street, Malvern

3 RESPONSE TO REPRESENTATIONS

I refer to the above development application and to the provision of the seven (7) representations received during the prescribed Category 3 notification period. Copies of the representations were provided to Planning Studio, as the Applicant's representative, via email distribution from the Applicant. The prescribed period of notification was concluded on 3 May 2019.

The Applicant has requested Planning Studio prepare a response to representations in accordance with section 38(8) of the Development Act 1993.

Council has agreed, in accordance with Regulation 36(1) of the Development Regulations 2008, to extend the period within which a Response to Representations be provided to enable the Applicant to seek specialist planning advice in the preparation of a response.

3.1 Overview and Background

Seven (7) representations have been received during the prescribed period. Three (3) are opposed to the development, with four (4) in support. It is noted that two opposing representations are provided from the same property address and are a duplicate copy. Similarly, three (3) representations in support are from a single property immediately adjoining Hark Coffee. Further, one supportive representation is noted to be by the Applicant.

Representations have been received from the following:

Table 1 | Representation Summary

Representor	Address	Opposed/Support	Desire to be heard
J & S Briggs	156 Fisher Street, Malvern	Opposed	Yes
M McCormack	154 Fisher Street, Malvern	Opposed	No
J Lampard	154 Fisher Street, Malvern	Opposed	Not indicated
S McKay & T Engela	47 Bray Street, Plympton Park	Support	Yes (Applicant)
L Zammit	61 Duthy Street, Malvern	Support	No
S Burt	61 Duthy Street, Malvern	Support	No
S Burt	61 Duthy Street, Malvern	Support	No

In essence, there are two opposing parties, being from two adjoining properties at 154 and 156 Fisher Street, Malvern.

No. 156 Fisher Street shares its rear boundary with the subject land, while No. 154 Fisher Street is located to the south-east of the rear of the subject land. It is acknowledged that both properties have views to the roof of the subject land. The building itself is screened by existing outbuildings, fencing and landscaping.

One (1) opposing representor has requested to be heard by the Council Assessment Panel ('CAP'), either personally or with representation by a third party. The two remaining opposing representors have either indicated they do not wish to be heard or have not indicated. The Applicant wishes to be heard.

Supportive representations have not provided any comments expanding upon written indication.

Common impacts and concerns have been identified by those opposed to the proposal.

These include:

- Nature of land use is industrial in nature, resulting in objection to the classification of the development application and nomination as a consent use;
- Visual impact from installation of flues;
- General amenity impacts such as noise and odour;
- Traffic parking and road safety implications; and
- Recommendation to impose restrictions on capacity and hours of operation for roasting.

We note that there has been no general expression of opposition to the use of the site as a café.

Given the common themes raised within representations, considerations are addressed on an issue basis in this response. The absence of specific reference to all authors in no way reduces the significance of their comments, but indicates that the comments are consistent with those grouped and discussed generally. Where multiple comments of the same nature have been made, general discussion is provided.

Representations opposed to the development have identified a perceived impact on the amenity of the locality, with particular emphasis on the visual and noise impact arising from the installation of a flue and after-burner on the roof of the shop, and the management of traffic attending the group of shops. There has been no recognition that there were four existing flues on the building and that numerous similar structures appear on the roof of the two adjoining food related tenancies.

In relation to comments (and photographs) relating to traffic, we note that there is no evidence that all vehicles observed within the locality can be attributed to persons attending Hark Coffee. Nor is compliance with parking restrictions or manoeuvring on the public road a matter for the assessment of the development application.

The existing land uses contained within the group of shops must be acknowledged, and given significant weight when considering matters of parking, deliveries and general road use. It would be improper to associate all vehicles, traffic movements or deliveries to Hark Coffee given all of the premises within the group of shops have a commercial orientation. Many customers attending Hark Coffee would most likely also do so as part of a multi-use trip to other premises within the group of shops.

Duthy Street is a public road whereby parking, and any associated location or time restrictions, remains a matter for the Council. The movement of vehicles, such as speed, manoeuvring and conduct of drivers is a matter for the SA Police.

While the Applicant is cognizant of the need to ensure deliveries and known customers abide by parking restrictions, it would be erroneous for such matters to form the basis of an assessment of the proposed change of use.

It is acknowledged that the proposal is retrospective in nature. Unfortunately, the Applicant was not aware that a repurposing of an existing shop would constitute a need to seek authorisation, nor that the installation of equipment used in the general course of the business would similarly result in a need for approval.

The Applicant contacted various departments of Council prior to commencement of the use and was not advised that a development application was required. The Applicant also proactively sought to mitigate any visual impact being experienced by the adjoining property owner, including an offer to facilitate vegetative screening if required.

Notwithstanding, we submit that the inclusion of the flue and after burner on the roof of the shop, being primarily a replacement flue to ensure compliance with industry and environmental standards, is not unreasonable within the context of the locality and the presence and operation of numerous similar installations on the group of shops.

Having observed the existing group of shops, other commercial and residential development within the locality and residential areas more broadly, it is not considered that the flue is uncharacteristically high, nor out of character with other commercial developments that may include a commercial kitchen, wood oven or roof mounted ventilation systems.

It is also noted that many residential properties contain similarly proportioned chimneys and flues, designed to ensure that smoke, heat and fumes extend to a height that will minimize any impact on adjoining properties.

In relation to the subject flue, it is mandatory that the flue extend a minimum of 3 metres above the exit point on the roof. To ensure all industry standards and regulations have been met, installation was undertaken by InSkip, a company preferred and recommended by the Office of the Technical Regulator.

The roasting machine has been certified by the Office of the Technical Regulator ('OTR') (State government body). This particular machine has been certified by Ignite Services, the preferred gas fitter of the OTR.

There will be no physical change in the configuration of the existing premises.

The proposal seeks approval to have the existing use acknowledged and subsequently authorised. It is intended that the premises operate in the same manner it has done so since late 2018. There is no intention to expand on the proposed business, roasting output or nature of sale of coffee from the site, being retail only.

Should there be demand or cause for the business to expand in future, the business owners acknowledge that alternate premises may be required.

Hours or operation have been raised by representors. This application does not seek to increase operating hours, nor increase beyond the proposed output associated with the processing of coffee. Hours and capacity will be discussed further in this submission.

The proposal seeks to provide increased certainty around operating hours, providing limitations that do not currently exist.

The hours proposed are not considered unreasonable or excessive.

3.2 Nature of Development

The proposal is for the change of use from a shop (formerly fruit and vegetable / greengrocer shop) to a 'Shop' being a café including the processing and sale of coffee, and the installation of roof mounted ventilation equipment in the form of a flue and after burner housing.

The subject land is generally known as Hark Coffee, a café providing a dine in and takeaway facility, primarily for the consumption of caffeine products. Light refreshments, including cakes, slices and food preparation assembly (toasted sandwiches etc), and refrigerated drinks are available for sale. The land does not contain a full commercial kitchen nor employ a qualified chef, so does not offer an extensive menu. The primary focus of the café is for the sale and consumption of cups of coffee.

Hark Coffee and its associated activities do not constitute 'industry'. Hark Coffee is an artisan, small batch roaster, producing sufficient roasted product to serve customers attending the shop.

Similar operations within cafés include:

- Soho (Adelaide City Council);
- Red Cherry (Burnside Council);
- Rise & Grind (Marion Council);
- Avalon of Woodside (Adelaide Hills Council);
- Crafers Gourmet Deli (Adelaide Hills Council); and
- Qahwa Espresso Bar (Victor Harbor Council).

It is understood that roasting has been considered an ancillary activity within all of the listed cafes.

The proposal has been correctly described and processed as a Consent (on-merit), Category 3 form of development within the Residential Historic (Conservation) Zone.

3.3 Visual Impact

It is acknowledged that flues on the roof of the existing group of shops are evident from the adjoining land. Notwithstanding, we note that there were no less than four (4) flues associated with the proposed shop prior to leasing by Hark Coffee. The number of flues has not increased. The proposal is more appropriately described as a replacement flue, albeit slightly increased in height as a result of changes in regulations and standards pertaining to such installations.

The current lessee has replaced one of the former flues and installed an after-burner, which acts as a warm air transfer following a roast cycle. No smoke emanates from either flue.

Photographs contained within representations provide a visual reference and confirm that flues are evident beyond the roof line of an existing outbuilding located at No. 156 Fisher Street, and from a rear yard pool area associated with No. 154 Fisher Street.

Flues have been installed at a height that ensures compliance with relevant industry and environmental standards, providing little opportunity to reduce height or provide additional visual barriers.

Photograph 1 shows the flues on the subject land, and the adjoining shops, when viewed from Duthy Street.

In acknowledgement of the potential visual intrusion, the Applicant has previously offered to facilitate and cover costs associated with additional landscape screening on the adjoining property.

3.4 Acoustic Impact

It is acknowledged that there is a degree of noise associated with any commercial activity. Whilst the majority of noise will occur as patrons arrive and depart from the site, the extent of noise would be associated with voices and the movement of vehicles. The level of noise associated with such activity is not unreasonable in the context of the locality, nor would it be readily identifiable during the day.

Noise associated with vehicles using Duthy Street is likely to be more significant.

It is noted that concerns have been raised about the noise associated with the roasting activities, and particularly with the cooling phase of the roast cycle.

To address such concerns, the Applicant engaged Aro Technologies to assess and measure the roaster and to consider the likely noise impact to adjoining residential properties.

Hark Coffee occupy two tenancies within the group of shops, operating as a single 'shop'. The building is an older building with solid, double masonry walls, plaster ceiling, concrete floor and asbestos cement roofing. The built form is ideal in terms of noise isolation, with exception of the glass windows and entry door extending the full width of the building to the street frontage.

The acoustic assessment has focused on the roasting machine and noise measurements and provides a subsequent assessment of the potential noise impact to adjoining neighbouring residential properties.

Initial use of the roaster noted that the cooling fan generated considerable tonal noise. Aro Technology were consulted with endeavours to improve noise associated with this phase of the roast. Investigations confirmed the roasting process was not of undue impact, but the cooling fan was creating a degree of impact.

The installation of Aro Technology specified sound attenuation (silencers) on 12 December 2018 had an immediate 35dB internal SPL reduction.

Following public notification of the proposal, further measurements and assessment has been undertaken. Specific results are outlined in the report.

The Aro Technology report concludes the following:

Unley City Council have a noise criteria which stipulates an overall upper limit of 5dBA above ambient background noise levels when measured at the adjacent property. The SA Environment Protection (Noise) Policy nominates typical ambient daytime (7am to 10pm) noise levels of 52dBA for residential and 62dBA for commercial.

...

The above numbers as 'A' weighted equivalent continuous noise levels at the boundary lines. Extrapolating these figures to allow for propagation loss to the nearest adjacent residential properties to the east and the south gives calculated levels of around 53 dBA and 51 dBA at the nearest edge of the respective adjacent houses. In simple terms this means in still conditions the roasting phase would not be measurable above the ambient at the adjacent houses and the cooling phase would just be audible and measurable, provided there was no other noise being generated by the adjacent shops at the time.

The initial noise problem with the cooling fan at the roaster commissioning stage in 2018 has long since been resolved. The noise levels measured do not equate to a nuisance and do not exceed EPA policy guidelines at the closest perimeter of the nearby residential houses. There was no noticeable tonal component or other notably audible characteristic to the noise. The roasting process would be completely inaudible inside the adjacent houses and only the cooling phase would be just measurable outside the nearest part of the adjacent houses. There does not seem a reasonable basis for a noise complaint based on these measurements.

Accordingly, we submit that the proposed use accords with the intent of both the Development Plan and the EPA Noise Policy in regard to noise.

A copy of the Aro Technology report is provided in Appendix A.

3.5 Odour

There is a slight odour associated with the process, evident within a very small radius for approximately 3 – 4 mins of the 9 minutes cycle. The ‘odour’ is likened to a bread baking smell, which is not considered offensive.

No odour modelling has been undertaken as it is unlikely that any undue or deleterious impact is experienced by the adjoining residential properties. It is anticipated that odours emanating from the adjoining seafood shop is more concerning.

3.6 Hours of Operation and Duration/Capacity of Roasting

As part of the business, Hark Coffee processes its own coffee. Processing is in the form of roasting and grinding coffee from raw beans.

Roasting is done only to supply the café.

Hours of operation (open to the public) of the café are proposed as follows:

- Mon – Fri: 6:30am – 2:30pm
- Sat & Sun: 7:00am – 1:00pm

Staff may be on site prior to opening and may remain on site until 5:30/6:00pm. This is to allow for set up and clean up prior to and after being open to the public.

On occasions, of approximately once per month or less frequently, there is a need for training/demonstrations with staff and colleagues. However, no roasting would occur after 6pm on these occasions.

Roasting is undertaken via a 20kg fluid bed roaster. This minimises the number of roast cycles that are required, producing a 17kg roast from 20kg input. Each cycle takes 9½ minutes, with a 3 minute cool down cycle, utilising the after burner (warm air) flue. 2 – 3 roasts can occur per cycle. Roasting currently occurs, on average, 5 times per week.

In a full development scenario, roasting could occur Monday – Saturday, primarily between the hours of 9am and 5pm.

Roasting occurs at a temperature of 270° Celsius. This is significantly less than a wood fired pizza oven at Duthy Pizzeria & Pasta (300° +), Pat-a-Cake bakery on Duthy Street commercial bread oven (300° +), and a commercial wok burner at Suree Thai (450°+). It is unlikely that similar

premises have been required to lodge applications for specific equipment used within each premises.

The roaster subject of the current application operates at the lowest temperature of other commercial appliances.

3.7 Traffic Impact

As noted earlier, vehicles attending the café park on Duthy Street. Parking restrictions are a matter for the Council. Compliance, or otherwise, with such restrictions is an enforcement matter for the Council. While every effort is made by the Applicant to remind customers of their obligations in this regard, persons electing to park in contravention of time limits, yellow lines, driveways or other such restrictions are monitored by Council. Such actions must not be attributed to the proposed use.

Similarly, road users are obligated to use the public road in accordance with the Australian Road Rules. Any breach of such is a matter for SA Police.

At present, the café receives a single delivery of raw coffee beans per month. Green coffee beans are delivered in 60kg hessian bags on palettes, using tray-top ute and is unloaded by hand. Deliveries take approximately 20 mins to be completed. In a full development scenario, it is anticipated that coffee may be delivered in the same conditions weekly. If required, weekly deliveries would still take only 20 mins.

Additional weekly truck deliveries include milk and general grocery items from a supermarket (currently Coles), taking approximately 10 mins each. Home-based businesses deliver gourmet food products (cakes, slices and other consumables) via passenger vehicles only, and occur infrequently.

All deliveries occur between 9am and 3pm and use Duthy Street only.

By contrast, other food premises within the group of shops receive regular daily deliveries, throughout the full extent of business hours.

Duthy Street is a local collector road under the care and control of Council. The nature of use, hours of operation and the capacity of the premises does not give rise to any undue traffic or parking impacts.

3.8 EPA licence requirement

There is no requirement for the Applicant to obtain an EPA Licence for the roasting or sale of coffee.

The proposal does not trigger a referral to the EPA under either Schedule 21 or 22 of the Development Regulations 2008.

3.9 Impact on Property Values

The alleged negative property valuation impact arising from the replacement flue being visible from the adjoining land has not been evidenced.

The CAP will be aware that this is not a planning matter and not a relevant consideration of the current proposal.

4 CONCLUSION

We remain of the opinion that the proposed development satisfies the intent of the Unley Council Development Plan. It provides for a continued low impact land use that is entirely consistent with its former use as a shop, albeit with the proposal seeking to allow for the processing of coffee for use in association with the shop, and for the installation of roof mounted ventilation equipment.

The proposal has sought to ensure that equipment used in the normal conduct of the business is compliant with current industry and environmental standards, thereby minimising disruption to air quality.

Traffic and parking considerations have been addressed and deliveries are able to occur without any impact on adjoining properties and the adjoining public roads.

It is considered that the application for a '*Change of Use from Shop to Café, coffee processing and sale, and installation of two flues*' substantially satisfies the Unley Council Development Plan and warrants Development Plan Consent.

Should the Council Assessment Panel provide an opportunity for representors to be heard in person at its meeting, it is requested that the Applicant, Mr Sam McKay and/or his representative also be afforded such opportunity.

It is requested that Council staff advise the date, time and location of the Council Assessment Panel meeting as soon as possible.

Should you wish to discuss any aspects of this correspondence or the proposal further, please do not hesitate to contact me on 0431 527 636 or emma@planningstudio.com.au.

Yours sincerely



Emma Barnes | MPIA | Director

Cc S McKay

A

Acoustic Report

— Aro Technology, May 2019

ACOUSTIC REPORT

FOR:

**HARK! COFFEE ROASTERS
MALVERN, SA**

BY:

ARO TECHNOLOGY

May 2019

Revision:

1



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PO BOX 306 Prospect SA 5082
Ph 08 8240 4499

1. BACKGROUND

The owners of Hark! Coffee Roasters at 67 Duthy Street Malvern SA have requested a basic acoustic analysis and report on the likely noise impact to residential neighbours adjacent to their retail shop. Hark occupy two connected shops within the group and situated inside is a gas fired coffee bean roasting machine. We were advised a neighbour has complained about noise emissions from the roasting operation.

The building is single story and situated on the eastern side of Duthy Street with houses to the rear and on the southern side, so a commercial shopping zone abutting residential. This is an older building and construction is quite solid with double masonry walls, plaster ceilings, concrete floor and asbestos cement roofing. This general construction is ideal for noise isolation with the only exception being large glass windows and entry door set back along the shopfront which allow some transfer on the Street side, however the masonry wall on the southern side extends full length out to the edge of the footpath providing a useful barrier. Other adjoining retail shops (butcher etc.) extend on the northern side.

This report outlines the roasting machine, noise measurements and discusses the impact on neighbours.

2. DISCUSSION

The roaster is a commercial sized unit which processes a batch of raw beans in a fairly short cycle time, typically around 15 minutes. The process uses several fans and a gas burner, all of which generate noise and are attached to the roaster inside the shop with the exception of the cooling fan which is roof mounted. Initially raw beans are blown into the roasting chamber which takes about one minute. Then fan-forced roasting with the gas burner running takes around ten minutes after which the cooked beans are automatically dumped into a hopper where a cooling fan runs for five minutes.

This machine is used quite infrequently; each batch size is quite large so typically the shop may only process two or three batches around mid-afternoon once the retail coffee sales side has ended.

When the machine was first commissioned in late 2018 it was found that the cooling fan generated considerable tonal noise and Hark consulted with Aro Technology at that time to improve this. Noise measurements inside and outside the shop during the roasting process at that time confirmed the roasting process was not noisy however the cooling fan had a loud tonal component due to ductwork resonance. Aro Technology specified sound attenuators on both the inlet and discharge of the fan which were installed on the 12th December 2018. This had an immediate and very dramatic impact on the noise levels of more than 35dB internal SPL reduction; it is

now easily possible to have a conversation alongside the roaster whilst the cooling fan is operating for example.

There was a noise complaint during the initial brief operating period prior to the cooling fan being modified. We are told that this complainant has continued this claim so the intention was to conduct a sound emission assessment of the coffee roasting operation and present the information in this report.

3. MEASUREMENTS

Aro Technology conducted noise level measurements on site Wednesday 15th May 2019 3.45 – 5pm using a precision Aclan 01dB brand type 2 Sound Level Meter. In this case we did not have access to the adjacent residential properties so measurements were conducted at the eastern (rear) and western (front) boundaries (see Appendix) with separate figures for the roasting and the cooling phases. Weather was fine and mild with almost still air. Ambient noise at the time was comprised of traffic noise, adjacent business activities / equipment / HVAC, bird calls and some occasional low level rustling from air movement in the flora. We asked staff at the adjoining shop to cease external noise making activities for the duration of the test.

Unley City Council have a noise criteria which stipulates an overall upper limit of 5dBA above ambient background noise levels when measured at the adjacent property. The SA Environment Protection (Noise) Policy nominates typical ambient daytime (7am to 10pm) noise levels of 52dBA for residential and 62dBA for commercial.

3.1 EASTERN / REAR

Ambient = 48.1 dBA Leq15

Roasting = 51.9 dBA Leq5

Cooling = 56.9 dBA Leq5

3.2 WESTERN / FRONT

Ambient = 66.5 dBA Leq15 (primarily traffic)

Roasting = not measurable above ambient

Cooling = not measureable above ambient

The above numbers as 'A' weighted equivalent continuous noise levels at the boundary lines. Extrapolating these figures to allow for propagation loss to the nearest adjacent residential properties to the east and the south gives calculated levels of around 53 dBA and 51 dBA at the nearest edge of the respective adjacent houses. In simple terms this means in still conditions the roasting phase would not be measurable above the ambient at the adjacent houses and the cooling phase would just be audible and measureable, provided there was no other noise being generated by the adjacent shops at the time.

4. CONCLUSION

The initial noise problem with the cooling fan at the roaster commissioning stage in 2018 has long since been resolved. The noise levels measured do not equate to a nuisance and do not exceed EPA policy guidelines at the closest perimeter of the nearby residential houses. There was no noticeable tonal component or other notably audible characteristic to the noise. The roasting process would be completely inaudible inside the adjacent houses and only the cooling phase would be just measurable outside the nearest part of the adjacent houses. There does not seem a reasonable basis for a noise complaint based on these measurements.

If the complainant(s) wish to pursue this further and are willing to provide access Aro Technology can conduct measurements inside the adjacent backyards to verify; alternatively this analysis could also be undertaken by another party for further verification.

Consultant
Signed C. Morton Chris Morton

Date 18/5/19

Ph 0407 792 258

Aro Technology
PO Box 306
Prospect SA 5082

APPENDIX A

A



■ MEASUREMENT LOCATIONS

NORTH

- (2) If there is uncertainty as to what land uses are principally promoted by relevant Development Plan provisions, the question is to be determined, for the purposes of this policy, by the Authority in consultation with the council for the area concerned.
- (3) The land use category within which a land use principally promoted by relevant Development Plan provisions falls is to be determined by the Authority in accordance with the *Guidelines for the use of the Environment Protection (Noise) Policy 2007* published by the Authority as in force from time to time.
- (4) If there is uncertainty as to what land use category a land use principally promoted by the relevant Development Plan provisions falls within, the question is to be determined, for the purposes of this policy, by the Authority in consultation with the council for the area concerned.

5—Indicative noise levels

- (1) Subject to this clause, the indicative noise level for a noise source is to be determined as follows:
 - (a) where—
 - (i) the land uses principally promoted by the relevant Development Plan provisions for the noise source fall within a land use category specified in Table 1 in subclause (9); and
 - (ii) the land uses principally promoted by the relevant Development Plan provisions for the noise-affected premises fall within the same category as those principally promoted by the relevant Development Plan provisions for the noise source,
 - by reference to indicative noise factors set out in Table 1;
 - (b) in any other case—by reference to indicative noise factors set out in Table 2 in subclause (9).
- (2) When measurements to determine the source noise level (continuous) are taken—
 - (a) between 7.00 a.m. and 10.00 p.m. on the same day—an indicative noise factor used to determine the indicative noise level for the noise source is found in Table 1 or 2 in the column under the heading "**Day**"; or
 - (b) between 10.00 p.m. on one day and 7.00 a.m. on the following day—an indicative noise factor used to determine the indicative noise level for the noise source is found in Table 1 or 2 in the column under the heading "**Night**".
- (3) An indicative noise factor is also selected from Table 1 or 2 by reference to a land use category—an indicative noise factor for a land use category is found in the table in the column alongside the land use category.
- (4) If the land uses principally promoted by the relevant Development Plan provisions for the noise source and those principally promoted by the relevant Development Plan provisions for the noise-affected premises all fall within a single land use category, the indicative noise level for the noise source is the indicative noise factor for that land use category.

Environment Protection (Noise) Policy 2007—31.3.2008

Part 1—Preliminary

- (5) Subject to subclause (6), if the land uses principally promoted by the relevant Development Plan provisions for the noise source and those principally promoted by the relevant Development Plan provisions for the noise-affected premises do not all fall within a single land use category, the indicative noise level is the average of the indicative noise factors for the land use categories within which those land uses fall.
- (6) Subclause (5) does not apply if the locality in which the noise source is situated is separated from the locality in which the noise-affected premises are situated by another locality that is (on an imaginary straight line joining the noise source and the noise-affected premises) at least 100 metres wide, but instead subclause (4) applies as if the land uses principally promoted by the relevant Development Plan provisions for the noise source were the same as those principally promoted by the relevant Development Plan provisions for the noise-affected premises.
- (7) A figure resulting from the calculation of an average under subclause (5) must, if it contains a fraction, be rounded to the nearest whole number.
- (8) Despite the other provisions of this clause, if the measurement place is within a habitable room but cannot be located at an open window, the indicative noise level for the noise source is—
- the satisfactory level set out in *Australian/New Zealand Standard AS/NZS 2107:2000—Acoustic Recommended Design Sound Levels and Reverberation Times for Building Interiors*, determined by the Authority to be the relevant level; or
 - 20 dB(A) less than the indicative noise level that would, but for this subclause, apply,
- whichever is the greater.

(9) **Tables**

Table 1 (subclause (1)(a))

Land use category	Indicative noise factor (dB(A))	
	Day	Night
General Industry	65	65
Special Industry	70	70

Table 2 (subclause (1)(b))

Land use category	Indicative noise factor (dB(A))	
	Day	Night
Rural Living	47	40
Residential	52	45
Rural Industry	57	50
Light Industry	57	50
Commercial	62	55
General Industry	65	55
Special Industry	70	60

Interface Between Land Uses

OBJECTIVES

- Objective 1:** Development located and designed to minimise adverse impact and conflict between land uses.
- Objective 2:** Protect community health and amenity from adverse impacts of development.
- Objective 3:** Protect desired land uses from the encroachment of incompatible development.

PRINCIPLES OF DEVELOPMENT CONTROL

- 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.
- 2 Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.
- 3 Development adjacent to a **Residential Zone** should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.
- 4 Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.
- 5 Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.
- 6 Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.

Noise Generating Activities

- 7 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant *Environment Protection (Noise) Policy* criteria when assessed at the nearest existing noise sensitive premises.
- 8 Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.
- 9 Outdoor areas (such as beer gardens or dining areas) associated with licensed premises should be designed or sited to minimise adverse noise impacts on adjacent existing or future noise sensitive development.

- 10** Development proposing music should include noise attenuation measures that achieve the following desired noise levels:

Noise level assessment location	Desired noise level
Adjacent existing <i>noise sensitive development</i> property boundary	Less than 8 dB above the level of background noise ($L_{90,15\text{min}}$) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise ($LA_{90,15\text{min}}$) for the overall (sum of all octave bands) A-weighted level
<i>Adjacent land</i> property boundary	Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or Less than 8 dB above the level of background noise ($L_{90,15\text{min}}$) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level

Air Quality

- 11** Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.
- 12** Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:
- (a) incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere
 - (b) ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses.

Land Division

OBJECTIVES

- Objective 1:** Land in appropriate localities divided into allotments in an orderly and economic manner.
- Objective 2:** Land division to provide for development opportunities appropriate to the desired character.
- Objective 3:** Public open space providing diverse recreational opportunities.
- Objective 4:** Encouragement of walking, cycling and public transport usage.

PRINCIPLES OF DEVELOPMENT CONTROL

- 1** Land should not be divided:
- (a) in a manner which would prevent the satisfactory future division of the land, or any part thereof;
 - (b) if the proposed use, or the establishment of the proposed use, is likely to lead to undue erosion of the land or land in the vicinity thereof;

ATTACHMENT B

3 July 2020



Town Planning
Development Advice
Strategic Management

Ms Amy Barratt
Planning Officer
The City of Unley
PO Box 1
UNLEY SA 506

Dear Amy,

DEVELOPMENT APPLICATION 090/19/2019/C3

Further to our recent email exchanges, I take this opportunity to more formally identify certain failings in the documentation provided by the applicant in relation to this Development Application and that such should not be relied upon as a sound basis for your assessment and a decision by Council's Assessment Panel.

Retail v Wholesale Production

The Applicant maintains that the primary use of land is for retail sales and that coffee roasting is a minor component of this activity, with any wholesale production and associated revenue limited to 10 percent of the business. We contend that on the detail presented, this is a misrepresentation of the facts.

On the Applicant's own figures, they produce 17 kilograms of coffee per roasting cycle and that each cycle takes 20 minutes. Between 14 and 15 cycles occur per week resulting in a total average roasting time of 280 minutes or 4.6 hours spread over five occasions per week.

On our calculation, 15 cycles will produce some 255 kilograms of roasted coffee beans per week. Even allowing for half of this production to be used on premises in the making and service of coffee, this would equate to 12,750 shots of espresso (assuming 10 grams per shot) over the week.

On current operating hours (Monday to Friday 6.30 AM to 2.30 PM, Saturday 7.00 AM to 1.00 PM) and allowing for say 20 percent wastage, this equates to an average of 1 coffee every 16 seconds, or 1768 coffees per day. I suggest that even at full occupancy, no where near this amount of coffee would be served in practice.

This exercise corroborates the earlier submissions made that that the scale and intensity of production amounts to an industry, and is not ancillary or reasonably incidental to the retail use of the land. It is a use of land that triggers *non-complying* development in this Zone and ought to be assessed accordingly.

As an aside, Hark coffee continues to market itself as a wholesale supplier to other cafes and retailers notwithstanding submissions made by their planning consultant. A simple check of their Website, Facebook page and other social media platforms will confirm that wholesale trade is an integral component of their business.

Phillip Brunning & Associates

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Adelaide SA 5000
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Acoustic Considerations

In so far as the Environmental Noise Assessment by Sonus makes reference and has regard to Council wide provisions of the Development Plan, such does not extend to the specific provisions for the Residential Historic (Conservation) Zone, with limited opportunity for small scale non residential land uses.

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

I note that in order not to exceed the relevant noise measure of 47 dB(A), it will be necessary to undertake certain attenuation works to the outlet ducts or flues associated with the cooling fan and roaster, more particularly internal acoustic lining as specified below:

- *50mm thick insulation with a minimum density of 32 kg/m³ for a minimum distance of 2.5m for the coffee roaster exhaust and 1.5m for the cooling fan exhaust; or*
- *100mm thick insulation with a minimum density of 32 kg/m³ for a minimum distance of 2.0m for the coffee roaster exhaust and a minimum distance of 0.5m for the cooling fan exhaust.*

The report goes onto to advise that:

'the above should be installed in addition to any existing attenuators at the time of measurement. The internal dimensions of the duct should remain at the current diameter to ensure that airflow is maintained. The insulation may be protected with a perforated sheet steel lining on the inside of the duct. The lining should have an open area of at least 15%.

These works would require significant alteration to the existing flues that have unlawfully been installed on site, and will increase their visual mass and scale when viewed from the back yards of adjoining and nearby residential properties. Even with these works, the predicted noise level leaves no margin for error.

Both Sonus and ARO Technology did not seek access to my Client's property in order to conduct their assessment, which would have been granted if sought. We consider it necessary for this to occur and actual noise measurements are taken rather than relying on predicted noise levels.

I would like to stress that for nearly two years, Hark Coffee have operated their coffee roasting operations such that noise levels from the cooling fan and exhaust flues have been measured by Sonus at 89 to 91 dB(A), which is some 42 to 44 dB(A) above the relevant EPA noise measure of 47 dB(A).

Once again we query why Council has not taken enforcement action to have this amenity impact cease ahead of the formal development application being considered and determined. This continued breach has and continues to come at the cost of my Client, with no disadvantage to the Applicant.

This is a most regrettable situation and may have been avoided by council directing Hark Coffee to cease operations if or until an application has been lodged and approval granted. This approach may have focused their attention on this matter in a timely manner and avoided the protected process experienced to date.

EPA Advice - Height & Appearance of Exhaust Flues

I note that the Environment Protection Authority in their response of 15 June 2020 makes it clear that they have relied upon submissions made by the Applicant and other relevant documents furnished by Council, and have not conducted a site inspection. This is most regrettable, if not inappropriate in the circumstance.

In respect to air quality, the EPA has assumed that there will be 14 to 15 roasting cycles per week and around 4.6 hours of roasting and cooling. The EPA sought confirmation from the Applicant in relation to a number of technical matters including compliance with the Ambient Air Quality Assessment 2019 publication.

The EPA as a result of their assessment advise that they 'expect' that the relevant air quality criteria will be met subject to certain operational and equipment modifications including the extension of the flue stacks to a height of at least 3 metres above the highest point within a 30 metre radius.

I also note the advice that '*If parameters are not achieved from test results then a solution would be engineer that would allow the agreed parameters to be met*' and that '*a post construction validation report as part of any EPA licence application*' which interestingly has been expressed as a note rather than a condition.

Given the inadequate, if not inaccurate nature of the drawings previously provided to Council and the EPA, I would encourage you to carefully scrutinise the drawings that have more recently been provided to you in relation to the height and proximity of surrounding structures.

To date the Applicant has claimed that exhaust flues only need be extended by 2303 mm and 1278 mm respectively. I say that this is plainly wrong given the ridge height of my Clients house at minimum 7 metres. The total height of these exhaust flues will therefore need to be extended by a 4900 mm and 3870 mm to achieve 10 metres.

It is my view that structures of this nature in a residential area are entirely inappropriate.

In closing can I suggest that a *precautionary approach* is required when assessing this industrial activity located within a residential area, immediately adjacent to dwellings, in so far as the technical analysis suggests that the use is at the very margin of which might be acceptable.

My Clients continue to be impacted by the visual appearance of these flue exhausts together with the odour and noise arising from this activity. A diary is being kept in respect to odour and noise which will ultimately be produced in any litigation or appeal process to be initiated, acknowledging that this is a Category 3 application.

I request that this letter be provided to Council's Assessment Panel.

Yours faithfully

PHILLIP BRUNNING & ASSOCIATES PTY LTD

PHILLIP BRUNNING RPIA
Registered Planner

22 October 2019

Town Planning
Development Advice
Strategic Management

Ms Amy Barratt
Planning Officer
The City of Unley
PO Box 1
UNLEY SA 506

Dear Amy,

Development Application 090/19/2019/C3

As I have previously indicated, I am engaged by [REDACTED] to appear before and make submissions to Council's Assessment Panel (CAP) further to their written representations when the above mentioned Development Application is considered.

We had previously been advised that this CAP meeting was to occur on 20 August 2019 only then to be advised on the day prior that the application had been withdrawn from the agenda due to certain 'administrative matters' including that the application has not been referred to the Environment Protection Authority (EPA).

Approximately two months have since past and it would seem that we are no further advanced. I note that the EPA enjoys 6 weeks under Schedule 8 of the Development Regulations 2008 to consider and provide their comments to Council on activities if environmental significance.

I therefore pose the following questions for your response:

- when was the development application referred to the EPA;
- has Council received a response from the EPA; and
- if so, might we please be provided with a copy of their reply?

What is particularly concerning to my Clients is that this requirement for referral to the EPA was previously brought to your attention, with no action taken. Further, the delay arising from this administrative failure has allowed the current unlawful use of the property to continue unabated. This is most disappointing.

For reasons outlined by my Clients in their written representations, we say that this is an inappropriate activity within a predominantly residential area that gives rise to undesirable impacts on the character and amenity of the locality. The concern is primarily in relation to the industrial roasting of coffee beans.

As I have raised previously in various email messages to you, we say that the scale and intensity of this coffee bean roasting activity is such that amounts to an *industry*, as defined by Regulation, and that this development application for retrospective approval ought to have been processed as a *non-complying* form of development.

Phillip Brunning & Associates

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We say this in so far as the roasting of coffee beans is not reasonably incidental or ancillary to the use of the premises as a shop or café, given the not only the scale and intensity of the operation, but due to the product being processed being offered by 'wholesale' for use in other business premises.

The attached extracts from social media pages posted by the Applicant are somewhat incriminating in this regard. There can be no argument that this business is focused towards wholesale production and sales. The scale, frequency and intensity of this activity is clearly beyond that associated with a café.

The requirement for referral of this activity to the EPA is very telling in this regard.

My Clients reserve their rights in this regard, noting that this application has been assigned Category 3 which provides a right of appeal to the Environment Resources and Development Court in relation to the merits (or otherwise) of the proposal. There is also the opportunity for procedural challenge under Section 86(1)(f) of the Act.

I also take this opportunity to bring other technical matters to your attention including the adequacy of the proposal plans which we say fall well short of the required standard not only in terms of accuracy, but are drawn to a determinable scale, are barely legible and fail to provide sufficient detail in respect to flues and other fixtures.

I also foreshadow that we will take issue with the advice provided by ARO Technology in respect to acoustic compliance with requirements under the Development Plan and the Environment Protection (Noise) Policy. I respectfully submit that Council may not reasonably rely on this advice as being expert in nature.

I also take this opportunity to encourage you to revisit and reflect on the following provisions of the Development Plan as such relate to the assessment of this proposal which is for an industrial use within a predominantly residential area. I particularly would like you to consider the meaning of '*small scale*' as used in Objective 2.

RESIDENTIAL HISTORIC (CONSERVATION) ZONE

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

I fail to see how the Applicant can reasonably assert that this non-residential activity within a residential zone is a *small scale local business* and will result in an *appealing and pleasant living environment* due to the externalities arising. The proposal in my view fails this initial test.

COUNCIL WIDE

Form of Development

Non-Residential Development in Residential Zones

- 7 The expansion or redevelopment of a building to be used for non-residential purposes in a residential zone may be appropriate where the proposed non-residential use is confined to a site used, in whole or in part, for non-residential purposes, and:
 - (a) the proposed use is non-intensive and primarily serves, or has long established direct associations with the local community and improves the range and quality of community facilities or other services to that local community; or
 - (b) is located adjacent to a non-residential use, or a non-residential zone boundary, so as to provide a buffer for nearby residential occupiers to the activities arising from that non-residential use; or
 - (c) improves existing unsatisfactory site conditions.
- 8 The expansion or redevelopment of a non-residential use should be minor in scale and nature and:

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

I am of the view that the Development Plan requires some caution when considering proposals for non-residential uses within residential zones, with the emphasis on the proposal clearly demonstrating that impact will not occur on the character and amenity that may otherwise be expected.

This is reinforced by the following provisions.

Interface Between Land Uses

- Objective 1:** Development located and designed to minimise adverse impact and conflict between land uses.
- Objective 2:** Protect community health and amenity from adverse impacts of development.
- Objective 3:** Protect desired land uses from the encroachment of incompatible development.

PRINCIPLES OF DEVELOPMENT CONTROL

- 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

Noise Generating Activities

- 7 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.
- 8 Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.

It is plainly evident from the concerns expressed by my Clients that the coffee roasting activity is resulting in undesirable impact on the amenity that may reasonably expect to enjoy in this locality. Can I suggest that this is not an equitable situation were the interest of both parties need to be balanced.

Rather, the burden of proof ought to be on the Applicant not the residents that these residents should be provided with the benefit of the doubt in such instances, if not empathy given that they have altered the status quo. So too in respect to air quality, the Development Plan sets out the following provisions.

Air Quality

- 11 Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.
- 12 Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:

- (a) incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere
- (b) ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses.

I note that the Applicant has not commissioned odour or air emission analysis from a suitably qualified expert. As a minimum, I would encourage Panel members to attend the site and experience the odour arising from this activity.

In terms of character, the Development Plan sets out a plethora of provisions which have at their heart the *conservation* and *enhancement* (Objective 1) of the heritage character of the area.

RESIDENTIAL HISTORIC (CONSERVATION) ZONE

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

I fail to see how a large industrial style exhaust flues projecting well above the roof line of the existing building conserves and enhances the heritage character of the area. Flues of this nature are uncharacteristic of the built form and skyline experienced within this locality, and unsympathetic to the aspect enjoyed by adjoining and nearby residents.

Needless to say, my Clients are very disappointed with the recommendation previously provided to the Panel. Not only in terms of recommending consent, but as importantly, the lack of safeguards around this use which on the current set of conditions, may operate unfettered other than for hours of operation.

Suggested Condition 5 is likewise disappointing, if not a touch naïve in so far as a quick check of the Applicant's website will confirm that wholesale of coffee beans to other cafes is a key component of their business. In any event, how may such a condition be enforced by Council?

This is where the problem starts in so far as the scale and intensity of the activity invariably and progressively grows in response to market demand, with the long standing and long suffering residents enduring the externalities arising. The appropriate course of action is therefore to refuse consent to this application.

In so far as I will be making a verbal submission to this effect when appearing before the Panel, might I please ask that a copy of this letter be included within the agenda papers for their reference ahead of time? In the interests of procedural fairness, I have no objection to a copy also be provided to the Applicant for their response.

Yours faithfully

PHILLIP BRUNNING & ASSOCIATES PTY LTD



PHILLIP BRUNNING RPIA
Registered Planner

B

9:50 ↗ facebook.com

 Closed now · 06:30 - 14:30 Like

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About



65 Dutty Street, Unley, South Australia 5061 [Get Directions](#)

91 people checked in here

(08) 7226 8053

sam@harkcoffee.com

<http://www.harkcoffee.com.au/>

Closed now · 06:30 - 14:30

Epic Aussie built fluid-bed (100% convection) air roaster

Supplying incredible wholesale beans & machines to local cafés!

Visit us:


Hark Coffee Roasters is on Facebook.
 To connect with Hark Coffee Roasters, log in or create an account.
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9:57 ↗ facebook.com

 Hark Coffee Roasters 5 April at 06:33 · [View](#)

GET .HARKED . TODAY ☺
 Hark1: "I wish my local cafe had Hark coffee"
 Hark2: "First, you're a sellout. Second, couldn't you just tell them Hark partners with cafes?"
 Hark1: 😊 "All . This . Time"

#wholesale ... More



11 Likes · 1 comment

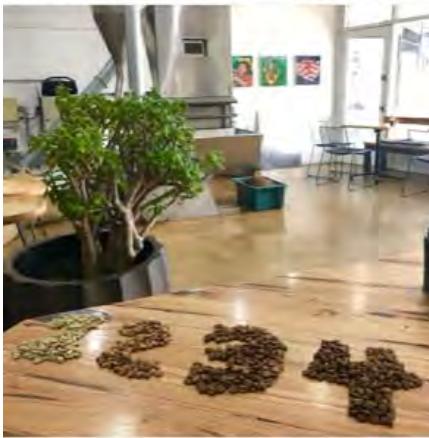
 Hark Coffee Roasters 4 April at 11:39 · [View](#)

WE . ❤ . COFFEE
 We source beans from all around Australia, searching for the

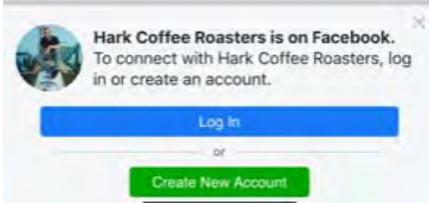
9:50 ↗ facebook.com

 Hark Coffee Roasters 16 September at 13:41 · [View](#)

DEVELOP YOUR CAFE 🌱
 View each stage of green bean development in our famous Sugarmen. We use 3 and 4 in our blend.
 Keen to come up with your unique blend today for your cafe?



7 Likes


Hark Coffee Roasters is on Facebook.
 To connect with Hark Coffee Roasters, log in or create an account.
[Log In](#) [or](#) [Create New Account](#)

9:59 ↗ facebook.com

 Hark Coffee Roasters 13 March at 06:57 · [View](#)

REGAL COFFEE ☺
 Get the best, in store, home or in your own cafe. Find out how Hark can give your business a competitive edge that leaves you chillin like this guy.

#wholesale #wholesalecoffee #beans #coffee #southaustralia #family #pilot #av #supplychain #supplychainmanagement #roasters #coffeegeek #thebest #d #aussie



18 Likes · 5 comments





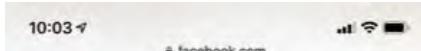
Wholesale/Café Supply

"I'm interested and want to know more about getting Hark! in my café/espresso bar; what can you offer and what's the next step?"

Hark! was designed to provide the best coffee with the best service. We have various options for cafés looking to use Hark! We are a one stop shop for beans, machines and everything in between.

We provide cafés with the machinery we would be comfortable using in producing a high end product. We also know that some café owners already have their machines and love them. This shows us your commitment level to producing good coffee and we think you should be rewarded for this.

Hark! will periodically hold cupping sessions to give people the opportunity to grow in their understanding of coffee. By using Hark! you are automatically invited to these sessions. We are not just a roaster and supplier to the cafés that sell our product but an open resource for all things coffee.



Hark Coffee Roasters
18 December 2018 at 10:03 · 48

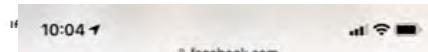
GET THE BEST!! Café owners and the public alike are asking for the best coffee in Adelaide. Call Sam (0478121171) now and discuss premium options and quality service in 2019!! If you are serious about coffee, we are serious about supply. Hark offers a very unique range of options for cafés interested in taking coffee seriously in 2019.



23 Likes · 2 comments

Hark Coffee Roasters
17 December 2018 at 10:10 · 48

🎉 WINNER WINNER!! 🎉 our winners for a sampling of our first roast on our first birthday are tagged in this video. All winners and their tagged friend entitled to a free coffee this week!!! Come in and introduce yourself. 😊



Hark Coffee Roasters
18 December 2018 at 10:04 · 48

⭐ WHOLESALE BEANS! ⭐ Met this legend during the week. Good coffee needn't be a once a day deal, it can be an all day thing. EXPERIENCE HARK! In your local hopper. Machine and coffee wholesale deals available for a stellar new year!!!! 🎉



12 Likes

Hark Coffee Roasters is at Hark Coffee Roasters.
12 December 2018 at 04:31 · Unlink · Adelaide · 48

👉 CHECK IT OUT! 👕 Wow such a honour to be in the paper about the product we love and stand behind. Come see what Adelaide is raving about. ☕️🔥🌟 @ Hark Coffee Roasters



Our Roaster

Wholesale

Shop

Log In

Create Account

Search

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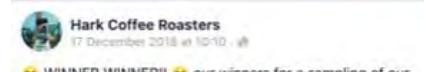
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Our Roaster

Wholesale

Shop

Log In

Create Account

Search

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Environment Protection Authority
GPO Box 2607 Adelaide SA 5001
211 Victoria Square Adelaide SA 5000
T (08) 8204 2004
Country areas 1800 623 445

C

EPA Reference: 34703

15 June 2020

Ms Amy Barratt
Development Officer
City of Unley
PO Box 1
UNLEY SA 5061

Dear Ms Barratt

DIRECTION - Activities of Major Environmental Significance

Development Application No.	090/19/2019
Applicant	Samuel McKay
Location	A215 DP1153 HD Adelaide, 65-67 Duthy St Malvern SA 5061
Activity of Environmental Significance	Schedule 8 Item 11; Schedule 22 Part A Activities, Item 22-6(6)
Proposal	Change of use from shop to cafe, coffee processing and sale, installation of a FW

Decision Notification	A copy of the decision notification must be forwarded to: Client Services Officer Environment Protection Authority GPO Box 2607 ADELAIDE SA 5001
------------------------------	--

I refer to the above development application forwarded to the Environment Protection Authority (EPA) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves an activity of major environmental significance as described above.

The following response is provided in accordance with Section 37(4)(b)(ii) of the *Development Act 1993* and Schedule 8 Item 11 of the *Development Regulations 2008*.

In determining this response the EPA had regard to and sought to further the objects of the *Environment Protection Act 1993*, and also had regard to:

- the General Environmental Duty, as defined in Part 4, Section 25 (1) of the Act; and
- relevant Environment Protection Policies made under Part 5 of the Act.

Please direct all queries relating to the contents of this correspondence to Greg Ahrens on telephone (08) 8204 9289 or facsimile (08) 8124 4670 or email Greg.Ahrens@sa.gov.au.

THE PROPOSAL

This application is retrospective approval to change the use of an existing shop (formerly fruit and vegetable / greengrocer shop) to a coffee shop and café, and includes approval for the processing and sale of coffee and the installation of roof mounted ventilation equipment in the form of a flue and after burner housing.

The EPA understands that roasting is undertaken from the site using a 20kg fluid bed roaster which produces a 17kg roast from 20kg input. Each cycle takes nine minutes with a three minute cool down cycle with a total of two to three roasts to occur per cycle with roasting to occur from the site on average five times per week.

The application indicated that roasting would only occur to supply the café (i.e. no wholesale type activity) and that the café would operate Monday to Friday 6:30am to 2:30pm; and Saturday and Sunday 7:00am to 1:00pm. In addition there would be the occasional roasting (for training/demonstration) outside these hours, but would cease prior to 6:00pm. In this regard, all roasting activities would occur between the hours of 7am and 10pm (daytime) for the purposes of the *Environment Protection (Noise) Policy 2007*.

SITE DESCRIPTION

The site of the development is located at 65-67 Duthy Street Malvern, which is more particularly described as Allotment 215 in Deposited Plan 1153, Certificate of Title Volume 5439 Folio 809.

The EPA notes that the site is developed with a group of existing shops which are located within the Unley Residential Historic Conservation Zone and the Spacious Historic Unley and Malvern Trimmer Estate Policy Area of the *Unley (City) Development Plan* (consolidated 19 December 2017).

Based on viewing aerial photography, the EPA notes that the nearest houses to the site of the development are located immediately to the east, south-east and south of the subject land, with many other houses notably situated within the recommended 200 metre radius.

CONSIDERATION

Advice in this letter includes consideration of the location with respect to existing land uses and is aimed at protecting the environment and avoiding potential adverse impacts upon the locality.

When assessing development applications referred to the EPA in accordance with the requirements of the Development Act, section 57 of the Environment Protection Act ('the EP Act') states that the EPA must have regard to, and seek to further, the objects of the EP Act and have regard to the general environmental duty, any relevant environment protection policies and the waste strategy for the State adopted under the *Zero Waste SA Act 2004* (if relevant).

As per Schedule 22 6(6)(a) of the Development Regulations 2008, the referral trigger to the EPA for assessment is '*Produce Processing Works; the conduct of works for processing any agricultural crop material being - (a) works for the processing agricultural crop material by deep fat frying, roasting or*

drying through the application of heat with a processing capacity exceeding 30 kilograms per hour.'

Documentation considered in the EPA's assessment, included (but not limited to):

- Schedule 8 Referral Package from City of Unley
- Correspondence from Applicant Samuel McKay (Hark) to EPA dated 17th April 2020 confirming commitment to physical works related Air and Noise Quality requirements
- Environmental Noise Assessment for Hark! Coffee, document Ref S6315C2 prepared by Sonus and dated February 2020
- Correspondence from Planning Studio to City of Unley titled 'Development Application 090/19/2019/C3 Hark Coffee' and dated 31 July 2019
- Email correspondence from Ignite Services to the EPA dated 4 June 2020 confirming post construction testing.

The site has not been inspected during the EPA's consideration of this application but has been viewed using mapping information available to the EPA, including recent aerial imagery, and considered according to existing knowledge of the site and the locality.

Environmental Issues

Evaluation Distance

The EPA's Evaluation distances for effective air quality and noise management publication outlines a 200 metre evaluation distance between 'produce processing works' (i.e. coffee roasting with a processing capacity of over 30 kilograms per hour) and nearby sensitive receivers.

In practice, activities may be brought closer to sensitive land uses than the recommended evaluation distances, provided it can be demonstrated that any environmental impacts would not compromise amenity. It should also be noted that the recommended evaluation distance is calculated in consideration of the older style roasting machines without afterburners.

The proposal should also demonstrate it can satisfy the general environmental duty as described in section 25 of the Environment Protection Act:

a person must not undertake an activity that pollutes, or might pollute, the environment unless the person has taken all reasonable and practicable measures to prevent or minimise any resulting environmental harm.

As referenced above, there are houses located within the recommended 200 metre evaluation distance. Therefore, a detailed air quality and noise assessment was undertaken and is summarised below.

Air Quality

If not designed and managed appropriately, a proposed coffee roasting activity may release smoke and

odour.

This application involves the retrospective approval for the installation and operation of the coffee roaster, as such the roasting equipment, including afterburner, cyclone filtration system and roof mounted exhaust stacks are in place and operating. The EPA has anticipated that there will be 14-15 roasting cycles per week, equating to around 4.6 hours of roasting and cooling.

The applicant has confirmed that an afterburner is fitted and interlocked with the coffee roaster until the afterburner has reached its operational temperature. The coffee roaster also uses a cyclone filtration system and is expected to be effective in reducing the quantity of solid particulate material likely to be emitted during roasting and cooling.

The EPA sought confirmation from the applicant that the system would comply with Section 3.2 of the EPA's *Ambient Air Quality Assessment* 2016 publication, a document referenced in the *Environment Protection (Air Quality) Policy 2016*, in that the height of the flue stack should be at least 3.0 metres above the highest point within a 30 metre radius, and that the exit velocity of the flue gas is at least 10m/s.

The applicant has committed via correspondence to the EPA dated 17 April 2020 to adjusting the flue stacks if need be to 3m above the highest point in a 30m radius and not be fitted with a rain protector. In addition that the exit velocity of the flue gas is above 10m/s.

Further, the applicant's consultant Ignite Services has clarified via email to the EPA dated 4 June 2020 that post construction testing would be undertaken to confirm that the current coffee roasting system achieves:

- after increased stack modifications have been undertaken, a retention time in the afterburner chamber of a minimum 4.5seconds at a minimum of 650c; and
- a cooling cycle stack exit velocity of 10m/second .

If parameters are not achieved from test results then a solution would be engineer that would allow the agreed parameters to be met.

Based on the above, the environmental outcomes expected from meeting these parameters are considered fair and reasonable within the practical framework of the Environment Protection Act and the Environment Protection (Air Quality) Policy and, as such, the EPA is satisfied with the proposal from an air quality grounds, noting that some odour and smoke would most likely be experienced but the level of impact considered low.

A condition is directed below to ensure that the operation of the coffee roaster achieve the requirements of the *Ambient Air Quality Assessment* 2016 publication for low-risk atmospheric release, namely:

- the afterburner retention time will be at a minimum of 4.5 seconds and a minimum of 650 degree Celsius throughout the roasting cycle
- the afterburner stack exit velocity would be a minimum of 10m/s

- the cooling-cycle stack would have a minimum exit velocity of 10m/s
- the stacks would not have their upward flow impeded by a rain protector
- the stacks would be modified to be at a height of at least 3m above the highest point within a 30m radius.

Further a notation is advised highlighting the requirement to submit a post construction validation report as part of any EPA licence application.

Noise

The EPA notes that the site and nearby sensitive receivers are co-located within the Unley Residential Historic Conservation Zone UN/18, with no adjustments required for being located in the Spacious Historic Unley and Malvern Trimmer Estate Policy Zone. This zone is considered residential for the purposes of an assessment against the Noise Policy.

As the site will only be active during day-time hours, the relevant noise requirement is 47dB(A) (Residential daytime (52dB(A) minus 5dB(A) for new development). The development is located within an existing local store/shop within a historic residential area. If the applicant installs one of the two recommended acoustic treatments as detailed within the Environmental Noise Assessment prepared by Sonus Ref No. S6315C2 and dated February 2020, then the development would be able to meet the indicative noise levels of the *Environment Protection (Noise) Policy 2007*.

The applicant has committed via correspondence dated 17 April 2020 to installing one of the two recommended acoustic treatments.

Based on the above, the EPA is satisfied with the proposal from a noise perspective. Conditions are directed below to ensure that the applicant undertakes all reasonable and practicable measures to minimise off-site noise, as per the general environmental duty required by the Environment Protection Act.

The Council should consider imposing a condition regulating hours of operation should the proposal be granted Development Plan Consent to ensure roasting operations do not occur at night time hours (i.e. before 7am or after 10pm) as per the purposes of the *Environment Protection (Noise) Policy 2007*.

Waste Management

Dust and/or other particulates (eg coffee bean chaff) would be collected in the cyclone filter and/or incinerated in the afterburner. If operating effectively, no particulates would be exhausted to the atmosphere.

Given the capacity of the roasting activity, it is considered that disposal of grinds and husks can be appropriately managed via a commercial waste or recycling service. This is acceptable to the EPA.

Water Quality

Given that the proposed activities are located within the building, no water quality impacts are anticipated.

Therefore, the EPA is satisfied that the proposal would not result in any unacceptable surface water or groundwater impacts.

Environmental Authorisation

The operation of a Coffee Roaster with a processing capacity exceeding 30 kilograms per hour requires an Environmental Authorisation (EPA Licence) pursuant to the Environment Protection Act. A note is included below to remind the applicant of the need to obtain a licence.

CONCLUSION

Provided the coffee roaster is operated as outlined in this development application and directed conditions (with all existing equipment in place) it is considered unlikely that the proposal will have an adverse environmental impact.

DIRECTION

1. The existing attenuators must be retained within the outlet duct of the coffee cooling fan and the internal dimensions of the duct should remain at the current diameter to ensure the maintenance of airflow. The insulation may be protected with a perforated steel sheet lining on the inside of the duct. The lining should have an open area of at least 15%.
2. The outlet ducts of the coffee cooling fan and roaster exhaust must be appropriately attenuated within three (3) months of the granting of Development Approval, with either:
 - a. 50mm thick insulation with a minimum density of 32 kg/m³ for a minimum distance of 2.5m for the coffee roaster exhaust and 1.5m for the cooling fan exhaust; or
 - b. a 100mm thick insulation with a minimum density of 32 kg/m³ for a minimum distance of 2.0m for the coffee roaster exhaust and a minimum distance of 0.5m for the cooling fan exhaust.
3. The coffee roaster must achieve the following operational parameters:
 - a. the afterburner retention time must be at a minimum of 4.5 seconds and a minimum of 650 degree Celsius throughout the roasting cycle;
 - b. the afterburner stack exit velocity must be a minimum of 10m/s;
 - c. the cooling-cycle stack must have a minimum exit velocity of 10m/s;
 - d. the stacks must not have their upward flow impeded by a rain protector; and
 - e. the stacks must be modified to be at a height of at least 3m above the highest point within a 30m radius.

The following notes provide important information for the benefit of the applicant and are requested to be included in any approval:

- The applicant is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute

the environment in a way which causes or may cause environmental harm, including undertaking all reasonable and practicable operational measures to minimise off-site noise.

- An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence
- A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.
- The EPA will require as part of a licence application, the production of a 'verification report' prepared by an independent experienced and qualified engineer which demonstrates compliance with all engineering aspects related to air quality and noise attenuation as detailed in the Development Application and EPA directed conditions. If a post construction assessment indicates any parameters are not initially met then the applicant will be required to make the necessary adjustment to meet these requirements and revalidate as part of the validation report.
- EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>

Yours faithfully

Hayley Riggs
Delegate
ENVIRONMENT PROTECTION AUTHORITY

ATTACHMENT D



REPRESENTATION Category 3 (Page 1)

To: Amy Barratt, City of Unley Development Section

Please read these notes carefully:

1. Both pages MUST be completed in full and returned to the City of Unley by the closing date to be a valid representation.
2. This page (ie Page 1) will NOT be published on the internet.
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4. Please note that 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 3 May 2019**.

Application: 090/19/2019/C3 55-65 Duthy Street, Malvern 5061

Details of Person(s) making Representation:

Name:

Postal Address:

EMAIL ADDRESS:

Daytime Phone No.

Property affected
by Development

(Signature)

30/4/19

(Date)

Subject:	DEV APP
Property/Street:	55-65 DUTHY STREET
Application No:	090/19/2019/C3
Doc. No.	30 APR 2019
For Info/Action:	A BARRATT

REPRESENTATION Category 3 (Page 2)

To: Amy Barratt, City of Unley Development Section

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Application:	090/19/2019/C3 55-65 Duthy Street, Malvern 5061
Property affected by Development	

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

(Please state your reasons. Attach extra pages if you wish)

My concerns (if any) could be overcome by:

I 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.)



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30/4/19

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DEV APP	
Premises/Street 55-65 DUTHY STREET	
Application No. 090/19/2019/C3 MALVERN	
Doc. No.	Class. 30 APR 2019
For Info/Action AGARATTI	

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(Signature)

30/4/19

(Date)

DEV APP	
Adv/Street	55-65 DUTHY STREET
Application No	090/19/2019/C3 MALVERN
DOC NO	30 APR 2019
Class	ALUNE
Verifier/Action	A BARRATT

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Property/Street		
Application No		
Doc. No.	02 MAY 2019 Class.	
For Info/Action		
Amy Barratt		

REPRESENTATION Category 3 (Page 2)

To: Amy Barratt, City of Unley Development Section

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The closing date for Representations is **5pm on 3 May 2019**.

Application:	090/19/2019/C3 55-65 Duthy Street, Malvern 5061
Property affected by Development	

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

(Please state your reasons. Attach extra pages if you wish)

My concerns (if any) could be overcome by:

I 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.)

REPRESENTATION Category 3 (Page 1)**To: Amy Barratt, City of Unley Development Section****Please read these notes carefully:**

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Application: 090/19/2019/C3 55-65 Duthy Street, Malvern 5061

Details of Person(s) making Representation:**Name:****Postal Address:****EMAIL ADDRESS:****Daytime Phone No.****Property affected
by Development**

(Signature)

3/5/2019
(Date)

Subject -	Dev App
Property/Street	
Application No.	
Doc. No.	03 MAY 2019
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For Info/Action	Amy Barratt

Attach any extra pages to the back of this form

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Application:	090/19/2019/C3 55-65 Duthy Street, Malvern 5061
Property affected by Development	154 FISHER STREET MALVERN SA 5061

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

(Please state your reasons. Attach extra pages if you wish)

REFER ANNEXURE 'A'

My concerns (if any) could be overcome by:

REFER. ANNEXURE 'D'

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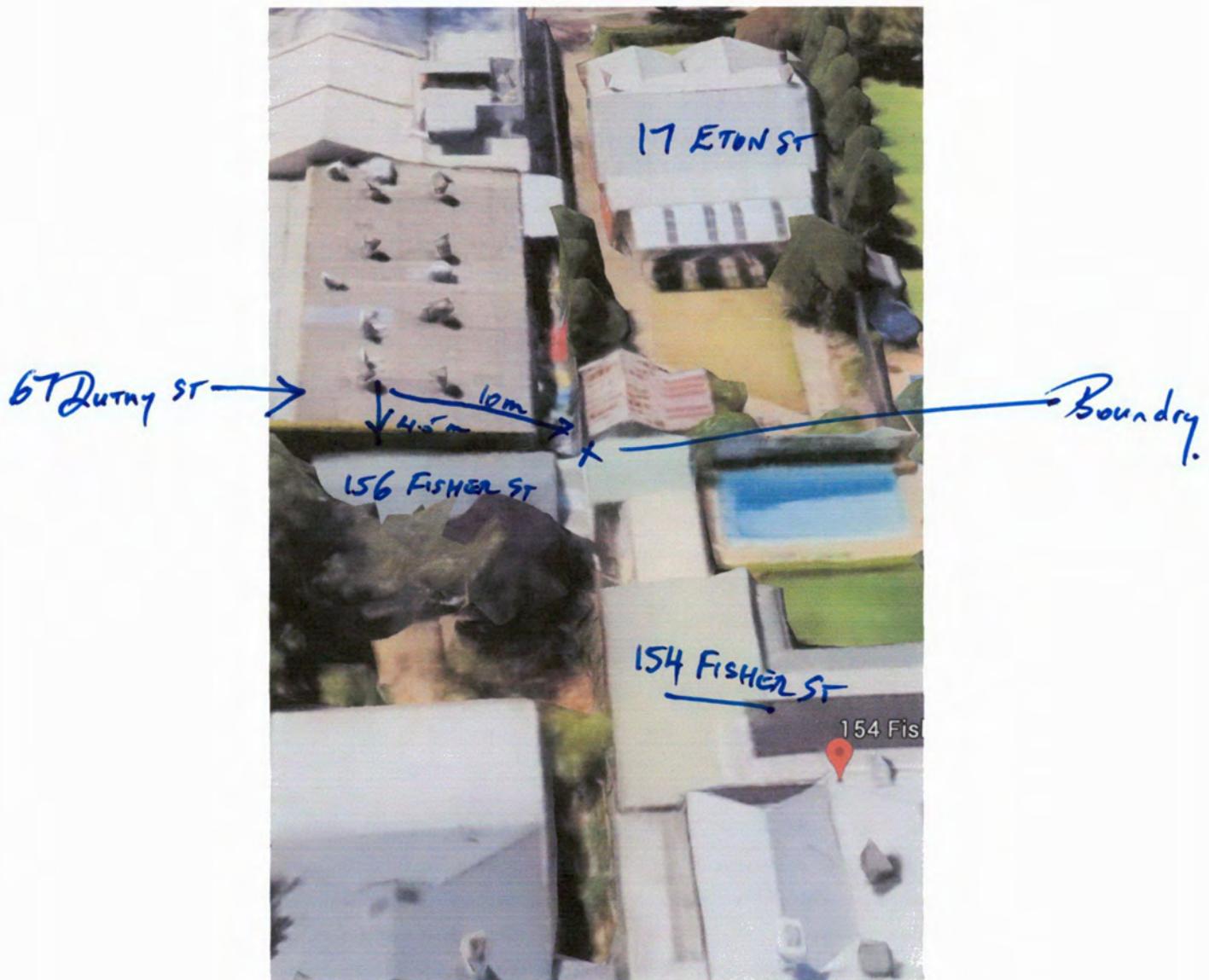
ANNEXURE "A" – OBJECTION TO THE PROPOSED DEVELOPMENT

1. The area is zoned Historical Character Residential / Residential Historic Conservation (RHC) per the City of Unley Zones. I believe it to be a non-complying development.
2. If the development is non-complying I believe the process of this application has been improperly followed by the applicant and the Council as there has been no real assessment to the extent to which the development complies and the applicant has not supplied third party reports to substantiate the claims made in relation to emissions and noise.
3. The Development is a change of use. The shop (s) were previously a Fruit & Vegetable shop and prior to that a hairdresser. Although the Development application plays down the Roaster and promotes the sale of coffee in their adjoining shop the intention of the applicant to manufacture and wholesale is obvious from the capital expenditure incurred in installing the Roaster, the size and the marketing to quote "It operates as a wholesaler with an espresso bar and kitchen on side". The industrial use is not appropriate for either the site or the zoning..
4. The two flues are very obtrusive from our property and affect the view from our backyard where we have a swimming pool and outdoor entertaining area. (**Refer Annexure "B"**). Contrary to the claim by the Applicant's Director Sam McKay that the flues are visible from no more than two properties there are certainly three properties that they dramatically affect being our own at 154 Fisher Street, 156 Fisher Street and 17 Eton Street. (**Refer Annexure "C"**). Whilst 4.5 m from one neighbour is mentioned there would be a slightly longer distance of approx 10 m between one flue and our Property (and also 17 Eton Street)
5. Also contrary to the claim by the Applicant's Director Sam McKay both flues do make a audible noise - the Southern one sounds like a furnace and the Northern one like a Trans Adelaide diesel bus whining whilst idling. I believe the applicant should provide an experts report on the level of noise emitted. It is very annoying particularly in summer when we utilise the pool and outdoor area with guests.
6. The Applicant's Director Sam McKay claims that roasting operates between 2 – 4.30 pm for 10 minutes. In fact the roasting and associated afterburner go for a lot longer (at least 30 mins) and are quite often continuing after 4.30pm.
7. A simple Google search will show a number of odour & health issues with Roasters in residential areas. The application does not mention if the EPA have inspected the facility or if the premises are licenced. Licensing is apparently required for processing capacity in excess of 30 kg per hour.
8. The visual impact and noise associated with the Roasting facility has a detrimental effect on the value of our property.

ANNEXURE "B"

D

ANNEXURE "C"



(Note - before flues)

ANNEXURE "D" – MY CONCERN (if any) could be overcome by :

1. I have no substantial objection to the and the matter could be settled by moving the Roaster to an appropriate zoned site and the flues removed.
2. Failing my and others concerns not being recognised and the retrospective development approval is unfortunately there should be very clear and auditable hours that the Roaster is allowed to operate with restrictions on the volume of throughput. It is of concern that the business will ramp up further and the hours of operation will increase. Also once this change of use is accepted subsequent owners could further industrialise this site.
3. It is with regret that I make these representations as it is not my wish to disrupt this or any other business however the business was unfortunately commenced without following the appropriate notifications and regulations.

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Details of Person(s) making Representation:

Name:

Postal Address:

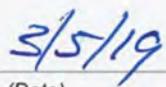
EMAIL ADDRESS:

Daytime Phone No.

**Property affected
by Development**



(Signature)



(Date)

Subject -	Dev App	
Property/Street		
Application No.		
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Property affected by Development	154 FISHER STREET MALVERN SA 5061

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

(Please state your reasons. Attach extra pages if you wish)

REFER ANNEXURE "A"

My concerns (if any) could be overcome by:

REFER ANNEXURE "D"

I WISH TO BE HEARD DO NOT WISH TO BE HEARD by the Council Assessment Panel

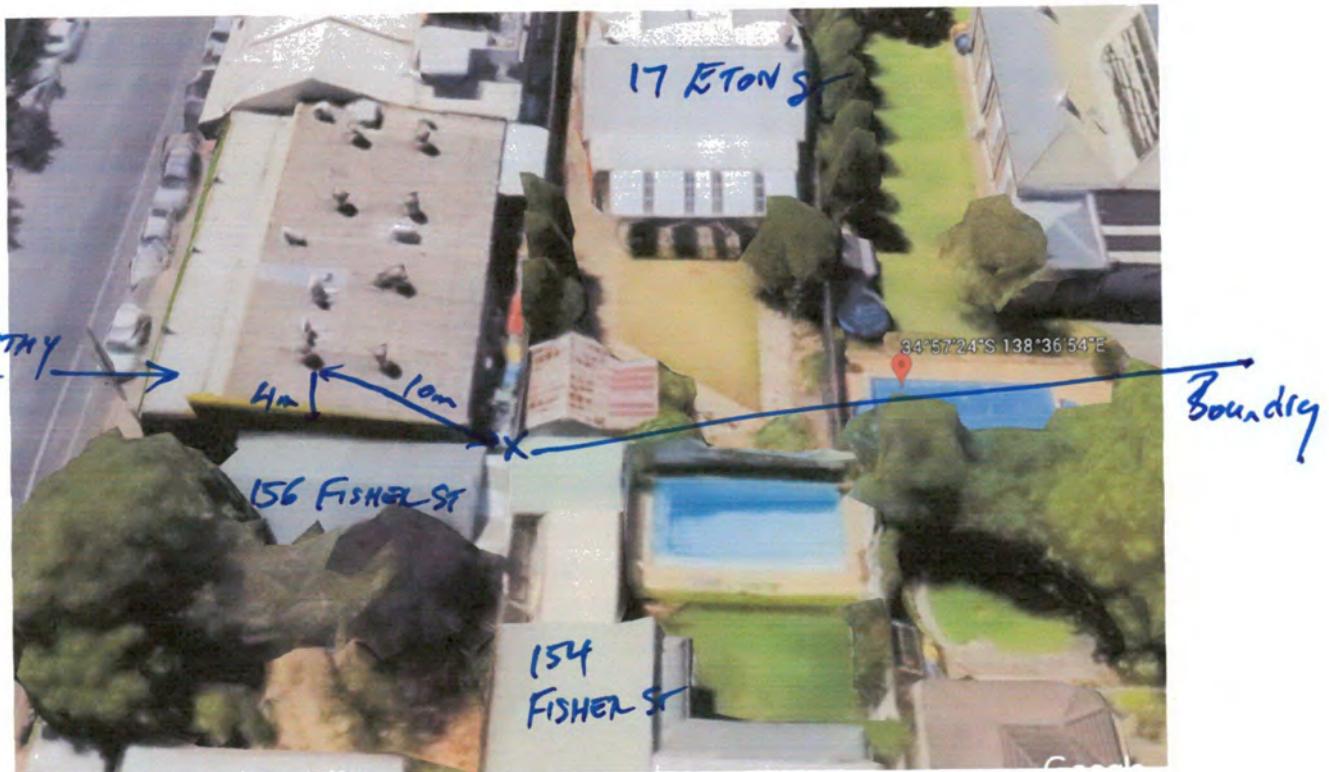
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ANNEXURE "Z"

ANNEXURE "C"



ANNEXURE "D" – MY CONCERNS (if any) could be overcome by :

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Application: 090/19/2019/C3 55-65 Duthy Street, Malvern 5061

Details of Person(s) making Representation:

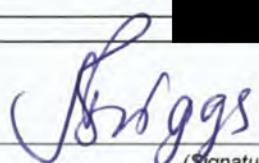
Name:

Postal Address:

EMAIL ADDRESS:

Daytime Phone No.

**Property affected
by Development**



(Signature)

3/5/19

(Date)

Subject -		Dev App	
Property/Street			
Application No.			
Doc. No.	03 MAY 2019	Class.	
For Info/Action		Amy Barratt	



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Application:	090/19/2019/C3 55-65 Duthy Street, Malvern 5061
Property affected by Development	<i>156 FISHER STREET, MALVERN 5061</i>

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

(Please state your reasons. Attach extra pages if you wish)

Please refer to attached documents/photographs.

My concerns (if any) could be overcome by:

I

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.)

090/19/2019/C3 55-65 Duthy Street, Malvern 5061

Objection to the proposed development

This development application is classified as a Category 3 application and we believe this is a Non-Complying development, based on the nature of activity for the property in question in a Residential Historic (Conservation) Zone.

Reasons for objection to change of use and instillation of flues:

- The applicant is roasting coffee for wholesale purposes and operating an ancillary coffee shop. Manufacturing in a Residential Historic (Conservation) Zone is not appropriate. The applicant has failed to address the change of use for the site and to provide evidence of independent technical and environment assessments required for industry development activity and operating a coffeeshop.
- Based on the lack of information provided by the applicant, Council is not in a position to make an informed decision about compliance or the impact of industry activity in this zone and should decline consent. Subsequently we believe that Council should recommence the notification process.
- We have experienced a change in outlook, odour, noise, increased traffic (including trade vehicles) and traffic safety issues as a result of the applicant commencing operations.
- The application for the installation of two flues is retrospective and flues were installed without development approval and have significantly altered our outlook.
- Contrary to the claims made by the applicant, the flues emit noise and odour and the roasting times stated in their application are not currently being adhered to. Roasting has been noted prior to 2pm and after 4.30pm and on many occasions for longer than the 10 minutes claimed by the applicant.
- The flues are visible from our rear garden, our deck and our kitchen and living area inside our property. Attached photographs clearly show the change in outlook from our property.
- We are experiencing increased traffic related safety issues due to the change of use from a fruit and vegetable shop to coffee shop. Attached photographs clearly show a range of scenarios where our view of Duthy Street is obstructed as we exit our driveway. Cars are now parked for greater lengths of time and often across the yellow line.

Because of the points raised above, we would expect the Council to deny this development application and recommence the notification process.

We expect independent assessments by suitably qualified technical experts for the following:

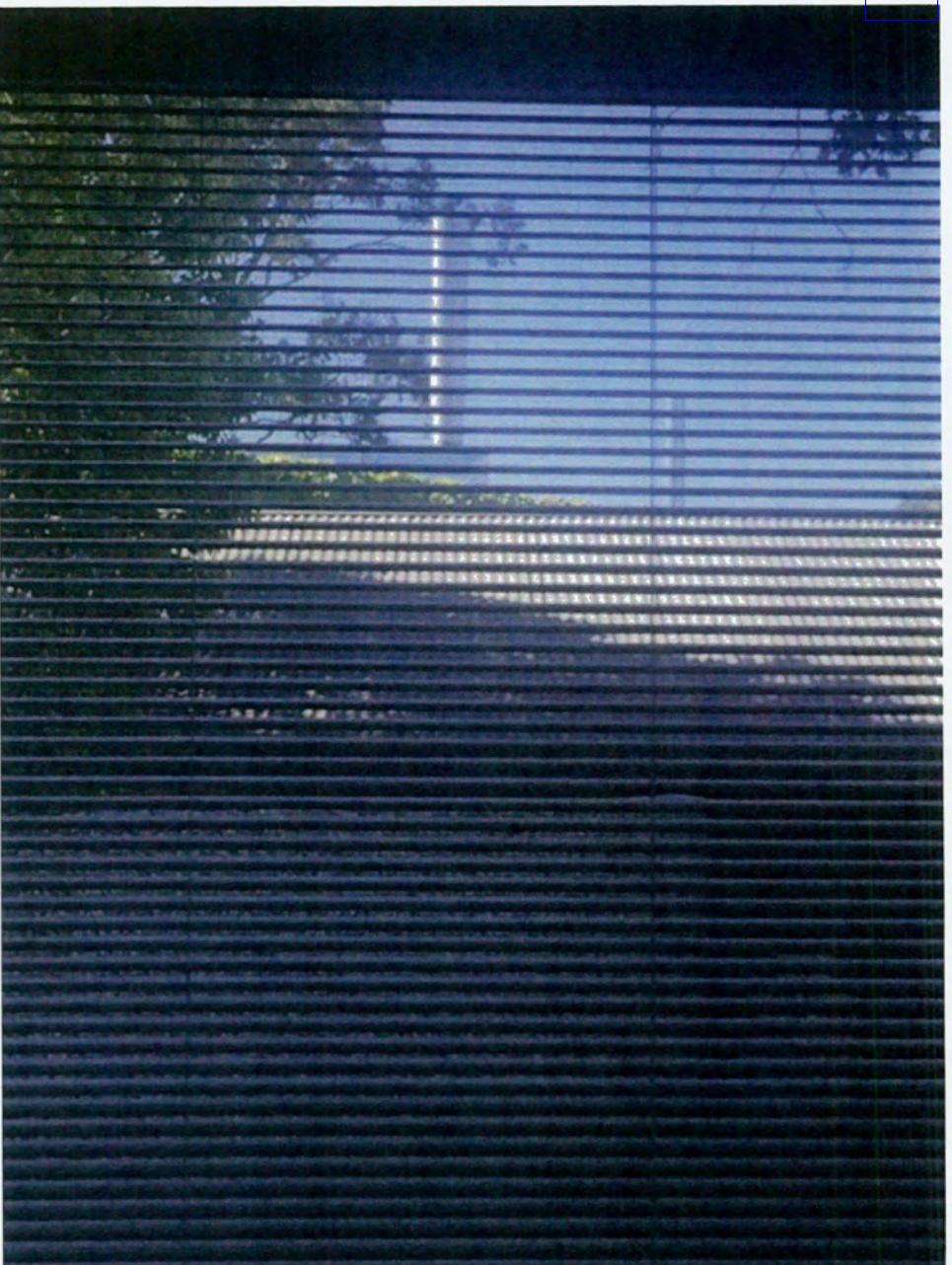
- Traffic Assessment
- Acoustic Assessment
- Odour Assessment
- The matters of waste and safety management also need to be considered

It is regrettable that we have been placed in a position to object to this development retrospectively.

D

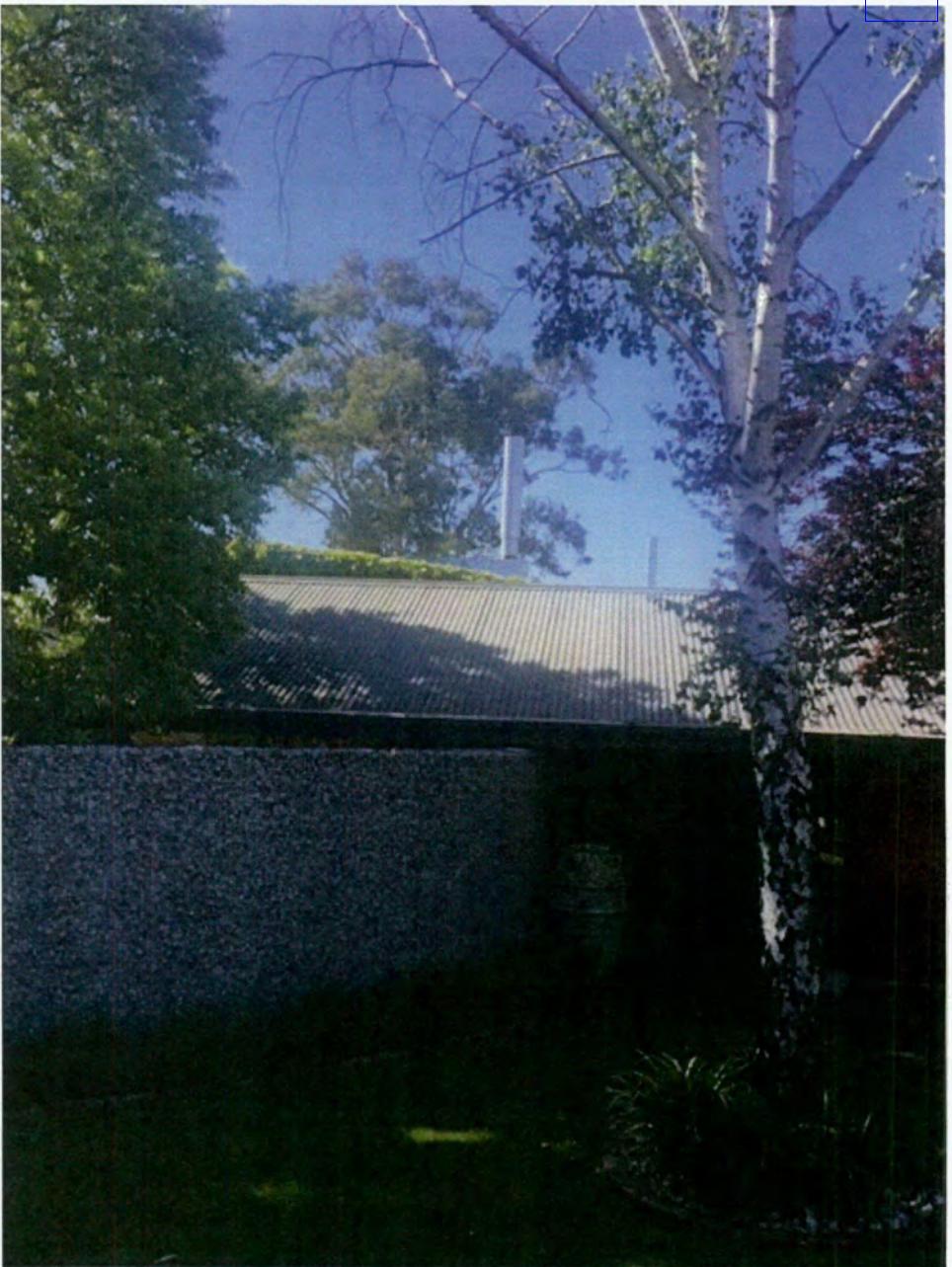


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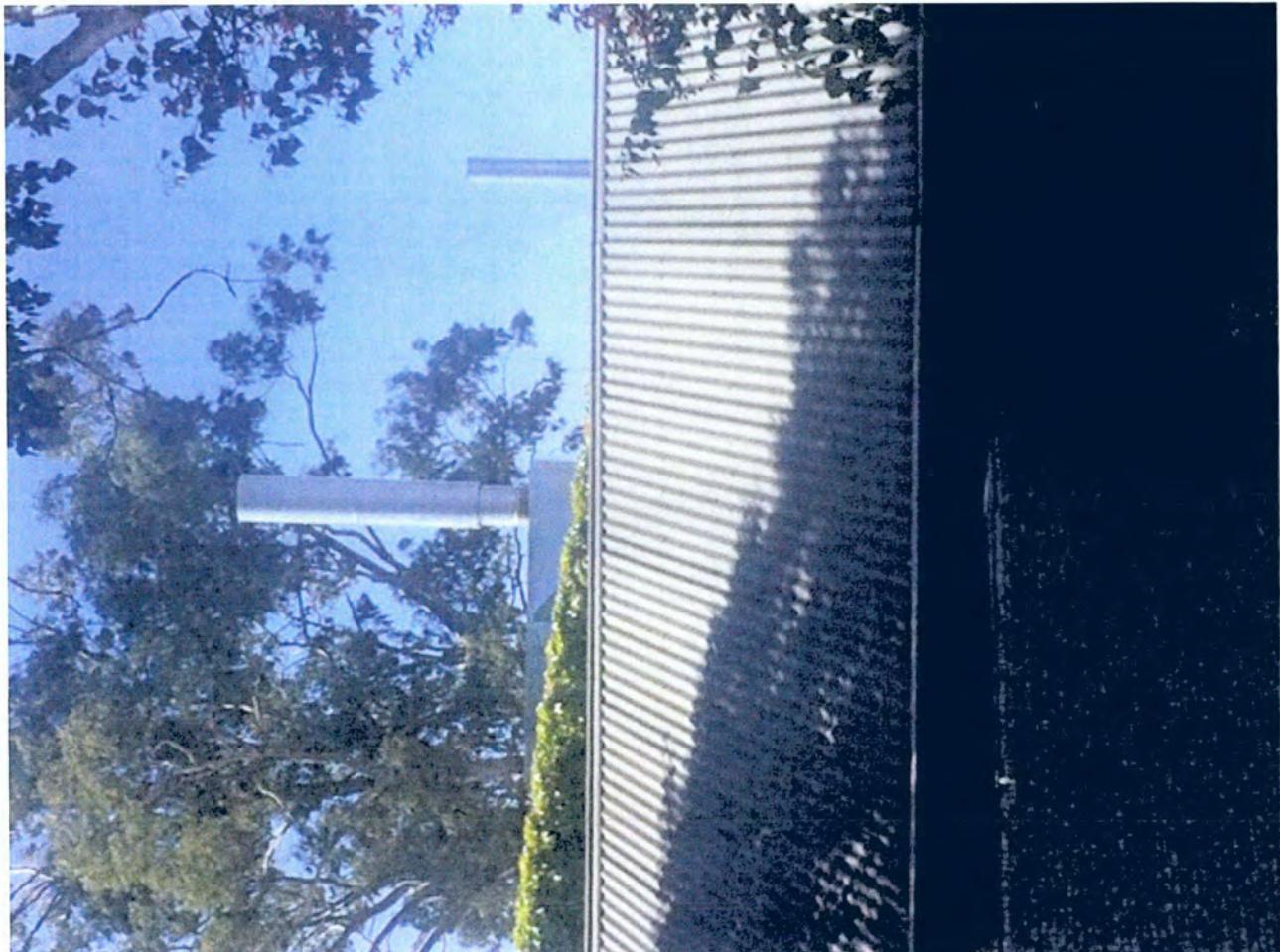


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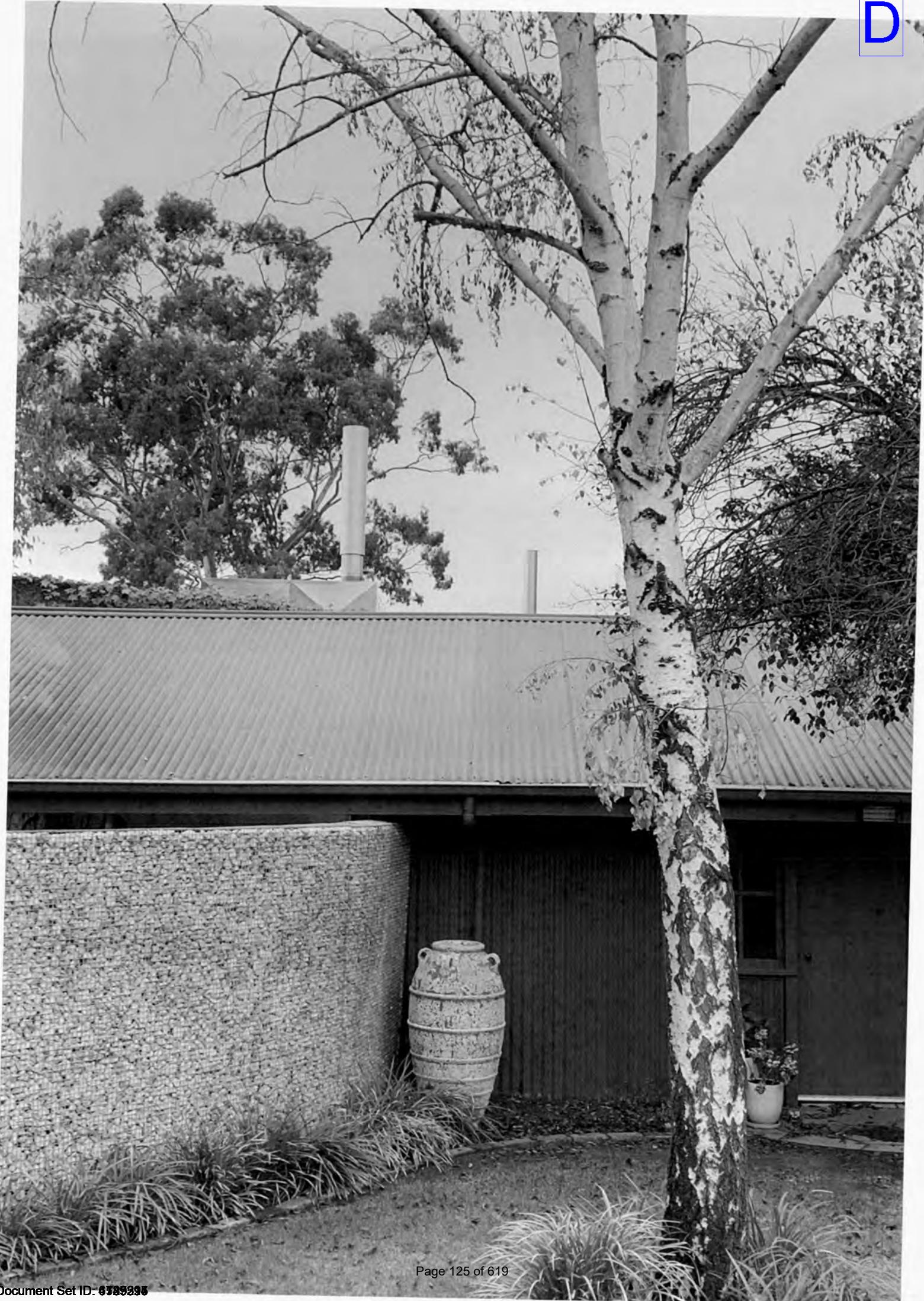
Jenny Briggs (0419 123 041), jenny@gmail.com, malamute@audited.com.au

Category:

Purple Category



D



D



D

C
O
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E
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D



D



D



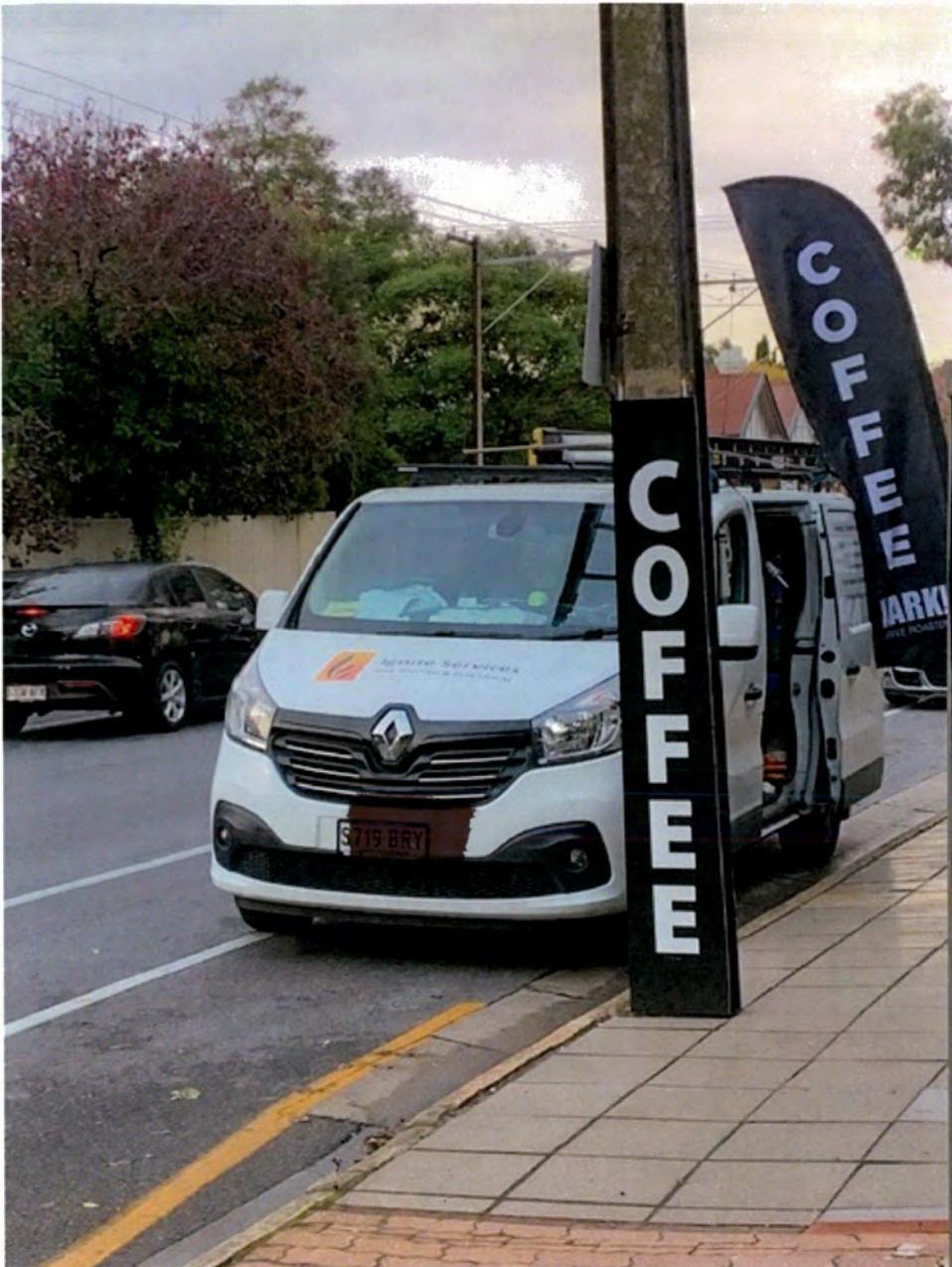
D



D

Jenny Briggs (Business SA)

From: Jenny Briggs (Business SA)
Sent: Friday, 3 May 2019 12:39 PM
To: Jenny Briggs (Business SA)
Subject: IMG_0502.jpeg



1



D



ATTACHMENT E

31 July 2019

Ref: P0191.01

Ms Amy Barratt
Urban Planner
City of Unley
PO Box 1
UNLEY SA 5061

Dear Amy,

RE: Development Application 090/19/2019/C3
Hark Coffee
55 - 65 Duthy Street, MALVERN SA 5061

Planning Studio has been engaged by Mr Sam McKay ('the Applicant'), owner of Hark Coffee, and lessee of the existing shop located at 55 – 65 Duthy Street, Malvern.

Mr McKay and his business partner, Mr Theo Engela took over the lease of the premises in October 2018, with an understanding that they could operate the premises as a café. As part of the café operation, a coffee roaster and associated flue equipment was installed. The existing premises contained four (4) flue's, erected on the roof of the existing building. Works to the premises included the replacement of an existing flue with an installation that meets current industry and EPA standards, and an adjoining after burner.

Commensurate with works, the Applicant has obtained an Electrical Certificate of Compliance, Gas Certificate of Compliance, Certificate of Compliance (Gas-Fired Appliance) and has submitted a 'Food Business Notification Form' to the Council.

There was no indication at the time that there was a need for a change of land use, or that the operation contravened any aspects of the *Development Act* ('the Act') or *Development Regulations 2008* ('the Regulations').

Notwithstanding, the Applicant has been advised that an authorisation for a change of use from Shop to Café, including coffee processing and sale, and the installation of the ventilation equipment (flues) is required. In an endeavour to ensure the use carries all necessary approvals, the Applicant has lodged a Development Application on a without prejudice basis.

1 THE PROPOSAL

The proposal has been described by Council as a 'Change of Use from Shop to Café, coffee processing and sale, and installation of a flu'.

Schedule 1 defines a 'shop' as follows:

shop means—

- (a) premises used primarily for the sale by retail, rental or display of goods, foodstuffs, merchandise or materials; or
- (b) a restaurant; or
- (c) a bulky goods outlet or a retail showroom; or
- (d) a personal service establishment, but does not include—

- (e) a hotel; or
- (f) a motor repair station; or
- (g) a petrol filling station; or
- (h) a plant nursery where there is no sale by retail; or
- (i) a timber yard; or
- (j) service trade premises; or
- (k) service industry;

The proposed use accords with the definition of a 'shop'.

Council have elected to further describe individual elements of the proposal, including the process by which the foodstuffs offered for sale are prepared, namely the processing of coffee and its associated sale.

Such activities are, in nature, no different to a bakery processing bread and bakery products offered for sale, a restaurant using ovens and such equipment to prepare the meals consumed or offered for sale by takeaway, or a butcher preparing the meat products that are offered for sale by retail.

The inclusion of the specific operations within the proposal description is considered unnecessary.

Notwithstanding, we note the installation of ventilation equipment, on the roof of the shop, forms the basis of opposing representations, rather than the use itself, and so will proceed to address such concerns.

It is noted that the change of use per se does not appear to be contentious.

2 THE LAND

The land is situated within the Residential Historic (Conservation) Zone, and more particularly within Policy Area 6 – Spacious Unley and Malvern Timmer Estate of the Unley Development Plan, consolidated 19 December 2017.

Within the Zone, a 'shop' is exempted from non-complying development whereby the proposal comprises '*alterations and/or additions to an existing shop or group of shops on the same site*'.

This exemption applies to the subject land, being an existing shop within a group of tenancies containing the proposed shop and two others, being a butcher (Windsor Meats) and a seafood shop (Gulf Seafood).

It is understood the subject tenancy was previously a fruit and vegetable shop.

The proposal is a consent use within the Zone, and has been subject to Category 3 public notification.

Photos of the subject land are provided over page.



Photo 1 | View of existing development from Duthy Street, Malvern



Photo 2 | Subject Land – Hark Coffee, 65 Duthy Street, Malvern

3 RESPONSE TO REPRESENTATIONS

I refer to the above development application and to the provision of the seven (7) representations received during the prescribed Category 3 notification period. Copies of the representations were provided to Planning Studio, as the Applicant's representative, via email distribution from the Applicant. The prescribed period of notification was concluded on 3 May 2019.

The Applicant has requested Planning Studio prepare a response to representations in accordance with section 38(8) of the Development Act 1993.

Council has agreed, in accordance with Regulation 36(1) of the Development Regulations 2008, to extend the period within which a Response to Representations be provided to enable the Applicant to seek specialist planning advice in the preparation of a response.

3.1 Overview and Background

Seven (7) representations have been received during the prescribed period. Three (3) are opposed to the development, with four (4) in support. It is noted that two opposing representations are provided from the same property address and are a duplicate copy. Similarly, three (3) representations in support are from a single property immediately adjoining Hark Coffee. Further, one supportive representation is noted to be by the Applicant.

Representations have been received from the following:

Table 1 | Representation Summary

Representor	Address	Opposed/Support	Desire to be heard
J & S Briggs	156 Fisher Street, Malvern	Opposed	Yes
M McCormack	154 Fisher Street, Malvern	Opposed	No
J Lampard	154 Fisher Street, Malvern	Opposed	Not indicated
S McKay & T Engela	47 Bray Street, Plympton Park	Support	Yes (Applicant)
L Zammit	61 Duthy Street, Malvern	Support	No
S Burt	61 Duthy Street, Malvern	Support	No
S Burt	61 Duthy Street, Malvern	Support	No

In essence, there are two opposing parties, being from two adjoining properties at 154 and 156 Fisher Street, Malvern.

No. 156 Fisher Street shares its rear boundary with the subject land, while No. 154 Fisher Street is located to the south-east of the rear of the subject land. It is acknowledged that both properties have views to the roof of the subject land. The building itself is screened by existing outbuildings, fencing and landscaping.

One (1) opposing representor has requested to be heard by the Council Assessment Panel ('CAP'), either personally or with representation by a third party. The two remaining opposing representors have either indicated they do not wish to be heard or have not indicated. The Applicant wishes to be heard.

Supportive representations have not provided any comments expanding upon written indication.

Common impacts and concerns have been identified by those opposed to the proposal.

These include:

- Nature of land use is industrial in nature, resulting in objection to the classification of the development application and nomination as a consent use;
- Visual impact from installation of flues;
- General amenity impacts such as noise and odour;
- Traffic parking and road safety implications; and
- Recommendation to impose restrictions on capacity and hours of operation for roasting.

We note that there has been no general expression of opposition to the use of the site as a café.

Given the common themes raised within representations, considerations are addressed on an issue basis in this response. The absence of specific reference to all authors in no way reduces the significance of their comments, but indicates that the comments are consistent with those grouped and discussed generally. Where multiple comments of the same nature have been made, general discussion is provided.

Representations opposed to the development have identified a perceived impact on the amenity of the locality, with particular emphasis on the visual and noise impact arising from the installation of a flue and after-burner on the roof of the shop, and the management of traffic attending the group of shops. There has been no recognition that there were four existing flues on the building and that numerous similar structures appear on the roof of the two adjoining food related tenancies.

In relation to comments (and photographs) relating to traffic, we note that there is no evidence that all vehicles observed within the locality can be attributed to persons attending Hark Coffee. Nor is compliance with parking restrictions or manoeuvring on the public road a matter for the assessment of the development application.

The existing land uses contained within the group of shops must be acknowledged, and given significant weight when considering matters of parking, deliveries and general road use. It would be improper to associate all vehicles, traffic movements or deliveries to Hark Coffee given all of the premises within the group of shops have a commercial orientation. Many customers attending Hark Coffee would most likely also do so as part of a multi-use trip to other premises within the group of shops.

Duthy Street is a public road whereby parking, and any associated location or time restrictions, remains a matter for the Council. The movement of vehicles, such as speed, manoeuvring and conduct of drivers is a matter for the SA Police.

While the Applicant is cognizant of the need to ensure deliveries and known customers abide by parking restrictions, it would be erroneous for such matters to form the basis of an assessment of the proposed change of use.

It is acknowledged that the proposal is retrospective in nature. Unfortunately, the Applicant was not aware that a repurposing of an existing shop would constitute a need to seek authorisation, nor that the installation of equipment used in the general course of the business would similarly result in a need for approval.

The Applicant contacted various departments of Council prior to commencement of the use and was not advised that a development application was required. The Applicant also proactively sought to mitigate any visual impact being experienced by the adjoining property owner, including an offer to facilitate vegetative screening if required.

Notwithstanding, we submit that the inclusion of the flue and after burner on the roof of the shop, being primarily a replacement flue to ensure compliance with industry and environmental standards, is not unreasonable within the context of the locality and the presence and operation of numerous similar installations on the group of shops.

Having observed the existing group of shops, other commercial and residential development within the locality and residential areas more broadly, it is not considered that the flue is uncharacteristically high, nor out of character with other commercial developments that may include a commercial kitchen, wood oven or roof mounted ventilation systems.

It is also noted that many residential properties contain similarly proportioned chimneys and flues, designed to ensure that smoke, heat and fumes extend to a height that will minimize any impact on adjoining properties.

In relation to the subject flue, it is mandatory that the flue extend a minimum of 3 metres above the exit point on the roof. To ensure all industry standards and regulations have been met, installation was undertaken by InSkip, a company preferred and recommended by the Office of the Technical Regulator.

The roasting machine has been certified by the Office of the Technical Regulator ('OTR') (State government body). This particular machine has been certified by Ignite Services, the preferred gas fitter of the OTR.

There will be no physical change in the configuration of the existing premises.

The proposal seeks approval to have the existing use acknowledged and subsequently authorised. It is intended that the premises operate in the same manner it has done so since late 2018. There is no intention to expand on the proposed business, roasting output or nature of sale of coffee from the site, being retail only.

Should there be demand or cause for the business to expand in future, the business owners acknowledge that alternate premises may be required.

Hours or operation have been raised by representors. This application does not seek to increase operating hours, nor increase beyond the proposed output associated with the processing of coffee. Hours and capacity will be discussed further in this submission.

The proposal seeks to provide increased certainty around operating hours, providing limitations that do not currently exist.

The hours proposed are not considered unreasonable or excessive.

3.2 Nature of Development

The proposal is for the change of use from a shop (formerly fruit and vegetable / greengrocer shop) to a 'Shop' being a café including the processing and sale of coffee, and the installation of roof mounted ventilation equipment in the form of a flue and after burner housing.

The subject land is generally known as Hark Coffee, a café providing a dine in and takeaway facility, primarily for the consumption of caffeine products. Light refreshments, including cakes, slices and food preparation assembly (toasted sandwiches etc), and refrigerated drinks are available for sale. The land does not contain a full commercial kitchen nor employ a qualified chef, so does not offer an extensive menu. The primary focus of the café is for the sale and consumption of cups of coffee.

Hark Coffee and its associated activities do not constitute 'industry'. Hark Coffee is an artisan, small batch roaster, producing sufficient roasted product to serve customers attending the shop.

Similar operations within cafés include:

- Soho (Adelaide City Council);
- Red Cherry (Burnside Council);
- Rise & Grind (Marion Council);
- Avalon of Woodside (Adelaide Hills Council);
- Crafers Gourmet Deli (Adelaide Hills Council); and
- Qahwa Espresso Bar (Victor Harbor Council).

It is understood that roasting has been considered an ancillary activity within all of the listed cafes.

The proposal has been correctly described and processed as a Consent (on-merit), Category 3 form of development within the Residential Historic (Conservation) Zone.

3.3 Visual Impact

It is acknowledged that flues on the roof of the existing group of shops are evident from the adjoining land. Notwithstanding, we note that there were no less than four (4) flues associated with the proposed shop prior to leasing by Hark Coffee. The number of flues has not increased. The proposal is more appropriately described as a replacement flue, albeit slightly increased in height as a result of changes in regulations and standards pertaining to such installations.

The current lessee has replaced one of the former flues and installed an after-burner, which acts as a warm air transfer following a roast cycle. No smoke emanates from either flue.

Photographs contained within representations provide a visual reference and confirm that flues are evident beyond the roof line of an existing outbuilding located at No. 156 Fisher Street, and from a rear yard pool area associated with No. 154 Fisher Street.

Flues have been installed at a height that ensures compliance with relevant industry and environmental standards, providing little opportunity to reduce height or provide additional visual barriers.

Photograph 1 shows the flues on the subject land, and the adjoining shops, when viewed from Duthy Street.

In acknowledgement of the potential visual intrusion, the Applicant has previously offered to facilitate and cover costs associated with additional landscape screening on the adjoining property.

3.4 Acoustic Impact

It is acknowledged that there is a degree of noise associated with any commercial activity. Whilst the majority of noise will occur as patrons arrive and depart from the site, the extent of noise would be associated with voices and the movement of vehicles. The level of noise associated with such activity is not unreasonable in the context of the locality, nor would it be readily identifiable during the day.

Noise associated with vehicles using Duthy Street is likely to be more significant.

It is noted that concerns have been raised about the noise associated with the roasting activities, and particularly with the cooling phase of the roast cycle.

To address such concerns, the Applicant engaged Aro Technologies to assess and measure the roaster and to consider the likely noise impact to adjoining residential properties.

Hark Coffee occupy two tenancies within the group of shops, operating as a single 'shop'. The building is an older building with solid, double masonry walls, plaster ceiling, concrete floor and asbestos cement roofing. The built form is ideal in terms of noise isolation, with exception of the glass windows and entry door extending the full width of the building to the street frontage.

The acoustic assessment has focused on the roasting machine and noise measurements and provides a subsequent assessment of the potential noise impact to adjoining neighbouring residential properties.

Initial use of the roaster noted that the cooling fan generated considerable tonal noise. Aro Technology were consulted with endeavours to improve noise associated with this phase of the roast. Investigations confirmed the roasting process was not of undue impact, but the cooling fan was creating a degree of impact.

The installation of Aro Technology specified sound attenuation (silencers) on 12 December 2018 had an immediate 35dB internal SPL reduction.

Following public notification of the proposal, further measurements and assessment has been undertaken. Specific results are outlined in the report.

The Aro Technology report concludes the following:

Unley City Council have a noise criteria which stipulates an overall upper limit of 5dBA above ambient background noise levels when measured at the adjacent property. The SA Environment Protection (Noise) Policy nominates typical ambient daytime (7am to 10pm) noise levels of 52dBA for residential and 62dBA for commercial.

...

The above numbers as 'A' weighted equivalent continuous noise levels at the boundary lines. Extrapolating these figures to allow for propagation loss to the nearest adjacent residential properties to the east and the south gives calculated levels of around 53 dBA and 51 dBA at the nearest edge of the respective adjacent houses. In simple terms this means in still conditions the roasting phase would not be measurable above the ambient at the adjacent houses and the cooling phase would just be audible and measurable, provided there was no other noise being generated by the adjacent shops at the time.

The initial noise problem with the cooling fan at the roaster commissioning stage in 2018 has long since been resolved. The noise levels measured do not equate to a nuisance and do not exceed EPA policy guidelines at the closest perimeter of the nearby residential houses. There was no noticeable tonal component or other notably audible characteristic to the noise. The roasting process would be completely inaudible inside the adjacent houses and only the cooling phase would be just measurable outside the nearest part of the adjacent houses. There does not seem a reasonable basis for a noise complaint based on these measurements.

Accordingly, we submit that the proposed use accords with the intent of both the Development Plan and the EPA Noise Policy in regard to noise.

A copy of the Aro Technology report is provided in Appendix A.

3.5 Odour

There is a slight odour associated with the process, evident within a very small radius for approximately 3 – 4 mins of the 9 minutes cycle. The ‘odour’ is likened to a bread baking smell, which is not considered offensive.

No odour modelling has been undertaken as it is unlikely that any undue or deleterious impact is experienced by the adjoining residential properties. It is anticipated that odours emanating from the adjoining seafood shop is more concerning.

3.6 Hours of Operation and Duration/Capacity of Roasting

As part of the business, Hark Coffee processes its own coffee. Processing is in the form of roasting and grinding coffee from raw beans.

Roasting is done only to supply the café.

Hours of operation (open to the public) of the café are proposed as follows:

- Mon – Fri: 6:30am – 2:30pm
- Sat & Sun: 7:00am – 1:00pm

Staff may be on site prior to opening and may remain on site until 5:30/6:00pm. This is to allow for set up and clean up prior to and after being open to the public.

On occasions, of approximately once per month or less frequently, there is a need for training/demonstrations with staff and colleagues. However, no roasting would occur after 6pm on these occasions.

Roasting is undertaken via a 20kg fluid bed roaster. This minimises the number of roast cycles that are required, producing a 17kg roast from 20kg input. Each cycle takes 9½ minutes, with a 3 minute cool down cycle, utilising the after burner (warm air) flue. 2 – 3 roasts can occur per cycle. Roasting currently occurs, on average, 5 times per week.

In a full development scenario, roasting could occur Monday – Saturday, primarily between the hours of 9am and 5pm.

Roasting occurs at a temperature of 270° Celsius. This is significantly less than a wood fired pizza oven at Duthy Pizzeria & Pasta (300° +), Pat-a-Cake bakery on Duthy Street commercial bread oven (300° +), and a commercial wok burner at Suree Thai (450°+). It is unlikely that similar

premises have been required to lodge applications for specific equipment used within each premises.

The roaster subject of the current application operates at the lowest temperature of other commercial appliances.

3.7 Traffic Impact

As noted earlier, vehicles attending the café park on Duthy Street. Parking restrictions are a matter for the Council. Compliance, or otherwise, with such restrictions is an enforcement matter for the Council. While every effort is made by the Applicant to remind customers of their obligations in this regard, persons electing to park in contravention of time limits, yellow lines, driveways or other such restrictions are monitored by Council. Such actions must not be attributed to the proposed use.

Similarly, road users are obligated to use the public road in accordance with the Australian Road Rules. Any breach of such is a matter for SA Police.

At present, the café receives a single delivery of raw coffee beans per month. Green coffee beans are delivered in 60kg hessian bags on palettes, using tray-top ute and is unloaded by hand. Deliveries take approximately 20 mins to be completed. In a full development scenario, it is anticipated that coffee may be delivered in the same conditions weekly. If required, weekly deliveries would still take only 20 mins.

Additional weekly truck deliveries include milk and general grocery items from a supermarket (currently Coles), taking approximately 10 mins each. Home-based businesses deliver gourmet food products (cakes, slices and other consumables) via passenger vehicles only, and occur infrequently.

All deliveries occur between 9am and 3pm and use Duthy Street only.

By contrast, other food premises within the group of shops receive regular daily deliveries, throughout the full extent of business hours.

Duthy Street is a local collector road under the care and control of Council. The nature of use, hours of operation and the capacity of the premises does not give rise to any undue traffic or parking impacts.

3.8 EPA licence requirement

There is no requirement for the Applicant to obtain an EPA Licence for the roasting or sale of coffee.

The proposal does not trigger a referral to the EPA under either Schedule 21 or 22 of the Development Regulations 2008.

3.9 Impact on Property Values

The alleged negative property valuation impact arising from the replacement flue being visible from the adjoining land has not been evidenced.

The CAP will be aware that this is not a planning matter and not a relevant consideration of the current proposal.

4 CONCLUSION

We remain of the opinion that the proposed development satisfies the intent of the Unley Council Development Plan. It provides for a continued low impact land use that is entirely consistent with its former use as a shop, albeit with the proposal seeking to allow for the processing of coffee for use in association with the shop, and for the installation of roof mounted ventilation equipment.

The proposal has sought to ensure that equipment used in the normal conduct of the business is compliant with current industry and environmental standards, thereby minimising disruption to air quality.

Traffic and parking considerations have been addressed and deliveries are able to occur without any impact on adjoining properties and the adjoining public roads.

It is considered that the application for a '*Change of Use from Shop to Café, coffee processing and sale, and installation of two flues*' substantially satisfies the Unley Council Development Plan and warrants Development Plan Consent.

Should the Council Assessment Panel provide an opportunity for representors to be heard in person at its meeting, it is requested that the Applicant, Mr Sam McKay and/or his representative also be afforded such opportunity.

It is requested that Council staff advise the date, time and location of the Council Assessment Panel meeting as soon as possible.

Should you wish to discuss any aspects of this correspondence or the proposal further, please do not hesitate to contact me on 0431 527 636 or emma@planningstudio.com.au.

Yours sincerely



Emma Barnes | MPIA | Director

Cc S McKay

Acoustic Report

— Aro Technology, May 2019

ACOUSTIC REPORT

FOR:

**HARK! COFFEE ROASTERS
MALVERN, SA**

BY:

ARO TECHNOLOGY

May 2019

Revision:

1



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PO BOX 306 Prospect SA 5082
Ph 08 8240 4499

1. BACKGROUND

The owners of Hark! Coffee Roasters at 67 Duthy Street Malvern SA have requested a basic acoustic analysis and report on the likely noise impact to residential neighbours adjacent to their retail shop. Hark occupy two connected shops within the group and situated inside is a gas fired coffee bean roasting machine. We were advised a neighbour has complained about noise emissions from the roasting operation.

The building is single story and situated on the eastern side of Duthy Street with houses to the rear and on the southern side, so a commercial shopping zone abutting residential. This is an older building and construction is quite solid with double masonry walls, plaster ceilings, concrete floor and asbestos cement roofing. This general construction is ideal for noise isolation with the only exception being large glass windows and entry door set back along the shopfront which allow some transfer on the Street side, however the masonry wall on the southern side extends full length out to the edge of the footpath providing a useful barrier. Other adjoining retail shops (butcher etc.) extend on the northern side.

This report outlines the roasting machine, noise measurements and discusses the impact on neighbours.

2. DISCUSSION

The roaster is a commercial sized unit which processes a batch of raw beans in a fairly short cycle time, typically around 15 minutes. The process uses several fans and a gas burner, all of which generate noise and are attached to the roaster inside the shop with the exception of the cooling fan which is roof mounted. Initially raw beans are blown into the roasting chamber which takes about one minute. Then fan-forced roasting with the gas burner running takes around ten minutes after which the cooked beans are automatically dumped into a hopper where a cooling fan runs for five minutes.

This machine is used quite infrequently; each batch size is quite large so typically the shop may only process two or three batches around mid-afternoon once the retail coffee sales side has ended.

When the machine was first commissioned in late 2018 it was found that the cooling fan generated considerable tonal noise and Hark consulted with Aro Technology at that time to improve this. Noise measurements inside and outside the shop during the roasting process at that time confirmed the roasting process was not noisy however the cooling fan had a loud tonal component due to ductwork resonance. Aro Technology specified sound attenuators on both the inlet and discharge of the fan which were installed on the 12th December 2018. This had an immediate and very dramatic impact on the noise levels of more than 35dB internal SPL reduction; it is

now easily possible to have a conversation alongside the roaster whilst the cooling fan is operating for example.

There was a noise complaint during the initial brief operating period prior to the cooling fan being modified. We are told that this complainant has continued this claim so the intention was to conduct a sound emission assessment of the coffee roasting operation and present the information in this report.

3. MEASUREMENTS

Aro Technology conducted noise level measurements on site Wednesday 15th May 2019 3.45 – 5pm using a precision Aclan 01dB brand type 2 Sound Level Meter. In this case we did not have access to the adjacent residential properties so measurements were conducted at the eastern (rear) and western (front) boundaries (see Appendix) with separate figures for the roasting and the cooling phases. Weather was fine and mild with almost still air. Ambient noise at the time was comprised of traffic noise, adjacent business activities / equipment / HVAC, bird calls and some occasional low level rustling from air movement in the flora. We asked staff at the adjoining shop to cease external noise making activities for the duration of the test.

Unley City Council have a noise criteria which stipulates an overall upper limit of 5dBA above ambient background noise levels when measured at the adjacent property. The SA Environment Protection (Noise) Policy nominates typical ambient daytime (7am to 10pm) noise levels of 52dBA for residential and 62dBA for commercial.

3.1 EASTERN / REAR

Ambient = 48.1 dBA Leq15

Roasting = 51.9 dBA Leq5

Cooling = 56.9 dBA Leq5

3.2 WESTERN / FRONT

Ambient = 66.5 dBA Leq15 (primarily traffic)

Roasting = not measurable above ambient

Cooling = not measureable above ambient

The above numbers as 'A' weighted equivalent continuous noise levels at the boundary lines. Extrapolating these figures to allow for propagation loss to the nearest adjacent residential properties to the east and the south gives calculated levels of around 53 dBA and 51 dBA at the nearest edge of the respective adjacent houses. In simple terms this means in still conditions the roasting phase would not be measurable above the ambient at the adjacent houses and the cooling phase would just be audible and measureable, provided there was no other noise being generated by the adjacent shops at the time.

4. CONCLUSION

The initial noise problem with the cooling fan at the roaster commissioning stage in 2018 has long since been resolved. The noise levels measured do not equate to a nuisance and do not exceed EPA policy guidelines at the closest perimeter of the nearby residential houses. There was no noticeable tonal component or other notably audible characteristic to the noise. The roasting process would be completely inaudible inside the adjacent houses and only the cooling phase would be just measurable outside the nearest part of the adjacent houses. There does not seem a reasonable basis for a noise complaint based on these measurements.

If the complainant(s) wish to pursue this further and are willing to provide access Aro Technology can conduct measurements inside the adjacent backyards to verify; alternatively this analysis could also be undertaken by another party for further verification.

Consultant
Signed C. Morton Chris Morton

Date 18/5/19

Ph 0407 792 258

Aro Technology
PO Box 306
Prospect SA 5082

APPENDIX A



■ MEASUREMENT LOCATIONS

NORTH

- (2) If there is uncertainty as to what land uses are principally promoted by relevant Development Plan provisions, the question is to be determined, for the purposes of this policy, by the Authority in consultation with the council for the area concerned.
- (3) The land use category within which a land use principally promoted by relevant Development Plan provisions falls is to be determined by the Authority in accordance with the *Guidelines for the use of the Environment Protection (Noise) Policy 2007* published by the Authority as in force from time to time.
- (4) If there is uncertainty as to what land use category a land use principally promoted by the relevant Development Plan provisions falls within, the question is to be determined, for the purposes of this policy, by the Authority in consultation with the council for the area concerned.

5—Indicative noise levels

- (1) Subject to this clause, the indicative noise level for a noise source is to be determined as follows:
 - (a) where—
 - (i) the land uses principally promoted by the relevant Development Plan provisions for the noise source fall within a land use category specified in Table 1 in subclause (9); and
 - (ii) the land uses principally promoted by the relevant Development Plan provisions for the noise-affected premises fall within the same category as those principally promoted by the relevant Development Plan provisions for the noise source,
 - by reference to indicative noise factors set out in Table 1;
 - (b) in any other case—by reference to indicative noise factors set out in Table 2 in subclause (9).
- (2) When measurements to determine the source noise level (continuous) are taken—
 - (a) between 7.00 a.m. and 10.00 p.m. on the same day—an indicative noise factor used to determine the indicative noise level for the noise source is found in Table 1 or 2 in the column under the heading "**Day**"; or
 - (b) between 10.00 p.m. on one day and 7.00 a.m. on the following day—an indicative noise factor used to determine the indicative noise level for the noise source is found in Table 1 or 2 in the column under the heading "**Night**".
- (3) An indicative noise factor is also selected from Table 1 or 2 by reference to a land use category—an indicative noise factor for a land use category is found in the table in the column alongside the land use category.
- (4) If the land uses principally promoted by the relevant Development Plan provisions for the noise source and those principally promoted by the relevant Development Plan provisions for the noise-affected premises all fall within a single land use category, the indicative noise level for the noise source is the indicative noise factor for that land use category.

Environment Protection (Noise) Policy 2007—31.3.2008

Part 1—Preliminary

- (5) Subject to subclause (6), if the land uses principally promoted by the relevant Development Plan provisions for the noise source and those principally promoted by the relevant Development Plan provisions for the noise-affected premises do not all fall within a single land use category, the indicative noise level is the average of the indicative noise factors for the land use categories within which those land uses fall.
- (6) Subclause (5) does not apply if the locality in which the noise source is situated is separated from the locality in which the noise-affected premises are situated by another locality that is (on an imaginary straight line joining the noise source and the noise-affected premises) at least 100 metres wide, but instead subclause (4) applies as if the land uses principally promoted by the relevant Development Plan provisions for the noise source were the same as those principally promoted by the relevant Development Plan provisions for the noise-affected premises.
- (7) A figure resulting from the calculation of an average under subclause (5) must, if it contains a fraction, be rounded to the nearest whole number.
- (8) Despite the other provisions of this clause, if the measurement place is within a habitable room but cannot be located at an open window, the indicative noise level for the noise source is—
 - (a) the satisfactory level set out in *Australian/New Zealand Standard AS/NZS 2107:2000—Acoustic Recommended Design Sound Levels and Reverberation Times for Building Interiors*, determined by the Authority to be the relevant level; or
 - (b) 20 dB(A) less than the indicative noise level that would, but for this subclause, apply,
 whichever is the greater.

(9) Tables

Table 1 (subclause (1)(a))

Land use category	Indicative noise factor (dB(A))	
	Day	Night
General Industry	65	65
Special Industry	70	70

Table 2 (subclause (1)(b))

Land use category	Indicative noise factor (dB(A))	
	Day	Night
Rural Living	47	40
Residential	52	45
Rural Industry	57	50
Light Industry	57	50
Commercial	62	55
General Industry	65	55
Special Industry	70	60

Interface Between Land Uses

OBJECTIVES

- Objective 1:** Development located and designed to minimise adverse impact and conflict between land uses.
- Objective 2:** Protect community health and amenity from adverse impacts of development.
- Objective 3:** Protect desired land uses from the encroachment of incompatible development.

PRINCIPLES OF DEVELOPMENT CONTROL

- 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.
- 2 Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.
- 3 Development adjacent to a **Residential Zone** should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.
- 4 Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.
- 5 Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.
- 6 Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.

Noise Generating Activities

- 7 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant *Environment Protection (Noise) Policy* criteria when assessed at the nearest existing noise sensitive premises.
- 8 Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.
- 9 Outdoor areas (such as beer gardens or dining areas) associated with licensed premises should be designed or sited to minimise adverse noise impacts on adjacent existing or future noise sensitive development.

- 10** Development proposing music should include noise attenuation measures that achieve the following desired noise levels:

Noise level assessment location	Desired noise level
Adjacent existing <i>noise sensitive development</i> property boundary	Less than 8 dB above the level of background noise ($L_{90,15\text{min}}$) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise ($LA_{90,15\text{min}}$) for the overall (sum of all octave bands) A-weighted level
<i>Adjacent land</i> property boundary	Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or Less than 8 dB above the level of background noise ($L_{90,15\text{min}}$) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level

Air Quality

- 11** Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.
- 12** Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:
- (a) incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere
 - (b) ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses.

Land Division

OBJECTIVES

- Objective 1:** Land in appropriate localities divided into allotments in an orderly and economic manner.
- Objective 2:** Land division to provide for development opportunities appropriate to the desired character.
- Objective 3:** Public open space providing diverse recreational opportunities.
- Objective 4:** Encouragement of walking, cycling and public transport usage.

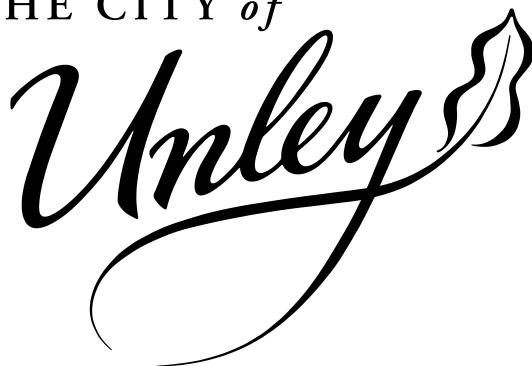
PRINCIPLES OF DEVELOPMENT CONTROL

- 1** Land should not be divided:
- (a) in a manner which would prevent the satisfactory future division of the land, or any part thereof;
 - (b) if the proposed use, or the establishment of the proposed use, is likely to lead to undue erosion of the land or land in the vicinity thereof;

ATTACHMENT F

MEMORANDUM

THE CITY of



To PLANNING

FROM TRANSPORT AND TRAFFIC TECHNICAL OFFICER

DATE 2 AUGUST 2019

SUBJECT **Traffic comments on development application 19/2019 –
65-67 Duthy Street, Malvern**

New Development

A development application has been received proposing a change of use from 'retail shop' to 'cafe, coffee processing and sale' at 65-67 Duthy Street, Malvern. The cafe is trading as HARK! Coffee Roasters.

This property is located on the eastern side of Duthy Street in a small row of shops with a butcher and seafood store. There is also a bakery approximately 50m to the north. The development is within a Residential Historic Conservation Zone.

The purpose of these comments is to determine how the change of use impacts the parking requirement for the development, as well as whether the locality can accommodate any parking increase associated with this change of use, whilst limiting impact on other businesses and residents. As they are currently using the shop as a cafe, rather than estimating the impact, this can be observed to an extent.

It has been proposed that the opening hours be as follows:

	Proposed Opening Hours
Monday	6:30am-2:30pm
Tuesday	6:30am-2:30pm
Wednesday	6:30am-2:30pm
Thursday	6:30am-2:30pm
Friday	6:30am-2:30pm
Saturday	7am-1pm
Sunday	7am-1pm

They suggest that their opening times may increase over time to meet demand. Roasting occurs between 2-4:30pm (no days stated) and they suggest that this would only be 2-3 times per week for 10 minutes each time.

Based on the plan provided, there would be seating for 20 patrons (combination of indoor and outdoor seating). During a site visit on 31 July 2019, there were at least 44 seats however, which contrasts with that indicated in the development application.

The business provides no off-street parking.

Off-street Parking

Council wide - Transportation (Movement of People and Goods) - Principle of development control 20 states that 'Off-street vehicle parking should be in accordance with Table Un/5 Off Street Vehicle Parking Requirements.' This indicates that a café (restaurant in Table Un/5) should provide one parking space per

three seats. This contrasts with the current approved use as a shop, which should provide seven spaces per 100m² of total floor area.

The proposal is to provide seating for 20 on the site. This results in a requirement of 6.66 parking spaces (14.66 if 44 seats). It is reasonable to consider it based on its use as a café only as roasting is proposed to occur outside of café opening hours.

As this is a change of use, a comparison should be made between this proposal and if it were used as a shop. If a shop were to occupy the tenancy, there would be a parking requirement of 8.4 spaces (based on approximate total floor area of 120m²).

Therefore, the consequences of the change of use, compared to if it were a shop, is that there is a parking requirement of 6.66 versus 8.4. This suggest that the Development Plan considers the potential parking demand associated with a shop may be higher than if it were a café with seating for 20.

On-street parking

On-street parking is available on both Duthy Street and Eton Street. Parking observations were undertaken in early July 2019 (to investigate matters separate to assessment of the application) which indicated that there is frequently parking available in the 2 hour parking zone outside the businesses (3, 1, and 2 spaces available over three visits). In addition to this, there was high parking turnover, with all vehicles parking for less than one hour.

Parking data was collected on 31 July 2019 at 12noon within approximately 120m to the north, east and west of the development, as provided overleaf. This indicates that parking is in high demand in the area, with sections of Eton Street 85%+ occupied. However, east and west of this, parking on Eton Street is significantly lower (0-20%). There was also parking available directly outside the development on both sides of Duthy Street.

There were seven customers and at least two staff present when this parking data was collected. This suggests that parking demand is significantly contributed to by other existing businesses in the area.

Parking data does suggest however if parking demand were to significantly increase, for example if there were 40+ seats occupied in the cafe, it would increase parking supply to 100% in the areas surveyed. In addition to this, it would push parking further into Eton Street. However, if parking demand were in line with that corresponding to 20 seats, it is unlikely to have a significant impact.

Deliveries

The applicant indicates that deliveries will occur from Duthy Street. This will consist of weekly deliveries of groceries and milk with a truck. The marked parking lane on Duthy Street is of inadequate width for trucks outside the business without impact the bicycle lane. However, the alternative is loading from Eton Street, which is not desirable due to the residential nature of the street. This could potentially be appropriate on Eton Street directly adjacent Kirkbright Seafood, however parking is not designated for loading and spaces would likely be occupied by other vehicles.

Summary

The applicant proposes a change of use from a shop to a café. The parking requirement of a shop and a café (based on 20 seats) is similar and is therefore not a concern. However, if 44 seats are provided this could result in parking being 100% on Duthy Street in the vicinity of the business as well as for the first 80m of Eton Street (both east and west section). In addition to this, parking demand would likely be pushed further into Eton Street. However, it is noted that most of the existing parking demand is due to other businesses in the area and/or other parking generators.

Hayden Scharnberg
Transport and Traffic Technical Officer

F



ATTACHMENT G



EPA Reference: 34703

11th May 2020

Mr Samuel Alan McKay
65 Duthy Street
MALVERN SA 5061

sam@harkcoffee.com

Dear Mr McKay,

Development Application Information Request

Development Application Number	090/19/2019
Applicant	Samuel McKay
Location	A215 DP1153 HD Adelaide, 65-67 Duthy St Malvern SA 5061
Proposal	Change of use from shop to cafe, coffee processing and sale, installation of a FW

The above mentioned development application was referred to the Environment Protection Authority (EPA) by the City of Unley in accordance with section 37 of the *Development Act 1993*.

Thank you for providing your response to the EPA's request for additional information regarding the above application. The EPA acknowledges your commitment in respect to noise matters, which can be addressed via directed conditions in the EPA's final response to Council.

However, the air quality related questions that were raised in the EPA's previous correspondence still need to be answered, and cannot be addressed as part of a commitment agreement.

Therefore, as provided for by section 37(2) of the Development Act, the EPA requires further clarification and information before it gives its final response.

Air Quality

As previously stated, the main concern the EPA has with the proposal relates to odour dispersion, which relies on afterburner efficiency and effective stack design. Given changes in the roof height between the subject premises and the adjoining retail tenancy to the north (within a 30 metre radius), it is likely that the overall height of the existing flue will need to be increased in height, above the 3.0 metre minimum height. Consequently, the EPA requests the following information:

1. Provide confirmation that the flue stack would be vertically extended to a height of no less than 3.0 metres above the highest point within a 30m radius. Such confirmation is to be supported by submitting site and elevation plans confirming the required height of the existing flu (within a 30 metre radius); and



2. Provide confirmation that the exit velocity of flue gas is above 10m/s during the complete roasting and cooling cycle.

The further information must be supplied within 3 months of the date of this letter. Failure to comply with this request may result in the EPA advising the planning authority to refuse the application.

Please send the further information, labelled with your Development Application Number, to both the Environment Protection Authority and the planning authority at the addresses provided below. Please ensure correspondence is marked attention to Client Services Officer.

All information must be forwarded to:

Client Services Officer
Environment Protection Authority
GPO Box 2607
ADELAIDE SA 5001
DX 228
epa.planning@sa.gov.au

Amy Barratt
Development Officer
City of Unley
PO Box 1
UNLEY, SA 5061
pobox1@unley.sa.gov.au

Please direct all enquiries to Stephen Both on telephone (08) 8204 2129 or facsimile (08) 8124 4673 or email epa.planning@sa.gov.au

Early attention to this matter would be appreciated.

Yours faithfully

Hayley Riggs

Delegate

ENVIRONMENT PROTECTION AUTHORITY

CC: *Planning Authority:* City of Unley
Attention: Amy Barratt



Environment Protection Authority
GPO Box 2607 Adelaide SA 5001
211 Victoria Square Adelaide SA 5000
T (08) 8204 2004
Country areas 1800 623 445



EPA Reference: 34703

10th March 2020

Mr Samuel Alan McKay
65 Duthy Street
MALVERN SA 5061

sam@harkcoffee.com

Dear Mr McKay,

Development Application Information Request

Development Application Number	090/19/2019
Applicant	Samuel McKay
Location	A215 DP1153 HD Adelaide, 65-67 Duthy St Malvern SA 5061
Proposal	Change of use from shop to cafe, coffee processing and sale, installation of a FW
Information required within 3 months from date of this letter.	

The above mentioned development application was referred to the Environment Protection Authority (EPA) by the City of Unley in accordance with section 37 of the *Development Act 1993*.

Thank you for providing your response to the EPA's request for additional information regarding the above application. This information has now been reviewed and whilst it has been of some assistance, the EPA notes that a number of the questions that were originally raised by the EPA on 11 November 2019, have either not been answered, or where a response has been provided, the information has been determined to be insufficient for the EPA to complete a thorough environmental assessment of the application.

Therefore, as provided for by section 37(2) of the Development Act, the EPA requires further clarification and information before it gives its final response.

Air Quality

The main concern the EPA has with the proposal relates to odour dispersion, which relies on afterburner efficiency and effective stack design. Consequently, the EPA requests the following information:

1. Provide confirmation that the flue stack would be vertically extended to a height of no less than 3.0 metres above the highest point within a 30m radius, and would not be fitted with a rain protector that will impede vertical flow; and
2. Provide confirmation that the exit velocity of flue gas is above 10m/s during the complete

page 1 of 3



roasting and cooling cycle.

Noise

The EPA notes that the SONUS Environmental Noise Assessment Report (S6315C2) dated February 2020 states that in order to achieve the goal noise levels of the *Environment Protection (Noise) Policy 2007* (the Policy), attenuation will need to be provided within the outlet ducts of the coffee cooling fan and coffee roaster. Specifically the ducts should be internally (acoustically) lined with either:

- *50mm thick insulation with a minimum density of 32 kg/m³ for a minimum distance of 2.5m for the coffee roaster exhaust and 1.5m for the cooling fan exhaust; or*
- *100mm thick insulation with a minimum density of 32 kg/m³ for a minimum distance of 2.0m for the coffee roaster exhaust and a minimum distance of 0.5m for the cooling fan exhaust.*

The EPA further notes that the abovementioned report provides the following recommendation:

"The predicted noise levels from the proposed development will achieve the relevant requirements of the Environment Protection (Noise) Policy 2007, subject to the implementation of the following:

- *Ensuring operation of the coffee roasting machine is limited to between the hours of 7:00am and 10:00pm; and*
- *Installation of specific lining to the outlet ducts of the coffee cooling fan and roasting machine exhaust".*

As requested within the EPA's letter dated 11 November 2019, *"The report should be accompanied with a statement from the applicant that any recommendations in the report will be implemented by the applicant"*. The EPA notes that the requested statement (commitment letter) from the applicant has not been provided. The applicant is therefore strongly advised to provide this additional information which would then form part of the application documentation should the application be approved.

3. Provide a statement from the applicant that any recommendations in the Environmental Noise Assessment Report (S6315C2) are proposed to be implemented as part of the development application.

The further information must be supplied within 3 months of the date of this letter. Failure to comply with this request may result in the EPA advising the planning authority to refuse the application.

Please send the further information, labelled with your Development Application Number, to both the Environment Protection Authority and the planning authority at the addresses provided below. Please ensure correspondence is marked attention to Client Services Officer.



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Early attention to this matter would be appreciated.

Yours faithfully

Hayley Riggs
Delegate

ENVIRONMENT PROTECTION AUTHORITY

cc: *Planning Authority:* City of Unley
Attention: Amy Barratt

EPA Reference: 34703

11th November 2019

Mr Samuel Alan McKay
65 Duthy Street
MALVERN SA 5061

sam@harkcoffee.com

Dear Mr McKay,

Development Application Information Request

Development Application Number	090/19/2019
Applicant	Samuel McKay
Location	A215 DP1153 HD Adelaide, 65-67 Duthy St Malvern SA 5061
Proposal	Change of use from shop to cafe, coffee processing and sale, installation of a FW
Information required within 3 months from date of this letter.	

The above mentioned development application was referred to the Environment Protection Authority (EPA) by the City of Unley in accordance with section 37 of the *Development Act 1993*.

It is understood that the roaster has been in operation for around 12 months and that the application is for retrospective approval to change the use of an existing shop (formerly fruit and vegetable / greengrocer shop) to a "shop/cafe" and includes the processing and sale of coffee and the installation of roof mounted ventilation equipment in the form of a flue and after burner housing.

The subject land is located within the Residential Historic Conservation Zone/Policy Area 6 - Spacious Unley and Malvern Trimmer Estate. The recommended evaluation distance for produce processing works with a capacity greater than 30kg/hr is 200 metres. The EPA notes that the nearest houses to the site of the development are located immediately to the east, south-east and south of the subject land, with many other houses notably situated within the recommended 200 metre radius.

The information provided to the EPA is insufficient for the EPA to undertake an environmental assessment. Therefore, as provided for by section 37(2) of the Development Act, the EPA requires the following additional information before it gives its response.

Air Quality

The EPA notes that the management of dust is typically by cyclone (or some other dust control process) prior to the flue gas entering an afterburner before discharging to the atmosphere. It is unclear however, whether the roaster at Hark Coffee has any type of dust extraction process fitted as

limited information has been provided regarding the engineering aspects of the proposal.

To assist the EPA with its assessment of this aspect of the application, the following information is therefore requested:

1. Provide details regarding any dust filtration system being proposed, including operational principles and parameters, and efficiencies.

Afterburners, as thermal oxidisers, are considered typically requiring temperatures above 650°C and retention time of around 1-2 seconds to ensure efficient oxidation of odour associated with organic emissions. There is also an expectation that the afterburner is operated not only throughout the roasting process but also throughout the roasted bean cooling process when distances to sensitive receivers are as small as those adjacent to Hark Coffee. This is to ensure that the smoke from the beans being cooled is fully thermally oxidised as well. The afterburner must be interlocked with the operational process to be automatically operated whenever roasting and cooling occurs. It is not clear from the information provided the EPA whether this is being proposed or is currently occurring.

2. Provide details on the expected retention time, operating temperature and exit velocity of the flue gas in the afterburner chamber.
3. Provide confirmation that the afterburner would be interlocked to ensure operation throughout the roasting and cooling cycle.

It is a standard EPA recommendation (Section 3.2 EPA Ambient Air Quality Assessment 2016 publication, a document referenced in the Environment Protection (Air Quality) Policy 2016) that the height of the flue stack should be at least 3.0 metres above the highest point within a 30 metre radius, and that the exit velocity of the flue gas is at least 10m/s.

4. Provide confirmation that the flue stack would be to a height of no less than 3.0 metres when measured above the highest point within a 30 metre radius of the stack.
5. Provide confirmation that the flue stack would not impede the vertical flow of flue gas thereby ensuring effective dispersion.

Noise

The EPA notes that the acoustic data submitted with the application contains errors and lacks sufficient details (i.e. in respect to measurements, methodology and interpretation of the *Environment Protection (Noise) Policy 2007* (the Noise Policy)) which makes it difficult to assess whether the proposal is compliant with the Noise Policy. Given this, the applicant must supply an appropriate level of information to demonstrate compliance with the Noise Policy.

As the application is seeking retrospective approval, the EPA notes that there may be several options available to demonstrate how compliance with the Noise Policy can be achieved. Given this, the applicant is strongly advised to contact the EPA (Mr Greg Marr - Noise Advisor on 8204 2004) to discuss this further to ensure that an efficient and effective response is provided.

As the site already exists, you can choose to demonstrate compliance with the Noise Policy by choosing from one of the two options provided below;

1. Provide a report prepared by a suitably experienced, professional acoustic engineering consultant* containing acoustic measurements in a worst case scenario including, but not limited to, the overall noise from all equipment operating and activities being carried out and vehicles (including commercial vehicles, refrigeration units on trucks, staff cars, forklifts, reversing alarms, refrigeration, pumps) entering, leaving, moving and operating on site that could occur simultaneously.

The report should be measured and reported in accordance with procedures and requirements of the Noise Policy. If compliance with the Indicative Noise Levels cannot be demonstrated (listed below as per the second option in the section titled Indicative Noise Levels) then details and specifications of what treatments, procedures and/or practices are required on the subject land to achieve compliance should be provided.

2. Provide a report prepared by a suitably experienced, professional acoustic engineering consultant*, and to the satisfaction of the Environment Protection Authority, demonstrating that worst case predicted noise from the proposal can meet the following Noise Criteria (Listed below as the Indicative Noise Criteria applicable for sensitive receivers). The report should state what the overall predicted noise will be at the most noise affected premises after adjustment for any noise character**.

If the report cannot demonstrate that the worst case predicted noise from the proposal can meet the following Noise Criteria, it should give details and specifications of what treatments, procedures and/or practices are required on the subject land to achieve compliance.

Worst case predicted noise includes, but not limited to, the overall noise from all equipment operating and activities being carried out and vehicles (including commercial vehicles, refrigeration units on trucks, staff cars, forklifts, reversing alarms, refrigeration, pumps) entering, leaving, moving and operating on site that could occur simultaneously.

Predictions should include worst case acoustic and meteorological conditions for the transmission of noise from source to noise affected premises (including CONCAWE meteorological category 5 day and CONCAWE meteorological category 6 night) and at maximum operating potential.

If meeting the Noise Criteria relies on certain installations, barriers, separation distance and procedures (e.g. limited operating hours, acoustic treatments, doors being kept closed) then the report should give precise details and specifics about the type and location of these on the subject land.

The report should specify the highest resultant predicted noise level (adjusted for noise character) at the nearest noise affected premises after implementing any attenuation practices and/or installations. If the noise criteria will be met without the need for attenuation practices and/or installations, the report should still specify the resultant predicted noise level adjusted for noise character.

The report should be accompanied with a statement from the applicant that any recommendations in the report form part of the proposal and will be implemented.



**An acoustic engineer is defined as a person eligible for full Member status of both Engineers Australia and the Australian Acoustical Society.*

***likely noise character should be discussed and results of predicted noise, with and without adjustment for character penalty, should be provided.*

The above measured noise levels should be adjusted in accordance with the Noise Policy by the inclusion of a penalty for each characteristic where tonal/modulating/impulsive/low frequency characteristics are present.

The above noise levels may be exceeded where it can be shown by an acoustic engineer that the noise from the development would not cause an adverse impact due to the existing influence of ambient noise, or the limited duration and/or frequency of occurrence of the activity. The onus of proof will rest with the developer.

Indicative Noise Levels

Receiver Location	Day Criteria 7am to 10pm *(LAeq, 15min)	Night Criteria 10pm on any day to 7am on the next day *(LAeq, 15 min)
Residential Zone	47dB(A)	40dB(A) LA _{eq} 60dB(A) L _{Max}

The further information must be supplied within 3 months of the date of this letter. Failure to comply with this request may result in the EPA advising the planning authority to refuse the application.

Please send the further information, labelled with your Development Application Number, to both the Environment Protection Authority and the planning authority at the addresses provided below. Please ensure correspondence is marked attention to Client Services Officer.

All information must be forwarded to:

Client Services Officer
Environment Protection Authority
GPO Box 2607
ADELAIDE SA 5001
DX 228
epa.planning@sa.gov.au

Amy Barratt
Development Officer
City of Unley
PO Box 1
UNLEY, SA 5061
pobox1@unley.sa.gov.au

Please direct all enquiries to Stephen Both on telephone (08) 8204 2129 or facsimile (08) 8124 4673 or email epa.planning@sa.gov.au

Early attention to this matter would be appreciated.



Yours faithfully

Hayley Riggs

Delegate

ENVIRONMENT PROTECTION AUTHORITY

cc: *Planning Authority:* City of Unley
Attention: Amy Barratt

ITEM 2**DEVELOPMENT APPLICATION – 090/694/2019/C2 – 8 ROBERTS STREET,
UNLEY SA 5061 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/694/2019/C2
ADDRESS:	8 Roberts Street, Unley SA 5061
DATE OF MEETING:	21 July 2020
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Demolish existing dwelling and construct two storey dwelling including garage and verandah
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 9 – Spacious Precinct 9.7 – Unley (North)
APPLICANT:	J & J Blight
OWNER:	J A Blight
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (3 oppose, 1 support)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Prominence of upper level Prominence of garage Contextual Conditions of the locality

1. PLANNING BACKGROUND**Road Closure Application**

The owners are currently in the process of purchasing a portion of land from Council. This land is currently a road verge and therefore a road closure application is in progress. The land is a triangular piece of land bound by Parklands Creek and Roberts Street and the subject site (see land portion A below). This piece of land is currently maintained by the owners of 8 Roberts St and is also included (incorrectly) within the current fenced boundaries of the property. This application is being administered by Council's Strategic Assets department and is likely to be presented to Full Council Meeting in July. No development is proposed on the parcel of land and therefore the outcome of the

road closure application will have no impact on the subject development application.



PRE/97/2018 – A preliminary application was submitted for a ‘two storey dwelling with garage on common boundary’. The design of this dwelling was similar in form as that now presented to CAP. The following comments were provided by the Planning Team at the time:

- No objection is raised against the demolition of the existing dwelling;
- The proposal does not have traditional building proportions;
- The proposal does not have iconic design features that defined the character of the locality;
- The proposal is overtly two-storey with the second storey element not inconspicuous or set well behind the primary street façade;
- The front setbacks are considered acceptable;
- Side and rear setbacks should be reviewed with respect to building height and impact upon neighbouring amenity.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to:

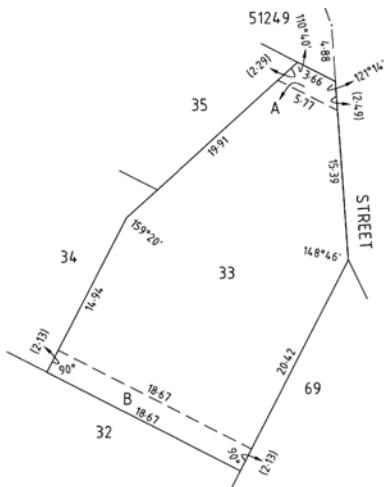
- Demolish existing dwelling, carport, verandahs and outbuilding;
- Construct a two-storey detached dwelling with a garage and verandah.

3. SITE DESCRIPTION

The subject site is an irregular shaped allotment with a north-eastern orientation to Roberts Street. The site also abuts Parklands Creek along its south-eastern side boundary.

8 Roberts St or, more formally, Allotment 33 on Filed Plan 12738, Certificate of Title Volume 5808, Folio 649, has a total area of 506.8m². This is inclusive of two easements, used for the purposes of laying and maintaining pipes.

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



4. LOCALITY PLAN



Subject Site



Locality



1 Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

The land division pattern is characterised by a variety of allotment types and sizes. Given the location of Parklands Creek and the triangular juncture of Miller and Roberts Streets, allotments within the locality are not of the typical rectangular shape. Furthermore, there are both Torrens and Strata/ Community Title allotments within the locality resulting in a rather discordant pattern of development within the immediate area.

Dwelling Type / Style and Number of Storeys

There are a range of dwelling types including detached, semi-detached and group dwellings up to two storeys in height, within the immediate locality. The desired consistency of traditional built form along Roberts Street, is quite diminished, particularly along the western side and within the immediate vicinity.

Fencing Styles

Fencing styles are also rather varied with a mix of materials, colours, heights, and visually permeability evident.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Council's Civil Engineering Officer as the subject site is located within a Flood Inundation Area (in accordance with 2018 data). The following comments were received:

- *I have reviewed the plans and the proposed FL of 100.3 will suffice. According to the flood mapping this location will have a flood level of 100mm; therefore, with 300mm freeboard above the flood level, the finished floor level should be at least 400mm above NSL of the block/kerb level (which is approx 99.9). Therefore, FL should be at least 100.3 (which it is).*

The application was also referred to Council's Consultant Architect. The following comments were received:

- *The existing dwelling is a circa late 1950s/early 1960s Modernist style dwelling. It is inconsistent with historic character and desired character and demolition is supportable.*

- Having seen previous drawings, I think that the amended scheme is an improvement.
- I have concerns about some aspects of the proposal however: relative prominence of the upper storey, prominence of the garage, building form (flat roof form) and contrasting colour scheme.
- Streetscape character in the southern part of the eastern side of Roberts street is highly consistent with a predominance of Victorian and Edwardian villas. The western side of Roberts Street and the area adjacent the creek crossing displays mixed character. Despite the dilution of character in the immediate locality, the extent of departure from relevant policy and desired character in particular, is of concern, taking into account the consistent character beyond.
- A design context report is recommended to inform further amendment of the design to achieve better consistency with relevant policy.

8. PUBLIC NOTIFICATION

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

1. 21 Miller St, Unley (objects – wishes to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>Form, bulk and scale including concern with</p> <ul style="list-style-type: none"> - predominant upper level; - modern contemporary design; - Use of materials; - Unusual garage arrangement; - Inconsistent with traditional building proportions and features; - Impact to visual amenity. 	<p>Contemporary designed buildings are not uncommon throughout Unley, and for the most part, they do not stand out as being discordant elements in the landscape, but rather enhance the more traditional character when undertaken properly.</p> <p>The character and attributes of Roberts St, especially along the western side of the street and between Young St and Miller St, varies considerably from the rest of the Precinct.</p> <p>I highlight the unique configuration of the subject land, its unique affiliation to Roberts St and its relatively low site levels. The subject land is not of a regular shape and has minimal influence upon any coherent streetscape pattern.</p> <p>The subject land and most development on the western side of Roberts St have streetscape attributes which exhibit minimal</p>

	<p>compatibility with predominant traditional architectural styles of dwellings. The streetscape has a more modern character than the rest of the Precinct and provides a variety in setback, form, presentation, detailing, materials, finished ground levels and building heights and rhythm.</p> <p>The second storey form of the development makes a concerted effort to be integrated sympathetically in dwelling design by being 'stepped in' from the ground floor and sufficiently setback from the road so that it will be largely inconspicuous and inconsequential to the overall streetscape.</p> <p>In regards to the garage, it will be located further from the street than the front wall of the dwelling and given the context and setting of the subject land will not disrupt the streetscape character.</p>
Potential for overlooking	<p>Amended plans have been provided which include:</p> <ul style="list-style-type: none"> - Obscured glazing to the entire face of the upper storey bathroom windows (western); - Additional obscure glazing to the windows of the staircase; - Changes to the design of the west facing window of bedroom 3 to have a sill height 1.8m above floor level; - Restriction to window openings to upper windows at 125mm
2. 23 Miller St, Unley (objects – does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
Overlooking from a window on the south elevation. Prefer no window or a permanent window designed to totally obscure any view into our property.	Upper storey bedroom windows which look towards this property will comprise of fixed obscure glazing or sill height to a minimum of 1800mm above the floor level. The windows are also setback no less than 3.9m from any property boundary which will provide reasonable spatial separation.

3. 10 Roberts St, Unley (objects – does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
Concern that an eastern window on the upper floor will directly overlook our main bedroom and courtyard.	Upper storey bedroom windows which look towards this property will comprise of fixed obscure glazing or sill height to a minimum of 1800mm above the floor level. The windows are also setback no less than 3.9m from any property boundary which will provide reasonable spatial separation.
Concern that overlooking can also occur from the proposed courtyard and windows along the hallway on the upper floor, especially since our property is set much lower (approx. 1.5m lower than 8 Roberts St).	An amended landscaping plan has been provided that includes landscaping along the creek to achieve appropriate privacy between the properties.
4. 3/7 Roberts St, Unley (supports – does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
nil	n/a

(* denotes non-valid planning considerations)

Please refer to Attachment B for a full copy of each representation and Attachment C for a full copy of the applicant's response to these representations.

9. ADMINISTRATION NEGOTIATIONS

Following lodgement of the application, Administration raised concerns with:

- The design of the second storey not having sufficient regard to Zone PDC 9;
- It had not been demonstrated that the design of the proposed dwelling suitably refences the contextual conditions of locality;
- The proposed garage has not been designed with sufficient regard to Zone PDC 14.

Additional documentation, as well as amended plans have been provided to Administration, to support the proposed design and form of the dwelling.

10. DEVELOPMENT DATA

Site Characteristics	Two storey dwelling inc garage and verandah	Development Plan Provision
Total Site Area	506.8m ² – as existing	600m ²
Frontage	15.39m – as existing	15m
Depth	Min 20.42m – as existing	20m

Building Characteristics		
Floor Area		
Ground Floor	198.2m ² - dwelling 50.8m ² – garage 28.32m ² - verandah Total 277.32m ²	
Upper Floor	110m ² 39.7% of ground floor	<input type="checkbox"/> 50% of ground floor
Site Coverage		
Roofed Buildings	54.5% (inc verandah) 49.5% (exc verandah)	<input type="checkbox"/> 50% of site area
Total Impervious Areas	77%	<input type="checkbox"/> 70% of site <input type="checkbox"/>
Total Building Height		
From floor level	7.4m	
From ground level	Between 7m & 8m	
Setbacks		
Ground Floor		
Front boundary	9.232m (as shown on proposal plans)	Same distance as the adjoining dwelling with the same street frontage
Side boundary (eastern)	1.9m (at closest point)	On boundary or 1.0m (on boundary on one side only)
Side boundary (western)	On boundary	On boundary or 1.0m (on boundary on one side only)
Rear boundary	2.5m	5.0m
Upper Floor		
Front boundary	14.052m	-
Side boundary (eastern)	3.985m	5.0m
Side boundary (western)	3.487m to 6.84m (north to south)	4.5m to 3m (north to south)
Rear boundary	3.985m	8.2m – 8.7m
Wall on Boundary		
Location	North-western side boundary	
Length	7.5m	<input type="checkbox"/> 9m or <input type="checkbox"/> 50% <input type="checkbox"/> of the boundary length, whichever is the lesser
Height	2.983m	<input type="checkbox"/> 3m
Private Open Space		
Min Dimension	5.36m x 12.9m	<input type="checkbox"/> 4m minimum
Total Area	33%	<input type="checkbox"/> 20%
Car parking and Access		
On-site Car Parking	3 (min)	3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Covered on-site parking	2	<input type="checkbox"/> 2 car-parking spaces
On-street Parking	As existing	0.5 per dwelling
Driveway Width	3.8m – 5.5m	3m Single 5m double

Garage/Carport Width	5.6m	<input type="checkbox"/> 6.5m or <input type="checkbox"/> 30% of site width, whichever is the lesser
Colours and Materials		
Walls	Ground – rendered brickwork, stone block feature walls, timber clad garage door Upper Level – Colorbond cladding	

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape (Built Form) Zone	
<u>Objective 1</u> – 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	
<u>Objective 2</u> – 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	
<u>Objective 3</u> – Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households	
<u>Objective 4</u> – Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.	
Desired Character	
Streetscape 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

It is considered that the locality in which the subject dwelling is proposed is at variance with the desired character statement of the Built Form Zone, particularly in regards to:

- rhythm of buildings including gaps between buildings;
- allotment and road patterns including width of road verges;
- scale, proportion and form of buildings; and
- finished floor levels and overall height of buildings.

The locality therefore cannot be described as an area of distinctive and coherent streetscape.

The applicant proposes to demolish an existing dwelling that is considered to be at variance to the desired character of the Zone as it is not consistent with the traditional building style and proportions. The replacement dwelling is to be contemporary in nature but has been designed to better reflect that desired by the policies of the Streetscape (Built Form) Zone whilst adding further variety to the locality.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 6 – Replacement Dwelling</p> <p><i>Demolition of the whole of a building should only be undertaken – where the replacement building(s) makes a comparable or more positive contribution to the desired character than the building to be demolished, or alternatively where the building to be demolished:</i></p> <p class="list-item-l1">a) Is structurally unsafe or so unsound as to be unreasonably economically rehabilitated; or</p> <p class="list-item-l1">b) Is so compromised or altered that there is no reasonable prospect of its original character being revealed; or</p> <p class="list-item-l1">c) Adds little value to the desired character due to its discordant form and poor streetscape contribution; or</p>	<p>The demolition of the existing dwelling is considered to be acceptable as this dwelling is not a desired character dwelling and therefore adds little value to the character of the streetscape.</p>

Relevant Zone Principles of Development Control	Assessment
<p>d) <i>Is incongruous with, and makes a poor contribution to the particular character of its streetscape</i></p>	
<p>PDC 9 – New Development</p> <p><i>Development should present a single storey-built scale to the streetscape. Any second storey building elements should be integrated sympathetically into the dwelling design, and be either:</i></p> <p>(a) <i>incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street; or</i></p> <p>(b) <i>set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.</i></p>	<p>The proposed dwelling includes an upper level component that sits within the floor area of the ground level. The upper level is setback approximately 4.8m from the front façade of the ground level. The upper level will be visible to Roberts Street, but is considered to be acceptable in this instance as:</p> <ul style="list-style-type: none"> - the subject allotment is irregular in shape and orientation, and therefore the upper level will not be perpendicular to Roberts Street; - the upper level will be screened from certain vantage points by the mature vegetation located within the Parklands Creek Reserve and large street trees; - Parklands Creek cuts in front of the property, providing separation between the road and the property; - there is a slight bend in the road as well as an expanded road verge that results in the property being set back further from the streetscape; - There are existing rear garages and carports that will be forward of the subject dwelling that will be more prominent in the streetscape; - The proposed upper level will face three storey semi-detached dwellings located on the eastern side of Roberts St.
<p>PDC 10</p> <p><i>Buildings should be of a high-quality contemporary design and not replicate historic styles. Buildings should nonetheless suitably reference the contextual conditions of the locality and contribute positively to the desired character, particularly in terms of:</i></p> <p>a) <i>Scale and form of buildings relative to their setbacks as well as the overall size of the site; and</i></p> <p>b) <i>Characteristic patterns of buildings and spaces (front and</i></p>	<p>The proposed dwelling is considered to be a high-quality contemporary design that does not replicate historic styles.</p> <p>It is difficult to ascertain whether the proposed dwelling suitably references the contextual conditions of the locality, given the locality is so at odds with the desired character and the allotment has an irregular shape and orientation. It is noted however that:</p> <ul style="list-style-type: none"> • The subject site is the only property on the western side of Roberts St, north of Parklands Creek. The

Relevant Zone Principles of Development Control	Assessment
<p><i>side setbacks), and gaps between buildings; and</i></p> <p>c) <i>Primarily open front fencing and garden character and the strong presence of buildings fronting the street.</i></p>	<p>closest adjacent buildings are carports and garages and therefore it is difficult to establish the appropriate contextual conditions for the dwelling design to complement;</p> <ul style="list-style-type: none"> • The gradient of the site is quite variable with the western adjacent properties having a higher ground level than the subject land; • No traditional settlement pattern will be disrupted by the proposed dwelling as it is already incongruous with the desired character; • The dwelling will front the street but at an angle. It is considered that trying to incorporate a traditional presentation to the street will be difficult if impossible as the allotment is of an irregular shape, that narrows towards the street.
<p>PDC 12</p> <p><i>In localities where the built character and streetscape qualities are incoherent or generally in discord with the desired character, development should redevelop a site by replacing the discordance elements, key features or materials and better support the desired character.</i></p>	<p>The existing dwelling is not a predominant architectural style as described by the desired character statement. Comparably, the new dwelling is of a contemporary style that will make more appropriate references to the architectural styles within the locality than the existing dwelling. The proposed development is therefore considered to suitable within the context of the subject locality.</p>
<p>PDC 14 – Carports and Garages</p> <p><i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <p>(a) <i>be located to the rear of the dwelling as a freestanding outbuilding; or</i></p> <p>(b) <i>where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i></p> <p>i. <i>incorporate lightweight design and materials, or otherwise use materials</i></p>	<p>The proposed double garage is somewhat at odds with PDC 14, however is still considered to have the following attributes:</p> <ul style="list-style-type: none"> • is located to the side of the proposed dwelling; • is at a different angle than the dwelling and therefore will present as a separate element to the dwelling; • is sited so will be largely ‘hidden’ within the streetscape as when travelling south it will be behind the rear fences and structures located on the adjacent properties, when travelling north, it will be screened by the proposed dwelling and

Relevant Zone Principles of Development Control	Assessment
<p>which complement the associated dwelling; and</p> <p>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</p> <p>iii. have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and</p> <p>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>	<p>existing vegetation associated with the Creek;</p> <ul style="list-style-type: none"> • is uniquely designed to consider that the subject allotment narrows towards the street, resulting in a small frontage; • incorporates a higher quality designed timber clad door. <p>Given the above, it is considered that the garage is acceptable within the context of the streetscape.</p>

Policy Area Desired Character

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

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 wall heights and widths of facades, and roof heights, volumes and shapes associated with the architectural styles identified in the table below; and

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

Precinct	Predominant Architectural Style	Predominant Allotment Size		Predominant Setbacks		
		Area	Width	Street setbacks	Minimum side setbacks	Collective side setbacks†
9.7 Unley (North)	Cottages (inc narrow fronted styles), Villas and Bungalows	600m ²	15m	6.0m	1.0m	5.0m

Assessment

The subject site is located within the Spacious Policy area of the Residential Streetscape (Built Form) Zone. The desired character for the Policy Area seeks to ensure that the streetscape attributes are retained and enhanced. The locality however does not display many of the streetscape attributes desired. It is considered that the proposed development will not detract from the character of the area but rather, will add to the variety without replicating traditional styles.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	Objectives	1
	PDCs	1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21
Energy Efficiency	Objectives	1, 2
	PDCs	1, 2
Form of Development	Objectives	1, 7
	PDCs	1, 2, 3, 12
Landscaping	Objectives	1
	PDCs	1, 2
Residential Development	Objectives	1, 2
	PDCs	1, 2, 5, 6, 8, 13, 15, 16, 17, 18, 19, 20, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 41, 43, 44, 45, 46, 47, 48, 49, 51

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 13 – Side and Rear Boundary Setbacks	<p>The required setbacks of the proposed dwelling are difficult to establish in that the shape of the allotment is irregular and the gradient of the land is varied, and therefore the height of the dwelling varies from the adjacent property boundaries. Essentially the land falls towards the Creek and is also lower towards the street than along the rear boundary. The dwelling therefore will appear taller when viewed from ground level from the direction of the Creek, than to those dwellings to the west that back onto the site.</p> <p>The subject site appears to have been created from the rear yards of 19 & 21 Miller Street. Half the allotment is square but then narrows down towards the street and is further restricted by the bend in the road and Parklands Creek. Given this, the shortfall in the side setbacks is largely due to the narrowing of the allotment and only occurs for small portions of dwelling.</p> <p>The proposed rear setbacks however do not have the same impediments and are a clear shortfall of PDC 13. It is noted, however, that:</p> <ul style="list-style-type: none"> - the subject rear boundary abuts the side boundary of 23 Miller St and it is considered that the proposed setbacks are generally acceptable for side boundaries; - There is a 2.5m high (minimum, given fall of land) masonry wall and landscaping along the common boundary to 23 Miller Street (assumed built in accordance with approved plans); - the existing dwelling and shed is currently sited closer to the rear boundary; - the proposed dwelling does not encroach upon the easement located along the rear boundary; - The dwelling cannot be sited further towards the street given the shape of the allotment; - Landscaping is proposed along the rear boundary that includes trees and bamboo that will provide screening between properties. <p>Given the above existing contextual conditions and the proposed landscaping treatments, it is considered that the setback of the dwelling to the rear boundary is acceptable as it won't result in</p>

	detrimental massing from the view of the neighbouring property.
PDC 16, 17 & 18 – Site Coverage	<p>The proposed site coverage of the new dwelling will exceed 50 percent, when including the roof area of the louvred verandah (i.e. roof is able to be opened). Regardless of whether the verandah roof is opened or not, there remains sufficient space for:</p> <ul style="list-style-type: none"> - Private open space and landscaping; - Entry of natural light; - Pedestrian and vehicle access and parking; and - Storage and clothes drying areas. <p>It is also noted that if the additional portion of land is purchased from Council, this will increase the area of the property that is not covered by roofed buildings. This will also increase landscaping opportunities for the site.</p>
PDC 38 & 39 – Overlooking	<p>Overlooking was the common concern raised by the representors. The potential for overlooking from the upper level is addressed as follows:</p> <ul style="list-style-type: none"> - The rear façade has one upper level window, which is to have obscured glazing to a height of 1.8m from the upper floor level; - The façade facing north west has a number of windows. These windows either have a sill height of at least 1.8m high or provided with obscured glazing to 1.8m from the floor level. Above the 1.8m windows will be openable, but this opening will be restricted to 125mm. It is noted that some of these upper level windows are to non-habitable rooms; - The façade facing south east will have one window obscured to a height of 1.8m. This is a bedroom window and has the potential to overlook private open space and habitable rooms of an adjacent property. The windows to the hallway and the front study have not been obscured or provided with any other treatment. Landscaping is proposed along the boundary, which satisfies the affected neighbour in regards to the overlooking potential from the hallway. The study window will primarily overlook the driveway and carport of the neighbouring property and will also benefit from the landscaped screening. It is considered that any overlooking will be minimal from the south eastern façade; - The façade facing the street incorporates windows that are not obscured. Some of

	these windows are to a staircase and therefore are not required to be obscured. The window to the study has the potential for overlooking and therefore a condition has been recommended.
--	---

12. CONCLUSION

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

- The subject locality is described as an area with an indistinctive and incoherent streetscape and therefore the retention of this streetscape character is not desired;
- The existing dwelling is not a desired character dwelling and adds little value to the character of the streetscape;
- The replacement dwelling will further add to the variety of styles found within the locality without replicating traditional building forms;
- The upper storey component is not considered to cause detrimental impact on the neighbouring properties and given its siting and design will not be prominent within the streetscape;
- The proposed double garage has been designed and sited so that it will not visually dominate the locality and the associated dwelling.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/694/2019/C2 at 8 Roberts Street, Unley SA 5061 to 'Demolish existing dwelling and construct two storey dwelling including garage and verandah', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the upper floor windows (excluding those windows to the south eastern hallway, study, and north eastern staircase) be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum

- height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
3. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
 4. The approved landscaping shall be established prior to the occupation of the development and shall be irrigated, maintained and nurtured at all times with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

ATTACHMENT A



**AMENDED PLAN / DOCUMENT
DATE: 26/06/2020**



**SCOTT SALISBURY
HOMES**



PHOTO STREETSCAPE - NOT TO SCALE



ELEVATION STREETSCAPE 1:200

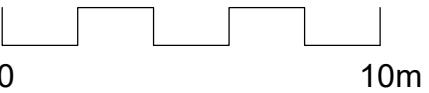
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DATE: 26/06/2020**



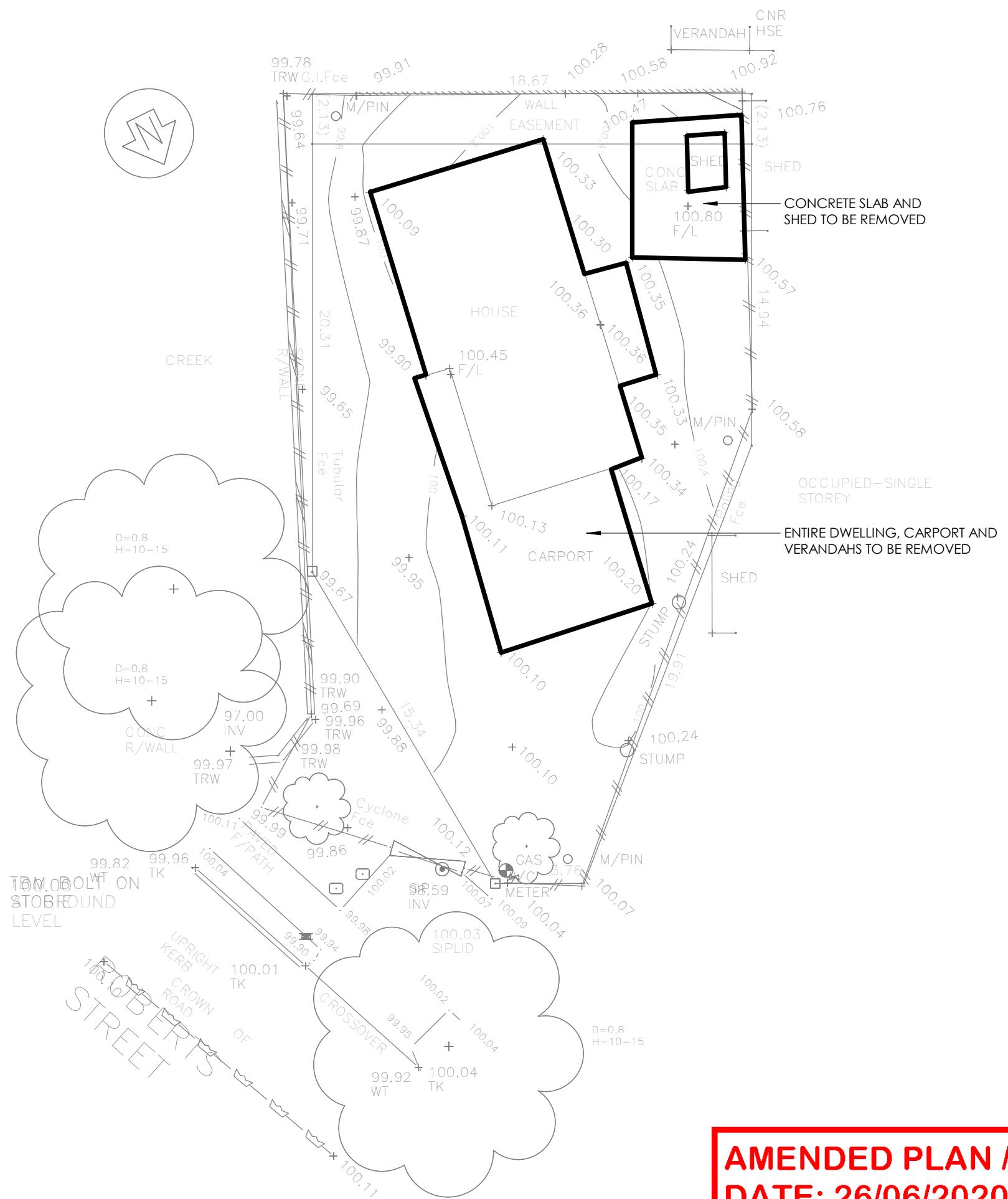
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DEMOLITION PLAN

SCALE 1:200 @ A3



- PROPOSED 2100mm HIGH FRONT FENCING TO BE:
- 5x RENDERED PILLARS PAINTED TO MATCH RENDER OF PROPOSED DWELLING
 - 600mm HIGH RENDERED PLINTH PAINTED TO MATCH RENDER OF PROPOSED DWELLING
 - BLACK VERTICAL SLAT INFILL WHERE SHOWN
 - FULL HEDGE SCREEN PLANTING DIRECTLY BEHIND FENCING
 - TIMBER SLAT GATE TO DRIVEWAY



**AMENDED PLAN / DOCUMENT
DATE: 26/06/2020**



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Issue	Amendment	Date

Client:
BLIGHT
Project:
Proposed New Residence
At:
8 Roberts Street, Unley
Sheet:
3 OF 8

AREAS
GROUND LIVING 198.2
UPPER LIVING 110.0
GARAGE 50.8
359.1

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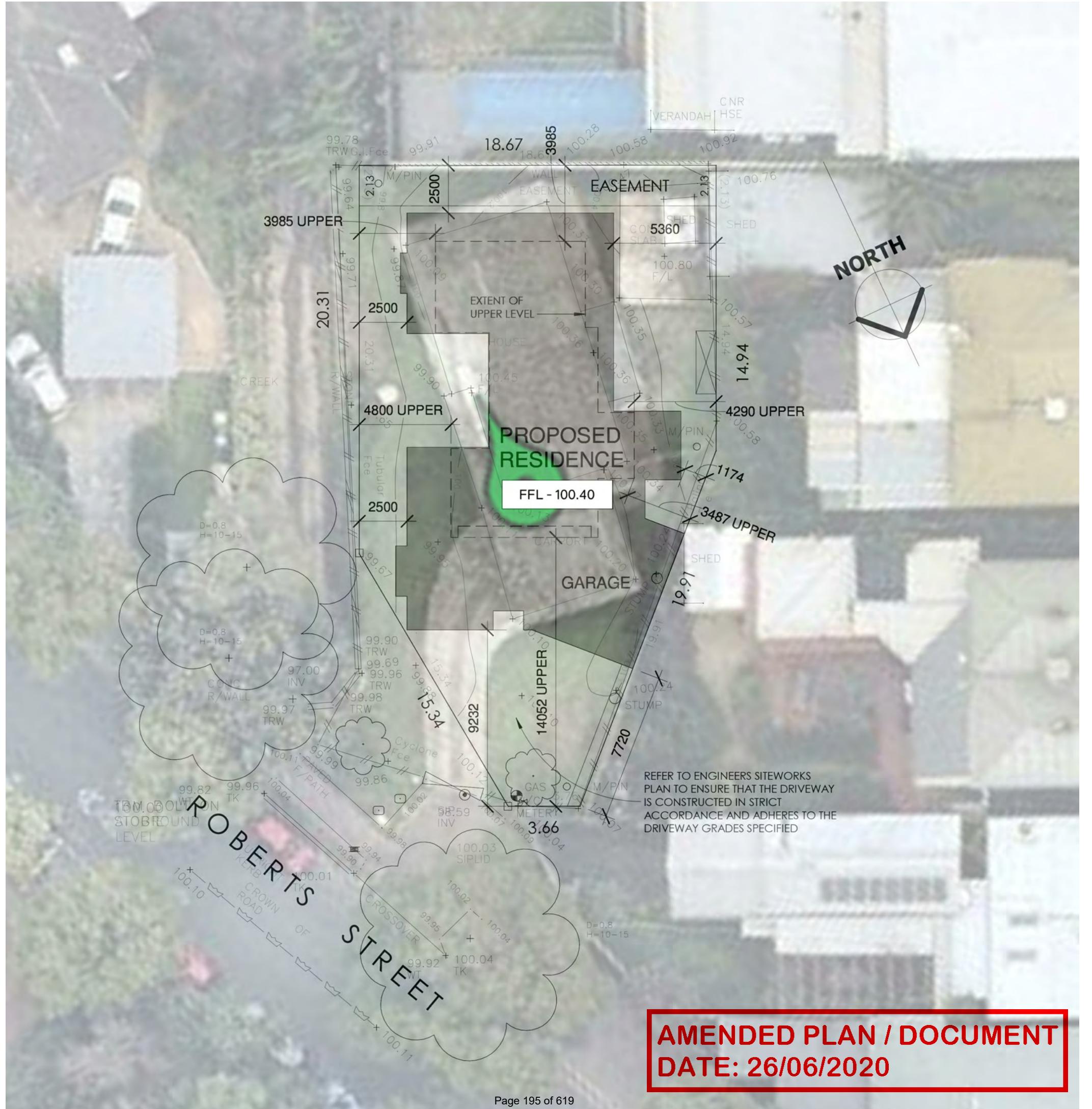
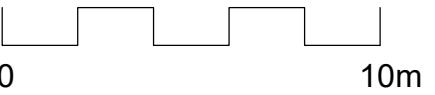
Date:.....

PLANNING ISSUE

Designer: TD Drawn by: TD
Date: 28.05.20 Issue: D Job Number: 11910
Version: 5, Version Date: 09/06/2020

SITE PLAN

SCALE 1:200 @ A3



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Client:
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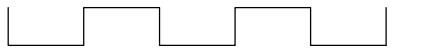
Date:.....

P L A N N I N G I S S U E

Designer: TD
Drawn by: TD
Date: 28.05.20
Issue: D
Job Number: 11910

LANDSCAPING PLAN

SCALE 1:200 @ A3



0

10m



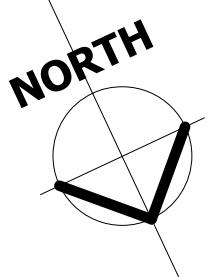
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Issue	Amendment	Date
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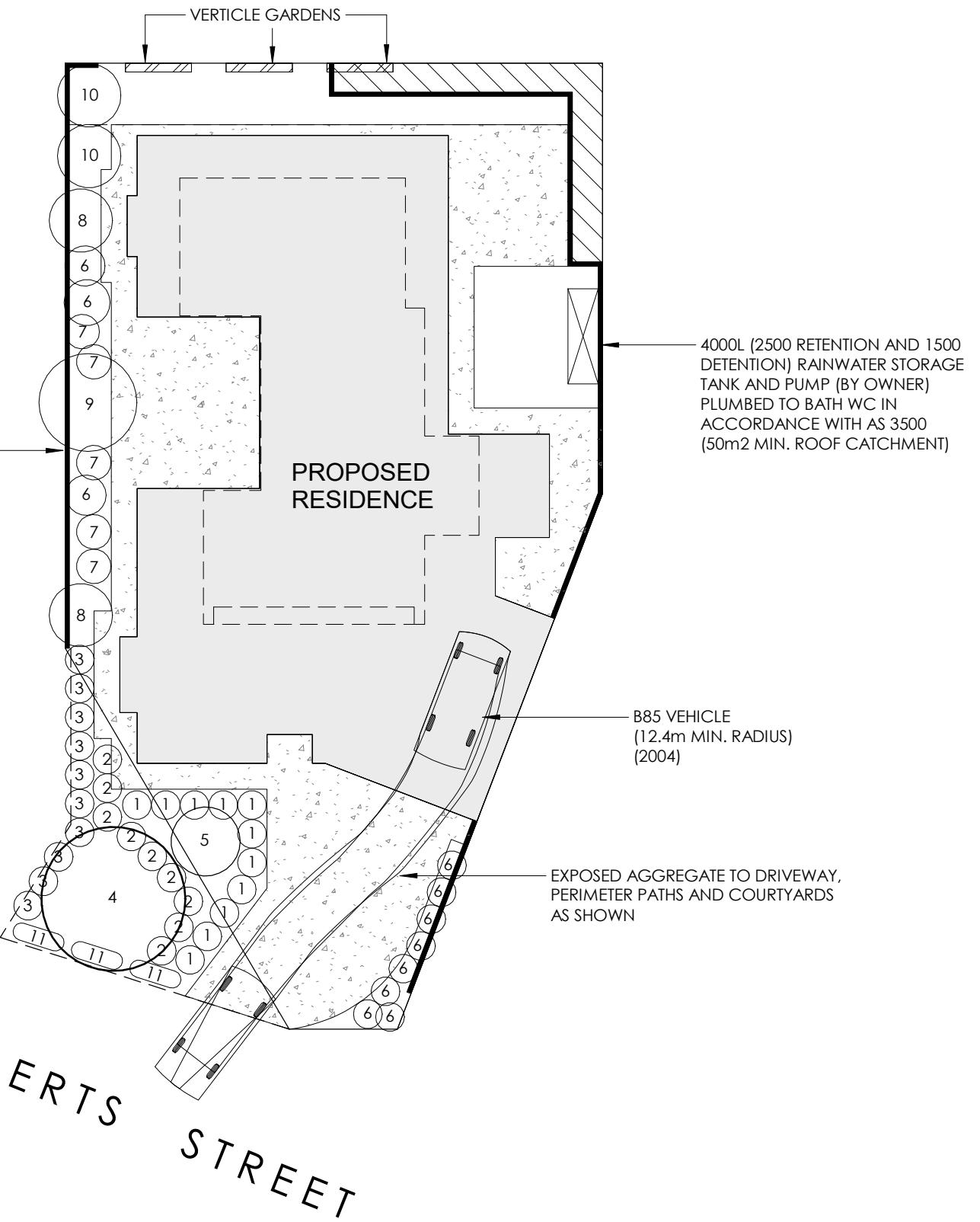
LANDSCAPING:

1. NATIVE RUSH
2. LAVENDER
3. BUDDLEIA
4. GINKGO TREE (MATURE)
5. SPECIMEN TREE
6. BAMBOO
7. MATURE CYCAD
8. CREPE MYRTLE
9. DRAGON TREE
10. MATURE CITRUS (AS SELECTED)
11. HEDGING PLANTS

BLOCK OUT HATCH INDICATES
RETAINING WALL AS PER SITE AND
DRAINAGE PLAN



ROBERTS STREET



**AMENDED PLAN / DOCUMENT
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P L A N N I N G I S S U E

Designer: TD	Drawn by: TD
Date: 28.05.20	
Issue: D	Job Number: 11910

GROUND FLOOR PLAN

SCALE 1:100 @ A3



0 5m

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

2340 HIGH INTERNAL DOORS TO HAVE TIMBER FRAME OPENING OF 2410

REFER TO JOINERY AND ROBE LAYOUTS FOR ANY PLASTERBOARD LINED BULKHEADS REQUIRED ABOVE JOINERY OR ROBES

RECESSED STACKER DOOR FRAME
50mm DEEP REBATE (WIDEN 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 BCA 3.7.2.2

REMOVABLE DOOR HINGES FITTED IN ACCORDANCE WITH BCA VOL.2 PART 3.8.3.3

▫ CO STEEL COLUMN AS PER ENGINEER'S DETAILS

▫ DP 75Ø ROUND PVC DOWNPipes (PAINTED) UNLESS OTHERWISE NOTED

▫ RA ROOF ACCESS HATCH

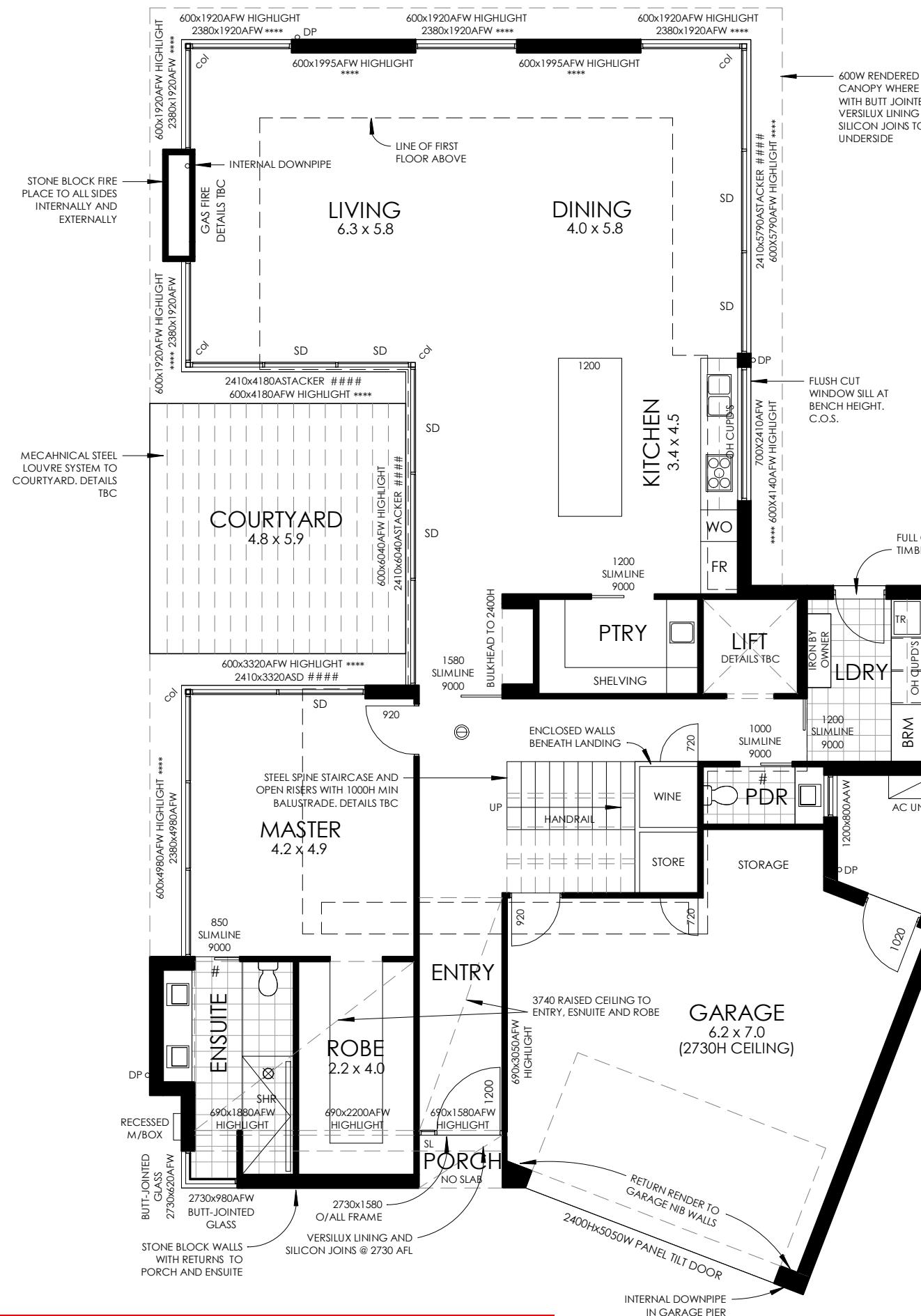
▫ SL SKYLIGHT

▫ L DENOTES LEAD DOOR

✖ EXHAUST FAN DUCTED TO ATMOSPHERE OR VENTILATED ROOF SPACE INSTALLED IN ACCORDANCE WITH AS 1668.2

**** 75MM UNITEX CLADDING WITH AN ACRYLIC COATING TO LIGHTWEIGHT FRAMED BULKHEAD

— STRIP DRAIN



**AMENDED PLAN / DOCUMENT
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AREAS
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Designer: TD Drawn by: TD
Date: 28.05.20
Issue: D Job Number: 11910

FIRST FLOOR PLAN

SCALE 1:100 @ A3



0 5m

NOTES:

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50mm DEEP REBATE (WIDEN TO SUIT)

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SMOKE ALARMS COMPLYING WITH AS 3786 TO BE INTERCONNECTED IN ACCORDANCE WITH BCA 3.7.2.2

REMOVABLE DOOR HINGES FITTED IN ACCORDANCE WITH BCA VOL.2 PART 3.8.3.3

□ C^o STEEL COLUMN AS PER ENGINEER'S DETAILS

○ DP 75Ø ROUND PVC DOWNPipes (PAINTED)
UNLESS OTHERWISE NOTED

RA ROOF ACCESS HATCH

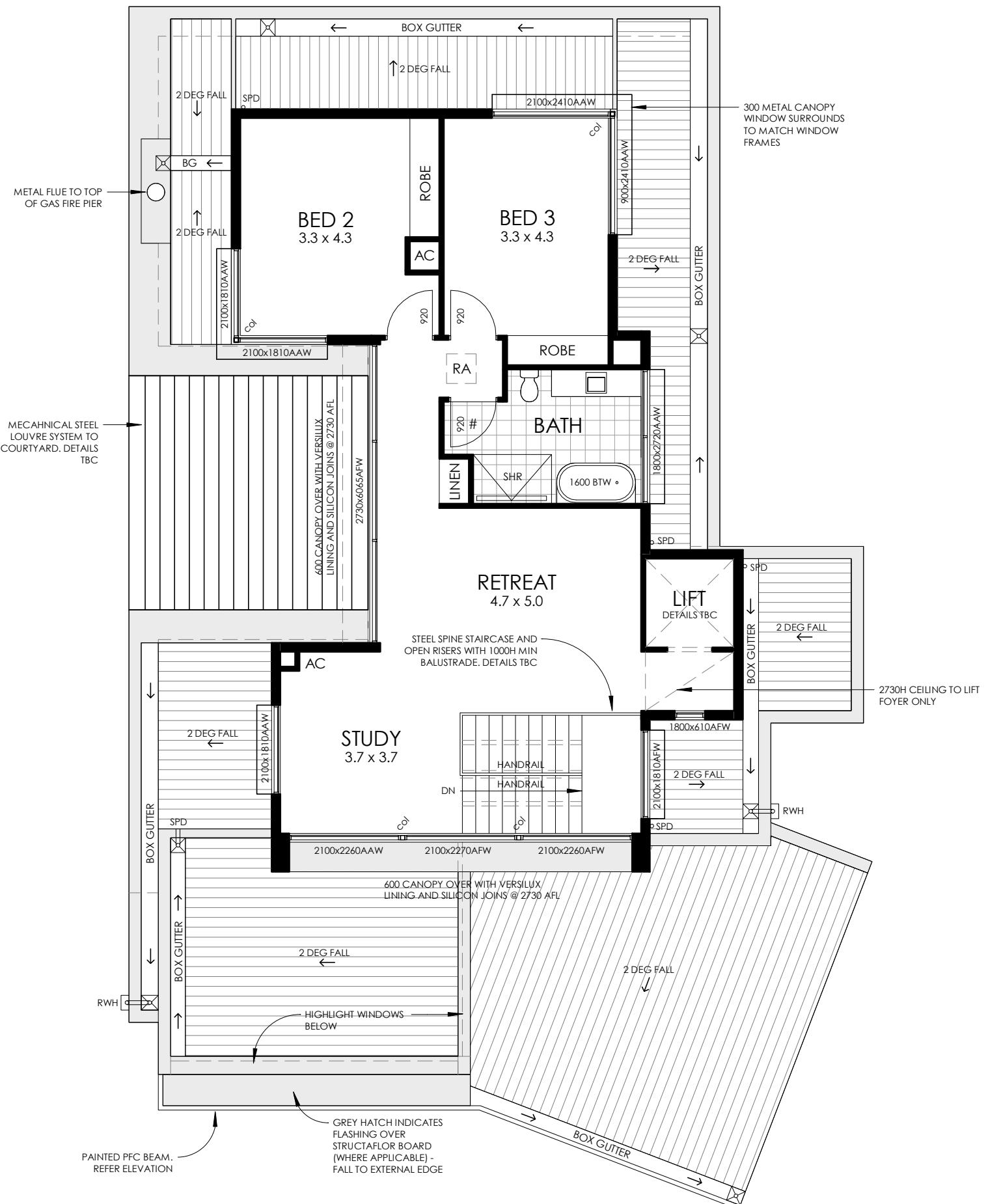
SL SKYLIGHT

L DENOTES LEAD DOOR

⊗ EXHAUST FAN DUCTED TO ATMOSPHERE
OR VENTILATED ROOF SPACE INSTALLED
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*** 75MM UNITEX CLADDING WITH AN ACRYLIC COATING TO LIGHTWEIGHT FRAMED BULKHEAD

— STRIP DRAIN



**AMENDED PLAN / DOCUMENT
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Issue Amendment Date

Client:
BLIGHT
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At:
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AREAS
GROUND LIVING 198.2
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Client:.....

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Designer: TD
Drawn by: TD

Date:
28.05.20

Issue: D
Job Number:
11910

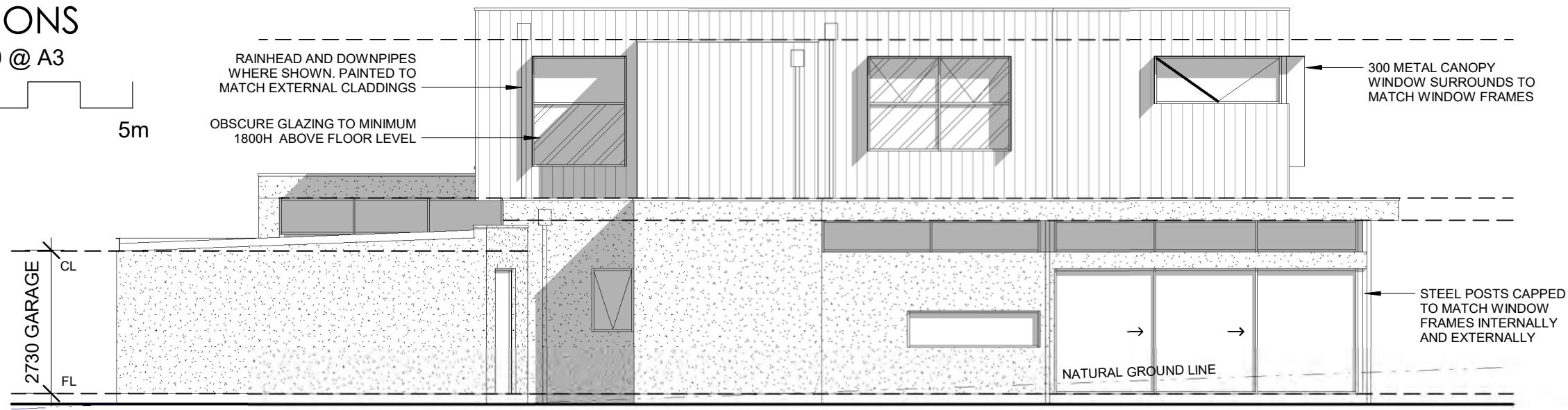
ELEVATIONS

SCALE 1:100 @ A3

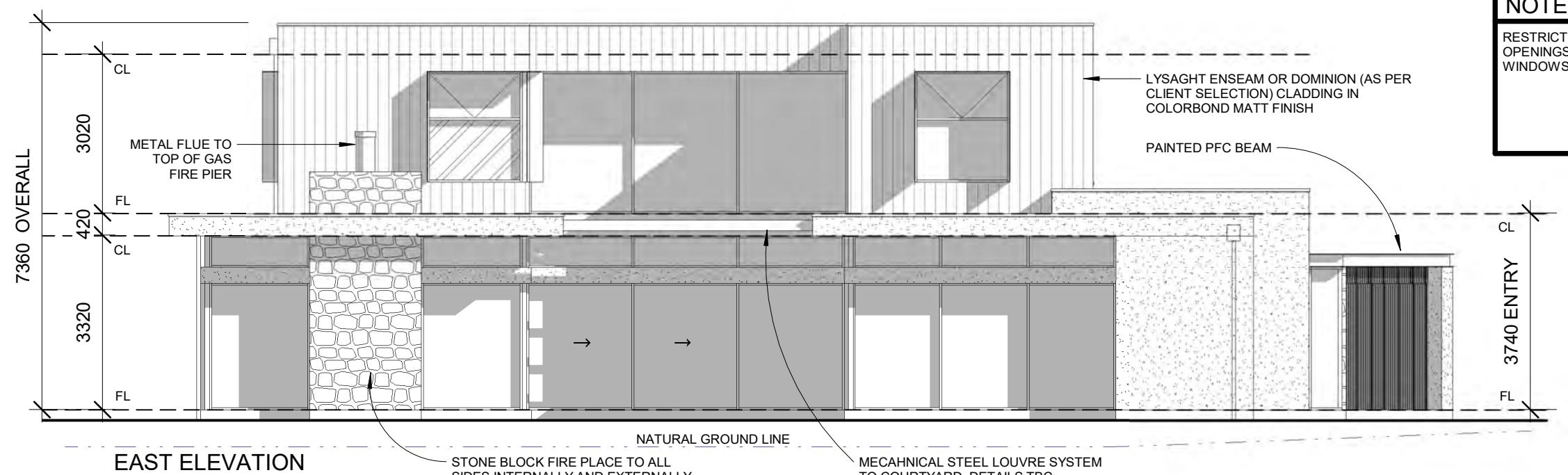


0

5m



WEST ELEVATION



EAST ELEVATION

NOTES

RESTRICTED WINDOW OPENINGS TO UPPER WINDOWS AT 125MM

Client: BLIGHT
Project: Proposed New Residence
At: 8 Roberts Street, Unley
Sheet: 8 OF 8
AREAS
GROUND LIVING 198.2
UPPER LIVING 110.0
GARAGE 50.8
359.1

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Client:

Date:

PLANNING ISSUE

Designer: TD
Drawn by: TD
Date: 28.05.20
Issue: D
Job Number: 11910

A

SCOTT SALISBURY
HOMES

Issue Amendment Date

A3

SITWORKS PLAN

(THIS PLAN IS TO BE READ IN CONJUNCTION WITH SITWORKS NOTES – SHEET 2 OF 2)

NOTE:

- REFER TO DETAIL SHEET PD1 FOR RECOMMENDED MINIMUM PAVEMENT SETDOWN FROM UNDERSIDE OF REBATE FOR CLASS "H2-D" SITE SOIL CLASSIFICATION.
- DUUE TO THE HIGHLY REACTIVE NATURE OF THE SOIL PROFILE, IT IS RECOMMENDED SEGMENTAL BRICK/BLOCK PAVING BE UTILISED FOR PERIMETER AND DRIVEWAY PAVING NOT INSITU CONCRETE.
- DOWNPipe/RAINHEAD/RAINHEAD SPREADER LOCATIONS AS PER THE ARCHITECTURAL DRAWINGS. TO BE CONFIRMED BY THE BUILDER/BUILDING DESIGNER/ROOF PLUMBER (NOT PART OF RCI CONSULTING ENGINEERS EXTENT OF DESIGN CONSIDERATION).
- ANY CONCEALED DP'S SHOULD HAVE AN OVERFLOW DEVICE INCORPORATED IN THEIR CONSTRUCTION TO THE OUTSIDE OF THE DWELLING.

IMPORTANT NOTE:

CUT/FILL LINE AND RETAINING WALL HEIGHTS (AND POSSIBLY LOCATIONS) SUBJECT TO CHANGE/ADJUSTMENT PENDING FINAL POST DEMOLITION LEVELS.

ENCROACHMENT UPON EASEMENT:

BUILDER TO GAIN PERMISSION TO ENCROACH WITH:

- CUT/FILL EARTHWORKS
- STORMWATER DRAINS & DRAIN PIPE
- PERIMETER PAVING
- BLOCK TYPE RETAINING WALLS

INTO/OVER EASEMENT FROM RELEVANT AUTHORITY PRIOR TO ANY COUNCIL APPROVALS FOR CONSTRUCTION BEING ISSUED OR WORKS PROCEEDING. DEPTH OF ANY CUT OR FILL TO BE APPROVED BY THE RELEVANT AUTHORITY. ENSURE ANY EXISTING SERVICES ARE NOT DISTURBED BY PROPOSED EARTHWORKS AND REQUIRED COVER TO SERVICES ARE MAINTAINED. EXISTING IP's MAY NEED TO BE RAISED/LOWERED TO PROPOSED FINISHED LEVELS. ANY PAVING OR RETAINING WALLS PLACED WITHIN EASEMENT SHOULD BE OF A NON-PERMANENT TYPE IE. SEGMENTAL BRICK/BLOCK.

DESIGN LEGEND

- 250 SQUARE x 285 DEEP "RELN" RAINWATER PIT (PVC), (SERIES 250) OR SIMILAR (U.N.O.)
- GRATED SURFACE STORMWATER DRAIN 90Ø (U.N.O.)
- STORMWATER DRAIN PIPE (GRAVITY FLOW) – 90Ø PVC (U.N.O) AT 1 IN 250 (0.40%) MIN FALL (U.N.O) EXCEPT ON SEALED SYSTEM
- STORMWATER DRAIN PIPE (SEALED SYSTEM) – 90Ø PVC (U.N.O)
- 90Ø AGRIC DRAIN (U.N.O)
- INTERNAL SEWER DRAIN LOCATION (TO BE CONFIRMED BY BUILDER)
- SEWER PIPE 100Ø AT 1.65% MIN (1 IN 60)
- BATTERS/EARTHWORK EMBANKMENTS TO BE 50% (1 IN 2) UNLESS NOTED OTHERWISE
- EXISTING TREES AND STRUCTURES ON SITE TO BE DEMOLISHED/REMOVED BY OWNER PRIOR CONSTRUCTION. UNLESS OTHERWISE STATED.

NOTE:
MAXIMUM BACKFILL UP AGAINST EXISTING BRICK WALL TO BE 300mm. APPLY WATER PROOFING TREATMENT TO HEIGHT OF BACKFILL/TOP OF PAVING LEVEL IN ACCORDANCE WITH THE SUPPLIERS/MANUFACTURERS SPECIFICATIONS (PROVIDE PROTECTION BOARD IF SPECIFIED). TRIM BACK FLUSH TO EXISTING WALL LINE ANY OVERHANGING DPC PRIOR TO APPLYING TREATMENT.

FILL RTW
H ≈ 0.60m(MAX.)

CUT RTW
H ≈ 0.60m(MAX.)

CUT RTW
H ≈ 0.40m(MAX.)

CUT RTW
H

A4

NOTES:

PRELIMINARY

NOT TO BE USED FOR CONSTRUCTION

ANY SURPLUS SPOIL FROM SITWORKS IS THE OWNERS RESPONSIBILITY AND SHOULD BE REMOVED OR DISPERSED AS APPROPRIATE, UNLESS STATED OTHERWISE IN THE BUILDING CONTRACT. THIS SPOIL SHOULD BE STOCKPILED SUCH THAT IT DOES NOT OBSTRUCT SITE ACCESS AND CAN BE EASILY REMOVED FROM THE SITE.

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 OR WHERE SPECIFIED OTHERWISE WITHIN THE BUILDING CONTRACT.

RETAINING WALLS ADJACENT EXCAVATIONS, A SERVICE TRENCH/EASEMENT (PROPOSED OR EXISTING) OR IF FOUND IN FILL SHOULD HAVE AN UNDERMINING COMPONENT INCORPORATED IN THE DESIGN OF THEIR FOOTING/PIER SUPPORT SYSTEM.

OWNER TO RETAIN ANY MINOR CUT/FILL ON THE BOUNDARIES WITH A CONCRETE PLINTH, SLEEPER OR SIMILAR.



: 4.0 KILOLITRE COMBINATION DETENTION/RETENTION TANK (1.50 KILOLITRES FOR DETENTION AND 2.50 KILOLITRES FOR RETENTION – BY OWNER/BUILDER – REFER BUILDING CONTRACT). RETENTION SECTION OF TANK TO BE PLUMBED TO AT LEAST A WC, WATER HEATER OR ALL LAUNDRY COLD WATER OUTLETS AND SHALL ALSO BE LOOPED INTO THE MAINS WATER SYSTEM. WHERE A RWT IS SUPPORTED ON A STAND OR OTHER STRUCTURE, THE SUPPORTING STRUCTURE MUST COMPLY WITH AS/NZ 1170.1 AND 1170.2. ROOF GUTTER HEIGHT IN RELATION TO TANK INLET HEIGHT MAY NEED TO BE TAKEN INTO CONSIDERATION (REFER TO THE TANK SUPPLIER).

REFER TO COUNCIL/TANK SUPPLIER FOR SET-UP

— — : STORMWATER DRAIN PIPES AS A SEALED SYSTEM USED TO CONNECT [RH1] TO [RH3] TO THE TANK (MINIMUM 60% ROOF AREA). REFER TO FOOTING CONSTRUCTION REPORT ATTACHMENT SHEET SS1.

— · — : STORMWATER DRAIN PIPES UNDER GRAVITY FLOW USED TO CONNECT TANK OVERFLOW/OUTLET PIPE, SURFACE STORMWATER DRAIN PIPES & DP's NOT CONNECTED TO THE TANK TO THE STREET WATER TABLE.

ENSURE GRAVITY FLOW PIPES MAINTAIN SUFFICIENT GRADE TO MEET THE APPROPRIATE OUTLET AS SHOWN ON THIS PLAN. CONSTRUCT ANY SEALED SYSTEM PIPES SUCH THAT THEY DO NOT INTERFERE WITH THE GRAVITY FLOW SYSTEM.

WHERE GRATED SURFACE STORMWATER SUMPS ARE USED GRADE SOIL/PAVING IN TOWARDS SUMPS IN ACCORDANCE WITH THE "BENCH" NOTES ON THIS PAGE. ALTERNATIVELY CONSTRUCT LINED SPOON DRAINS WITH 0.30% GRADIENT AS PER THE DETAILS ON ATTACHMENT SHEET PD1.

SUMP SIZES AND QUANTITY SHOWN ARE RECOMMENDED AS A MINIMUM. LOCATIONS AND SIZES MAY BE ALTERED AT THE DRAIN AND PAVING CONTRACTORS DISCRETION DEPENDING ON AREAS THEY SERVICE AND PAVEMENT TYPE USED.

USE THE "SUBSTITUTE" VERTICAL FLEXIBLE CONNECTION SET-UP AS SHOWN ON DETAIL SHEET SD1 WHERE DP's CONNECT INTO THE DRAINPIPE (THIS SET-UP IS NOT TO BE UTILISED IN A SEALED SYSTEM OR WHERE 90° DOWNPIPES ARE BEING USED. USE STANDARD VERTICAL FLEXIBLE CONNECTIONS AT APPROPRIATE HEIGHTS TO ACHIEVE GRAVITY FLOW OF SYSTEM IF/WHERE 90mmØ DOWNPIPES ARE BEING UTILISED AND JOIN INTO THE GRAVITY FLOW STORMWATER DRAIN RUN).

TITLE: SITWORKS NOTES

ADDRESS: NO.8 ROBERTS STREET
UNLEY

CLIENT: SCOTT SALISBURY HOMES

**Residential
Commercial
Industrial**
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JOB No.	SHEET No.	ISSUE No.
C27833	2 of 2	A

DRAWN :	J.H	DESIGN:	D.A.	DATE:	9-Dec-19
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0 4 8 12
SCALE 1:200 METRES

No.	REVISION	BY	DATE
A.	DRIVEWAY LAYOUT AMENDED	R.M.	10.01.20

SITWORKS NOTES

(THESE NOTES ARE TO BE READ IN CONJUNCTION WITH SITWORKS PLAN – SHEET 1 OF 2)

KEY

TK	TOP OF KERB
WT	WATER TABLE
BL	BENCH LEVEL
FL	FLOOR (POURED) LEVEL
Ø	DIAMETER
IL	INVERT LEVEL (BOTTOM OF GRAVITY FLOW STORMWATER DRAIN PIPE SYSTEM)
RD	ROLLER DOOR REBATE
(EX)	EXISTING
RWT	RAINWATER TANK
DPO	DOWNPIPE
RH	RAINWATER HEAD
RHSP	RAINWATER HEAD SPREADER PIPE
○	SCREW CAP STORMWATER INSPECTION POINTS IN GRAVITY FLOW/SEALED SYSTEM SW RUN (AS A MINIMUM) TO FINISHED PAVING/GROUND LEVELS (PROVIDE PROPRIETARY CONCRETE SURROUND AND LID WHERE FOUND IN DRIVEWAY).
RTW	RETAINING WALL
██████	PROPRIETARY "BLOCK" RETAINING WALL
	CONCRETE SLEEPER RETAINING WALL
→ R	RAMP PAVING AT 12.5% (MAX) (LOCATION & SETUP SCHEMATIC ONLY)

**AMENDED PLAN / DOCUMENT
DATE: 06/03/2020**

A

AMENDED PLAN / DOCUMENT

DATE: 06/03/2020

A

6th March 2020

Ref:7441cncllet

The Chief Executive Officer
City of Unley
PO Box 1
Unley SA 5061

Attention Ms. Chelsea Spangler

Dear Chelsea

Re: PROPOSED DETACHED DWELLING 8 ROBERTS STREET, UNLEY

Further you request for more information in relation to the above, Council has now been provided with amended plans and engineering detail pertaining to the development.

In addition to the above, it is understood that some progress has been made in relation to the applicants being able to acquire a small section of Council road reserve that fronts the property, and that progress in this regard should not impede the processing of the application; which will rely on the road reserve for landscaping and fencing of the front property boundary.

The section of road reserve is a roughly triangular shaped piece of land with an area of about 42m².

The subject land

The subject land is an irregular shaped holding of some 480m² with a frontage of some 15.3m excluding the small section of road reserve that fronts the land.

Including the road reserve it comprises some 522m² with a road frontage of 12.3m.

The land accommodates a modest single-storey, cream brick dwelling with a very low pitched asbestos cement roof and adjoining carport dating from the late 1950s early 1960s.

It is set in ordinary grounds landscaped largely with lawn and dominated to some extent by a concrete driveway with a low chainmesh fence fronting the street as depicted in Figure 1 below.

A concrete lined drain adjoins the eastern boundary. The drain is fenced with a low open metal framed fence which provides opportunity to overlook a hedge that forms the boundary of the dwelling on the opposite side of the drain.

Fencing to the western and northern boundary is a 2.0 to 2.5m high lapped timber fence. It has been overgrown with ivy and is partially rotted and generally in a poor condition as a result of the ivy separating and warping the boards.

To the rear is a new two-storey development, the roof of which is evident above the house on the photo in figure 1.

The new development is elevated above the subject land with a 1-1.2m high retaining wall on the boundary topped by a 2m high rendered fence.

These are depicted in the photograph in Figure 2.



Figure 1: Existing dwelling from Roberts Street



Figure 2: View to the rear of the existing dwelling showing the rear and side boundary fencing

The subject land sits marginally below the level of the road.

There is a 2.13m wide easement that runs along the rear (south-western) boundary of the land.

The locality

I do not consider the locality to extend very far beyond the immediately adjoining allotments; primarily because the land is situated at a slight bend in the road which turns away from the property, it is largely screened from view from the road by neighbouring buildings or fences and its juxtaposition to the road results in it having a very limited impact on the streetscape as it is screened to a very large extent by existing fences and buildings.



Figure 3: The locality

A snapshot of the locality is provided below:

North:

The two properties to the north face Miller Street to the west and as such their rear yards either abut the subject land, or in the case the properties at 15 and 17 Miller Street, have their rear boundaries to Roberts Street. Each of the two latter properties take vehicular access from Roberts Street, and each has a carport or garage sited on or close to the street alignment and to the rear of the associated dwelling.

The extent to which these buildings are evident in the streetscape is shown in figure 4 below.

These houses are either bungalows or villas with modern additions to the rear (fronting Roberts Street). The addition to the rear of 17 Miller is mainly of sheet metal construction not fully compatible with the primary residence.



Figure 4: looking north from in front of the subject land to adjoining carports at the rear of 15 and 17 Miller Street

South:

What appears to be a conventional style red brick dwelling set well below the level of the road and thus largely hidden from view (save the grey tiled roof) by a boundary hedge and site landscaping. A carport/garage is located to the north of the dwelling and is accessed by a fence and gates adjoining the subject land. Again, this structure is not evident from the street as it is sited low to the road and screened by the hedge, gates and fence that front the land.

Further south at 12 and 14 are contemporary styled detached dwellings, again set somewhat low to the road and which adopt elements of the built form in the wider locality to the north (high pitched roof, limited eave overhang, high proportion of solid wall to void), adjoining at 14 is a large sandstone villa adjoined to its north by a modern wing addition in black Colourbond with a sandstone coloured base and a large cherry wood slat panel tilt garage door.

These are depicted in Figure 5 below.

East:

The opposite side of Roberts Street includes a 3-storey replica mansion house which is disposed as semi-detached dwellings, a group of 6 single-storey flats of late 60s early 70s vintage and thereafter to the south primarily villa style dwellings on large allotments.

West:

To the west, development fronts Miller Street and comprises primarily Villa style dwellings, some notable exceptions at 18, 27 and 29, which are outside of the locality.

The primary intent of the Zone and desired character of the Policy Area is to maintain or enhance the character of distinctive and coherent streetscapes by retaining and complementing the siting, form and key elements of the cottage and villa buildings therein.



Figure 5: Development at 10 to 14 Roberts street

The character of locality at the northern end of Roberts Street, and most pertinent to the subject land is not so much defined by dwelling character in my opinion, as by more visible elements along the street frontage, including street landscaping, fencing and outbuildings which particularly dominate the land immediately to the north of the subject land. The character of this area is further defined by the dwellings at 15 and 17 Miller Street, which front Miller Street and back on to Roberts Street.

The streetscape further to the south, and in my view outside of the locality, is the more traditional streetscape comprising villas and bungalows, both single- and double-storey, located on large allotments with generous side and rear boundary setbacks.

These are not elements of the locality in which the subject land is located.

The proposed development

The proposed development seeks consent for the redevelopment of the subject land through the demolition of the existing single-storey detached dwelling, attached carport and associated garden shed and construction of a two (2) storey detached dwelling.

The proposed dwelling will comprise three (3) bedrooms, the master being located on the ground floor and accompanied by a walk-in robe and ensuite, while the remaining bedrooms will be located on the upper floor.

The kitchen (with walk-in pantry), dining and living areas, laundry and a water closet will also be located on the ground floor along with stair and lift access to the first floor.

Entry to the building will be taken via an entry hallway located between the master bedroom and garage.

Rounding out development at the ground floor is a double garage, with dimensions to be able to comfortably accommodate 2 vehicles, with limited storage facilities for general domestic purposes.

The upper floor will contain a retreat and study area, and bathroom and 2 aforementioned bedrooms.

Ground level private open space will be provided along the eastern, rear and western sides of the dwelling, each area being directly accessible from the internal living areas on the ground floor.

Primary areas of private outdoor open space include the east facing courtyard 6.6m x 6.0m (39.6m²) and north facing garden area measuring 5.36m x 12.4m (69.8m²). Smaller areas of landscaped open space adjoin the southern, western and northern boundaries each with a minimum dimension of 2.5m (save minor protrusions).

The land between the front of the building and Roberts Street is to be extensively landscaped. This area includes the triangular portion of the land to be purchased from the Council and previously referred to.

The existing shared crossover to Roberts Street will not be modified however the existing driveway will be replaced internal to the land with a double width driveway.

Engineering plans provided to Council show some minor cutting and filling of the land to achieve a level bench area for the dwelling. The extent of filling results in a maximum fill height of 600mm along the southern boundary of the land (adjoining the creek) and up to 600mm in the north western corner where a low retaining wall will be required, the wall being set approximately 1m in from the boundary to maintain existing ground levels at the property boundary.

The building will be sited with its south eastern ground floor corner on the current property boundary but setback 7.2m from the final property boundary once the land acquisition has occurred. Street setback otherwise sits between 7.2m to the garage, stepping back to about 9m as the garage wall and property boundary diverge from each other. The upper floor will be sited in excess of 14m from the front property boundary, 3.985m from the southern and rear boundaries their closest points and between 3.48 and 6.8m from the northern property boundary.

The garage wall (7.45 metres in length) to be constructed on part of the western property boundary.

The building will have a total overall height of 7.36 metres with ground floor to ceiling height being 3.32 metres and the upper floor to ceiling height being 3.02 metres. The dwelling will utilise a low-profile flat roof form throughout. The low-profile roof will reduce building mass and facilitate the installation of solar panels that will be hidden from street view and neighbours.

The total area of the ground living area will be 249.0m² while the upper floor will be 110m² for a total across both floors of 359.1m².

Site cover is in the order of 48.9% (excluding the 42m² possible land acquisition)

It is relevant to note at this juncture that the rear of the subject land sits well below the site levels of the adjoining development to the north and west and as such the relative height of the dwelling to those on the adjoining land is similar or lower.

Landscaping will be reintroduced to the land with particular attention to the space between the dwelling's front elevation, driveway and front property boundary. A small strip of landscaping will be established between the driveway and the property boundary, with particular emphasis

on tall growing bamboo 'Gracilis' along this boundary to assist in integrating the development into the streetscape.

This species has been selected because it is not invasive, is suitable to narrow garden beds down to 400mm wide, can grow to a mature height of 8m in 2 years and is readily trimmable to maintain an appropriate height. It is also the species requested by the owners of 17 Miller Street as their preferred option for the joint boundary.

It is proposed that the front boundary be fenced with a masonry pillar and plinth fence with upright vertical infill palisade panels backed by hedging plants which will infill and grow through the fence to provide a contrast to the pillars and to maintain the theme of a soft edge to the road reserve. A solid timber gate will be provided to the driveway.



Figure 6: Bamboo 'Gracilis' in a narrow garden bed showing its compact yet bushy form.

The landscaping and fencing detail are set out on the accompanying landscaping plan and streetscape elevation.

Design Report

The proposal is for a new two-storey house with a double garage built to the boundary of contemporary design; and whilst the Development Plan contemplates two-storey development in this Policy Area, that is subject to its impact on the streetscape and adjoining properties being minimised.

The Development Plan expresses a desire for developments to add to the “forms and detailing of the predominant architectural styles” with the intention that the siting, form and key elements of existing buildings be adopted in new development.

Key building forms are identified in the desired character statement as “Cottages (including narrow fronted styles), Villas and Bungalows” with reference to Victorian and Turn-of-the-Century double-fronted cottages and villas, and Inter-War era housing, primarily Bungalows but also Tudor and Art Deco and complementary styles” (my underlining).

Complementary in architecture is a diverse term that does not seek replication but rather that development take inspiration from the locality to inform the design.

As identified above, the character of Roberts Street varies considerably from the locality, as described above, to the more generous character streetscape along the south east side. The street accommodates a variety of dwelling styles including symmetrical cottages, villas, return veranda villas and louvre roof, reproduction non-federation styles, i.e., bungalow hybrids built after 1992, contemporary 1960s units and replica mansion styles. The south west side of the street includes two large contemporary double-storey red brick blocks of flats.

The streetscape provides variety in setback, form, presentation, detailing, materials, finished ground level and building height and rhythm in the street in the immediate locality.

In terms of streetscape appearance, the immediate locality of Roberts Street is described above. It is dominated by street and private landscaping, fencing (including hedges), outbuildings located on or close the street and generally contemporary style buildings.

The character changes on the south east side where more generous allotment frontages, street setbacks, and building forms predominate.

Dissection of the locality is required to articulate the presentation and differences on both sides of Roberts Street, and the design cues and nuances of defining a locality imbued with such a variety of built form and character.

Materials and colours of development to the south of the subject land are varied and include sandstone, brick (red, brown and painted) with timber features on low pitched gables. Roofs are predominantly sheet metals in historic galvanised iron with verandahs and a predominance of Victorian and Edwardian architecture.

Houses in the locality of the subject land are more contemporary, although in some cases attempts at replica architecture, whilst incorporating design features of development in the wider locality, nonetheless present as being of contemporary design.

Whilst the development does not incorporate the upper floor in the roof space as sought by the Development Plan, it does take its design cues from the locality.

Including:

- Sandstone walls take visual cues from the Mount Lofty Sandstone from 1, 3, 7, 9 & 15 Roberts Street. There are also the Mt Gambier thinner sandstone cuttings used on 3 & 12 Roberts Street that are less relevant to the streetscape. This sandstone walling with returns proposed to porch and ensuite are similar to the triple fronted wall face details of 9 & 11 Roberts Street.

- Standing-seam sheet metal takes visual cues from the extension to 14 Roberts Street. Also, notably, the use of standing-seam sheet metal is consistent with the immediate locality; I reference of course its use in the adjacent rear dwelling on higher ground at 23 Miller Street visible from 8 Roberts Street and the use of the material quite liberally across parapets and wall facings at 29 Miller Street.
 - The proposed coated steel, in matte black, either Lysaght Enseam or Dominion has flashing detailing of some 40mm depth and width that add a capping detail at corners and around windows.
 - Lysaght Enseam has a width between standing-seams of 265, or 465 mm, subject to construction method for support placements. Each standing seam projects 38 mm outwards producing a shadowed pattern of light and dark against wall faces.
 - This material does particularly well, when mixed with clay bricks or wood, and other lighter materials such as render to provide visual interest and character to walling and roofing. In many ways, it is considered more attractive than regular custom orb sheet metal provided by Lysaght due to its ability to be more readily accepted use on walls and roof faces.
- The panel tilt door has the same material and presentation in form to 14 Roberts Street. Notably, the timber cladding continues to wrap around to the entry door to provide a continuation of the appearance and form of the material across two elevation planes. In part, this step away from a conventional grand-order entry door (sometimes 2400mm or greater) and the alignment of the material to 14 Roberts Street provides a complimentary alignment of existing materials and construction methods along the western side of Roberts Street.
- The proposed light-coloured render for exterior walls is a standard finish found on newer houses. However, the use of white paint is a regular feature used to quoining, pediments, cornices, window sashes, and so on throughout Victorian and Edwardian villas in the locality to hide imperfections to mouldings or for colour matching with the sandstone.

It is acknowledged that there is a lack of architectural styling (moulding, window sashes, cornices, pitched roof etc) in the proposal. The development does not intend to replicate the dominant building styles in the area, (more so to the south of the subject land than to the north) with faux detailing of architectural treatments; this is seen as a benefit to the character of the locality rather than detracting from it.

Attempts to replicate the architecture of the locality and notably the imitation mansion at 5 Roberts Street, are in my view a poor response to address the character issues, notwithstanding its attempt at replicating those elements sought by the Council Development Plan.

In my opinion and despite its contemporary appearance, the dwelling design responds well to the character of the locality and adopts the following elements to reduce its visual impact:

- The scale of the dwelling is mitigated to some extent as the second storey is recessed from all sides; and as such has a substantial street setback of 14.05 metres to Roberts Street – greater than several villas on east Roberts Street.
- The ground floor to ceiling height is greater than the first storey, which allows the ground floor to dominate, and thus reduces the impact of the setback upper floor and its parapet walls.
- A significant front garden and fence is proposed and these play an important role in Roberts Streets character in the immediate vicinity of the subject land. I note from

undertaking walks throughout Roberts Street and Miller Street that the character of houses is sometimes entirely invisible from pedestrian level due to the amount of intervening vegetation, as is the case for example with the adjacent development at 10 Roberts Street. (refer to the streetscape plan tendered)

I note also that contemporary designed buildings are not uncommon in character areas throughout Unley, for the most part, they do not stand out as being discordant elements in the landscape.

It is recognised that the relevant provisions of the Development Plan seek that second storey building elements should be integrated sympathetically into the dwelling design, and be either:

- (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**
- (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.

In my view the second storey is sufficiently setback from the road and integrated with the dwelling is such a way that it will be largely inconspicuous, noting as previously advised that;

- The immediate locality is dominated by outbuildings on the street alignment;
- Street and private landscaping that minimises the impact of built form on the streetscape;
- Landscaping and building forms that provide a backdrop to the building;
- Landscaping and fencing proposed on the subject land that will assist in minimising its visual impacts and in integrating the development into the streetscape.
- The two-storey elements of the building are set well back from the road reserve, and;
- The bend in the road in front of the subject land directs the visual attention of passers-by (particularly in vehicles) away from the subject land, described in some literature as 'the meandering of the eye'.

Moreover, whilst the Development Plan seeks certain design outcomes in the zone, it is germane to note that the existing building on the land could be updated and added to as a complying development under the Residential Code, under which the design consideration in the Council Development Plan have no relevance.

Single storey additions and alterations to the building could include for example a building with a 9m building height and 6m wall height (measured from the top of the footings), filling of the land up to 1m in height and of contemporary design with none of the features provided as part of the proposed development or sought by the Development Plan.

As the former Planning Appeal Tribunal observed in its decision in McDonalds Australia Ltd v City of Payneham and Others PAT No. 151 of 1992, at 75:

“... when dealing with forms of development which are neither ‘permitted’ nor ‘prohibited’ in a zone, ... it is not improper, when considering whether such a development should be authorised, to judge it, to some extent, having regard to the nature and attributes of development which would be ‘permitted’.” (read complying for permitted in this extract)

The matter of the influence of the Residential Code on the assessment of development was further dealt with in the decision of the ERD Court in Dunning & Anor v District Council of The Copper Coast [2010] SAERDC 47 (24 August 2010), in which the Court noted;

"When these factors are considered against the backdrop of the recently introduced "as of right" development and aspects of Schedule 1A and the influence those provisions have on the policy intent for residential development in the Zone, I have reached the conclusion that the design, location and appearance of the balcony roof has struck the appropriate balance to which earlier reference was made. That the proposed development, as Mr Heynen said, "is commensurate with or of a lesser scale than development activities that can be reasonably anticipated as of right" is a fact that supports such a conclusion."

It is entirely proper and relevant for the Council to take into consideration the implications of the Residential Code when assessing the application at hand, and whilst the development does not meet all those Development Plan provisions relating to design considerations; in the words of the Court the Council should/must have regard to the '**nature and attributes of development which would be complying'**'.

It is my view that notwithstanding any perceived failure to meet some of the Development Plan provisions, the development is nonetheless one which finds support in the Development Plan and under the Residential Code provisions of the Development Act and in particular:

- The development is a locality where the immediately adjoining development does not exhibit the same design integrity as development further to the south along Roberts Street.
- Streetscape character in the immediate locality of the subject land is less reliant on building form and design and more on landscaping and fencing.
- The existing development on the subject land, although modest in scale does nothing to contribute to the character of the locality as sought by the Development Plan.
- The development does not seek to replicate the architecture in the locality but takes some of its design cues from existing built form.
- The building will be well-screened from views from the road and will thus have minimal impact on the streetscape character of the locality.
- The attributes of the subject land are unique. Its redevelopment as proposed will not lead to the wholesale redevelopment of the locality and/or demand for additional, new contemporary designed dwellings in the locality and as such will not lead to a precedent for future development in the zone/policy area.
- Contemporary dwellings in similar streetscapes do not generally stand out as discordant elements in the streetscape and can readily be integrated into character streetscapes with appropriate fencing and landscaping amongst other things.

Having regard to the forgoing, I consider the development is worthy of approval and will not set a precedent for similar development in the locality.

Yours sincerely

David Hutchison BA CPP PIA
Access Planning SA Pty Ltd

AMENDED PLAN / DOCUMENT
DATE: 06/03/2020

A

47 Light Road
COROMANDEL VALLEY SA 5051

4th March 2020
Our ref: Response to council letter 04032020

The Chief Executive Officer
City of Unley
PO Box 1 UNLEY SA 5061

Attention Ms Chelsea Spangler

Dear Ms Spangler

Re: **PROPOSED DETACHED DWELLING 8 ROBERTS STREET**
APPLICATION 090/694/2019/C2 - Client response to feedback

My partner and I understand that Mr David Hutchinson (Access Planning) and Scott Salisbury have now provided you with the additional documents required in support of our development application. We also thank you for your feedback and assessment of our application, as outlined in your letter dated 21 November 2019. We would like to respond to, and address your concerns, in order to reach a successful conclusion.

Furthermore, as you will be aware, we have recently initiated a process to purchase the triangle of land (part of the road reserve) that was fenced, and included into, the block by the council, probably in the 1970s. The acquisition of this land, and the planting of mature trees, will allow us to further screen the development, significantly enhancing the streetscape and improving local amenity.

The following is provided for your consideration:

PDC 9 (b) The second storey has not been designed with sufficient regard to PDC 9 (b)

Our current design is informed and has been modified in response to your current and previous feedback, and verbal advice from a council representative during a site visit. Unfortunately, the recent feedback does not appear to recognise the changes we have made and, in some cases, the advice we have received from Council officials has been contradictory. Furthermore, in our opinion, some requests do not recognise our practical needs and requirements, especially in respect to design elements essential for positive aged living.

a) Incorporate 2nd storey into the roof; appearance of the upper storey

- I. Unley regulations, and advice we have received, indicated that the upper storey should appear to be in the roof space. To comply we have used metal cladding for the upper storey which suggests that the second storey is indeed within the roof. The use of dark Colourbond cladding is contemporary but references the style of 19th C period roofs in the Unley area; the style and colour have been approved for recent builds in Roberts Street, Miller Street and elsewhere.

- II. We were told that the initial building design was essentially too pale (note however that 16a Roberts Street is a large white two-storey build with a flat roof). As described above, the second storey is now clad in dark Colourbond. However, feedback now appears to have reversed this advice as it is currently suggested that the upper storey is too dark. Again, we emphasise that the dark Colourbond now chosen for our build has been approved in Roberts Street, Miller Street and elsewhere.
- III. Flat roof constructions are not uncommon and are found throughout Unley in period and modern domestic, civic and commercial buildings. Unley Council Chambers are a typical example. Nearby contemporary examples are 16a Roberts Street and 29 Miller Street.
- IV. The roof is flat to facilitate and hide the installation of solar panels thus completely avoiding any possible nuisance to immediate neighbours (and street view) caused by reflected light. Note that, due to the orientation of the block, panels on a west-facing roof would impact on the rear of properties in Miller Street.
- V. The flat roof design significantly minimises the building's height, bulk and mass: this allows the building to respect the scale of neighbouring buildings and have minimal visual impact. Obviously, due to the orientation of the block, the use of a hip or gable style roof would significantly *increase* the visual impact.

b) Set well behind the primary street façade, bulk and mass

- I. As requested, the façade of the upper storey has been moved well back from the front of the building and is now ~15 m from the front corner of the block.
- II. The whole upper storey is now sited at the back of the block, and recessed 1.4 m from the rear wall of the lower level of the building.
- III. The upper storey is sited well within the footprint of the lower level and its size and volume is modest, occupying only ~44% of the area of the lower floor. The size of the upper level cannot be reduced further without severely compromising its use and functionality. In respect to the street setback, feedback from neighbours overlooking the site is positive and supportive of the current design and materials.
- IV. The setback and position of the upper storey (façade) is determined and limited by the location of the internal stairs and lift shaft. The current location of the stairs and lift have been specifically designed to facilitate aged living and mobility i.e. to maximise the 'liveability' of the ground floor and provide easy access to the upper floor.

Garage: size and location

The comments relating to the garage location and size (especially height) are confusing.

- I. The garage has been redesigned: it is as far away from the street as possible and has been made lower in height. As now constructed, the floor area and overall shape are just adequate for our two vehicles. A smaller garage would mean that we would have to park outside, or in the street. The overall height cannot be reduced further as the door would be too low for vehicle entry (4WD access required).

- II. Due to the small size and shape of the block the garage cannot be located at the back as there is no appropriate space or access (i.e. no space for a driveway). We note that the recent build at 12 Roberts street has an attached garage level with the front of the building and highly visible as it is within a few metres of the street.
- III. The garage must adjoin the house in its current location to allow direct entry from the garage into the living area and the lift shaft – this is essential to facilitate aged living/mobility.
- IV. The garage is now constructed from different materials to the main house and is therefore ‘separated’ visually.

Design concept: personal needs

Designing our home for this site has been challenging due to the odd shape, location and orientation of the block. The block is also small – one of the smallest in the area. Our design specifically addresses our future needs in respect to:

- I. Aged care and mobility issues.
- II. Access to northern sun and natural light – a human right. Scientific studies show that access to full sun and a naturally-lit home is critical in terms of maintaining good health, reducing cognitive decline and delaying dementia. A poorly-lit home is unhealthy.
- III. Retention of adequate open space and garden for privacy and recreation.
- IV. Energy conservation: a design that facilitates the installation of solar panels with battery storage.

Design concept: streetscape character and context area*

In respect to building period and style, Roberts Street is a disparate and eclectic mix, one of the most mixed streets in North Unley. The West side of the street comprises single and two-storey modern buildings (including two red brick blocks of two-storey units); only one period building remains. The East side of the street is also mixed. However, period dwellings predominate along part of the Southern end with a two-storey modern faux period-style building at no. 21.

The block at 8 Roberts Street is set back from the street and the context area adjacent is modern and mixed with no unifying design paradigm. This end of Roberts street is also immediately adjacent to the Greenhill Road commercial zone. Immediately opposite 8 Roberts Street is a large recently-built three-storey faux period-style building and six modern bungalows. Immediately adjacent to the North and West are an uncoordinated mix of fencing, rear extensions, sheds and garages in a variety of building materials. On the Southern boundary of the block is a high (~4 m) retaining wall and rendered fence. To the South East (across the creek) is 10 Roberts Street; a large block with a prominent stand-alone garage (in need of renovation) and a large modern two-storey modern home of indeterminate style set well to the South. The view South includes the flat roofed homes at 16a Roberts Street and 29 Miller Street, the latter clad in dark Colourbond.

First, our design responds to the context area through the use of Basket Range stone for visible walling (as in period builds). Second, our design responds to both the context area

and the requirements of the Unley Development Plan (upper storey in the roof space) through the use of Colourbond cladding on the upper storey. These two elements reference historical materials and a roofing style and materials recently approved for new builds. Third, landscaping and the strategic planting of mature trees and shrubs will be used to provide privacy and to screen and significantly soften the built form and driveway.

Context area* – survey and feedback

We determined the context area* (i.e. the area from which the new build is visible) by walking and visual inspection. Subsequently, we visited all the homes in the context area, presenting our plans and describing the building design#. Eighteen neighbours were visited, however, three homes were unoccupied (7/3, 7/4 and 7/6 Roberts Street).

The building design, form and materials were well-received and the feedback very positive, especially in respect to the flat roof style, roofing materials, colours and the use of Basket Range stone blocks in the style of the neighbourhood. Comments were also made that the new build would have a positive impact on the amenity of the area by enhancing the streetscape and improving property values. Please note that a total of 13 statements of support were received and submitted with this document.

We hope that this additional information will be viewed favourably. We are keen to continue our family's history as Unley residents by developing the block and providing for our aged-living needs in a custom-designed home.

Yours sincerely



Jillian A Blight (and John Stirling)

*Includes: 15-23 Miller Street, 10 Roberts Street and; 1, 3, 5a, 5b, 7/1-6, 9-11 Roberts Street.

Documents supporting the application are presented with this document.

ATTACHMENT B

Our ref: GM/220088

23 April 2020

Mr Peter Tsokas
Chief Executive Officer
City of Unley
181 Unley Road
UNLEY SA 5061

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

Dear Sir

Representation in relation to DA 090/694/2019/C2

I act for [REDACTED].

The rear of [REDACTED] property abuts the western (side) boundary of the land known as 8 Robert Street, Unley.

[REDACTED] has been given notice of a proposed development at 8 Miller Street (**the land**). Mr Ackland lodges this representation in opposition to the proposed development.

Existing conditions

[REDACTED] has resided on his property for many years, together with his wife. As a result of changes made some time ago, the rear yard area of [REDACTED] property is relatively small. However despite its size, I understand that the area is actively used.

There is an existing single-storey dwelling on the land. Council was advised that an application has been lodged to demolish that dwelling and to establish a new two storey dwelling. Because of the arrangement of the land as regards my client's land, the proposed development as it reaches towards the south of the land, will be clearly visible from the rear of my client's dwelling and obviously from the private open space area.

The form, bulk and scale and the potential for overlooking are issues of concern.

Development Plan

Both the land and my client's land are within the Residential Streetscape (Built Form) Zone and more particularly within Policy Area 9 – Spacious (Built Form) Precinct 9.7.

The overall intent of the zone provisions is to ensure that existing dwellings are retained, wherever possible, and to ensure a consistent and coherent streetscape. That is also reinforced by the policy area provisions and the 'precinct provisions' as to built form.

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Of course, there is some scope for the replacement of the "inappropriate" buildings. However that does not simply mean that there can be wholesale removal of a development. Any replacement building must have an appropriate built form respectful of the streetscape. For the reasons that follow, it is respectfully submitted that the proposed development is inconsistent with the relevant provisions in the Development Plan.

Development Plan and Built Form issues generally

1. The form of the development being clearly two-storey and having a modern contemporary design is inconsistent with the desired character and the maintenance/retention of the coherent streetscape as sought by these provisions. Further, the desired character for the policy area includes an express reference to low scale building development.
2. The materials to be used do not reflect the predominant form of materials used and thus offends that part of the desired character for the policy area which includes references to:
 - 2.1. forms and detailing of the predominant architectural styles;
 - 2.2. a coherent rhythm buildings; and
 - 2.3. roof material and pitch.
3. Although the dwelling will be street fronted, the garage arrangements are unusual and are inconsistent with the desired character and the prevailing form of development in the locality (see further discussion below).
4. The building form is inconsistent with the recognisable pattern of traditional building proportions, including wall heights and widths of facades, roof heights, volumes and shapes etc as sought by the desired character.
5. The design lacks the iconic and defining design features that one finds in the locality which are referable to the composition and use of materials on facades and roofing within the area noting in particular that for Precinct 9.7, the predominant architectural style is *cottages, villas and bungalows*. The form of the proposed development is entirely inconsistent with forms of development. That is clear from a simple consideration of the plans.

The garage

The Development Plan places considerable emphasis on the form and location of outbuildings, carports and garages. They are important elements that play a significant role in relation to this 'Streetscape Zone'. Under the heading "key elements" for the zone, the importance of the use of appropriate materials and building forms such as verandas and pitched roofs and the detailing of the facade and the use of traditional materials is of key importance. The same can be said in relation to garages. In this instance the siting of the garage and its presentation to the street can not be regarded as a "minor element".

It does not assist in complementing the desired character. Indeed, it is inconsistent with the express desire of the zone provisions. This is further reinforced by PDC 14 for the zone which seeks garages to be located to the rear of the dwelling as a freestanding building and if it is to be attached to a dwelling, it is to be behind its primary street facade with a recessive building presence.

That design element has completely been breached in the design of this garage (and dwelling) as the north-western side of the garage is forward of the dwelling – the site plan notes that the garage is setback 7.72m whereas to the living area of the dwelling, it is 9.23m. Further the garage is on the boundary, contrary to PDC 14 (b)(iv).

The garage although finished with 'timber' is a dominant part of the streetscape presentation, taking up about half of the width of the building as it addresses the street.

In particular as mentioned above, the garage width is about 50% of the presentation and is therefore inconsistent with PDC 14 (b)(iii) which seeks the proportion of the garage to be minor relative to the dwelling facade itself.

The upper level

The Development Plan generally contemplates single-storey dwellings. Some recognition is given for two-storey dwellings but that two-storey element should not be a predominant feature. It should be in the roof space. In this instance, as one sees from the elevation, the upper level is a clear and distinct two-storey element. Further the use of the materials is inconsistent with a number of zone and policy area provisions which speak of using coherent materials and materials that are of a more traditional form and character. Whilst the lower level has some regard to that – by the use of the stone facade, clearly the upper level is entirely inconsistent with the Development Plan as viewed from the street and from my client's land.

Overlooking potential

Because of the relationship of my clients land to the land, there are three windows that directly face into my client's land. Whilst the plans indicate some treatment to reduce the potential for overlooking, properly designed, the dwelling should totally avoid overlooking. This is best achieved by ensuring windows are not established on the western side given its close proximity to my client's private open space area. As an example, bedroom three has a window on both its western and southern sides. If the window on the western side were removed, that would eliminate the potential for overlooking to my clients small compact but highly useful private open space area.

If there are to be any windows on the western side, they should only be high-level windows – minimum clearance of 1.8m from the finished floor level of the room. To otherwise allow windows which have obscure treatment may result in that treatment being removed thus giving rise to a significant overlooking issue. That is entirely unacceptable.

Bulk and scale

The form of the upper level is clearly and unashamedly a second storey. By reason of its contemporary design and the materials that are proposed, it adds to the bulk and scale of the development when viewed from the public areas **and** my client's land. It is therefore contrary to the desire where the predominant form of the dwelling should be single-storey but if there is to be two storey, it should be in the roof space.

This design form is clearly inconsistent with the desire of the development plan as to the form of a second storey element to any dwelling.

Further the issue is exacerbated by reason of the design of the upper element consistent as to the desire in the Plan for a traditional or pitched roof form. This is exacerbated by the darkened coloured vertical "roofing material" to be used.

The form of roofs is a key element of existing development in the locality, and is a key element in the general development plan demands that the roof be traditional as the roof is often a very strong element in the design of any new dwelling.

Design overall

The form of the building being a contemporary design pays little or no regard to the zone provisions and the form of development that one finds within spacious policy area 9 and in particular Precinct 9.7 which has an existing built form representing *cottages, villas and bungalows*. There is no mistaking that this building does not sit within any of those descriptors. Its form and location are inappropriate i.e., the garage being on the boundary and the building extending deep into the rear yard of the property, locating it directly adjacent to my client's land and his private open space area.

It is unashamedly two-storey and pays no regard to the Development Plan that seeks two storey being contained within the roof space.

The materials used are clearly inconsistent with the Development Plan, there being some use of stone which is reflected in some of the nearby villas but apart from that, the design form and materials used do not pay proper regard to materials in the area in the form of dwellings.

Reliance on Development at 10 to 14 Roberts Street

It is noted that the application is supported via a report from Access Planning. Access Planning refer at fig (photo) 5 to the development at that address. That development has to be understood in its context. There was a dwelling between the 2 dwellings visible in the photo. It was demolished and a link provided from the villa to the new shed and games room. The new building is a shed, not a dwelling. The new dwelling to the 'north' of the new shed at least has a conventional roof. It is wrong to seek to justify the proposal based on that development. There is no valid comparison between an outbuilding of the size developed and the **large** two storey contemporary designed dwelling proposed on the land.

Application should be refused

For all these reasons, the application should be refused development plan consent.

Request to be heard

The representor wishes to be heard in person or by counsel.

Please advise when the matter will be considered by the Council Assessment Panel.

Yours faithfully

George Manos
BOTTEN LEVINSON
Email: gm@bllawyers.com.au

Our ref: GM/220088

23 April 2020

Mr Peter Tsokas
Chief Executive Officer
City of Unley
181 Unley Road
UNLEY SA 5061

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



**BOTTEN
LEVINSON**
Lawyers

*Note change to
"Robert"*

Dear Sir

Representation in relation to DA 090/694/2019/C2

[redacted] of 21 Miller Street, Unley.

The rear of [redacted] property abuts the western (side) boundary of the land known as 8 Robert Street, Unley.

Robert

Mr Ackland has been given notice of a proposed development at 8 Miller Street (~~the~~ land). Mr Ackland lodges this representation in opposition to the proposed development.

Existing conditions

Mr Ackland has resided on his property for many years, together with his wife. As a result of changes made some time ago, the rear yard area of Mr Ackland's property is relatively small. However despite its size, I understand that the area is actively used.

There is an existing single-storey dwelling on the land. Council was advised that an application has been lodged to demolish that dwelling and to establish a new two storey dwelling. Because of the arrangement of the land as regards my client's land, the proposed development as it reaches towards the south of the land, will be clearly visible from the rear of my client's dwelling and obviously from the private open space area.

The form, bulk and scale and the potential for overlooking are issues of concern.

Development Plan

Both the land and my client's land are within the Residential Streetscape (Built Form) Zone and more particularly within Policy Area 9 – Spacious (Built Form) Precinct 9.7.

The overall intent of the zone provisions is to ensure that existing dwellings are retained, wherever possible, and to ensure a consistent and coherent streetscape. That is also reinforced by the policy area provisions and the 'precinct provisions' as to built form.

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REPRESENTATION Category 2 (Page 1)

To: Chelsea Spangler, City of Unley Development Section

Please read these notes carefully:

1. Both pages MUST be completed in full and returned to the City of Unley by the closing date to be a valid representation.
2. This page (ie Page 1) will NOT be published on the internet.
3. Pages 1 and 2 (and any attachments) may be included as attachments in the hard copy of the Council Assessment Panel agenda.
4. Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and attachments) will be forwarded to the Applicant for consultation and response.

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

Application: 090/694/2019/C2 8 Roberts Street, Unley SA 5061

Details of Person(s) making Representation:

Name:

Postal Address:

EMAIL ADDRESS:

Daytime Phone No:

**Property affected
by Development**

(Signature)

27.4.20

(Date)

 Attach any extra pages to this form

REPRESENTATION Category 2 (Page 2)

To: Chelsea Spangler, City of Unley Development Section

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

Application:	090/694/2019/C2 8 Roberts Street, Unley SA 5061
Property affected by Development	23 MILLER ST 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)

Please see attached note

My concerns (if any) could be overcome by:

Please see attached note

I

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.)

**Application 090/694/2019/C2 8 Robert Street Unley SA 5061
Property affected by development: 23 Miller St Unley**

I object to the proposed development because:

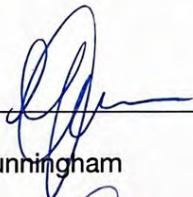
There is a window on the south elevation of the development that looks directly into the living, dining, kitchen and pool area of the property on 23 Miller St. As the development is approx 2.5m from the boundary, it has a direct an imposing view into our property. This view is of concern for our privacy because of overshadowing and overlooking. As per the Residential Development Standards (ResCode) Standards A15 and B22;

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

My concerns (if any) could be overcome by:

We would like to see a permanent solution to prevent overlooking that maintains our right to privacy. Preferably no window, windows facing West or East or a permanent window designed to totally obscure any view to our neighbouring property.

Signed



Date 27/4/20

Mark Cunningham

Signed



Date 27.4.20

Mirella Cunningham

REPRESENTATION Category 2 (Page 1)

To: Chelsea Spangler, City of Unley Development Section

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

Application: 090/694/2019/C2 8 Roberts Street, Unley SA 5061

Details of Person(s) making Representation:

Name:

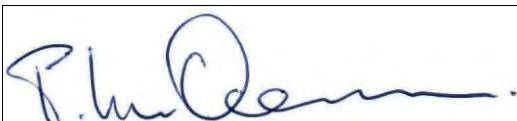
P

Postal Address:

EMAIL ADDRESS:

Daytime Phone No.

**Property affected
by Development**



(Signature)

26-4-2020

(Date)

REPRESENTATION Category 2 (Page 2)

To: Chelsea Spangler, City of Unley Development Section

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

Application:	090/694/2019/C2 8 Roberts Street, Unley SA 5061
Property affected by Development	10 Roberts Street, Unley 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)

Dear Chelsea Spangler,

Thank you for the opportunity to comment and register our objection to the proposed development at 8 Roberts Street, Unley SA 5061 (Application 090/694/2019/C2).

We appreciate the intent of the new owners of 8 Roberts Street to develop the property and we are aware of the constrained nature of the block.

Objection to the proposed development because:

Our concern is that 8 Roberts Street window in the second bedroom on the first floor (east elevation) will directly overlook our main bedroom courtyard and into our main bedroom. For the purpose of clarity, we have overlaid the proposed house at 8 Roberts street onto Google maps and shown the relevant location of the window in question and the courtyard and main bedroom at 10 Roberts street on the diagram attached.

The second bedroom window on the first floor (east elevation) will significantly impact our privacy as defined in the Unley Development Plan. Our bedroom courtyard and main bedroom is located behind the garage. Our main bedroom has a window and sliding door that overlook the courtyard and will be visible to the second story window of the proposed house at 8 Roberts Street.

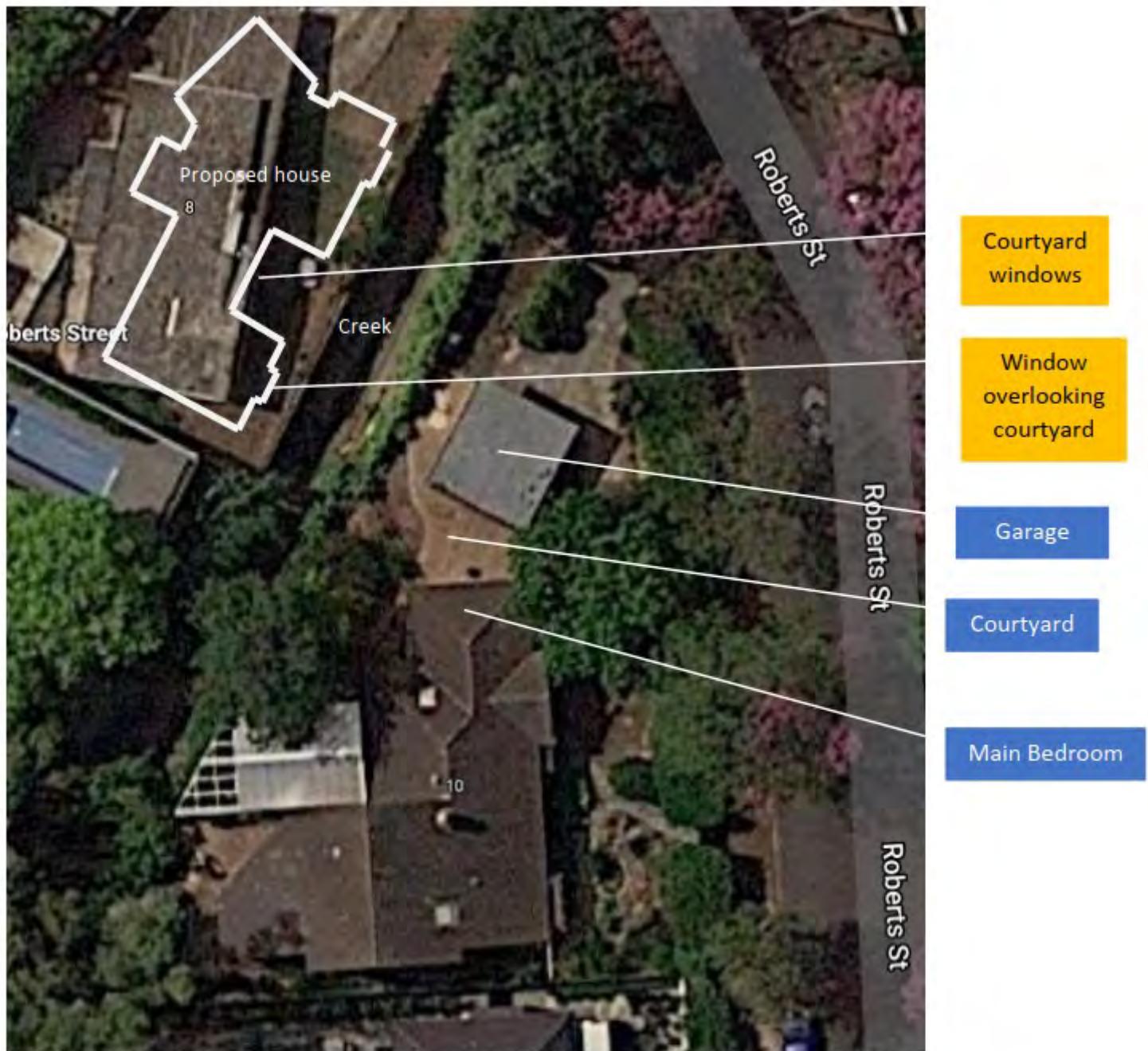
A second concern is that 8 Roberts Street proposed court yard, covered by a mechanical steel louvre system and the wall to ceiling windows along the hallway on the first floor directly above the courtyard, also overlook our courtyard and into our main bedroom, especially since our property is set much lower along the creek.

Our house, 10 Roberts Street, lies directly opposite their property and across the creek. Our property ground level is approximately 1.5 metre lower than 8 Roberts Street. Both number 8 and 10 have open fencing of approximately 1.0-metre-high along the creek. Therefore, their courtyard overlooks ours and impinges on our privacy. The window in the second bedroom on the first floor (east elevation) will be approximately 7.5 metres above our bedroom window and courtyard, substantially overlook our bedroom courtyard and windows.

My concerns (if any) could be overcome by:

We propose that 8 Roberts Street window in the second bedroom on the first floor (east elevation) be covered by fixed obscure glazing. This would still allow light to enter the bedroom.

We also propose that along the southern part of the east boundary of 8 Roberts Street property the landscaping be changed to consist of bamboo (Gracilis), similar to what has been proposed for the north-west corner in the development plan. The bamboo would provide greater privacy for both properties.



<input type="checkbox"/>	WISH TO BE HEARD
<input checked="" type="checkbox"/>	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.)	

REPRESENTATION Category 2 (Page 1)

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

Application: 090/694/2019/C2 8 Roberts Street, Unley SA 5061

Details of Person(s) making Representation:

Name:

Postal Address:

EMAIL ADDRESS:

Daytime Phone No.

**Property affected
by Development**

(Signature)

(Date)

REPRESENTATION Category 2 (Page 2)

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

Application:	090/694/2019/C2 8 Roberts Street, Unley SA 5061
Property affected by Development	3/7 Roberts St, 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)

My concerns (if any) could be overcome by:

I 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

25 June 2020

Ref: 7441responsetorep

The Chief Executive Officer
City of Unley
PO Box 1,
UNLEY SA 5061

ATTENTION: Chelsea Spangler

Dear Chelsea,

RE: DEVELOPMENT APPLICATION 090/694/2019/C2 – CONSTRUCTION OF TWO-STOREY DETACHED DWELLING AT 8 ROBERTS STREET, UNLEY – RESPONSE TO REPRESENTATIONS

I refer to the Letters of Representation (hereafter referred to as the **Representations**) received by Council during the Category 2 public notification period for the above-mentioned development application. In total, four (4) valid representations were received by the Council, one (1) in support for the proposed development. The Applicant requested I review the representations and provide my professional opinion on the matters raised in the submissions.

My response is also accompanied by a supporting document (Attachment 1) prepared by the landowners. The response provides an account of the journey they have taken over the past two and a half years prior to arriving at this point and is followed by their commentary on the matters raised in the representation. It is important to my clients that the Council Assessment Panel are cognisant of my client's experiences and views, as well as those expressed in my professional opinion, which is why our responses have been consolidated into the one document.

My clients also wish for it to be known that a meeting was held on-site with George Manos and his client and further amendments have been made to the proposal as a result of that meeting. The changes included:

- Obscured glazing to the entire face of the upper storey bathroom windows on the building's west elevation;
- Additional obscure glazing to the windows of the staircase;
- Changes to the design of the west facing window of bedroom 3 to comprise a sill height 1.8 metres above the upper floor level; and
- Restriction to window openings to upper windows at 125mm

These changes are depicted on Issue D (dated 28.05.20) of the architectural drawings which have been submitted to Council with this response and are the correct and current version of the proposed development.

Returning to my review, I note one representation has raised specific design related concerns while two representations concentrate only on the matter of overlooking of their properties. I will first address the matters of the design of the proposed development before moving on to the issue of privacy.

Design, scale, and materials

The representation submitted on behalf of Mr. Grant Ackland by George Manos is critical of the proposed built form for not being consistent with the expectations prescribed by the Development Plan, in particular:

- The two-storey form of the development not being consistent with the Development Plan provisions;
- The contemporary design not incorporating features or materials (i.e. composition, materials on facades and roofing and architectural styles) which will make the building compatible with existing development;
- The building not recognizing or reflecting the pattern of traditional buildings (i.e. wall and roof heights, widths of facades, volume and shapes);
- The form and location of the proposed garage not being consistent with the provisions of the Development Plan.

In responding to the above, I acknowledge the proposed development will have a contemporary design, unlike many other dwellings within the Precinct. However, I note contemporary designed buildings are not uncommon throughout Unley, and for the most part, they do not stand out as being discordant elements in the landscape, but rather enhance the more traditional character when undertaken properly.

I cannot deny aspects of the development, like the two-storey form and the garage, will not replicate the attributes of traditional dwelling types which are prominent within the broader Precinct, but, and as I explained in the design report provided with the application, the subject land is a unique property and the character and attributes of Roberts Street, especially along the western side of the street and between Young Street and Miller Street, varies considerably from the rest of the Unley (North) Precinct. Thus, while I acknowledge the points made in the representation, I maintain the view the development will provide a fine example of a contemporary building incorporating elements which will both complement and enhance the traditional character of the broader Precinct without attempting to replicate the older building styles and designs.

I again highlight the unique configuration of the subject land, its unique affiliation to Roberts Street and its relatively low site levels. The subject land has characteristics which are unlike any other allotment within the street or the Precinct. The subject land is not of a regular shape and has minimal influence upon any coherent streetscape pattern which the provisions of the Zone, Policy Area and Precinct seek to retain and enhance.

The subject land and most development on the western side of Roberts Street have “streetscape attributes” which exhibit minimal compatibility with predominant traditional architectural styles of dwellings within the rest of the Precinct. While the representation, states *“any replacement building must have an appropriate built form respectful of the streetscape”* it appears absent of any consideration being given to the unique conditions of the subject land and the diverse character of the subject streetscape.

The streetscape has a more modern character than the rest of the Precinct. It provides variety in setback, form, presentation, detailing, materials, finished ground level and building height and rhythm. Houses in the locality of the subject land are more contemporary, although in some cases attempts at replica architecture, which whilst incorporating design features of development in the wider locality, nonetheless present as being of contemporary design. The design of the development does not seek replication but rather it will take inspiration and design cues from the locality as is discussed in the design report.

In this instance attempts to replicate the architecture of the locality, as sought by the Council Development Plan, would, in my opinion, more likely detract from the character of the area, as is evident from other recent developments which have attempted to imitate the dominant building styles of the area.

In responding to the comments regarding the second storey building elements, I note the Development Plan seeks upper floors to be sympathetically integrated into dwelling design, by being:

(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.

There are a range of dwelling types including detached, semi-detached and residential flat buildings up to two storeys in height, within the locality. These existing developments are conspicuous within Roberts Street.

In my view the second storey form of the proposed development makes a concerted effort to satisfy the above expectation for two storey development. The upper floor will “will step in” from the ground floor of the dwelling and is sufficiently setback from the road and integrated with the dwelling in a way that it will be largely inconspicuous and inconsequential to the overall streetscape. As previously advised, the setting is unlike other parts of the Precinct given;

- The immediate locality is dominated by outbuildings on the street alignment and street and private landscaping will largely obscure the presence of the built form within the streetscape.
- Landscaping and fencing proposed on the subject land will further minimise its visual impacts
- The two-storey elements of the building are set well back from the road carriageway, and the alignment of the road in front of the subject land directs the visual attention of passers-by (particularly in vehicles) away from the subject land,
- The site levels of the subject land are much lower than adjoining properties which have frontages to Miller Street so, in collaboration with generous setbacks from the respective boundaries, the upper storey form will not cause unreasonable visual intrusion upon the amenity of those properties.

In respect to the design and location of the garage, I believe the garage will be located further from the street than the front wall of the dwelling. I also apply the same justification as applied above. Although elements of the garage are inconsistent with the guidelines of the Development Plan, when viewed in conjunction with the whole of the development, the context and setting of the subject land and within the streetscape and broader locality, the integrated nature of the garage will have a positive influence on the appearance of the land and will not disrupt the streetscape character.

In my opinion and despite its contemporary appearance and design, the development responds well to the constraints of the subject land and adopts the following elements which will permit its contemporary design to complement the more traditional elements of the greater locality through:

- The scale of the dwelling is mitigated to some extent as the second storey is recessed from all sides; and as such has a substantial street setback of 14.05 metres to Roberts Street – greater than several villas on east Roberts Street.
- The ground floor to ceiling height is greater than the first storey, which allows the ground floor to dominate, and thus reduces the impact of the setback upper floor and its parapet walls.
- A significant front garden and fence is proposed and these play an important role in Roberts Streets character in the immediate vicinity of the subject land. I note from undertaking walks throughout Roberts Street and Miller Street that the character of houses is sometimes entirely invisible from pedestrian level due to the amount of intervening vegetation, as is the case for example with the adjacent development at 10 Roberts Street. (refer to the streetscape plan tendered)

Visual Privacy

The three (3) representations expressed concerns about the loss of privacy for their properties by way of overlooking from the upper floor bedroom windows on the west, south and east elevations. There were concerns privacy treatment to obscure the windows could be removed.

In discussion with the adjoining landowners, alterations have been made to the plans to provide either high level sills or obscure glazing to those windows most likely to result in overlooking impacts.

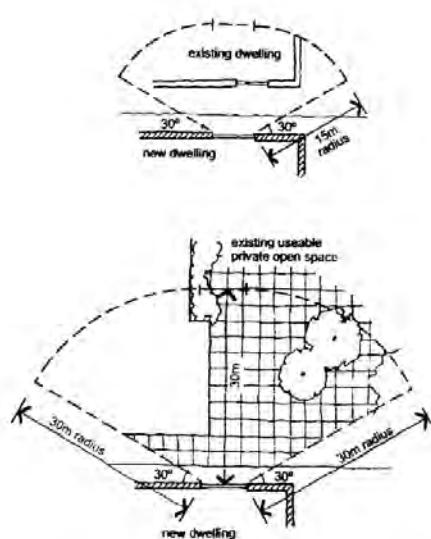
The Development Plan includes the following principles which provide guidance in respect to the provision of privacy to adjoining properties.

Design and Appearance (Visual Privacy) Principle of Development Control (PDC) 10: Development should minimise direct overlooking of the habitable rooms and private open spaces of dwellings through measures such as:

- (a) appropriate site layout and building orientation;
- (b) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct to avoid direct line of sight;
- (c) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms;
- (d) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.

Residential Development (Overlooking) PDC 39: To maintain a reasonable level of visual privacy to adjacent residential properties the following measures are sought:

- (a) orientate and stagger windows and upper level viewing areas to prevent direct views into adjoining property indoor and outdoor living areas;
- (b) obscure viewing by raising window sills or incorporating obscure glass windows to a height at least 1.7 metres 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;
- (d) provide a separation distance of 15 metre radius to windows of habitable rooms in potentially impacted dwellings and 30 metre radius to private open space as described in the Figure below;
- (e) incorporate plants capable of providing and seasonally sustaining a privacy screen.



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

The adjoining properties with frontages to Miller Street are on land which is elevated above the subject land. The difference in the site levels will help mitigate any loss of privacy to those properties. In fact, the combined retaining wall and fence to the property at 23 Miller Street is such that overlooking onto this property from the proposed development is simply not possible.

Furthermore, the upper storey bedroom windows which look towards the properties will comprise fixed obscure glazing or sill heights to a minimum of 1800 mm above the upper floor. The windows are set back no less than 3.9 metres from any property boundary which will provide reasonable spatial separation from the adjoining properties. These outcomes will ensure these windows satisfy the above principles. The use of obscured glazing will ensure privacy treatments are not removed at a later date.

The representation from the owners of 10 Roberts Street also expressed concerns about overlooking of their property from the ground level courtyard due to their property being set much lower than the subject land. They have requested Bamboo be planted between the proposed courtyard and the eastern boundary to provide greater privacy between the properties. The Applicant is happy to comply with this request and have, in fact, been in negotiation with the adjoining land owners regarding the landscaping along the creek boundary to ensure that both the occupants of the subject land and the neighbours, achieve appropriate privacy.

An amended landscaping plan is included with the most recent suite of plans provided to Council.

Summary

Notwithstanding the concerns expressed in the representations, I believe the development warrants consideration to the favorable characteristics of the subject land and the locality when considering the proposal against specific provisions of the Development Plan. I believe the following characteristics of the land and locality must be given critical consideration:

- The development is a locality where the immediately adjoining development does not exhibit the same design integrity as development further to the south along Roberts Street.
- Streetscape character in the immediate locality of the subject land is less reliant on building form and design and more on landscaping and fencing.
- The development does not seek to replicate the architecture in the locality but takes some of its design cues from existing built form.
- The building will be well-screened from views from the road and will thus have minimal impact on the streetscape character of the locality.
- The attributes of the subject land are unique. Its redevelopment as proposed will not lead to the wholesale redevelopment of the locality and/or demand for additional, new contemporary designed dwellings in the locality and as such will not lead to a precedent for future development in the zone/policy area.
- Contemporary dwellings in similar streetscapes do not generally stand out as discordant elements in the streetscape and can readily be integrated into character streetscapes with appropriate fencing and landscaping amongst other things.

In respect to privacy, I believe the proposed development and changes to the plans and landscaping detail will adequately address the concerns expressed in the representations.

I believe the Council can conclude the proposal exhibits sufficient merit to warrant a planning consent being granted to the proposed development.

The Applicant wishes to be provided with the opportunity to respond to any verbal representations put to Council's Assessment Panel

Should you have any questions in respect to the above, or require any further information please do not hesitate to contact the undersigned on 81307222

Yours sincerely

A handwritten signature in blue ink that reads "David Hutchison".

David Hutchison BA PIA
Access Planning SA Pty Ltd

C

Attachment 1 – Jillian Blight Response



47 Light Road
COROMANDEL VALLEY SA 5051

7th June 2020
My ref: Blight panel response 07062020 FINAL

The Chief Executive Officer
City of Unley
PO Box 1 UNLEY SA 5061

Attention Ms Chelsea Spangler

Dear Ms Spangler

**RE: REPRESENTATIONS IN RELATION TO DA 090/694/2019/C2
Response by Jillian Blight (re: 8 Roberts Street, Unley)**

I wish to take this opportunity to personally respond to representations by providing a summary of the journey taken to achieve the design that is the subject of my development application. You will find a detailed response addressing specific concerns in the appendix below.

The design journey has been undertaken over the last two and a half years by my professional team (planning consultant, heritage architect, building designer and builder), and the Unley Council staff who have supported us to achieve a desirable and contemporary building design which has been endorsed by 14 of my neighbours.

I emphasise that I appreciate the advice provided by the many council planning staff who have helped to steer the design of my home through its various iterations in order to address the Development Plan criteria. Their feedback has helped to guide me in my aim of delivering a desirable contemporary solution that adds significant value, not only to me, but to neighbours and the wider Unley environs.

The design process has been difficult. The useable area of the site is small and problematic and has presented significant design challenges for all concerned:

- There are 5 adjoining properties, all with needs in relation to privacy and overlooking.
- The block is small, irregular in shape and awkwardly angled in respect to the road reserve and street alignment.
- There are 2 easements (North and South) and a deep drain (creek) on the Eastern side that combine to significantly reduce the useable area.

I am resolute in seeking approval to build a new desirable contemporary home. My family has owned this land for three generations (including previously owning 21 Miller street), and constructed the then contemporary house at 8 Roberts Street in the 1960s. This house is no longer habitable as it is in poor condition internally, and has an asbestos roof (of concern to neighbours) and, no doubt, asbestos within the fabric of the building.

Despite the constraints of the property, I see this opportunity to rebuild as a chance to create a desirable home that utilises innovations and features that promote a healthy life, and maximise mental health and vitality, as well as modern sustainable living, and energy conservation.

For example:

- Solar panels, storage battery and double glazing.
- Maximum access to Northern sunlight to achieve an energy rating in excess of 7 stars.
- Maximum green space and shade.

- A decorative and productive garden (including foodstuffs etc.) planted with mature plants I have nurtured on my Coromandel Valley property. Mature plants will immediately act as privacy screening.
- Address my future aged-care and mobility requirements.

As you are aware, to inform my neighbours, and undertake due diligence, I visited the 18 homes that are likely to have a view of the proposed build to present my plans and describe the building design – I understand that this development represents significant change. Three homes were unoccupied. Thirteen neighbours endorsed the design and signed statements of support (copies lodged with my initial application). The nature of the design, form and materials was well-received. Comments were made that the new build would have a positive impact on the amenity of the area by enhancing the streetscape and improving property values. The council has since received a representation supporting the application from an additional neighbour who looks directly onto the property making **a total of 14 neighbours who are 'in support'**.

There were no significant concerns expressed except for Mr Ackland of 21 Miller Street. Mr Ackland's property only abuts half of my boundary on the Western side. When I met with Mr Ackland, he raised the issue of overlooking at the back of his property, asserting that I should build a single-story house. *I believe this is an unreasonable and impractical request. The constraints of the irregular block mean that the resulting build would not meet my needs for modern living.* Mr Ackland also stated that his principal concern was that no-one wanted overlooking, and that overlooking would devalue his property.

Importantly, Mr Ackland also stated that he was NOT concerned by the design or materials as these were a matter of personal choice. In subsequent negotiations relating to his representation, Mr Ackland has re-stated that he is not 'fussed' by the colour of the upper storey cladding.

The main issues in Mr Ackland's representation to Council (through his legal representative Mr Manos) are the character of the build and overlooking – concerns I refute (see appendix). In respect to character I am confused because this stance contradicts his earlier statements regarding overall design (as above). In negotiations with my planning consultant Mr Hutchison, held to address concerns, Mr Ackland did not raise character issues, he only demanded changes to window design. His main concern was to retain an existing tumbledown fence and boundary landscaping, a large part of which is actually sited on my land. His demand for a 3m high fence above a retaining wall (3.5m high as viewed from my side), to be built at my expense, was an unreasonable request, and would result in a fence and retaining wall combination that would overly dominate and overshadow my house and garden in winter (in particular). In order to address his concerns, additional changes have been made to the upper level window design and further screening has been added, despite these windows already being in excess of the requirements contained in the Council Development Plan.

Impact on the streetscape. I have made an offer to purchase the triangle of land (road reserve) fenced into the block by the council in the 1970s. I understand that my offer is viewed favourably and is awaiting council consideration (currently delayed due to issues caused by Covid-19). The acquisition of this land will increase setbacks, and allow additional plantings of mature trees that will further screen the development, enhancing the streetscape, environment and local amenity.

My design has widespread endorsement from the neighbourhood, and where concerns have been raised, they have been addressed. I hope the panel will support my application so the build can proceed. Thankyou for your consideration.

Yours sincerely

Jillian A Blight

BLIGHT panel response 07062020 FINAL

APPENDIX

Applicant's response to representation by Peter and Carina van Diermen (10 Roberts Street)

Issues raised	Applicant's response
Overlooking from upper bedroom (2) window and the courtyard on the Eastern aspect.	<ul style="list-style-type: none"> The new build is distant to the van Diermen residence which is across the creek. Bedroom 2 is ~17 metres to the van Diermen bedroom in question and 20 metres to the courtyard. My courtyard is ~19–21 metres to the van Diermen's bedroom, and their courtyard is not visible. I discussed the problem with Mr and Mrs van Diermen on-site and agreed to additional mature plantings and window screening. The window of bedroom two will be screened to 1.8 metres, beyond the legal requirement, and have a restricted winder. I note that there is potential for additional plantings on the Eastern side of the creek if further screening is required.

Applicant's response to representation by Mark and Morella Cunningham (23 Miller Street)

Issues raised	Applicant's response
Overlooking from upper bedroom (3) window on the Southern aspect.	<ul style="list-style-type: none"> I met with Mr Cunningham but was unable to address his concern even though the window exceeds privacy requirements. The window will be screened to 1.8 metres, and will have a restricted winder. Mr Cunningham incorrectly stated that the window was positioned 2 metres from the boundary: the window is actually 4 metres from the boundary.

Applicant's response to Mr George Manos acting for Grant Ackland (21 Miller Street)

Issues raised	Applicant's response
Existing dwelling should be retained.	<ul style="list-style-type: none"> The Council's consultant architect has stated that the building can be demolished. The building has an asbestos roof and, no doubt, asbestos within its fabric.
The built form is not appropriate and development should ensure a consistent and coherent streetscape. The design lacks iconic and defining design features.	<ul style="list-style-type: none"> Despite the difficult nature of the locality (see below), as required, the new build is a high-quality contemporary design. My contemporary style home integrates a wide number of features and melds historic elements with current life-style concepts. Roberts Street has no coherent built form or street scape in respect to style, rhythm, or character, and contains numerous and varied contemporary buildings. There are a significant number of multi-storey buildings (two- and three-storey) There have been significant design changes made to the proposed build to address the issue of 'defining design features'. It must be noted that Roberts Street has no iconic and defining design features and completely lacks a single distinctive or predominant architectural style.

	<ul style="list-style-type: none"> The impact of the build on the streetscape will be minimal as it will be well-screened by plantings of mature plants and trees. Additional plantings will be facilitated by the purchase of the section of road reserve (currently under offer). The site has no discrete street frontage. The block is set back from the street and surrounded by a creek reserve, gardens, sheds, garages and fences.
Building materials not appropriate and do not reflect the predominant form of material used locally.	<ul style="list-style-type: none"> Materials ARE of high quality and clearly inspired by the predominant building materials and finishes used locally i.e. sandstone, render, and wood. Accordingly, the Northern façade and external fireplace use <u>solid</u> Basket Range sandstone (with superior thermal qualities). Masonry rendering and wood are used elsewhere.
Roof material and pitch are not appropriate.	<ul style="list-style-type: none"> The upper storey is metal-clad referencing contemporary and traditional roofing materials used in the locality (Roberts Street and Miller Street); this construction also infers that the upper storey is within the roof. There are flat-roofed buildings in the immediate locality (Roberts and Miller Streets) and throughout the Unley area, this includes both period and contemporary buildings (e.g. Unley Town Hall). The flat roof is a response to the nature of the block and: minimises visual bulk and mass and; allows the installation of solar panels with no visual impact on neighbours. A pitched roof would negatively affect neighbours by significantly increasing visual impact, roof volume, bulk and mass, particularly when viewed from Mr Ackland's property.
Garage arrangements and appearance are not appropriate.	<ul style="list-style-type: none"> The garage cannot be put at the rear of the block, or constructed as a free-standing building, because: <ul style="list-style-type: none"> (a) the block is irregular in shape. (b) Aged care and mobility issues would not be addressed (access to home through the garage). (c) A long concrete driveway would result in a major loss of 'green space' and act as a major heat sink. A gravel driveway would result in mobility issues. The garage IS a minor element: it is the lowest part of the build; it is clearly to the side of the main building and; has a wooden door. These elements combine together to give a very clear visual separation. The garage <u>cannot</u> be lower as it would not be accessible by a 4WD, and; it cannot be narrower as it must accommodate two vehicles. The garage is positioned to allow for off-street parking without overhanging the pedestrian footpath, as required. The garage is partially screened from the street by the common boundary wall of No. 17 Miller Street. The garage has been located on the back boundary of No. 19 Miller Street. I discussed this with the property owner and he supports this arrangement.

<p>The policy area includes an express reference to low-scale development.</p> <p>The two-storey element should not be a predominant feature.</p> <p>The upper level bulk and scale are not appropriate.</p>	<ul style="list-style-type: none"> • There is no embargo on two-story developments. The second storey should be <u>either</u>, primarily within the roof space <u>or</u>, set well back behind the primary street façade. The proposed dwelling meets both of these criteria. The upper storey: <ul style="list-style-type: none"> (a) uses Colourbond cladding that references local and traditional roofing materials. <i>In recent discussions with David Hutchison, Mr Ackland said he was not that concerned by the colour of the proposed cladding material.</i> (b) is set well back from the street, as required. • The upper storey is not a predominant feature: it is a minor element, being only 44% of the ground floor level. • The upper story is stepped-in all round from the ground level component and further separated from Mr Ackland's property by a courtyard. It does not mass on neighbouring properties. • The overall bulk and scale are modest. The proposed building is set down by ~0.6 metres in respect to the lowest level of Mr Ackland's land and: its total finished height is <u>below</u> that of neighbouring properties.
<p>The building should be designed to totally avoid overlooking.</p> <p>Windows should not be established on the Western side.</p>	<ul style="list-style-type: none"> • Mr Ackland's property only abuts <u>half</u> of my Western boundary. • There is a requirement that the upper storey must be located toward the rear (Southern end) of the block: the dimensions of the block are such that any development will therefore be adjacent to Mr Ackland's property. • With five neighbouring properties demands for 'no windows' are clearly unreasonable in respect to requirements for ventilation and access to natural light. • <u>All</u> windows with any overlooking potential have been designed to be above the legal requirements for privacy screening. • The windows originally met privacy regulations but, I have again significantly modified the windows adjacent to Mr Ackland's property, as requested in negotiations to address his concerns.
<p>The form of the building is not appropriate (i.e. desirable).</p>	<ul style="list-style-type: none"> • The range of buildings that are 'desirable' is diverse and contemporary designs are allowed. Importantly, buildings should not replicate historic styles. • Thirteen statements of support were received regarding the design when I surveyed the context area. A further statement of support was received in response to the Council request for representations.
<p>Reliance on development at 10-14 Roberts Street.</p>	<ul style="list-style-type: none"> • Mr Manos indicates that it is not appropriate to reference the large two-storey building sited between 10-14 Roberts Street in support of my application, as it is a 'shed'. • The building concerned is extremely large and makes a very considerable and significant contribution to the streetscape. I dismiss his descriptor of 'shed' for this building as inappropriate. The authoritative Oxford Dictionary definition of 'shed' is, "A simple roofed structure used for garden storage, to shelter animals, or as a workshop".

ITEM 3**DEVELOPMENT APPLICATION – 090/719/2019/C2 – 1 / 277 YOUNG STREET, WAYVILLE SA 5034 (GOODWOOD)**

DEVELOPMENT APPLICATION NUMBER:	090/719/2019/C2
ADDRESS:	1 / 277 Young Street, Wayville SA 5034
DATE OF MEETING:	21 July 2020
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Convert garage to habitable room (retrospective)
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 9 - Spacious Precinct 9.9
APPLICANT:	P T Tierney
OWNER:	P T Tierney and N Thongpeng and Strata Plan No 6381 Inc
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – one (1) supportive, two (2) opposed
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Appearance Car parking

1. DESCRIPTION OF PROPOSAL

The application seeks retrospective approval for the conversion of the garage to a habitable room (bedroom) and the associated increase in bedrooms from two prior, to three post development. The number of car parking spaces available for exclusive use on the subject dwelling allotment would decrease from two prior, to one post development. The total number of car parking spaces on the combined strata group site would decrease from ten prior, to nine post development.

2. SITE DESCRIPTION

The subject land includes the subject strata allotment of unit one and the combined strata group of four dwelling units. The group site has combined site dimensions of 21 metres width, a depth of 52 metres and an area of 1080 square

metres. The site has frontages to Young Street to the north and LeHunte Lane to the south.

The group comprises two buildings each containing two dwellings. The subject building adjoins Young Street and comprises two symmetrical dwellings, prior to development each having two bedrooms and two exclusive off-street car parking spaces within the individual allotments, one of each being within individual garages under the main roof of the building. The dwellings front yards are screened from Young Street by an existing brush fence and gates of approximately 1.8 metres in height.

The remaining building adjoins LeHunte Lane and also comprises two symmetrical dwellings, each having two bedrooms and one exclusive off-street car parking space within the individual allotments, each being covered by individual carports.

The group also has a central shared car parking area accessible from Young Street, with four individually accessible uncovered car spaces. The shared spaces include two spaces in front of the entry porches of units three and four.

The subject dwelling unit is one half of the northern building. The individual unit allotment has a frontage with exclusive vehicle access to Young Street in addition to the shared central parking area. The allotment has site dimensions of 8.2 metres in width, 25 metres depth, and a total site area of 200 square metres.

3. LOCALITY PLAN



4. LOCALITY DESCRIPTION

Land Use

The locality comprises an established residential area.

Land Division/Settlement Pattern

The pattern of land division along Young Street in the locality is predominantly rectangular allotments of approximately 15 metres in width, oriented north/south facing the street. Buildings are predominantly setback approximately 8.5 metres from the front street boundary, with side setbacks of between one and three metres. Exceptions are the subject and associated group dwellings at 277 Young Street, two pairs of semi-detached dwellings at 270-272 and 283-285 Young Street, and 26 Clark Street which is oriented east.

Dwelling Type / Style and Number of Storeys

Buildings in the locality are predominantly traditional single storey detached double fronted asymmetrical cottages. Except for the subject building, garaging in the locality is predominantly light weight and open or located at the rear of the dwelling.

5. STATUTORY REFERRALS

No statutory referrals required.

6. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Council's Traffic department. Comments provided are summarised as follows: (see attachments for full comments)

Observation of parking on Thursday 5 December at 3:45pm indicated that there were 17 on-street parking spaces available within 50m of the property (35% occupied).

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

The dwelling would provide 1-1.5 fewer parking spaces than required by the Development Plan.

In general, allowing residents to convert their garages to rooms, and thus providing less parking than required, will result in additional on-street parking throughout the City.

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 three (3) valid representations were received as summarised below. (see attachments for full comments)

Representor 1 - Support - 275 Young Street	
Wishes to be heard	
No issues raised.	
Representor 2 - Oppose - 4 / 277 Young Street	
Wishes to be heard	
ISSUES RAISED	APPLICANTS RESPONSE
Parking	There is parking for one vehicle inside the fence of Unit 1 on our own driveway. There is more than adequate additional parking on the common Strata property where there are four parking spaces available for the four unit owners to share.

	<p>Only one of these four spaces is regularly occupied. This is by the representor from 4/277 Young Street, who uses her allocated carport for storage, and does not have an extra driveway space on her own unit entitlement for her vehicle as Unit 1 does. It seems rather hypocritical to me that the representor is objecting to Unit 1's right to use our garage for an alternative purpose, just as they have done, because they allege this will cause parking issues. The remaining three strata car parks are rarely used at all, except for very short periods.</p> <p>There is also more than adequate on-street parking, except during Royal Show and similar events. This is due to a 3-hour parking limit on weekdays from 9am to 5pm to prevent all-day parkers using the tram and buses nearby.</p> <p>There is extensive public transport in very close proximity. The Greenhill Road Tram stop is only 4 minutes' walk away, as is Bus stop Z on King William Road. The co-owner works at Eldercare which takes her 5 minutes to walk each morning to the main entrance.</p> <p>The parking requirements for a 3-bedroom home are about to change very shortly to 2 spaces only, so it would seem appropriate to take this into account in the decision-making.</p>
Change of appearance	<p>The garage conversion is a very minor change and has been tastefully designed to be as unobtrusive as possible. It is painted in the dark strata colours of the roller door and falls under the shadow of the roofline. Even when the roller door is up and the gates open, it is difficult to notice any difference unless you look very closely.</p> <p>When the gates are closed, or the roller door is down, you cannot see any difference from the building's previous appearance.</p>

	The appearance has not changed the character of the street or neighbourhood and is not offensive to any of the neighbours on Young Street.
Representor 2 - Oppose - 3 / 277 Young Street Does not wish to be heard	
ISSUES RAISED	
Parking	(as above)
Change of appearance/uniformity of strata group building/s	(as above)

(* denotes non-valid planning considerations)

An additional letter in support was also received after the period of public notification closed.

8. DEVELOPMENT DATA

Site Characteristics	Pre-development	Post-development	Development Plan Provision
Total Site Area	200m ²	n/a	
Frontage	8.2m		
Depth	25m		
Private Open Space			
Min Dimension	3.4m (existing)		<input type="checkbox"/> 4m minimum
Total Area	25m²		<input type="checkbox"/> 35m ²
On-site Car Parking			
Strata group combined total	10 (8 required)	9 (8.5 required)	1.5 per dwelling for 2 bedrooms or ≤150m ² floor area; 2 per dwelling for 3 bedrooms or more or 250m ² floor area; Additional 0.5 visitor parking per dwelling
Subject dwelling	2 (2 required)	1 (2.5 required)	

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

9. ASSESSMENT

Zone Desired Character and Principles of Development Control

RESIDENTIAL STREETSCAPE (BUILT FORM) ZONE
<p><i>Objective 1: Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</i></p> <p><i>Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</i></p> <p><i>Objective 3: Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.</i></p> <p><i>Objective 4: Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.</i></p>
Desired Character
<p><i>The Residential Streetscape (Built Form) Zone encompasses much of the living area in inner and western Unley, (excluding the business and commercial corridors and those areas of heritage value). The zone is distinguished by those collective features (termed "streetscape attributes") making up the variable, but coherent streetscape patterns characterising its various policy areas and precincts. These attributes include the:</i></p> <p class="list-item-l1">(a) <i>rhythm of building sitings and setbacks (front and side) and gaps between buildings; and</i></p> <p class="list-item-l1">(b) <i>allotment and road patterns; and</i></p> <p class="list-item-l1">(c) <i>landscape features within the public road verge and also within dwelling sites forward of the building façade; and</i></p> <p class="list-item-l1">(d) <i>scale, proportions and form of buildings and key elements.</i></p>
Streetscape Attributes
<p><i>It is important to create high quality, well designed buildings of individuality and design integrity that nonetheless respect their streetscape context and contribute positively to the desired character in terms of their:</i></p> <p class="list-item-l1">(a) <i>siting - open style front fences delineate private property but maintain the presence of the dwelling front and its garden setting. Large and grand residences are on large and wide sites with generous front and side setbacks, whilst compact, narrow-fronted cottages are more tightly set on smaller, narrower, sites. Infill dwellings ought to be of proportions appropriate to their sites and maintain the spatial patterns of traditional settlement; and</i></p> <p class="list-item-l1">(b) <i>form - there is a consistent and recognisable pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and forms</i></p>

associated with the various architectural styles. Infill and replacement buildings ought to respect those traditional proportions and building forms; and

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

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

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

Assessment

As discussed below, the development has not affected the physical form, shape, volume nor siting of the building. Whilst the change has altered the composition of the façade, including symmetry, the changes are not readily apparent when viewed from the street and are not disruptive.

Relevant Zone Principles of Development Control	Assessment
<p>PDC3 <i>Development should retain and enhance the streetscape contribution of a building by:</i></p> <p><i>(a) retaining, refurbishing, and restoring the building; and</i></p> <p><i>(b) removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</i></p> <p><i>(c) avoiding detrimental impact on the building's essential built form, characteristic elements, detailing and materials as viewed from the street or any public place (ie only the exposed external walls, roofing and chimneys, verandahs, balconies and associated elements, door and window detailing, and original finishes and materials of the street façade); and</i></p> <p><i>(d) altering or adding to the building and carrying out works to its site only in a manner which maintains its streetscape</i></p>	<p>The building containing the dwelling is not an original traditional building relative to the locality nor desired character. The building was constructed with a symmetrical appearance and the conversion of the garage to a habitable room, when the garage door is open, does affect the symmetry of the building to a minor degree.</p> <p>The sliding glass door is recessed inside the garage entry by 400mm and is dark framed. Additionally the site has existing front fencing and gate which obscures views of the façade to a large degree.</p> <p>The change has not affected the physical form, shape, volume nor siting of the building. The changes are not readily apparent when viewed from the street when the roller door or front gates are closed. The changes are noticeable but not disruptive when they are open, as shown below.</p>

<p><i>attributes and contribution to the desired character, and responds, positively to the streetscape context of its locality in terms of the:</i></p> <ul style="list-style-type: none"> <i>(i) rhythm of buildings and open spaces (front and side setbacks) of building sites; and</i> <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>Photo from site inspection 29 June, gates open and roller door up.</p>
<p>PDC14 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 	<p>The development would repurpose an existing garage under the main roof, to a habitable room, albeit the garage door may be closed at times. One parking space remains in front of the dwelling. Other, shared parking is provided for at the rear.</p>

<p><i>setback from the other side boundary is achieved.</i></p>	
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Policy Area Desired Character

Policy Area 9 – Spacious
Desired Character
<p><i>The streetscape attributes include the:</i></p> <ul style="list-style-type: none"> <i>(a) low scale building development;</i> <i>(b) spacious road verges and front and side building setbacks from the street;</i> <i>(c) forms and detailing of the predominant architectural styles (variously Victorian and Turn-of-the-Century double-fronted cottages and villas, and Inter-War era housing, primarily bungalow but also tudor and art deco and complementary styles); and</i> <i>(d) varied but coherent rhythm of buildings and spaces along its streets.</i> <p><i>Development will:</i></p> <ul style="list-style-type: none"> <i>(a) be of a street-front dwelling format, primarily detached dwellings; and</i> <i>(b) maintain or enhance the streetscape attributes comprising:</i> <ul style="list-style-type: none"> <i>(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</i> <i>(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</i> <i>(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.</i>
Assessment
<p>As discussed further elsewhere in this report, the development does not detrimentally affect the physical form, shape, volume nor siting of the building. Whilst the change has altered the composition of the façade, including</p>

symmetry, the changes are not readily apparent when viewed from the street and are not disruptive.

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

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

Relevant Council Wide Provisions	Assessment
Design and Appearance <i>Relationship to the Street and Public Realm</i> <i>PDC13 Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i>	As discussed above, the changes do affect the appearance of the building, although not to a significant or detrimental degree.
Residential Development <i>PDC20 Private open space should be provided for each dwelling and sited and designed to be:</i> <i>(a) located adjacent or behind the primary street facing building facade and be exclusive of storage areas, outbuildings, carports, driveways, parking spaces and roofed pergolas and associated structures;</i> <i>(b) screened from public areas and adjoining properties with fencing of not</i>	The private open space at the rear of the site measures 3.4m in width and 7.5m in length, with an area of 25m ² . The area is sufficient to accommodate a large outdoor setting if required and additional sheltered space is available at the front if the gates are closed. The shortfall of 600mm in minimum width and 10m in area are existing and unchanged by the development. Adverse impacts from the variance would not be significantly increased by the addition of a bedroom.

Relevant Council Wide Provisions	Assessment								
<p><i>less than 1.8 metres above finished ground level;</i></p> <p><i>(c) sited to receive direct winter sunlight;</i></p> <p><i>(d) of sufficient area with a minimum of 20 percent of the site area (>300 square metre site area per dwelling) and 35 square metres (\leq300 square metres site area per dwelling) within a residential zone and 20 square metres for each site within a non-residential zone;</i></p> <p><i>(e) useable for residents and visitors with a minimum of 4 metres (residential zone) and 3 metres (non-residential zone) in any one direction, a maximum grade of 1:10, and directly accessible from a habitable room.</i></p>									
<p>Access and Car Parking</p> <p>Car Parking</p> <p>PDC45 <i>The number of car parking spaces should be provided in accordance with Table Un/5.</i></p> <p>Table Un/5</p> <p><i>Group Dwelling, Residential Flat Building or multiple unit sites:</i></p> <table border="1" data-bbox="276 1439 859 1933"> <tbody> <tr> <td data-bbox="276 1439 573 1563">(a) Small (1 bedroom or floor area < 75m²)</td><td data-bbox="573 1439 859 1563">1.0</td></tr> <tr> <td data-bbox="276 1563 573 1686">(b) Medium (2 bedrooms or floor area \leq 150m²)</td><td data-bbox="573 1563 859 1686">1.5</td></tr> <tr> <td data-bbox="276 1686 573 1832">(c) Large (3 or more bedrooms or floor area > 150m²)</td><td data-bbox="573 1686 859 1832">2.0</td></tr> <tr> <td data-bbox="276 1832 573 1933">(d) Additional visitor car parking</td><td data-bbox="573 1832 859 1933">0.5</td></tr> </tbody> </table> <p><i>Average spaces per dwelling (covered)</i></p>	(a) Small (1 bedroom or floor area < 75m ²)	1.0	(b) Medium (2 bedrooms or floor area \leq 150m ²)	1.5	(c) Large (3 or more bedrooms or floor area > 150m ²)	2.0	(d) Additional visitor car parking	0.5	<p>Prior to the development the subject dwelling site provided two car spaces for two bedrooms. Post development there is one space for three bedrooms, a shortfall of one space. Four additional shared visitor parking spaces remain at the rear of the dwelling, shared with the three other dwellings in the group, two more than these minimum guidelines.</p> <p>During a site inspection at approximately 11am on Monday 29 June 2020, it was observed that only one vehicle was utilising the shared spaces.</p>
(a) Small (1 bedroom or floor area < 75m ²)	1.0								
(b) Medium (2 bedrooms or floor area \leq 150m ²)	1.5								
(c) Large (3 or more bedrooms or floor area > 150m ²)	2.0								
(d) Additional visitor car parking	0.5								

Relevant Council Wide Provisions	Assessment
<p>PDC46 Site car parking may be varied according to the projected needs of users and taking account of the:</p> <ul style="list-style-type: none"> (a) type of housing, particularly affordable and supported accommodation; (b) availability and ‘after-hours’ agreement to use shared non-residential car parking spaces within close walking distance of the dwellings; (c) availability of public transport in close proximity to the dwellings; (d) availability of on-street parking; <p>but disregarding infrequent, high-visitation events (eg, parties, garage sales, auctions etc).</p>	<p>The housing type relative to the locality is affordable group dwellings. The dwelling site is located a 500m walk from the Wayville tram line stop and approximately 600m from bus stops and shops including grocery stores on Goodwood Road. Council’s Traffic Officer has advised that carparking on the street in proximity to the site is reasonably available. Observation of parking on Thursday 5 December at 3:45pm indicated that there were 17 on-street parking spaces available within 50m of the property (35% occupied).</p>
<p>PDC47 Garages and carports should have minimum internal dimensions in accordance with the following parameters:</p> <ul style="list-style-type: none"> (a) 3 metres by 6 metres for a single vehicle; (b) 5.8 metres by 6 metres for two vehicles <p>PDC48 The design of car parking spaces and access ways should be provided in accordance with Australian Standards 2890.1 (latest version).</p>	<p>The subject garage which has been converted had dimensions previously, of 3 metres by 6 meters, in accordance with these guidelines. The spaces at the rear, which are not covered but are capable of being made so, have minimum internal widths for each pair of side by side spaces of approximately 5.6m, 200mm less than PDC 47 guidelines.</p> <p>The Australian Standards design envelope for two side by side car spaces for residential purposes is 2.4m for each space, plus 300mm on each side that is obstructed by walls to allow for door opening, a combined width of 5.4 metres.</p> <p>During a site inspection, the spaces were found to be adequate, as shown below.</p>

Relevant Council Wide Provisions	Assessment
	 <p data-bbox="886 698 1473 750">Photo of two cars parked in spaces directly at rear of subject dwelling building, 29 June 2020.</p>

10. DISCUSSION

When considered against Table Un/5 (Off-street car parking requirements), the conversion of the garage space to a bedroom results in a shortfall of one car parking space within the dwelling site, however, there would remain an overall surplus of car parking within the wider group dwelling site of 0.5 spaces (refer to data table). Additionally, Council's Traffic Engineers have identified that there is good on-street car parking availability (~65% day time availability) and the site is within close proximity to shops and services along Goodwood and King William Road and public transport (tram and bus services). For these reasons it is considered that the conversion of the garage and the resulting shortfall of on-site car parking provision is relatively inconsequential and would not result in any detrimental impact on parking conditions within the site or wider area.

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 development would not be incongruous with the setting and would not adversely impact the streetscape character of the associated building nor the desired character for the locality.
- The proposed development is considered to adequately satisfy relevant Council wide, zone and policy area principles of development control, including with regard to car parking.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/719/2019/C2 at 1 / 277 Young Street, Wayville SA 5034 to 'Convert garage to habitable room (retrospective)', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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

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

ATTACHMENT A

**PATRICK TIERNEY
18 MOORHOUSE AVENUE
MYRTLE BANK SA 5064
PHONE 0408 889 278**

3rd November 2019

The Manager
City of Unley Development Services
181 Unley Road
UNLEY SA 5061

Dear Sir/Madam

**RE: PLANNING APPLICATION
1/277 YOUNG STREET WAYVILLE SA 5034**

Following a telephone call on Friday 1st November 2019 from Mr Gerry Kallinicos from your office, I became aware that an internal modification to my unit at 1/277 Young Street Wayville requires planning approval from the Council. Since the modification did not require any strata approval and is fully internal, I did not realize that permission was required from Council before proceeding. Further, as the existing garage is under the main roof and integrated to the dwelling, I was under the impression there would be no change of use requiring such approval. Hence the change has already occurred. I now wish for Council to approve this “development”.

The modification comprises the installation of a sliding glass door inside the roller door of my garage to create an additional living space, as the occupants don't require the garage for parking. The doorway installed is not load-bearing and simply creates a glass sliding wall inside the roller door. We have also installed a floating floor with a plastic moisture barrier underneath, and extra lighting and ceiling insulation. The sliding aluminium door is 2410mm wide and 2100 tall with narrow MDF panels either side and above to enclose the room. There is plenty of natural light and, as the door is half of the total width, it provides very good airflow. The sliding door has a security flyscreen fitted as well to allow plenty of ventilation when in use. The roller door is still in place so as to not offend the strata body, and is used as a security feature, like a shutter.

On behalf of the owners I hereby ask for planning approval to be granted.

Attached please find:

1. Development Application Form
2. Certificate of Title copy x 2
3. Powerline Clearance Declaration x 2 (Probably not required)
4. Proposed Change – Garage detail x 2
5. Existing Garage detail x 2

6. Unit Floor Plan in Full x 2
7. Airlie Sliding Doors brochure x 2 showing specifications
8. Strata Ground Floor Plan x 2
9. Strata Site Plan x 2
10. Front Elevation x 2
11. Side Elevation West x 2 (East Elevation is an attached wall and not provided)
12. Extra detail of side elevation from laneway and of rear courtyard x 2
13. Rear Elevation x 2
14. Picture of Roller Door Up x 2
15. Picture of Roller Door Down x 2. I can email the actual photos for clearer images if needed (or your building manager may already have photos on file)

I have enclosed elevations as best I can under the circumstances, although I'm not sure they help in any way, as no external changes are proposed to the building itself. I have included these only because I understand they are usually required. But I'm not an architect, so they may not be in the usual format. The only change is the minor changes in the garage as shown. The building itself is the same as when it was built in 1984. I presume Council already has the original construction plans and specifications in its possession in the event such plans are required for this application.

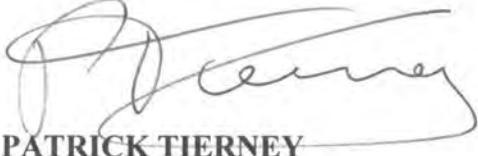
This development will not interfere with the streetscape of the area in any way nor parking issues. There is adequate off-street car parking available behind the property within the Strata common property. Counting the four (4) on site shared car parking spaces, there is a total of ten (10) car parking spaces on site. There is also room to park a vehicle in the front of the garage of Unit 1, behind closed gates, within our unit entitlement. The occupants will not be adding to the local street parking as many of the neighbours do.

In fact I note the Council's Development Plan now prefers garaging for cars NOT to be under the main roof (as this property and adjoining properties have), so perhaps the approval I am requesting is in fact more in keeping with the current guidelines than the original building, which would be against current rules on several grounds if it were to be built today!

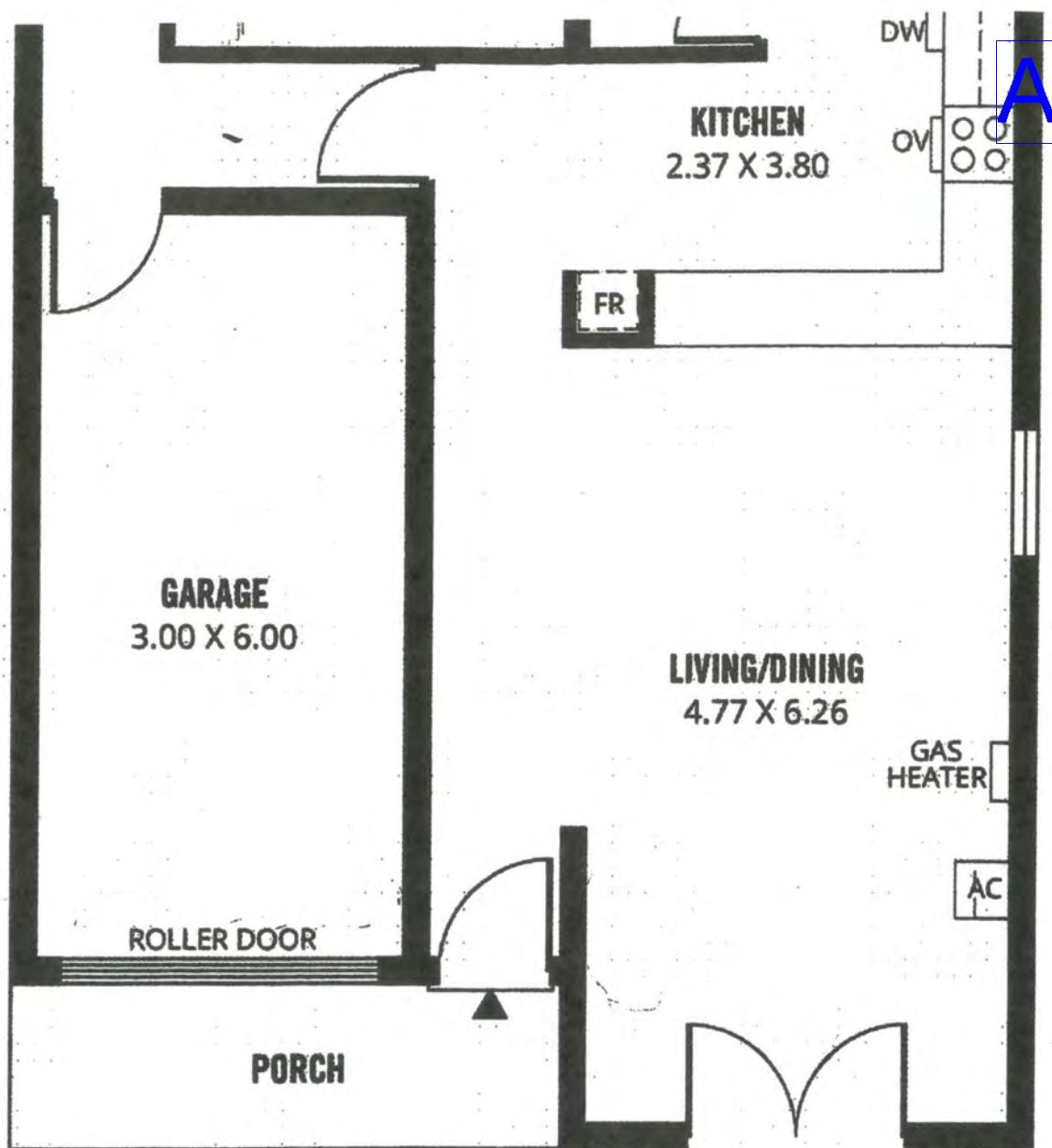
I understand the review is the result of a complaint from a member of the Strata body. In my opinion the changes do not impact on anyone else's enjoyment of the land or the locality. Further, the changes have been made in sympathy with the existing colours of the strata body, and the roller door colour, and is almost un-noticeable to anyone passing by. There are no external changes to the property at all.

I look forward to a sympathetic review of this application and will be happy to provide more details and/or photos, or a site inspection if required.

Yours faithfully



PATRICK TIERNEY



99m²

Living

26m²

Courtyard

18m²

Garage

6m²

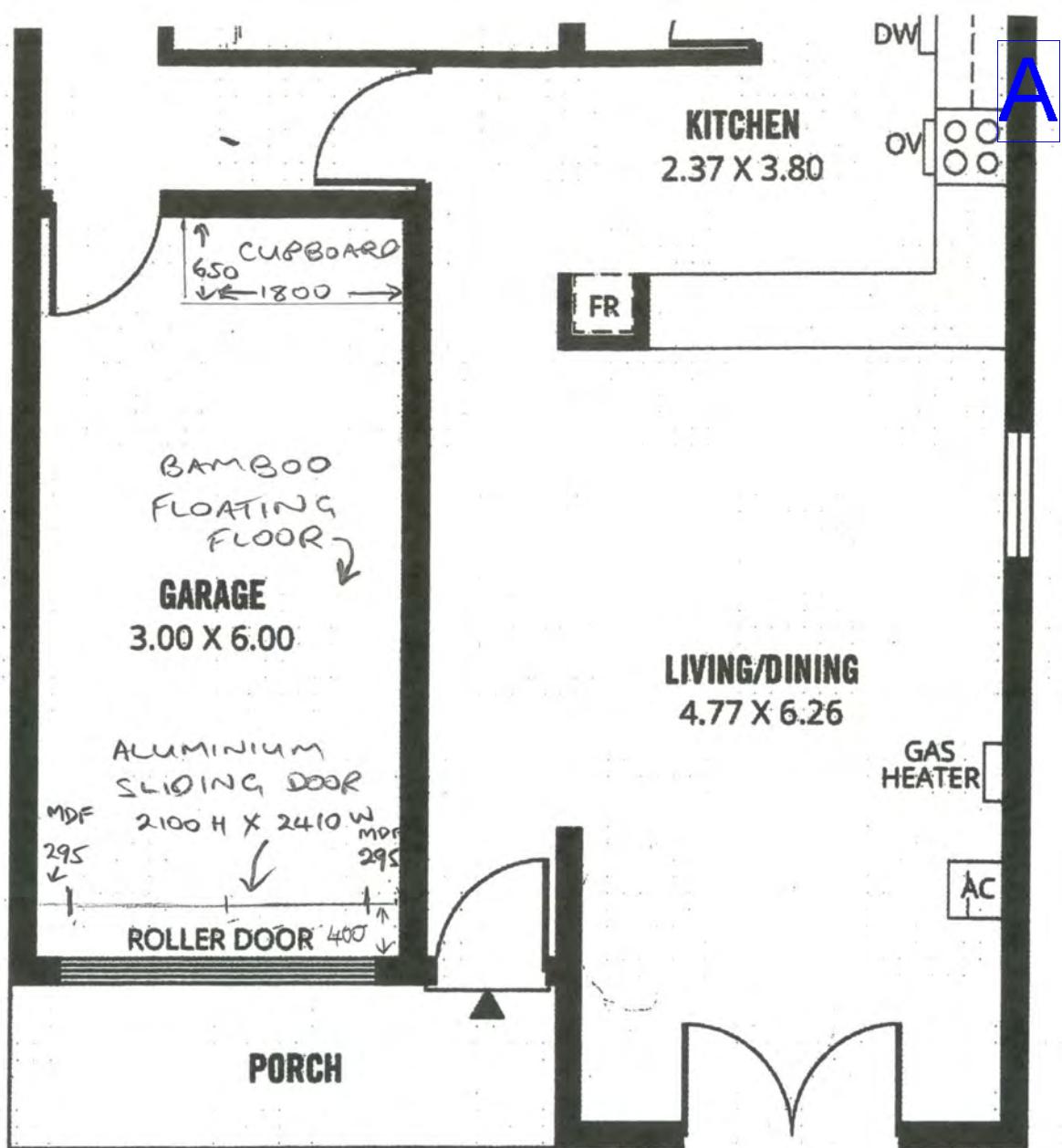
Porch

EXISTING GARAGE

City of Unley

- 4 NOV 2019

Received



99m²

Living

26m²

Courtyard

18m²

Garage

6m²

Porch

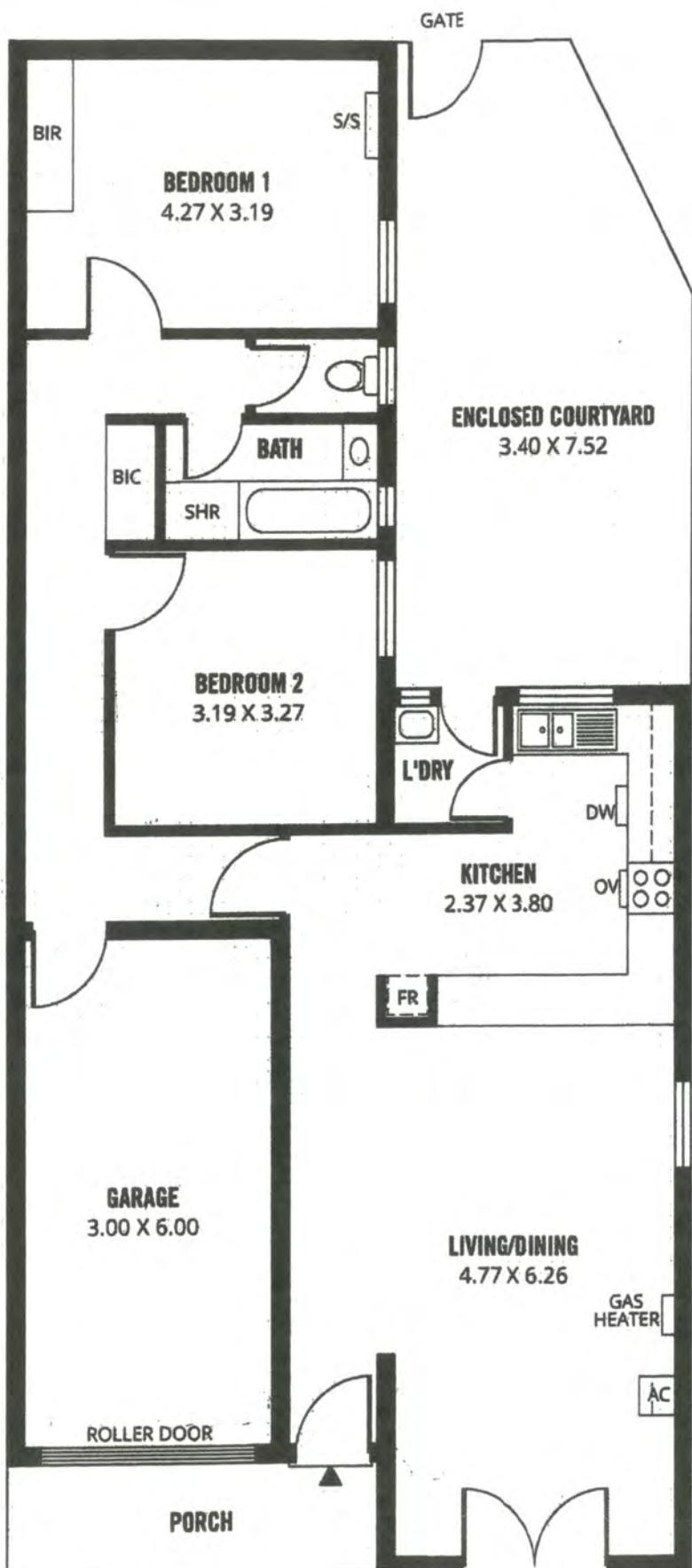
PROPOSED CHANGE

City of Unley

- 4 NOV 2019

Received

A



City of Unley

- 4 NOV 2019

Received



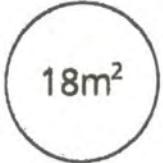
TAL



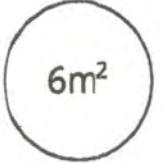
Living



Courtyard



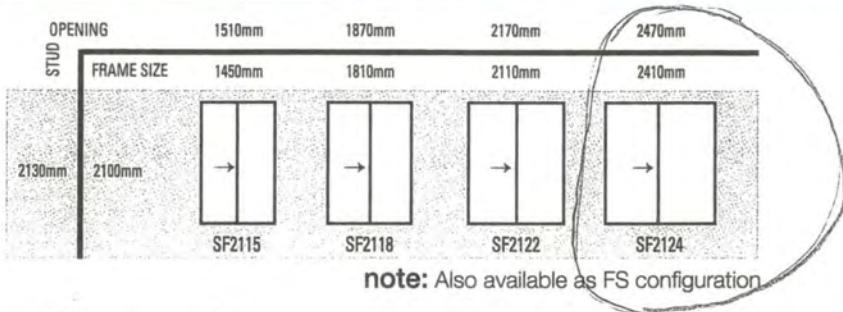
Garage



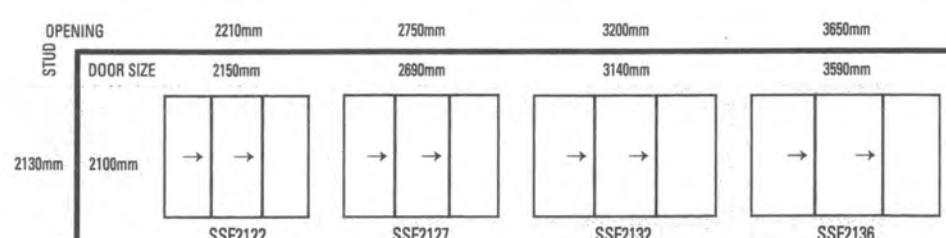
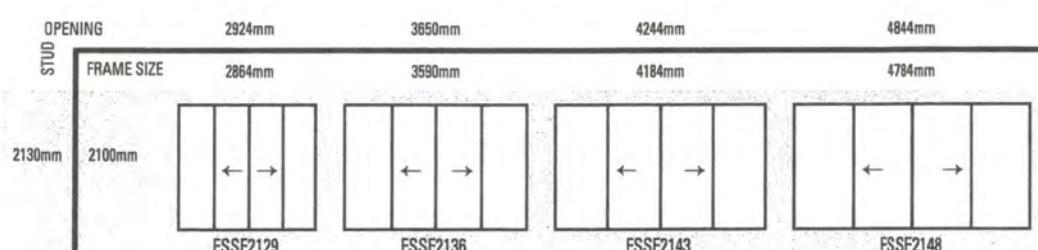
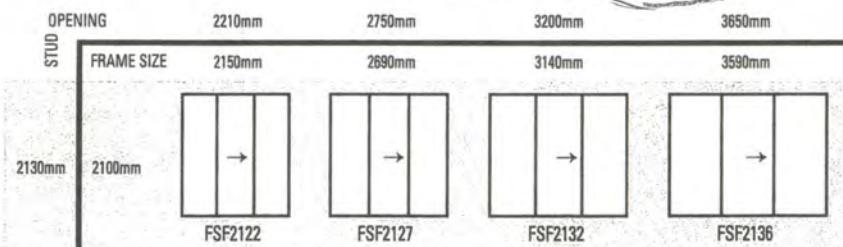
Porch

Standard sizes will vary for products performing to higher wind pressures

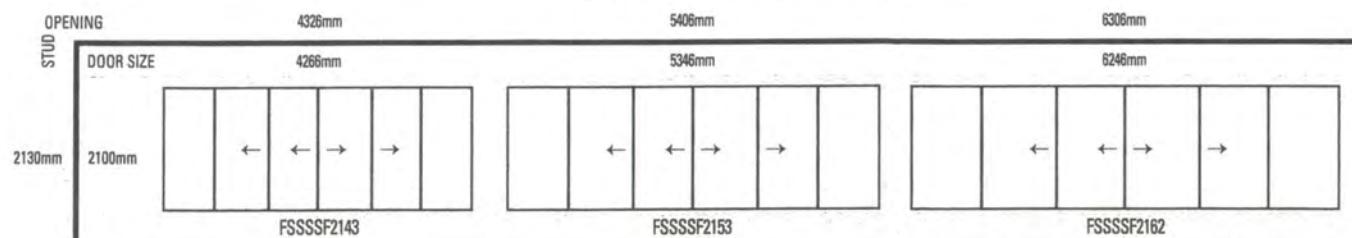
Upgraded performance products available



Sliding
Other
Way
←



note: Also available as FSS configuration



S = Sliding Panel F = Fixed Panel (Viewed from exterior)

Note: Products may be subject to local variation or regulatory requirements. A mid-rail may be required depending on the size of the window.

windows | doors | insect & safety screens | showerscreens | mirrors



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PO Box 5112, Alberton SA 5014
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email: sales@states.com.au
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Statesman's products are proudly made by Australians in Australia and designed specifically to meet all Australian conditions



A

STRATA PLAN NUMBER

SP 6381

ACCEPTED FOR DEPOSIT

pro Registrar-General
14/5/1985

Reference Map No.

COUNCIL

CITY OF UNLEY

THIS IS SHEET 2 OF 3 SHEETS

MICROFILMED

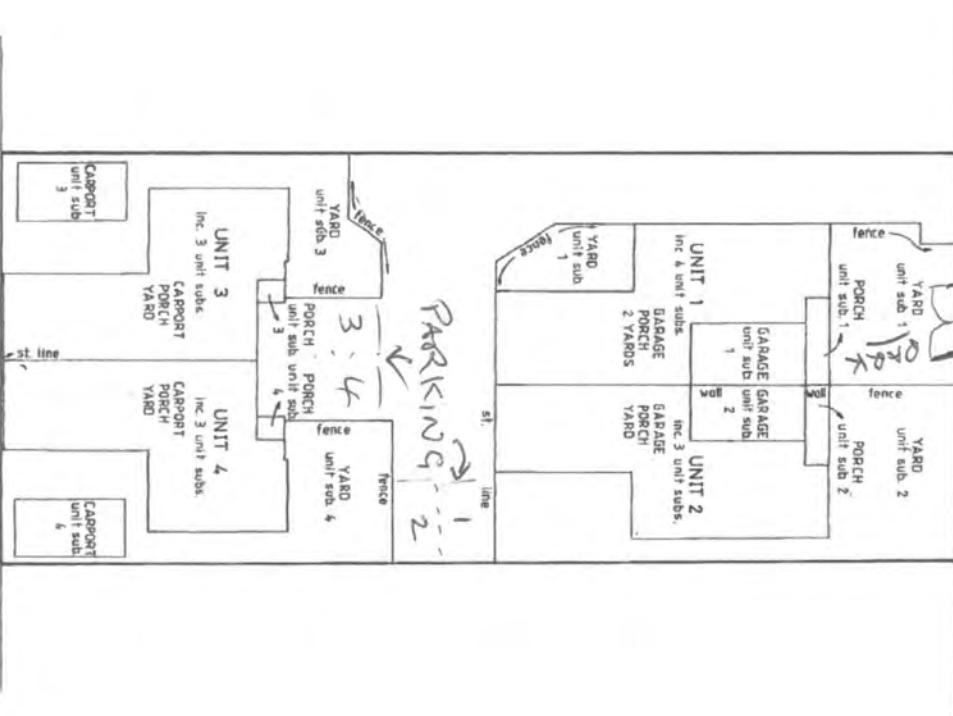
3.6.1985

GROUND FLOOR PLAN



YOUNG STREET

CARTES



LE HUNTE LANE

JOHN C. BESTED & ASSOC. PTY. LTD.
SURVEYING & PLANNING CONSULTANTS
382 MAGILL ROAD, KENSINGTON PARK 5066
TELEPHONE: 332 7111 REF. 3837

The lower and upper boundaries of the unit subdivisions shown as yards are existing ground level and 3.00 metres above existing ground level respectively except where eaves exist, then the upper boundary is to be 0.15 metres below the level of the eaves. The boundary of a unit is midway between the inner and outer surfaces of the walls of the said unit. The boundary of a unit subsidiary where it abuts a unit is a plane parallel to and 0.02 metres distant from the outer surface of the wall of the unit. The upper boundary of a unit subsidiary shown as porch, carport, garage is at the 0.15 metres below the level of the existing eaves of that particular unit subsidiary or, if not fully covered, then 0.15 metres below the existing eaves of the units. The height of each unit is limited to a line midway between the upper and lower surfaces of the ceiling of that unit.

LTO H

A

WARNING CREASING OR FOLDING WILL LEAD TO REJECTION

6381

STRATA PLAN NUMBER

SP 6381

ACCEPTED FOR DEPOSIT

B.W.
pro Registrar-General
14/5/1985

Reference Map No.

COUNCIL

CITY OF UNLEY

THIS IS SHEET 1 OF 3 SHEETS

HUNDRED OF ADELAIDE
LOT 34 OF F.P. 10398 OF PT SEC. 221
in the area named

WAYVILLE

Scale
0 5 10 15 20 Metres
CT. VOL. 2265 FOL. 77
SITE PLAN
TOTAL AREA 1105m²

MICROFILMED

3.6.1985

YOUNG STREET

LE HUNTE STREET

F.P.10398

51.82

21.36 62.96 60.96

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F.P. 10398

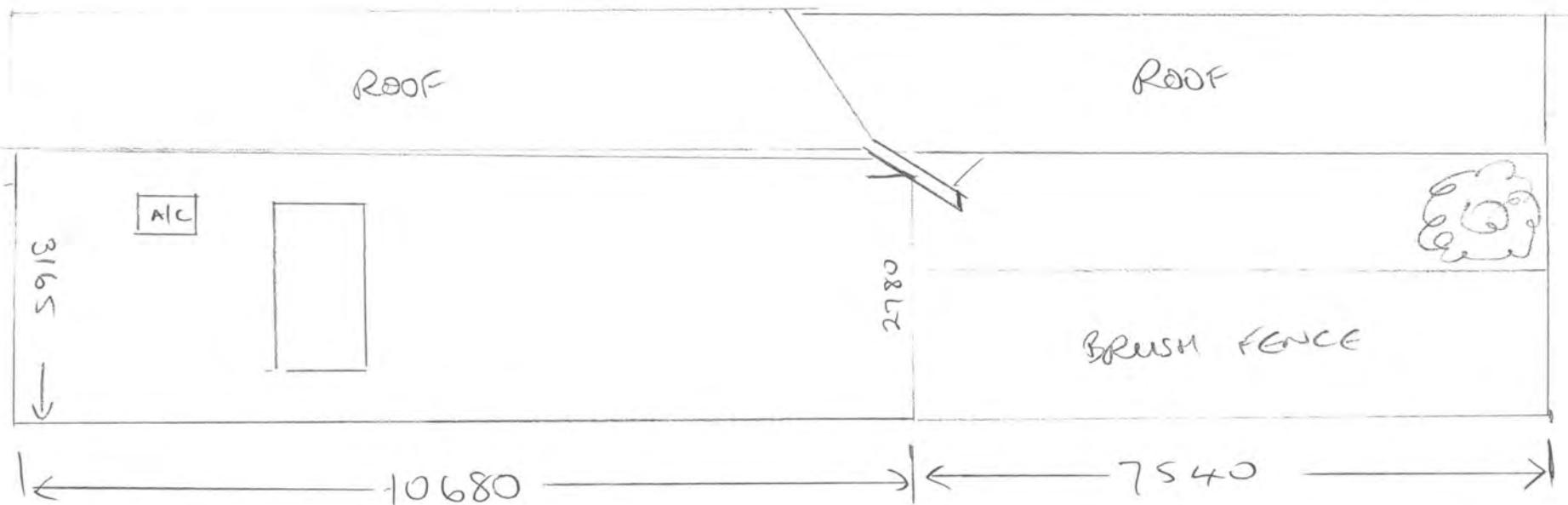


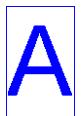
BRUCE ALLAN HEWETT
a licensed Surveyor within the meaning of the
Surveyors Act 1975, of South Australia.
I that all the works and acts contemplated and all
structures and other fixtures erected thereon are
wholly comprised within the boundaries of the
parcel numbered on this Strata Plan.
That this Strata Plan represents an accurate
description of the works and acts contemplated as
represented in full set of the plans.
That this Strata Plan complies with the requirements
as regulation 19 of the Real Property Act
(Strata Titles) Regulation 1988.
Dated the 17th day of February 1985
B. Hewett
B. Hewett
LICENCED SURVEYOR

LTO G

JOHN C. BESTED & ASSOC. PTY. LTD.
SURVEYING & PLANNING CONSULTANTS
362 MAGILL ROAD, KENSINGTON PARK 5068
TELEPHONE: 332 7111 REF: 3837

A





14th February 2020

Mr Peter Tsokas
Chief Executive Officer
City of Unley
PO Box 1
UNLEY SA 5061

By Email: pobox1@unley.sa.gov.au
Cc: Harry Stryker – Email: hstryker@unley.sa.gov.au

Dear Sir

Application Number: 090/719/2019/C2
Proposal: Alteration to a dwelling – Convert garage to habitable room (retrospective)
Address: 1/277 Young Street, Wayville

I refer to Council's letter, dated 17 January 2020. Let me address the main issues raised there, being car parking and private open space.

Car Parking

The Development Officer has requested a resolution from the Strata Corp to grant exclusive rights to an additional car parking space to be allocated to my Unit 1 at the above address, as well as an endorsed plan of division allocating said space for the exclusive use of Unit 1.

I have discussed this with the Strata Manager and have resolved that I will not be doing this. Apart from the very high cost of such action, my advice is that the whole strata area is the "site" in relation to Council's car parking requirements and the "site" more than adequately provides multiple off-street parking spaces for my property, as I have mentioned before.

As a Strata member I have the right to use the common property of the Strata Corp which includes 4 parking spaces at the rear of my unit, as well as a parking space on my specific sub-unit area. I see no need to limit myself to a particular space in the common area going forward, when I currently have a choice of any of the 4 common property parking spaces on this site. In fact, I did not see anything in the Council guidelines that requires the parking be "exclusive rights" to 2 parking spaces, plus 0.5 shared space. I did request a copy of the legal advice on which this interpretation was based which was politely declined. There are numerous examples of other properties in the area where no-one has exclusive rights to particular parking spaces. So, I disagree with this interpretation of the parking requirements.

Your guidelines state that "site car parking may be varied according to the projected needs of users and taking account of" various things like type of housing, public transport, after-hours non-residential spaces, and on-street parking. As I pointed out before, there is excellent public transport in the area and we have plenty of on-site parking, and we will not be needing to park on the street, in case that is Council's main concern.

I accept that none of the remaining parking spaces are under cover. However, the occupants of Unit 1 do not want or need undercover parking. If it is important to Council that they cover their car, I may be able to approach the Strata Corp at the next AGM in May 2020 regarding provision of roofing over the common area parking spaces. In any event I note the new Planning regulations that take effect in July 2020 do not seem to mention the undercover requirement at all. I also note that the proposed new Planning rules only mention 2 parking spaces, not 2.5. **So perhaps we are arguing over two requirements that are soon to be removed from the Regulations anyway!**

Width of Common Area Parking Spaces

The comment has been made that the parking spaces numbered 1 and 2 in the plan I provided with my application of the Strata common parking area do not appear to meet the 5.4 metre minimum required. A later email on 11th February noted that this appeared from the Strata Plan to be only 5.35 metres wide for 2 parking spaces rather than the 5.4 metres required. I am pleased to report the ground must have moved since the units were built and that the parking spaces numbered 1 and 2 are in fact 5.7 metres wide, as measured with a measuring tape this week. Just in case anyone is wondering, the spaces marked 3 and 4 are 5.6 metres wide.

Private Open Space

This has been mentioned yet again, and since it was addressed comprehensively in my earlier letter of 8 January 2020 I do not intend to repeat myself here. I personally think this is “nit-picking” and not helpful. I do note, however, that under the new guidelines proposed from July 2020 the private open space requirement has reduced to 24 square metres. Since we have way more “private open space” within the confines of my own Unit entitlement than even the current requirement of 35 square metres, it would be nice if we can just stop arguing about this petty issue.

I formally request that the assessment of the application proceed. If you need more information, please do not hesitate to contact me.

I remind you that this is a very minor “development” entirely under the main roof of my unit and virtually impossible to notice from the street. It does not interfere with any other residents’ quality of life or the streetscape in any way. The only reason Council is involved is a nosy neighbour being un-neighbourly for no good reason!

I look forward to an opportunity to respond to any written representations received during any required public notification period and to address any verbal representations if they are heard by the Council Assessment Panel.

Yours sincerely

Patrick Tierney

ATTACHMENT B

MEMORANDUM

To PLANNING AND DEVELOPMENT

**TRANSPORT AND TRAFFIC
TECHNICAL OFFICER**

DATE 9 DECEMBER 2019

FILE

SUBJECT **Traffic comments on development application 719/2019/C2
1/277 Young Street**

New Development

It is proposed to convert a single vehicle garage to an additional room in a unit at 1/277 Young Street. This has already been constructed and the applicant seeks approval. This group consists of four dwellings, each with a single vehicle garage and a single uncovered parking space.

Comments

If considering as a group dwelling, the parking requirement in accordance with Development Plan Table Un/5 per dwelling would be:

2 bedrooms / <150m² floor area

- 1.5 spaces
 - 0.5 spaces for visitor parking

3 bedrooms / >150m² floor area

- 2.0 spaces
 - 0.5 spaces for visitor parking

As each dwelling has 2 bedrooms and is less than 150m² in size, 2 off-street parking spaces are required per dwelling, which is currently provided. However, with removal of 1 space for 1/277, the individual dwelling only provides 1 off-street parking space.

This represents 1 less than required under the Development Plan. In addition to this, if it is likely that the converted garage would be used as a third bedroom, 2.5 spaces would be required. The development would therefore provide 1.5 spaces less than required.

The consequence of this is that visitors to this property may park on-street in the 3 hour parking zone on Young Street. Observation of parking on Thursday 5 December at 3:45pm indicated that there were 17 on-street parking spaces available within 50m of the property (35% occupied). Although this may increase at times, with the Wayville area accommodating additional parking demand during events and exams etc., an additional one or two vehicles parked on-street is unlikely to impact parking availability in the vicinity. However, although the impact of this one dwelling would be minimal, if this became a common practice across the City of Unley it would impact other locations, so the precedent of this must be considered.

Note that for the purposes of issuing parking exemptions, Council would still consider the dwelling as providing two off-street parking spaces. This may reduce the number of exemptions the resident can apply for.

Summary

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

- The dwelling would provide 1-1.5 fewer parking spaces than required by the Development Plan.
- In general, allowing residents to convert their garages to rooms, and thus providing less parking than required, will result in additional on-street parking throughout the City.

Hayden Scharnberg

Transport and Traffic Technical Officer

ATTACHMENT C

28 MAY 2020

C

REPRESENTATION Category 2 (Page 1)

REF:

To: Harry Stryker, City of Unley Development Section**Please read these notes carefully:**

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4. Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and attachments) will be forwarded to the Applicant for consultation and response.

The closing date for Representations is 5pm on 2 June 2020.**Application:** 090/719/2019/C2 1 / 277 Young Street, Wayville SA 5034***Details of Person(s) making Representation:*****Name:****Postal Address:****EMAIL ADDRESS:****Daytime Phone No.****Property affected
by Development**

(Signature)

25/5/20

(Date)

REPRESENTATION Category 2 (Page 2)

To: Harry Stryker, City of Unley Development Section

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

Application:	090/719/2019/C2 1 / 277 Young Street, Wayville SA 5034
Property affected by Development	275 Young St Wayville 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)

My concerns (if any) could be overcome by:

I	<input checked="" type="checkbox"/> WISH TO BE HEARD <input type="checkbox"/> DO NOT WISH TO BE HEARD	by the Council Assessment Panel
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(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.)

REPRESENTATION Category 2 (Page 1)

To: Harry Stryker, City of Unley Development Section

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Application: 090/719/2019/C2 1 / 277 Young Street, Wayville SA 5034

Details of Person(s) making Representation:

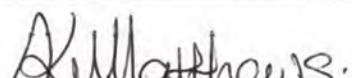
Name:

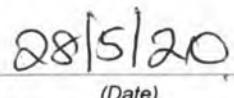
Postal Address:

EMAIL ADDRESS:

Daytime Phone No.

**Property affected
by Development**


(Signature)


(Date)



REPRESENTATION Category 2 (Page 2)

To: Harry Stryker, City of Unley Development Section

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

Application:	090/719/2019/C2 1 / 277 Young Street, Wayville SA 5034
Property affected by Development	4277 YOUNG STREET WAYVILLE 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 2 pages.

My concerns (if any) could be overcome by:

Please see attached 2 pages

I 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.)

RE: PLANNING APPLICATION 090/719/2019/C2
1/277 YOUNG STREET, WAYVILLE / STRATA CORP 6381
CONVERSION OF GARAGE TO HABITABLE ROOM (RETROSPECTIVE)
24 MAY 2020

I wish to advise you of my objection to the above application.

I own Unit 4 and have lived here for over 25 years (and in Young Street for 28 years). I was astounded when I observed the changes to Unit 1, 277 Young Street that had been made and the implications for myself and the other owners of the Strata Corp.

I would like you to consider the following points:

PARKING

Currently at 277 Young Street there are 10 private car parking spaces available for the 4 units..

. The spaces are as follows:=

- Unit 1 - one garage space and one driveway parking space (in their own yard).
- Unit 2 - Same as above
- Unit 3 - Rear access from Le Hunte Lane - one carport space.
- Unit 4 - Same as Unit 3.
- Units 3 and 4 do not have any street frontage or yard space to park.
- Common land - 4 car parking spaces. (two are extremely tight and suitable for small cars only).
- The 4 carparks in the common area are used as driveways for Units 3 and 4, for visitors, health care providers, access for any workman/trades people, emergency services, taxis, deliveries etc. and as a 2nd car space if required (as Units 3 and 4 only have 1 secure car park off Le Hunte Lane and no individual drive ways).
- **There are no street parks in front of Unit 1 .**
- **There is only one street park in front of Unit 2.**
- Most of the street parking nearby has a limit of 3 hours and can be heavily restricted during working hours, events, showtime or Uni Exams etc.
- Events at the showgrounds are held on many weekends of the year in a normal year.
- Limits have already been placed on street parking due to city workers all day parking and commuting by tram.

Even with these restrictions, visitors or anyone making deliveries to Unit 3 or 4, find it difficult if they have to find a street park, then carry articles from their vehicles to the Units at the rear.

Mr Tierney states in his application that "there is adequate off street parking". It is an ill conceived assumption. He does **not live** on the premises, so I believe he would not fully understand and appreciate the problems of car parking in Young Street and on the common land. The fact that the occupants of Unit 1 don't currently use the garage space for parking, is irrelevant as future tenants or owners may need this extra space without inconveniencing anyone else in the complex or their neighbours.

CHANGE OF APPEARANCE

Mr Tierney states " the only change is the minor changes in the garage" and that "the building is the same as when it was built in 1984" However this is not accurate.

- **The exterior of Unit 1 has been changed.**
- When looking at the property and the roller door is up, **it is quite obvious that they have changed the garage to a bedroom/living room** - this constitutes a change of use.



- It is either changed or not changed - not unchanged some of the time when the roller door is down.
- When the garage roller door is up, then the interior of a garage is what a person would expect to see and not an extra bedroom.

Keeping the garage roller door on the exterior is **not** for any security or aesthetic reasons (the roller door can be up for a considerable amount of the time - probably for ventilation and natural light).

When the roller door is down, then there is no natural light and no ventilation. Garage roller doors are not the same as security roller blinds or doors, as some security rollers will allow for light and ventilation if required and can usually be adjusted. The garage roller doors don't allow for this.

FUTURE ISSUES

Another concern if this approved, is that this sets a Precedent.

- The owner of Unit 2 may also want to convert their garage to a 3rd bedroom and forgo a car parking space. This would then take out 2 parks.
- If approved for Unit 1 then why not Unit 2 which is a mirror image of Unit 1?
- The owners of Units 3 and 4 may want to fill in their carports and use these for other purposes than car parking. This then takes out 4 parks.

All or any of these options will lead to various problems with parking and accessibility for all the Units particularly the rear Units.

Original Council approval was for 4 x 2 bedroom units, not 4 x 3 bedroom units which would allow for more people to live on the premises or for owners to profit by potential extra rental income. **4 X 3 bedroom Units are contrary to the original Council Planning for many more reasons the Unley Council would be aware of.**

Mr Tierney states "the review is the result of a complaint from a member of the Strata body". This is also inaccurate as I am the current Presiding Officer of the group and these concerns are not just my own, but have also been expressed to me by other members of the group. My interest and my duty is to see that every member of the Strata Corp is treated fairly and not disadvantaged or compromised in any way.

IMPACT

Mr Tierney states that "in my opinion the changes do not impact on anyone else's enjoyment of the land" however this is also only his opinion reinforced by the owners' self interests. They did not check for any other opinions within the Strata management or group. Work on this conversion commenced shortly after they purchased the property May last year.

I believe that it will impact on the group as it reduces one car park for all the reasons listed. The extra room in this Unit also gives the ability for one or two extra people to live in the property, possibly with more vehicles looking for parks in the future (see Parking). This will then deprive us of the use of the common land.

This situation has caused stress due to the lack of consultation or any consideration and has effected the enjoyment of my home. It has also caused considerable derision and disharmony within the members of the Strata group and management, as this action was done without consultation and knowledge of the facts.

Also If approval is given, then this may impact on the Strata groups future having set a precedent for the other Units to convert their parking spaces for their own benefits to the possible detriment of others.

I hereby request that the Unley Council refuse this retrospective application on the grounds provided by me in this submission and ensure that this 3rd bedroom/living room is reinstated as a garage.

REPRESENTATION Category 2 (Page 1)

To: Harry Stryker, City of Unley Development Section

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Application: 090/719/2019/C2 1 / 277 Young Street, Wayville SA 5034

Details of Person(s) making Representation:

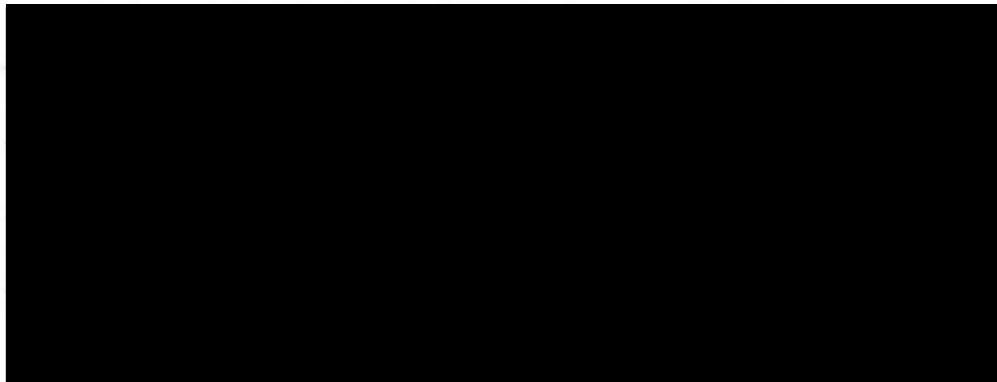
Name:

Postal Address:

EMAIL ADDRESS:

Daytime Phone No.

**Property affected
by Development**



(Signature)

27/5/2020
(Date)

CITY OF UNLEY
28 MAY 2020
REF:

REPRESENTATION Category 2 (Page 2)

To: Harry Stryker, City of Unley Development Section

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Application:	090/719/2019/C2 1 / 277 Young Street, Wayville SA 5034
Property affected by Development	3/277 YOUNG ST, WAYVILLE 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)

(see attached)

My concerns (if any) could be overcome by:

(see attached)

I

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.)

Re: Application 090/719/2019/C2 1/277 Young Street, Wayville SA 5034

I am the owner of 3/277 Young St.

I object to the proposed development because:

It will generate traffic/parking issues for the 4 units, in particular Units 3 and 4 located at the rear, by reducing the already limited available off street car parking spaces of the Strata Corp, for residents and visitors/service providers, by one. It should be noted that the shared parking spaces in the common area are quite tight and that there is limited parking directly in front of the four units on Young Street.

The development also does adversely affect the streetscape, by significantly changing the appearance of the front of the unit (when the garage roller door is up) and therefore altering the uniformity of the exterior appearance of the units as a Strata group.

Approval of the development would also set a concerning precedent, with the potential for further issues with traffic/parking, were Unit 2 to do a similar garage conversion and Units 3 & 4 a carport conversion to a habitable room. This would further compound the parking issue if increased living space resulted in a greater number of residents and subsequent motor vehicle use.

The development also affects the appeal of Units 2, 3 and 4 as rental properties (2 bedroom) compared to Unit 1 (converted to 3 bedroom).

Finally, consultation with the current Presiding Officer of the Strata Corp has informed me that the enjoyment of the land and locality would in fact be adversely affected by the development due to the associated traffic/parking issues.

My concerns could be overcome by:

- reinstating the habitable room as a garage.

DATE

TUESDAY

Spoke with Anna

REPRESENTATION Category 2 (Page 1)

To: Harry Stryker, City of Unley Development Section

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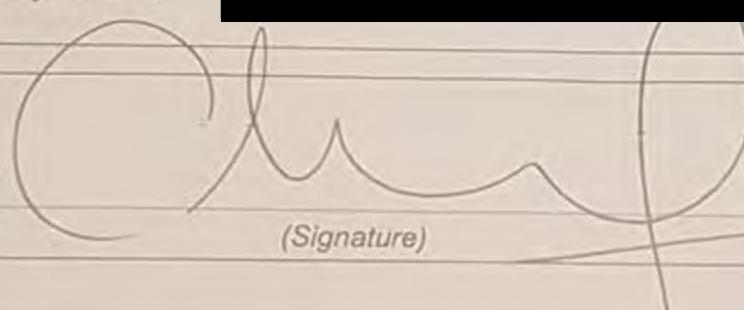
Application: 090/719/2019/C2 1 / 277 Young Street, Wayville SA 5034

Name:

Postal Address:

EMAIL ADDRESS:

Daytime Phone No.:

Property affected
by Development

(Signature)

26.05.2020

(Date)

DATE:

TUESDAY

THE CITY OF
Unley Attach any extra pages to this form

REPRESENTATION Category 2 (Page 2)

To: Harry Stryker, City of Unley Development Section

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The closing date for Representations is 5pm on 2 June 2020.
Application: 090/719/2019/C2 1 / 277 Young Street, Wayville SA 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)

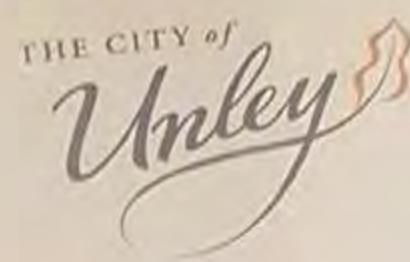
concerns (if any) could be overcome by:

 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

Spoke with Anna



18 May 2020

The Occupier
2 / 277 Young Street
Wayville SA 5034

**NOTICE OF CATEGORY 2 APPLICATION FOR DEVELOPMENT
PURSUANT TO SECTION 38(4) OF THE DEVELOPMENT ACT 1993.**

Notice is hereby given that an application comprising a Category 2 development has been lodged with the City of Unley for development assessment. Details of the application are as follows:

Application Number:	719/2019/C2
Property Address:	1 / 277 Young Street, Wayville SA 5034
Certificate of Title:	CT-5013/254
Name of Applicant:	P T Tierney
Development Proposed:	Convert garage to habitable room (retrospective)

The application can be examined on Council's website during the representation period by visiting unley.sa.gov.au/applications-on-notice. Should you require assistance searching for the documents, please contact Planning Administration on 8372 5111. Any comments you wish Council to consider should be lodged at the Council Offices, using the attached form, by 5pm on June 2020. Please be aware that there are currently delays with the Australia Post service that should be taken into account, as any representations received after the public notification period has closed cannot be treated as a formal representation.

Please be aware that pursuant to Section 38(7) of the Development Act 1993, a representation must include your name and address and must set out, with reasonable particularity, the reason for the representation. Council will forward all comments received during the representation to the applicant for a response, pursuant to Section 38(8) of the Development Act, 1993.

Each person making a representation must indicate whether that person wishes to appear personally or be represented by another party before the Council Assessment Panel (CAP). If a request to appear before the CAP is granted, all representations including names, addresses and other contact details, will be included in the CAP agenda and thus be available for inspection. The representation will also be published on the internet and thus be able to be searched via Google and other internet search engines.

For further details on "how to lodge a representation" please refer to the Fact Sheet overleaf. Attention is drawn to the fact that you have no appeal rights to the Environment, Resources and Development Court against a Council decision.

PTsokas

Peter Tsokas
CHIEF EXECUTIVE OFFICER
Assessing Officer: Harry Stryker

CITY of VILLAGES

Civic Centre 181 Unley Road
Unley, South Australia 5061
Postal PO Box 1
Unley, South Australia 5061

Telephone (08) 8276 1111
Facsimile (08) 8276 1112
Email gobox1@unley.sa.gov.au
Website www.unley.sa.gov.au

ATTACHMENT D

21st June 2020

Mr Peter Tsokas
Chief Executive Officer
City of Unley
PO Box 1
UNLEY SA 5061

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

Dear Sir

Application Number: 090/719/2019/C2
Proposal: Alteration to a dwelling – Convert garage to habitable room (retrospective)
Address: 1/277 Young Street, Wayville

I refer to Council's letter, dated 5 June 2020 containing the representations from 3 local residents about the above development, one positive and two negative.

I do NOT give consent for these comments to be made available to the representors

Executive Summary

- The type of **land use** is entirely appropriate for a residential area and **has not changed**. Council has explained that, as we have converted the garage into a bedroom, this is a "change of use" and why a development application is necessary and has been lodged.
- In relation to **appearance**, the garage conversion is a **very minor change** and has been tastefully designed to be as **unobtrusive** as possible. It is painted in the dark strata colours of the roller door and falls under the shadow of the roofline. Even when the roller door is up and the gates open, it is **difficult to notice any difference** unless you look very closely. **Refer Attachment 1 showing the roller door down. Attachment 2 shows the roller door up exposing the "development".** You can see there is very little difference.
- When the gates are closed, or the roller door is down, you **cannot see any difference** from the building's previous appearance. **Attachment 3 is a view from street level with gate closed and the roller door down. Attachment 4 is the same view with the roller door up.**
- The appearance has not changed the **character** of the street or neighbourhood and is not offensive to any of the neighbours on Young Street. I have spoken to them myself. A further **positive** representation from Ms Caroline Kerkhof of 2/277 Young Street apparently suffered from the current failure of Australia Post to deliver anything in a reasonable time. **A copy of this is attached as Attachment 5.**
- The only neighbours **objecting to the appearance** of the development **live at the rear**, off Le Hunte Lane or use the strata driveway to access Young Street. They have no need to be on Young Street at all to be offended by the appearance. I suspect this is more a Strata issue than a valid Council issue, and the Strata Manager has already confirmed it is complying.
- The "development" does **not cause any overshadowing or overlooking**. It is entirely under the existing roofline and faces the street.
- It does **not generate any additional traffic**.

- There is **parking for one vehicle** inside the fence of Unit 1 on our own driveway (in addition to the converted garage space).
- There is **more than adequate additional parking on the common Strata property** where there are **four parking spaces** available for the four unit owners to share. **Refer Attachment 6 (Common driveway) and Attachment 7 (Common parking area).**
- **Only one of these four spaces is regularly occupied.** This is by the complainant, Ms Kathryn Matthews, who uses her allocated carport for storage, and does not have an extra driveway space on her own unit entitlement for her vehicle as Unit 1 does. **Attachment 7.**
- It seems rather hypocritical to me that Ms Matthews is objecting to Unit 1's right to use our garage for an alternative purpose, just as she has done, because she alleges this will cause parking issues. The remaining **three strata car parks are rarely used at all**, except for very short periods.
- There is also more than adequate **on-street parking**, except during Royal Show and similar events. This is due to a 3-hour parking limit on weekdays from 9am to 5pm to prevent all-day parkers using the tram and buses nearby. **Refer Attachment 8 showing street parking on a weekend and Attachment 9 showing street parking during the week.**
- There is **extensive public transport** in very close proximity. The **Greenhill Road Tram stop** is only **4 minutes' walk away**, as is **Bus stop 2 on King William Road**. The co-owner works at Eldercare which takes her 5 minutes to walk each morning to the main entrance.
- The **parking requirements** for a 3-bedroom home are **about to change very shortly to 2 spaces only**, so it would seem appropriate to take this into account in the decision-making.

I ask Council to give a sympathetic hearing to this application, to consider all the circumstances of this very minor development, and recommend approval so that the occupants of Unit 1 can live in their own home in the way that they would choose to, but in a way that does not impact on others use and enjoyment of their own homes and the local area.

In Detail

I feel some of the objections raised in the representations provided are more properly Strata matters than Council matters but for the sake of completeness will respond to the issues raised.

Firstly, I refer to the representation from Ms Kathryn Matthews from Unit 4/277 Young Street

Car Parking

Ms Matthews is correct in her description of the off-street parking availability at 277 Young Street. There are 10 parking spaces provided for in the original site design:-

- Units 1 and 2 have a garage space and a driveway parking space in their own yards.
- Units 3 and 4 each have a carport space off Le Hunte Lane at the rear of their units. They therefore do not have a driveway parking space on their respective unit entitlements. They have free use of a public lane to access their properties instead.
- The common land has a paved driveway and 4 paved parking spaces in the centre of the strata area, which are available for all owners and/or their visitors. Spaces 1 and 2 are 5.7 metres wide in total. Spaces 3 and 4 are 5.6 metres wide in total. (Photographs attached of the driveway and parking area.) **Refer Attachments 6 and 7.**
- The spaces are not allocated to specific owners at present. It gives all owners flexibility in the shared use of the space, and it is unlikely that we all want to use it at the same time. However, if that became a problem, presumably the Strata body may resolve in future to allocate specific parking spaces to specific units.

- There are 4 common parking spaces and 4 units. In fairness I believe that makes one each. Or it means any owner theoretically has the right to occupy all 4 car parks for $\frac{1}{4}$ of the time. By buying our units we have each paid for $\frac{1}{4}$ of the common parking space, as well as the driveway access and have the right to use it whenever it is available.
- The driveway for Units 3 and 4 is Le Hunte Lane. The common space is not the driveway for Units 3 and 4 as Ms Matthews asserts, although she does use it as such, as she is entitled to do, and **she is the only owner who always parks in the common area**. The tenant of Unit 3 generally parks in her carport off Le Hunte Lane, but of course is also entitled to park in the common area, although I have not seen this occur.
- However, units 1 and 2 are also entitled to use the driveway and these common parking spaces, as it leads to their back gates. It seems a bit hypocritical for the only owner who regularly uses the space to object to anyone else using it.
- True, I do not live at 1/277 Young Street, but I visit regularly, and I have only ever seen the same car, which belongs to Ms Matthews, parked regularly in the common area. I have noted occasionally there might be a visitor using another space temporarily. I have taken a keen interest in observing the car park use since this “development” issue arose.

Attachment 7 shows a photo of the common carpark on a typical day during the week .

- Ms Matthews’ representation makes the common driveway and parking area sound like a hive of activity, which it is not. Taxis and deliveries are usually only a few minutes and could still use the area even if all 4 parking spaces were occupied. They can temporarily drive into the centre of the car park and, once their pick-up or delivery was completed, then reverse into the turning area at the top of the driveway and drive forward down the common driveway. Alternatively, the driveway is only 35 extra paces to walk to access Unit 3 or 4 if they have parked on the street. (**Attachment 6 is a photo of the driveway**).
 - Ms Matthews and I have recently corresponded about our different perceptions of the use of the common area parking. I understand her need to regularly use one of the common parking spaces on a permanent basis, as she is using her carport for storage. As I said to her, the common area is otherwise wasted space that we have all paid for, so someone might as well use it if available. In my opinion, $\frac{1}{4}$ of the carpark is available on average for her use all the time if she so wishes, or all of it for $\frac{1}{4}$ of the time.
 - The common car park is a bit like a cake purchased jointly every day by a group of 4 people. Each day the cake is divided into 4 pieces and the owners can choose whether to eat their $\frac{1}{4}$ or not. The remaining pieces of cake are available for others. If someone does not feel hungry then their cake is available to anyone else who might like a piece, or it is thrown away. On most days since I have been a co-owner, only $\frac{1}{4}$ of the cake has been used, (by Ms Matthews of Unit 4). Most days $\frac{3}{4}$ of the cake is thrown away. Other days someone else, say Unit 2, or 1, or 3 may have a nibble of their $\frac{1}{4}$ of the cake as well.
 - In relation to on-street parking, Ms Matthews herself notes that parking is restricted to 3 hours during weekdays between 9am and 5pm. This limit on street parking discourages long-term parking. This means there is more parking available for residents than previously during the day, and visitors/tradespeople should have no trouble finding somewhere nearby to park for up to 3 hours on weekdays if required. There is also 4-hour parking on Clarke Street.
 - I fully understand there are times where there are parking restrictions on Young Street such as for the Royal Show and special events. Fortunately, 277 Young Street is close to the far end of Young Street, well away from Goodwood Road, and near the tramline. I’m sure residents are not crazy enough to invite guests over during that time or similar busy times.
- Attachments 8 and 9 are recent photos of Young Street during the weekend and during the week respectively.** There is more than adequate street parking in the area apart from Royal Show and special functions.

Council Parking Requirements

I think this whole conversation is getting distracted from the real point of the parking issue from Council's perspective. We are required to have two parking spaces available for our use. We clearly do, despite converting the garage into a habitable room. These do **not** have to be dedicated parking spaces. We do have a parking space on our own driveway inside our own unit entitlement. We also own $\frac{1}{4}$ of the 4 rear common parking spaces. If my arithmetic is correct that results in 2 spaces available for Unit 1 off-street at all times. We also have use of the common area carpark when it is not otherwise in use, for visitors.

I am informed that the whole strata area is the "site" in relation to Council's car parking requirements and the "site" more than adequately provides multiple off-street parking spaces for our property and the other owners, and for visitors. As the family who live in Unit 1 have only one car, we won't even be using our entitlement to a space in the common area park, except occasionally, let alone parking on the street.

Ms Matthews states that "the fact that the current occupants of Unit 1 don't currently use the garage for parking, is irrelevant as future tenants or owners may need this extra space". I do understand this point. We intend to be long-term owners, but future owners may of course want to remove the sliding glass door and use it again as a garage. Or they may prefer to continue to use it as a 3-bedroom residence which (hopefully) has been approved by Council.

The important point is that we must comply with what council requires for this type of development, and that is two parking spaces. I understand from Council that we should also have 0.5 parking spaces for visitors as well. However, I note the **new rules about to be adopted within a few weeks** similarly require a 3-bedroom residence to have 2 off-street parking spaces, **but the 0.5 space for visitors has been removed from the new regulations, as has the undercover requirement.**

Council guidelines also state that "site car parking may be varied according to the projected needs of users and taking account of" various things like type of housing, public transport, after-hours non-residential spaces, and on-street parking. I ask that this be considered.

There is **excellent public transport** in the area, and we have plenty of on-site parking, and we will not be needing to park on the street, in case that is Council's main concern. In any event, I **attach a picture of that area of Young Street taken on 8th June at about 11 am, from near 281 Young Street, looking towards the tram line past 277 Young Street, on the right (as Attachment 8).** There is plenty of street parking available on both sides of the street.

Public transport is freely available nearby. One of the current owners works at Eldercare on King William Road, which is a 5-minute walk to the main entrance. On the way, she walks past **Bus Stop 2 on King William Road**, which is 400 metres and a 4 -minute walk. **The Greenhill Road Tram stop** is also 400 metres and takes 4 minutes walking. The **Wayville Tram Stop** is 450 metres and takes 5 minutes walking. This is why she has no intention of getting her car licence. **Bus stops 2A and 2B on Greenhill Road** are also both about 700 metres and take about 7 or 8 minutes walking.

Change of Appearance

It's interesting that the owners of units 3 and 4 are the only people offended by the change of appearance. Yet they have no need to venture on to Young Street to look at Unit 1 and be offended by it at all. **Their properties are at the rear** and they either park directly off Le Hunte Lane or in the common area carpark at the end of the driveway. They do not have any frontage to Young Street.

We have not changed the overall appearance of the property. The infill of the garage is behind the original roller door and has deliberately been painted in the same dark grey strata colours to match the roller door and the rest of the building. It sits in the shadow of the overhang of the roofline and is virtually un-noticeable. It is still a dark grey surface whether the roller door is up or down. **Photos attached with the roller door down (Attachment 1) and with the roller door up (Attachment 2).** I'm not sure the neighbours would prefer to see an empty garage full of junk or a dark window frontage.

I do understand that the occupants initially did not realise that they should close the roller door, at least partially, if they have lights on inside at night. Otherwise neighbours can peer in, (and obviously did) especially in the initial stages when there were no curtains. They are now conscious of this. They also realise the importance of closing their gates, which they do every evening, for security. When the gates are closed it is impossible to see any difference at all from street level, **as per the attached photos, Attachments 3 and 4.** We have approval from the Strata body for an electric gate similar to the one at Unit 2 which we are considering, for additional security. Were this to be completed, the gates would most likely be locked all the time and no-one would need to be offended by the garage appearance of a dark glass window if they look really hard if the roller door is up.

I have spoken to several neighbours who live nearby on Young Street and found most were aware of the internal garage conversion and none of them were the slightest bit interested in the change of appearance. Peter from directly across the road said he had no problem with it and "it's been there for a long time" was his response. Clare from No 279 also was very supportive, as were Caroline from 2/277 Young Street and Kaye and Steve from No 275. None of these people lodged objections. Caroline from Unit 2/277 is fully supportive of our garage conversion, but due to Australia Post delays during coronavirus, her positive representation to Council must have missed the deadline.

That only leaves one other neighbour/Strata member with any concerns about us using the property the way we would like, and he has also lodged an objection, which I will deal with shortly.

As far as ventilation is concerned you will notice the roller door is not sealed at the top, otherwise it would not roll, (nor for that matter, is it entirely sealed at the base) and can be locked in various positions if required, to allow ventilation. As far as light is concerned there are electric lights inside for use when it gets dark, and windows for natural light during the day when it is occupied. The roller door is often down during the day as the room is generally not in use until mid-afternoon most days. I can, if necessary, ask them to close the gates all the time if the view is particularly offensive.

Future Issues

The issue of setting precedents is not a valid argument. Just because someone has approval for a carport etc by Council, does not mean everyone else can do the same. Each change of use will presumably be assessed by Council on its own merits and in accordance with the current Council Guidelines at the relevant time.

As far as other owners in the Strata group wanting to change how they live in their own home is of no interest to me. I am happy for them to use their own home in the way they get best use from it. If another owner such as Unit 3 or 4 wanted to turn their carport into a bed-sit, as Ms Matthews suggested to me, then I would support that as a member of the Strata group, provided they didn't expect to permanently occupy more than their share of the parking spaces. I imagine they would also have to comply with the council guidelines applicable at that time. It is not about "taking out carparks". The original council approval is also irrelevant for 4 x 2-bedroom units. Buildings change all the time to suit their owners. It is about complying with Strata rules and Council guidelines only, for whatever proposal they want to put forward in future to make their home more liveable.

I remind you that this is a very minor "development" entirely under the main roof of our unit and virtually impossible to notice from the street. It does not interfere with any other residents' quality of life or the streetscape in any way. Ms Matthews can continue to live happily in her unit without interference from the residents of Unit 1. We only ask the same from her.

I understand that there is a "change of use" as we have converted the garage into a bedroom, and Council has explained that therefore a development application has been necessary and has been lodged. This change of use does not interfere with anyone else's enjoyment of their own properties one bit. Yet the objectors all know it is an extra bedroom, which was not mentioned in my development application. I can only assume they have been looking through the windows to notice.

Secondly, I refer to the representation from Mr Alistair Hayes from Unit 3/277 Young Street

The owner of Unit 3/277 Young Street has raised the exact same issues as the owner of Unit 4/277 Young Street which I feel I have already adequately dealt with regarding parking, setting precedents, and altering the appearance (sometimes, and sometimes not) of Unit 1. There seems to be a sense of entitlement for Units 3 and 4 to have sole possession of the common car park for their own use, and this is certainly not the case. The parking spaces are almost identical in size and are not "tight". Mr Hayes' tenant does not use the common area carpark regularly at all, apart from the very occasional visitor.

The concern about the number of residents is irrelevant, provided Council guidelines are satisfied for a 3-bedroom property. Unit 1 still only accommodates 3 residents at present, as it did with the previous Caucasian owner. There are 2 permanent residents including the co-owner and her father and, temporarily, they have a foreign student from their hometown in Thailand who is studying English, staying with them, in case that is anyone's business.

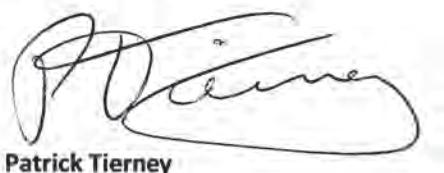
I'm not sure that the rental appeal is relevant to Council either. The fact that Unit 1 has 3 bedrooms currently does not make any difference to the rental value of any other properties in the area at all, so I'm not sure I understand what this point is about.

It seems Mr Hayes has not formed an opinion himself about whether the "development" is adversely affecting his enjoyment of his property and locality, since he has quoted someone else's opinion on this issue. So presumably it does not affect him at all, especially as he lives elsewhere like I do.

Finally

I ask Council to approve this development on the above grounds and would be happy to consider any further conditions Council may request in order to allow this development to proceed.

Yours sincerely



Patrick Tierney

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Attachment 1- Roller Door Down as Original



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Attachment 2 - View of Development with Roller Door Up



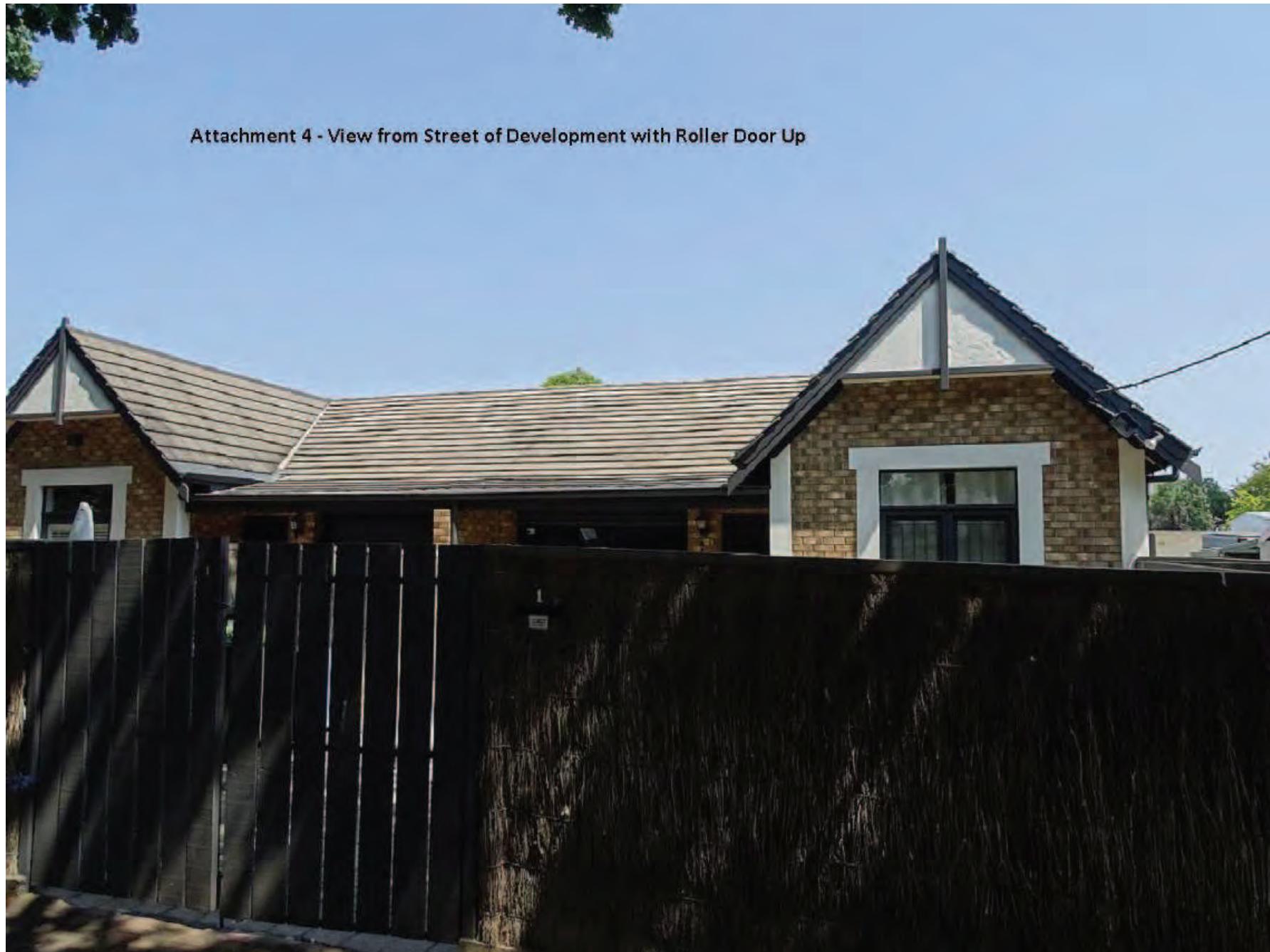
D

Attachment 3 - View from Footpath with Roller Door Down



D

Attachment 4 - View from Street of Development with Roller Door Up



D

Attachment 5 - Representation of Caroline Kerkhof

Speak with Anna

REPRESENTATION Category 2 (Page 1)

To: Harry Stryker, City of Unley Development Section

Please read these notes carefully:

1. Both pages **MUST** be completed in full and returned to the City of Unley by the closing date to be a valid representation.
2. This page (i Page 1) will **NOT** be published on the internet.
3. Pages 1 and 2 (and any attachments) may be included as attachments in the hard copy of the Council Assessment Panel agenda.
4. Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and attachments) will be forwarded to the Applicant for consultation and response.

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

Application: 090/719/2019/C2 1 / 277 Young Street, Wayville SA 5034

Details of Person(s) making Representation:

Name:

Caroline Kerkhof

Postal Address:

PO Box 964 Unley BC, Unley

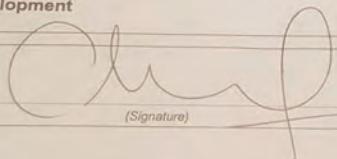
EMAIL ADDRESS:

Daytime Phone No.

61 418 850 104

Property affected

Development



(Signature)

26.05.2020

(Date)

D

DATE: TUESDAY
THE CITY OF Unley

REPRESENTATION Category 2 (Page 2)

To: Harry Stryker, 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 June 2020.

Application:	090/719/2019/C2 1 / 277 Young Street, Wayville SA 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)

concerns (if any) could be overcome by:

I WISH TO BE HEARD by the Council Assessment Panel
I DO NOT WISH TO BE HEARD

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.

D

Attachment 6 - Common Driveway Taken from Turning Area

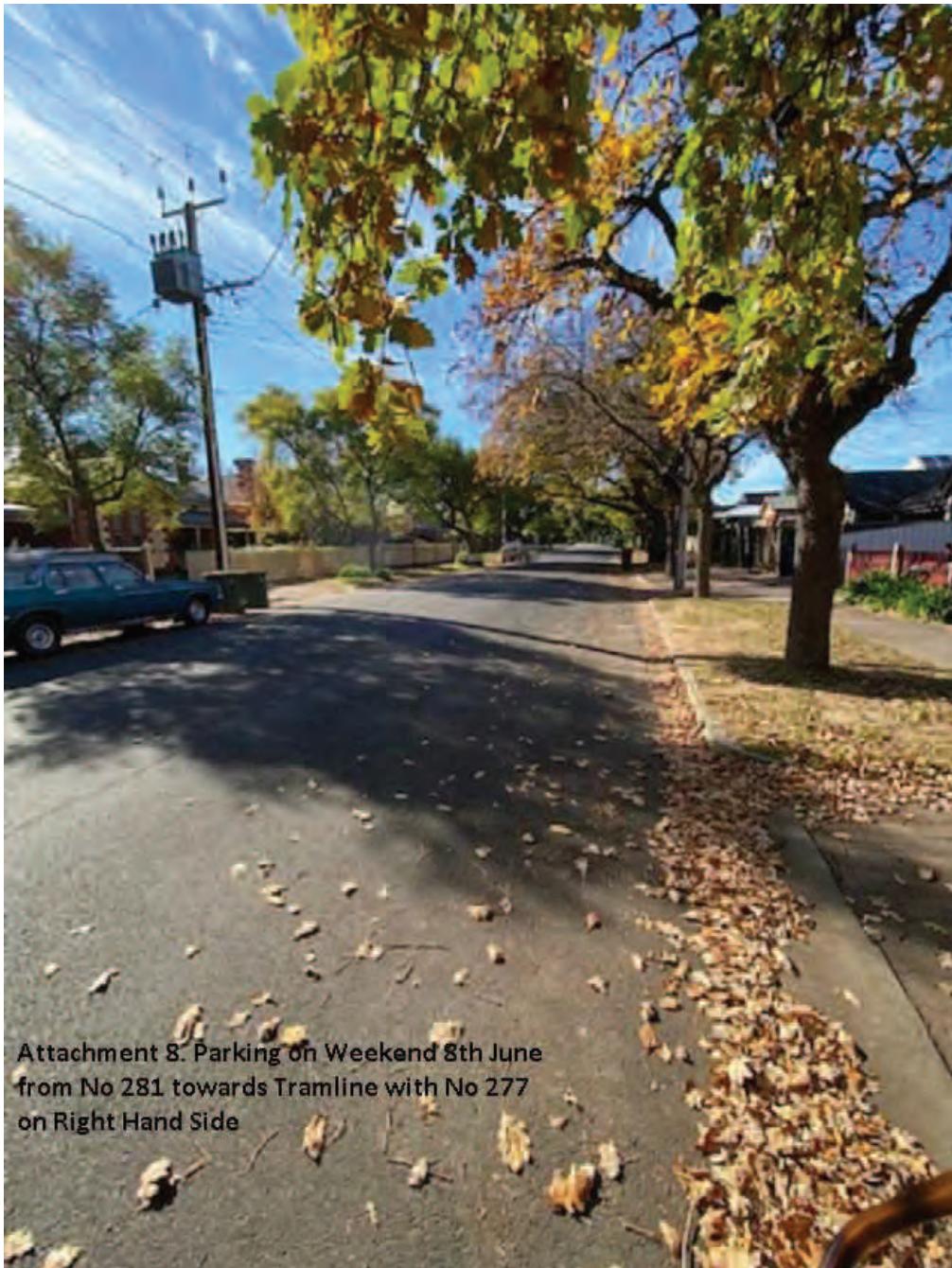


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Attachment 7 - Common Area Car Park



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**Attachment 8. Parking on Weekend 8th June
from No 281 towards Tramline with No 277
on Right Hand Side**

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**Attachment 9 - Parking During Week
11th June from Clark Street
Roundabout. No 277 is on left**

ITEM 4**DEVELOPMENT APPLICATION – 090/170/2020/C2 – 11 FREW STREET,
FULLARTON SA 5063 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/170/2020/C2
ADDRESS:	11 Frew Street, Fullarton SA 5063
DATE OF MEETING:	21 st July 2020
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Construct additions to existing Local Heritage Place including additions and garage to boundary, and upper level
HERITAGE VALUE:	Local Heritage
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Landscape) Zone Policy Area 11.2 (400)
APPLICANT:	W Paley
OWNER:	W F Paley
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (one support and one oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representation
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Heritage Building bulk / mass Shadowing Wall on boundary

1. PLANNING BACKGROUND

The applicant has had a number of preliminary discussions with Council's Heritage Consultant prior to lodging the subject application.

Demolition of 'non-historic' parts of the building has received approval pursuant to application 090/43/2020.

2. DESCRIPTION OF PROPOSAL

The applicant proposes to retain the existing Local Heritage Place and undertake the following development;

- Carry out internal alterations and conservation work including removing paint, painting and replacing windows;

- Construct ground floor and upper floor addition; and
- Construct garage

The proposal includes boundary development along the southern and eastern boundaries.

3. SITE DESCRIPTION

The subject site is located on the eastern side of Frew Street Fullarton, between Pickering Avenue and Fisher Street. The site is located within the Residential Streetscape (Landscape) Zone, Policy Area 11.2.

The subject site is a regular shaped allotment having a frontage of 15.24m, a depth of 74.22m and an overall site area of 1131m². Vehicle access is located adjacent the southern property boundary.

No Regulated Trees have been identified on the subject land, or in close proximity of the proposed development.

The subject land is occupied by a Local Heritage Place which is located towards the rear of the allotment, some 38 metres from the Primary street frontage. The heritage listing includes “*Dwelling (Malwood); External form, materials and detailing of the c1850 dwelling. Any later additions or alterations are excluded from the listing.*”

The southern adjoining property is occupied by a Local Heritage Place (c1860s-70s) and has recently undergone alterations and additions.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the immediate locality is residential, retirement living and support accommodation.

Dwelling Type / Style and Number of Storeys

The locality includes a number of single storey group dwellings, detached dwellings and a two-storey retirement complex and is characterised predominantly by infill development.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Council's Heritage Architect who provided the following advice;

- The documentation is sufficiently consistent with heritage advice given and reasonably consistent with relevant policy relating to local heritage places;*

- *The proposed development is supportable in relation to heritage impact because the historic part of the building is to be retained and conserved and the proposed additions are compatible in scale and form with the historic building. They are visually subservient to and setback from the front of the historic part of the building. The upper storey of the proposed addition is low in scale and inconspicuous from the streetscape. The glazed entry component provides visual separation between old and new building components. Proposed colours and materials are compatible with the historic building.*
- *The schedule of conservation work provided by the applicant in connection with the abovementioned development application is appropriate and acceptable.*

The amended plans submitted on the 24th of June were provided to Council's Heritage Architect and the following comments were made:

I have reviewed the amended documentation forwarded to me in connection with the abovementioned development application and offer the following heritage advice.

The proposed garage has been extended slightly further forward than before and the roof has been extended down to a lower gutter level.

The changes do not represent an ideal outcome but are acceptable in relation to heritage impact.

The hipped roof provides some balance to the composition, recognising that the integrity of the subject local heritage place was severely compromised when it was annexed from the adjacent local heritage place at 13 Frew Street. The garage is relatively low in profile and sufficiently discreet. Importantly, the surviving part of the historic dwelling is conserved, with removal of paint from brickwork, reinstatement of timber windows and re-roofing proposed amongst other things. Part of the side gable of the historic dwelling has been exposed which is positive.

I agree that more information is required in relation to the proposed front fence. Presumably this will be the subject of a separate application. Proposed landscaping is compatible with the context and setting of the local heritage place and will improve views of the place from the public realm.

8. PUBLIC NOTIFICATION

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

13 Frew Street (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Request further information	Refer to Attachment C
Concern about the height and length of the garage wall on the boundary	Garage wall has been reduced in height to 3.164m down from approximately 3.6m. No north facing windows are associated with habitable rooms or 'main activity areas'.
Concern about the height and location of upper level	Upper level southern boundary setback has been increased by 430mm (so will now be 2.5m and 2.8m given the angle of the boundary)
9 Frew Street (support)	
ISSUES RAISED	APPLICANTS RESPONSE
Raises concerns regarding dust control and construction noise*	-

(* More appropriately dealt with as a civil matter or under the Local Nuisance and Litter Control Act 2016)

9. ADMINISTRATION NEGOTIATIONS

Administration and the applicant met following receipt of the representation, subsequently the applicant has revised their proposal and provides amended drawings. The amendments are summarised within the response to representation (refer attachment C) as follows;

- (a) amended planning drawings (dated variously 24.04.20 and 24.06.20 – 7 sheets) incorporating:
 - a 430 mm increase in the set back of the upper level from the southern boundary (now 2500 mm and 2800 mm (due to the angle of the boundary);
 - as a consequence, the repositioning of the corresponding lower level wall has increased the width of the ground level courtyard to 2500 mm and 2800 mm (due to the angle of the boundary);
 - the roof truss above the garage has been halved so as to retain the pitched roof presentation to the street, while creating a void to increase solar access for the adjoining land and buildings;
 - the on-boundary garage wall has been reduced in height to 3164 mm, down from approximately 3600 mm;
 - retention of the garage façade verandah and box gutter detail (as designed by Council's heritage adviser) which has resulted in the garage wall being sited 500 mm closer to the street frontage; and
 - adjustment of the roof design/direction above the "outdoor living" room so as to enable the parapet wall height to reduce to 4200 mm (down from 4500 mm);
- (b) amended shadow diagrams for 21 June at 9 am, 12 pm and 3 pm; and
- (c) landscaping plan and picket fence details for the "front yard".

10. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	1131m ²	400m ²
Frontage	15.24m	12.5m
Depth	74.22m	
Building Characteristics		
Floor Area		
Ground Floor	113m ² retained 242m ² additional including garage and outdoor living Total 355m ²	
Upper Floor	55.9m ²	<input type="checkbox"/> 50% of ground floor
Site Coverage		
Roofed Buildings	32.7%	<input type="checkbox"/> 50% of site area
Total Impervious Areas	32.7%	<input type="checkbox"/> 70% of site <input type="checkbox"/>
Setbacks		
Ground Floor		
Front boundary (west)	42m to garage	
Side boundary (north)	1.4m – 1.7m	1m
Side boundary (south)	On boundary	1m (can be on boundary)
Rear boundary (east)	On boundary – 7.6m	5m
Upper Floor		
Front boundary (west)	47.3m	
Side boundary (north)	8m	3m
Side boundary (south)	2.5m – 2.8m	3m
Rear boundary (east)	13m	8m
Wall on Boundary		
Location	Southern and eastern	
Length	8.596m garage 13.5m dwelling and outdoor living (abutting existing boundary development) (total 30%)	8m garage <input type="checkbox"/> 9m or <input type="checkbox"/> 50% <input type="checkbox"/> of the boundary length, whichever is the lesser
Height	3.164m garage 3.85m dwelling/alfresco	<input type="checkbox"/> 3m
Private Open Space		
Min Dimension	>4m	<input type="checkbox"/> 4m minimum
Total Area	>13%	<input type="checkbox"/> 20%
Garage		
Internal dimension	5.3m x 8.6m	5.8m x 6 for two vehicles
Covered on site-parking	1	2 NB there is adequate space for on-site uncovered vehicle parking
Colours and Materials		
Roof	Galvanised roof sheeting	
Walls	Render and paint finish (dulux classic cool and antique white USA)	

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape (Landscape) Zone and Policy Area
<p>Objective 1: Enhancement of the distinctive and primarily coherent streetscapes by retaining and complementing the built form, setting and surrounding landscape features.</p> <p>Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</p> <p>Objective 3: Sensitive in-fill development opportunities where appropriate and complementary to the desired character and streetscape setting or providing for the improvement of areas of variable character by replacing discordant buildings and their associated landscape patterns.</p> <p>Objective 4: Development that contributes to the desired character of the zone.</p>
Desired Character
<p>The Residential Streetscape (Landscape) Zone encompasses living areas in the west and south eastern section of the City of Unley. The zone is distinguished by coherent streetscape patterns. These attributes include the consistent:</p> <ul style="list-style-type: none">a) rhythm of building sitings, scale, form and setbacks (front and side) and gaps between buildings;b) allotment and road patterns;c) landscape features within streetscapes, including the road verge and forward of the building façade. <p>Development should respect and contribute positively to the streetscape setting, and where appropriate, the collective features of distinctive and primarily coherent streetscapes. The key considerations are:</p> <ul style="list-style-type: none">a) siting – sites with generous front and side setbacks to main dwelling buildings and wide road reserves. Building envelopes should reflect this siting, scale and form to maintain the spatial patterns of traditional settlement. Low open style front fences provide transparent streetscape views of landscaped front yards and compatible development.b) form – a consistent pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and form is associated with the various architectural styles. Infill dwellings and dwelling additions should maintain traditional scale, proportions and building forms when viewed from the primary streetscape.c) key elements – the articulation of the built form, verandahs and pitched roofs, are important key elements in minimising the visual dominance of buildings to the primary streetscape setting. The careful composition of facades to reduce building mass, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor

<p><i>elements, assist in complementing the desired character. Low open style front fences complement the style and predominant form of dwellings within the street and streetscape views of landscaped front yards.</i></p>
<p>Assessment</p> <p>The proposed development is considered to satisfy the Residential Streetscape (Landscape) Objectives and Desired Character for the following reasons;</p> <ul style="list-style-type: none"> • The proposed development conserves the Heritage value of the Place; • Additions and alterations are primarily located to the rear and as such do not detrimentally impact upon the setting and streetscape contribution of the land; • The articulation and built form are complementary to the existing dwelling; • The garaging component forms a minor element within the streetscape; and • The proposal improves the presentation of the land to the streetscape (refer landscaping plan)

Relevant Zone Principles of Development Control	Assessment
<p>PDC 9 –</p> <p><i>Development should present a single storey built scale to its streetscape. Any second storey building elements should be:</i></p> <p>a) <i>integrated sympathetically into the dwelling design and landscape setting;</i></p> <p>b) <i>incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street;</i></p> <p>c) <i>(c) set well behind the primary street façade of the dwelling so as to be inconspicuous from the streetscape.</i></p>	<p>The existing dwelling is set well back from the primary street frontage, and the upper level is sited behind the proposed garage roof form.</p> <p>Given the siting and roof design, the proposed second storey element will be inconspicuous from the streetscape, satisfying the relevant Zone PDC.</p>
<p>PDC 13 –</p> <p><i>A carport or garage should form a relatively minor streetscape element...</i></p>	<p>The proposed garage is set behind the main dwelling façade; adopts a lower wall height than the associated dwelling and a separate (while integrated) roof form.</p> <p>The related PDC is satisfied.</p>

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Heritage	
PDC 3 & 4	<ul style="list-style-type: none"> The proposed development conserves the heritage value of the Place and locates additions and alterations to the side and rear, avoiding detrimental impact to the original fabric and characteristic features.
Residential Development	
13, 14 and 41 Side and Rear Boundaries; Boundary Development; Over shadowing and natural light	<ul style="list-style-type: none"> The proposed upper level is setback from the southern boundary by 2.5m – 2.8m which is less than the recommended setback of 3m. Further, the height and length of proposed boundary development exceeds the related PDCs. It is acknowledged that the southern adjoining property (13 Frew Street) has undergone additions and the area adjacent the common boundary (and associated windows) are predominantly non-habitable room uses (i.e. wet areas and bedroom storage). Further, a pool house and shed have been built on the northern boundary (refer below).

Relevant Council Wide Provisions	Assessment
	 <ul style="list-style-type: none"> • Given the site circumstances, minimal visual impact as viewed from the southern adjoining property is envisaged and overshadowing of living room windows and open space will be minimal. • The proposed upper level will predominantly shadow roofed areas and the proposed boundary development will not worsen the available sunlight access (as it predominantly abuts existing boundary development).
PDC 19 & 20	<ul style="list-style-type: none"> • The available private open space is less than 20% of the subject site area, however given the siting of the existing dwelling the private open space amount considered acceptable. Further, the front area of the land is extensive and will provide a 'soft' landscape within the urban setting and opportunity for permeable areas.

12. CONCLUSION

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

- The proposed development conserves the heritage value of the Place and locates additions and alterations to the side and rear, avoiding detrimental impact to the original fabric and characteristic features;
- The proposed development is not at variance with the Desired Character or Objectives of the Residential Streetscape (Landscape) Zone and related Policy Area;
- The proposed development will have minimal impact upon the amenity of the neighbouring properties with respect to privacy, shadowing and visual amenity.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/170/2020/C2 at 11 Frew Street, Fullarton SA 5063 to 'Construct additions to existing Local Heritage Place including additions and garage to boundary, and upper level', 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:

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 demonstrating that the total stormwater volume requirement (detention and retention) for the development herein meets 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.

Conditions

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the upper floor windows be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
3. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

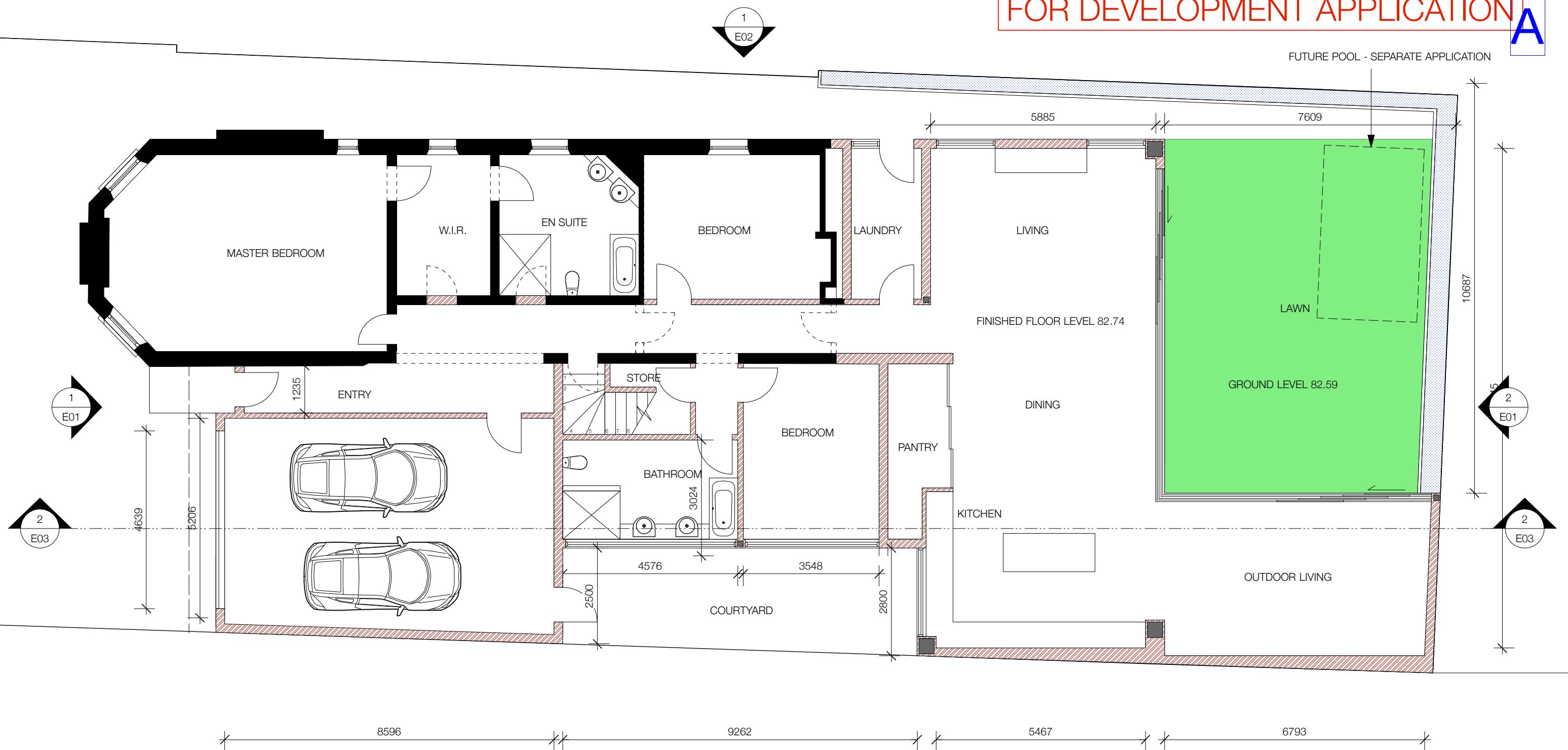
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should 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	Superseded Documents	Administration

ATTACHMENT A

FOR DEVELOPMENT APPLICATION

A



LEGEND
NEW LAWN
EXISTING HERITAGE PART OF PROPERTY
WALLS + DOORS TO BE REMOVED
NEW WALLS - GENERALLY MASONRY WITH RENDER FINISH TO EXTERIOR
NEW GARDEN BEDS
NEW STRUCTURAL COLUMN - FINAL LOCATION TO BE CONFIRMED

NOTES

AMENDMENTS
 A 18.03.20 For DA
 B 14.04.20 For DA
 C 24.04.20 For DA (UPDATE)

PO Box 3101 Melbourne St North Adelaide SA 5006
 T 08 7221 3174 E info@glasgowhart.com.au
 Glasgow Hart Pty Limited ABN 37 116 010 907

GlasgowHart

PROJECT
Paley House
11 Frew Street Fullarton

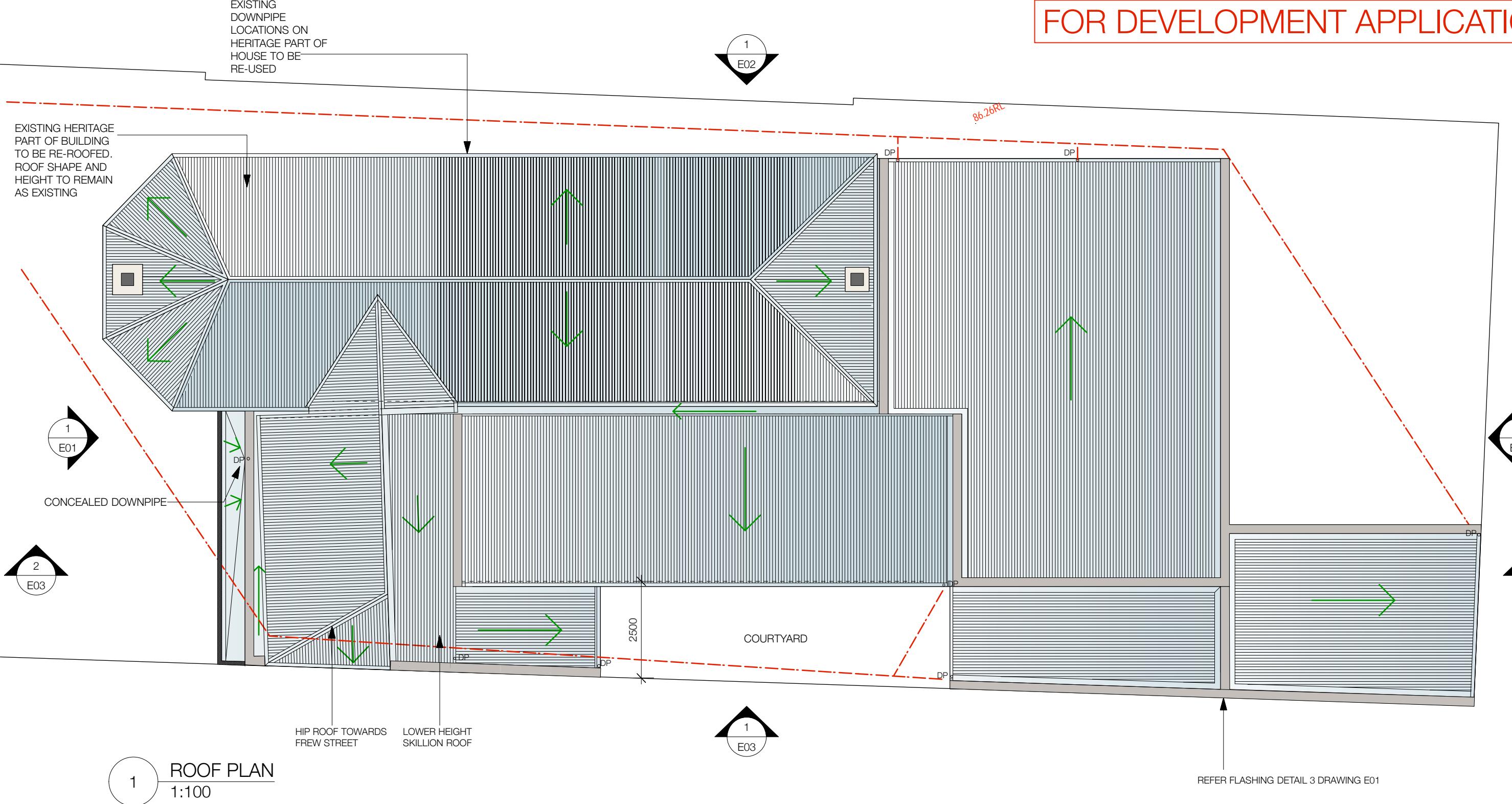
DRAWING		
GROUND FLOOR PLAN		
DATE	SCALE	NUMBER
JAN 2020	1: 100@A3	737.A02



C

FOR DEVELOPMENT APPLICATION

A



LEGEND
LOCATION OF NEW SUB GROUND STORMWATER LINES. ALL DOWNPipes TO CONNECT TO THESE LINES
COLORBOND - WOODLAND GREY SHEETING TO ALL ROOVES, FLASHINGS, GUTTERS AND DOWNPipes
PARAPET WALLS IN RENDER AND PAINT FINISH. DULUX CLASSIC COOL
PAINTED PFC EDGE TO AWNING OVER GARAGE DOOR. DULUX BLACK
→ FALL DIRECTION OF ROOF

NOTES

Page 318 of 619

AMENDMENTS
A 18.03.20 For DA
B 24.06.20 For DA (UPDATE)

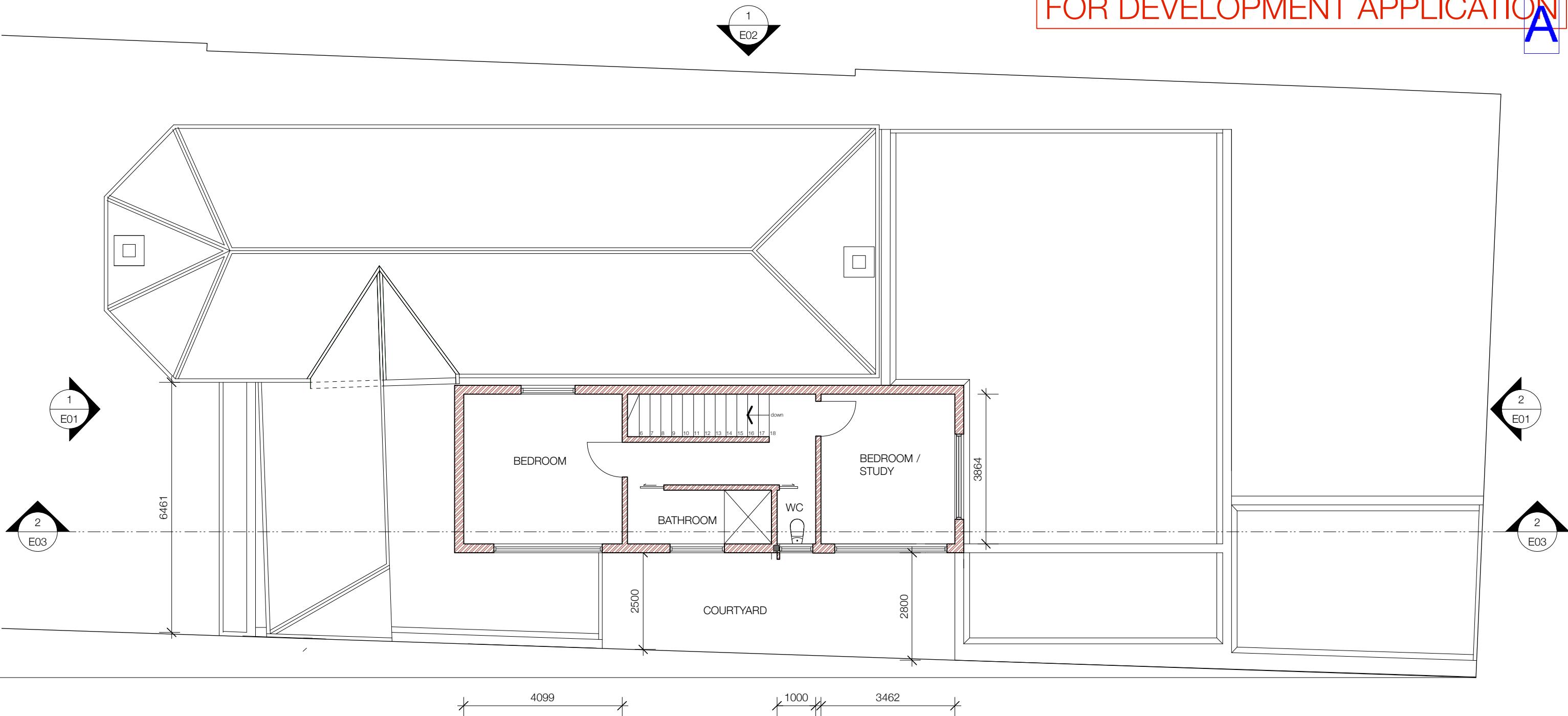
It is intended that the drawings represent the visual design of the work. Any technical details are for outline purposes only. The contractor/manufacturer must separately provide all necessary technical diagrams or calculations for compliance with any relevant industry or safety standards or regulations or by-laws. Check dimensions on site. Use figured dimensions not scaled. Check for latest revision issue. Copyright of this drawing is vested with GlasgowHart.

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GlasgowHart

PROJECT
Paley House
11 Frew Street Fullarton

DRAWING	ROOF PLAN		NORTH
DATE	SCALE	NUMBER	REVISION
JAN 2020	1: 100@A3	737.A04	B



1 FIRST FLOOR PLAN
1:100

LEGEND

NEW WALLS - GENERALLY MASONRY WITH RENDER FINISH TO EXTERIOR

NEW STRUCTURAL COLUMN - FINAL LOCATION TO BE CONFIRMED

NOTES

AMENDMENTS

A 18.03.20 For DA
B 24.06.20 For DA (UPDATE)

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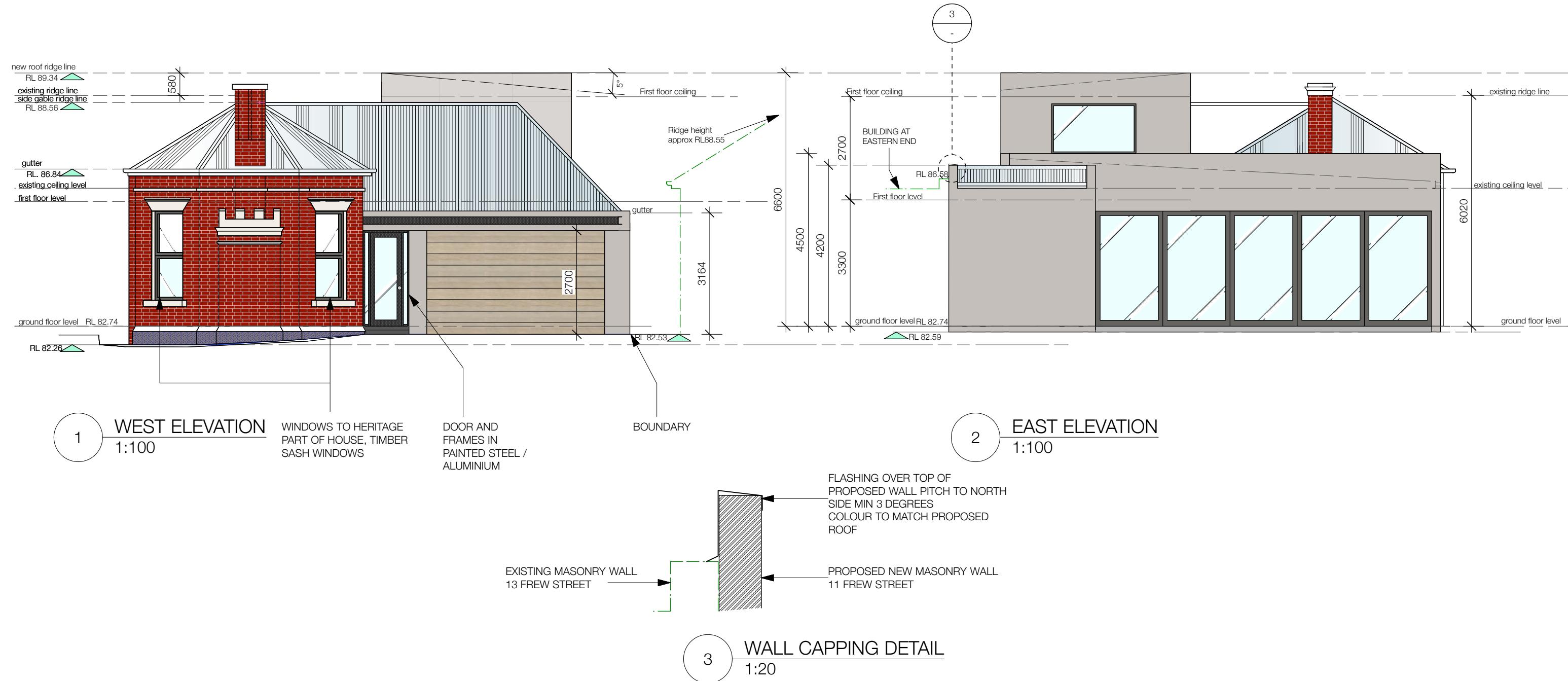
PROJECT
Paley House
11 Frew Street Fullarton

DRAWING
FIRST FLOOR PLAN



B

It is intended that the drawings represent the visual design of the work. Any technical details are for outline purposes only. The contractor/manufacturer must separately provide all necessary technical diagrams or calculations for compliance with any relevant industry or safety standards or regulations or by-laws. Check dimensions on site. Use figured dimensions not scaled. Check for latest revision issue. Copyright of this drawing is vested with GlasgowHart.



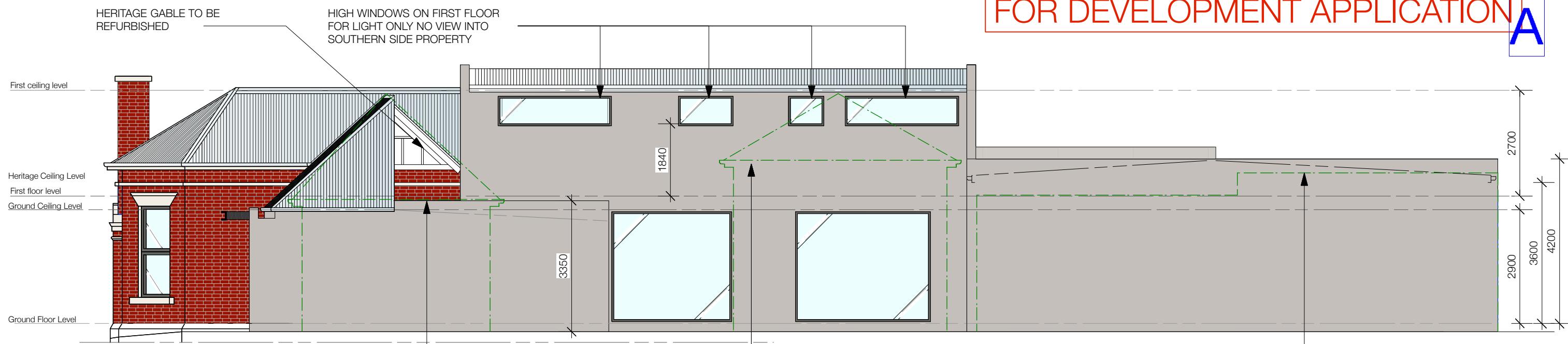
LEGEND	NOTES	AMENDMENTS	PROJECT
EXISTING BRICKS - EXPOSED	GARAGE DOOR AWNING EDGE AND FRONT DOOR FRAMING - DULUX BLACK	A 18.03.20 For DA B 14.04.20 For DA (ADJACENT BUILDINGS INCLUDED) C 24.04.20 For DA (UPDATE)	PO Box 3101 Melbourne St North Adelaide SA 5006 T 08 7221 3174 E info@glasgowhart.com.au Glasgow Hart Pty Limited ABN 37 116 010 907
PAINTED RENDER - DULUX CLASSIC COOL	ROOF, GUTTERS, DOWNPipes, FLASHINGS. COLORBOND - WOODLAND GREY		GlasgowHart
PAINTED MASONRY AND EAVES - DULUX ANTIQUE WHITE USA	GARAGE PANEL DOOR - TIMBER FINISH		Paley House 11 Frew Street Fullarton
WINDOW FRAMES - TO MATCH COLORBOND WOODLAND GREY	EXISTING LOWER MASONRY BELOW ANGLED CORBEL - EXISTING BLUESTONE TO REMAIN		DRAWING EAST + WEST ELEVATIONS DATE JAN 2020 SCALE 1: 100@A3 NUMBER 737.E01 REVISION B



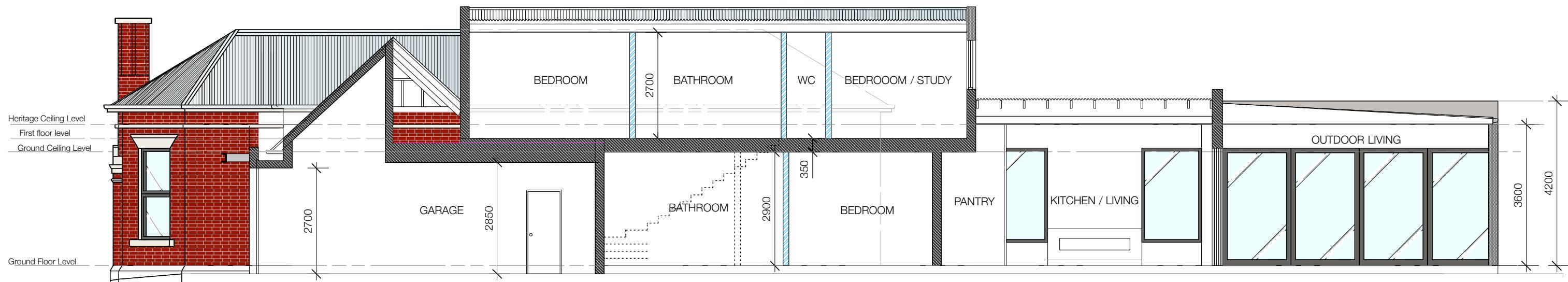
LEGEND	NOTES	AMENDMENTS	PROJECT
EXISTING BRICKS - EXPOSED	GARAGE DOOR AWNING EDGE AND FRONT DOOR FRAMING - DULUX BLACK	A 18.03.20 For DA B 24.06.20 For DA (UPDATE)	PO Box 3101 Melbourne St North Adelaide SA 5006 T 08 7221 3174 E info@glasgowhart.com.au Glasgow Hart Pty Limited ABN 37 116 010 907
PAINTED RENDER - DULUX CLASSIC COOL	ROOF, GUTTERS, DOWNPipes, FLASHINGS. COLORBOND - WOODLAND GREY		GlasgowHart
PAINTED MASONRY AND EAVES - DULUX ANTIQUE WHITE USA	GARAGE DOOR - TIMBER FINISH		Paley House 11 Frew Street Fullarton
WINDOW FRAMES - TO MATCH COLORBOND WOODLAND GREY	EXISTING LOWER MASONRY BELOW ANGLED CORBEL - EXISTING BLUESTONE TO REMAIN	It is intended that the drawings represent the visual design of the work. Any technical details are for outline purposes only. The contractor/manufacturer must separately provide all necessary technical diagrams or calculations for compliance with any relevant industry or safety standards or regulations or by-laws. Check dimensions on site. Use figured dimensions not scaled. Check for latest revision issue. Copyright of this drawing is vested with GlasgowHart.	DRAWING NORTH ELEVATION DATE JAN 2020 SCALE 1: 100@A3 NUMBER 737.E02 REVISION B

FOR DEVELOPMENT APPLICATION

A



1 SOUTH ELEVATION
1:100

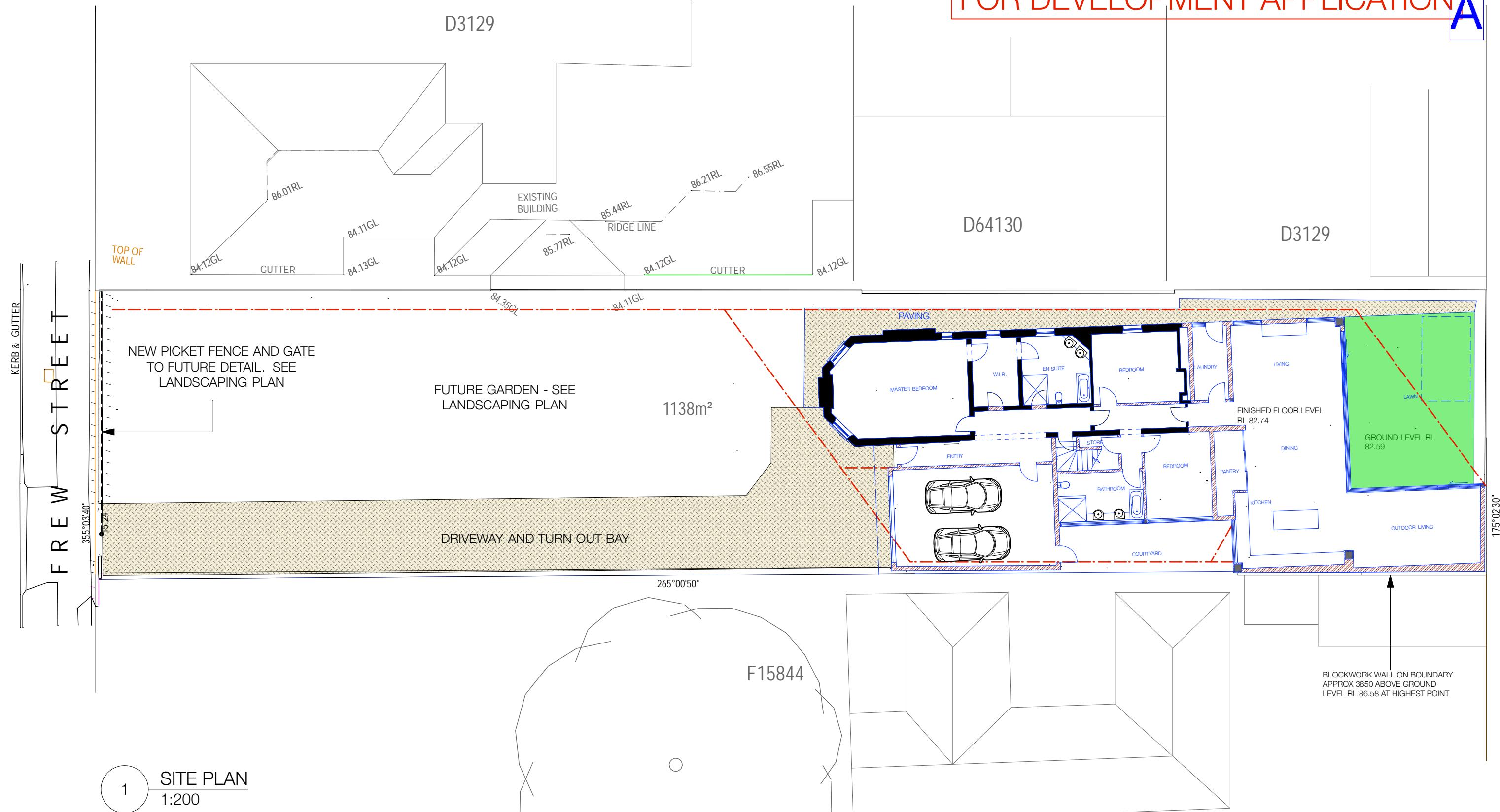


2 EAST - WEST SECTION
1:100

LEGEND	NOTES	AMENDMENTS	PROJECT
EXISTING BRICKS - EXPOSED	GARAGE DOOR AWNING EDGE AND FRONT DOOR FRAMING - DULUX BLACK	A 18.03.20 For DA B 14.04.20 For DA (ADJACENT BUILDINGS INCLUDED) C 24.04.20 For DA (UPDATE)	PO Box 3101 Melbourne St North Adelaide SA 5006 T 08 7221 3174 E info@glasgowhart.com.au Glasgow Hart Pty Limited ABN 37 116 010 907 GlasgowHart
PAINTED RENDER - DULUX CLASSIC COOL	ROOF, GUTTERS, DOWNPipes, FLASHINGS, COLORBOND - WOODLAND GREY		
PAINTED MASONRY AND EAVES - DULUX ANTIQUE WHITE USA	GARAGE DOOR - TIMBER FINISH		
WINDOW FRAMES - TO MATCH COLORBOND WOODLAND GREY	EXISTING LOWER MASONRY BELOW ANGLED CORBEL - EXISTING BLUESTONE TO REMAIN	It is intended that the drawings represent the visual design of the work. Any technical details are for outline purposes only. The contractor/manufacturer must separately provide all necessary technical diagrams or calculations for compliance with any relevant industry or safety standards or regulations or by-laws. Check dimensions on site. Use figured dimensions not scaled. Check for latest revision issue. Copyright of this drawing is vested with GlasgowHart.	DRAWING SOUTH ELEVATION + SECTION DATE JAN 2020 SCALE 1: 100@A3 NUMBER 737.E03 REVISON C

FOR DEVELOPMENT APPLICATION

A



LEGEND
NEW LAWN OR PERMEABLE GARDEN SPACE
HARD SURFACE, FOR DRIVEWAY AND PAVING
NEW STORMWATER LINES
ADJACENT BUILDINGS

NOTES

AMENDMENTS

- A 18.03.20 For DA
- B 14.04.20 For DA (ADJACENT BUILDINGS INCLUDED)
- C 24.04.20 For DA (UPDATE)

PO Box 3101 Melbourne St North Adelaide SA 5006
T 08 7221 3174 E info@glasgowhart.com.au
Glasgow Hart Pty Limited ABN 37 116 010 907

GlasgowHart

PROJECT
Paley House
11 Frew Street Fullarton

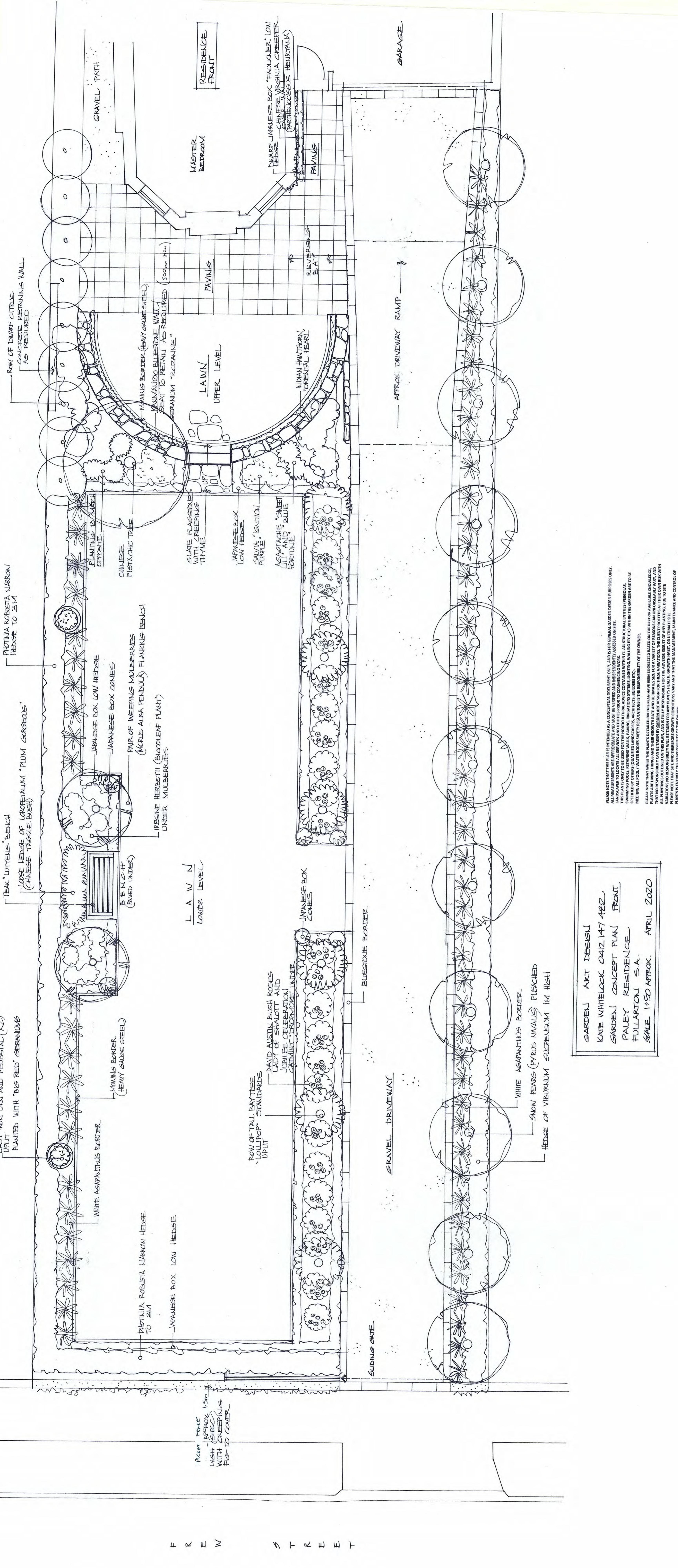
DRAWING

SITE PLAN

NORTH



DATE	SCALE	NUMBER	REVISION
JAN 2020	1: 100@A3	737.A00	C



PLEASE NOTE THAT THIS PLAN IS INTENDED AS A CONCEPTUAL DOCUMENT ONLY, AND IS FOR GENERAL GARDEN DESIGN PURPOSES ONLY.
 ALL MEASUREMENTS ARE APPROXIMATE AND MUST BE VERIFIED AND INDEPENDENTLY ASSESSED ON SITE.
 LANDSCAPE TO LOCATE ALL SERVICES AND UTILITIES PRIOR TO COMMENCING WORK.
 SWIMMING POOL, RAMPING, ETC. SWIMMING POOL AREA TO BE CONTAINED WITHIN THE ABOVE INDICATED AREA.
 ALL STRUCTURAL ENTITIES (PERGOLAS, SWIMMING POOL / WATER FEATURES, ETC) WITHIN THE GARDEN ARE TO BE
 MEETING ALL POOL / WATER FEATURES SAFETY REGULATIONS IS THE RESPONSIBILITY OF THE OWNER.
 BUILDERS ETC.
 PLEASE NOTE THAT WHILE THE PLANTS DETAILED ON THE PLAN ARE APPROXIMATELY AS PLANTED, THE GROWTH RATE AND ULTIMATE SIZE FOR VARIETY OF PLANTS CAN BE SIGNIFICANTLY DIFFERENT.
 THAT NO RESPONSIBILITY CAN BE TAKEN BY GARDEN ART DESIGN FOR THESE VARIATIONS. THE CLIENT PROCEEDS AT THEIR OWN RISK WITH
 ALL PLANTINGS OUTLINED ON THE PLAN, AND FULLY RESPONSIBLE FOR THE ADVISED RESULT OF ANY PLANTING, DUE TO SITE
 PLEASE NOTE THAT SITE AND THEREFORE GROWTH CONDITIONS MAY AFFECT THE MANAGEMENT / MAINTENANCE AND CONTROL OF
 PLANTS IS ENTIRELY THE RESPONSIBILITY OF THE OWNER.

GARDEN ART DESIGN
 KATE WHITELOCK 042 147 482
 GARDEN CONCEPT PLAN FRONT
 PALEY RESIDENCE
 FULLARTON SA.
 SCALE 1:50 APPROX.
 APRIL 2020



A

21 June - 9 am

A



21 June - 12 pm



A

21 June - 3 pm

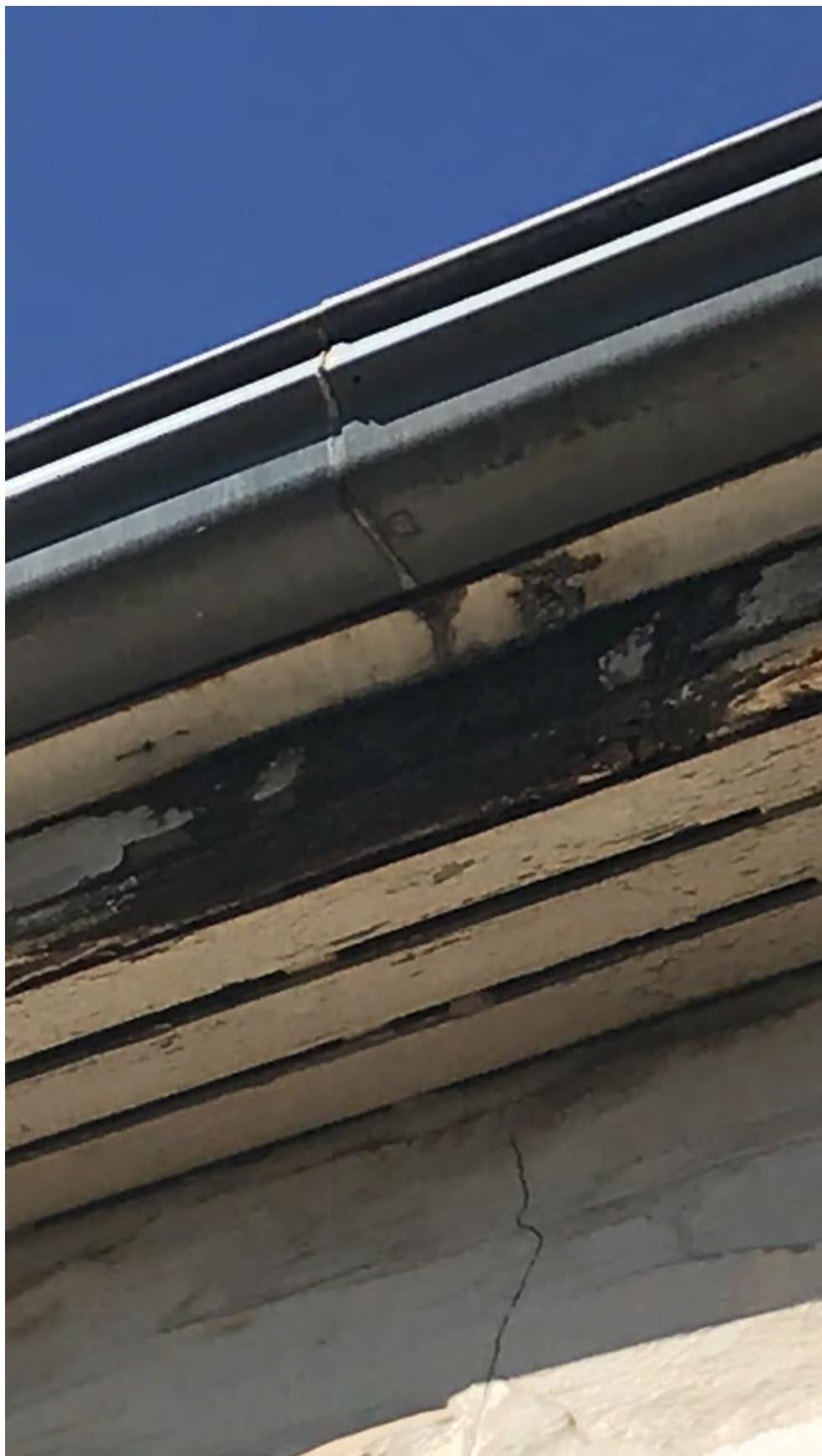
Updated Plans

- Please refer attached updated plans and elevations to consider all items in the Planning assessment

Conservation Works:

Conservation Works:	Methodology / Proposed Conservation Approach:
1. Remove Paint Off Brickwork (As Per Proposed Planning Documents):	<ul style="list-style-type: none"> • Test for lead paint has been completed – No lead detected • Apply Dumond Smart Strip at recommended thickness using a spatula • Apply Dumond laminated paper and remove any air pockets • Leave for 24 - 72 hours depending on thickness of coating to be removed • Use scraper to remove coatings and product • Agitate surface with a stiff nylon bristle brush • Wipe clean with a nylon scrubbing pad and water • A light wash by hand to remove any further loose paint flakes • https://youtu.be/CGInyD3zHIU
2. Replace the external (non-heritage) aluminium windows with timber sash windows	<ul style="list-style-type: none"> • All existing window openings to remain exactly the same size. • All existing exposed lintels and framework to remain • Install timber sash windows into existing opening with clear glass (two equal glass panels per window). Windows to be painted as per Planning documents
3. Fascia / Soffits	<ul style="list-style-type: none"> • Test for lead paint has been completed – No lead detected • Allow to sand back all existing fascia and soffits and paint in accordance with the Planning documents. There is localized water damage which requires repair and replacement (please refer attached photo example). The existing fascia is 240 x 40mm and will be replaced where damaged with a hardwood timber cut to the same size with a seamless join.
4. Keep the existing original feature ceiling – Front Room	<ul style="list-style-type: none"> • Maintain the existing feature timber ceiling in the front room – It's beautiful! (Photo attached)
5. Bluestone footings / base of external walls	<ul style="list-style-type: none"> • The existing condition of the bluestone footings and base of external walls are in great condition. The bluestone has not been painted and will be wiped over with a soft brush and warm water upon project completion.
6. External cracking	<ul style="list-style-type: none"> • There is a few hairline cracks on the external part of the building but in general the building is in fantastic condition and they are not structural. There is no proposed work to repair any hairline cracking

A





A



A



ATTACHMENT B

REPRESENTATION Category 2 (Page 1)

To: Amy Barratt, City of Unley Development Section

Please read these notes carefully:

1. Both pages MUST be completed in full and returned to the City of Unley by the closing date to be a valid representation.
2. This page (ie Page 1) will NOT be published on the internet.
3. Pages 1 and 2 (and any attachments) may be included as attachments in the hard copy of the Council Assessment Panel agenda.
4. Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and attachments) will be forwarded to the Applicant for consultation and response.

The **closing date** for Representations is **5pm on 1 May 2020**.

Application: 090/170/2020/C2 11 Frew Street, Fullarton SA 5063

Details of Person(s) making Representation:

Name:

Postal Address:

EMAIL ADDRESS:

Daytime Phone No.

**Property affected
by Development**

CHARLES SAVAGE

(Signature)

01/05/2020

(Date)

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 1 May 2020**.

Application:	090/170/2020/C2 11 Frew Street, Fullarton SA 5063
Property affected by Development	13 FREW STREET FULLARTON

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

My concerns (if any) could be overcome by:

ADDRESSING THE ISSUES MENTIONED IN LETTER

I 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.)

1 May 2020

Amy Barratt

City of Unley

To Amy

I write to you in regard to the proposed works at 11 Frew Street Fullarton.

I wish to make a representation, mainly due to further information required, along with confirmation of the following items:

- sun shading diagrams with date and time shown (currently I cannot tell what month or time of day it is)
- note that all windows to southern boundary to have window sill to no less than 1800
- new driveway levels - are they remaining? no new fencing or retaining?
- details around new parapet to rear living (height and waterproofing up against your my office in north east corner of block)

Potential changes to discuss:

- 4.1m high wall from FFL to wall on boundary
- garage wall length is 8m (can this be reduced in length - note this is starting in line with my sons bedroom and finishing around bathroom wall line approx)
- upper wall is almost 7m from high from natural ground (the stair and bedrooms look like they can move north on the block half a metre to create bigger setback?) (or upper bedrooms to be reduced in size)
- possibly reduce upper ceiling level to 2400 or raked down from 2700 to 2400 to allow more light in (again it is hard to say without accurate sun shading diagrams)
- parapet to kitchen is so high due to roof pitching down to north (this could be reduced if falling other way - this would allow for shorter wall height to allow more light into lawn area where pool equipment is)

If I could get clarification around these issues I am happy to discuss with you or the client direct in addressing the potential changes

Thank you



REPRESENTATION Category 2 (Page 1)**To: Amy Barratt, City of Unley Development Section****Please read these notes carefully:**

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2. This page (ie Page 1) will NOT be published on the internet.
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The **closing date** for Representations is **5pm on 1 May 2020**.

Application: 090/170/2020/C2 11 Frew Street, Fullarton SA 5063

Details of Person(s) making Representation:**Name:****Postal Address:****EMAIL ADDRESS:****Daytime Phone No.****Property affected
by Development**

(Signature)

20/4/20

(Date)



REPRESENTATION Category 2 (Page 2)

To: Amy Barratt, City of Unley Development Section

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The closing date for Representations is **5pm on 1 May 2020**.

Application:	090/170/2020/C2 11 Frew Street, Fullarton SA 5063
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.)

Some additional notes: whilst the proposed plan looks to be tasteful and of a high standard there are some other concerns we have had about the actual work being done:

(1) There was no consideration given to the properties and occupants of the northern side of the block at 11 Frew Street. We had to endure a lengthy period where all the dirt and debris was shifted in the jaws of a large machine and at such a height that our properties (both outside and inside) and our air conditioning units were covered in the dust.

My concerns (if any) could be overcome by:

(2) Work on 11 Frew Street occurred all this (lost weekend Sunday) and into the evening using lights to work by. We had to again endure loud machinery, talking, loud radios blaring out on our Saturday and Sunday. Accordingly, we request a lot more care and consideration during the building process.

I WISH TO BE HEARD
I 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 do however consider the building has been carefully designed to meet the heritage requirements and to a very high standard that will fit in the area very well. We look forward to the new owners reestablishing a high standard garden at the front. It was a pity that all the high quality mature trees that took many decades to grow were all removed.

ATTACHMENT C



26 June 2020

T 08 8271 7944
Suite 15, 188 Greenhill Road
EASTWOOD SA 5063

ABN 54 159 265 022
ACN 159 265 022

City of Unley
ATT: Amy Barratt
PO Box 1
UNLEY SA 5061

By Email

Dear Amy

RE: 090/170/2020/C2– 11 FREW STREET, FULLARTON

I understand that pursuant to Section 38 of the *Development Act* Council has undertaken public notification in relation to the proposal to construct dwelling additions and alterations to the Local Heritage Place at 11 Frew Street, Fullarton.

I confirm that the applicant has requested my opinion on the points raised in the sole representation received by Council (from the owner of 13 Frew Street, Fullarton), and in particular whether any of the items mentioned affect the planning merit of the development.

On review of the representation the applicant has amended the proposed development and provided me with (hereby enclosed):

- (a) amended planning drawings (dated variously 24.04.20 and 24.06.20 – 7 sheets) incorporating:
 - a 430 mm increase in the set back of the upper level from the southern boundary (now 2500 mm and 2800 mm (due to the angle of the boundary);
 - as a consequence, the repositioning of the corresponding lower level wall has increased the width of the ground level courtyard to 2500 mm and 2800 mm (due to the angle of the boundary);
 - the roof truss above the garage has been halved so as to retain the pitched roof presentation to the street, while creating a void to increase solar access for the adjoining land and buildings;
 - the on-boundary garage wall has been reduced in height to 3164 mm, down from approximately 3600 mm;
 - retention of the garage façade verandah and box gutter detail (as designed by Council's heritage adviser) which has resulted in the garage wall being sited 500 mm closer to the street frontage; and
 - adjustment of the roof design/direction above the “outdoor living” room so as to enable the parapet wall height to reduce to 4200 mm (down from 4500 mm);
- (b) amended shadow diagrams for 21 June at 9 am, 12 pm and 3 pm; and
- (c) landscaping plan and picket fence details for the “front yard”.

Upon review of the representation, some items of confirmation were initially sought, and in response I advise:

- the shadow diagrams have been re-issued and pertain to 21 June at 9 am, 12 pm and 3 pm;
- all south facing upper level windows have a sill height set at 1840 mm above the FFL (1800 mm sought);
- existing side boundary fencing is to be retained for the purposes of the development application and the gravel driveway levels are to adhere as closely as possible to the existing levels; and
- the roof layout (per Sheet 737.A04) and the wall capping detail (per Sheet 737.E01) illustrate the means by which roof water will be managed so as to avoid ingress onto adjoining land, while Sheet 737.E01 also highlights the relative roof level of the adjoining structure located on the boundary common with 13 Frew Street, Fullarton.

In relation to specific “potential changes” sought in the representation I paraphrase and respond as follows:

- (i) “4.1 m high wall from FFL to wall on boundary”

The wall on the boundary associated with the garage is now proposed to be 3164 mm in height, which responds favourably to the representation. In relation to the 4200 mm high wall associated with the kitchen/living and outdoor living rooms I note that this aligns with an existing outbuilding(s) positioned on the shared boundary. As noted on the planning drawings (and illustrated per Figure 1) the existing boundary wall constructed by the representor has a height of 3850 mm and is located alongside the proposed building work. Further discussion on this item is to follow.

- (ii) “garage length is 8 m – can this be reduced in length)

The proposed garage length is 8596 mm. Further discussion on this item is to follow.

- (iii) “upper level is almost 7 m high – can the set back be increased by a half a metre”

The upper level southern wall set back has been increased by 400 mm.

- (iv) “can the upper level ceiling height be reduced to allow more light in”

The ceiling heights have remained as proposed. Further discussion on this item is to follow.

- (v) “parapet to kitchen is high due to roof pitching to north – can this be reduced to allow more light in”

The parapet wall associated with the kitchen has remained as proposed. Further discussion on this item is to follow.

In relation to items (i) to (v) inclusive the representation “at its heart” reflects a concern that insufficient access to sunlight will be occur as a result of the development. In relation to the guidance provided by the Development Plan, the following is relevant (my underlining added):

Council Wide – Design and Appearance

PDC 2 Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:

- (a) the visual impact of the building as viewed from adjoining properties;
- (b) overshadowing of adjoining properties and allow adequate sunlight access to neighbouring buildings.

PDC 9 The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:
 (a) windows of habitable rooms;...

Council Wide – Energy Efficiency

PDC 2 Buildings should be sited and designed:

- (a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings;...

Council Wide – Residential Development

PDC 14 Dwellings sited on side boundaries (other than on secondary road frontages) should be located and limited in length and height to maintain visual amenity and allow adequate provision of natural light to adjacent properties (habitable room windows and private open space) and should be in accordance with the following parameters:

- (a) the same or lesser length and height dimensions of any abutting boundary wall;...
- (c) up to 3 metres above ground level and a maximum length of 9 metres (including all other attributable boundary walls) or 50 percent of the boundary length that is not forward of the dwelling, whichever is the lesser amount;...
- (e) not within 0.9 metres of a habitable room window of an adjacent dwelling.

PDC 41 Development should allow direct winter sunlight access to adjacent residential properties and minimise the overshadowing of:

- (a) living room windows, wherever practicable;
- (b) the majority of private open space areas, communal open space and upper level balconies that provide the primary open space provision;...
 or where such affected areas are already shaded, the additional impact should not significantly worsen the available sunlight access.

Again, it is relevant to review Figure 1 when considering the Development Plan in the context of the adjoining land and buildings to the south.



Figure 1: Proposed Dwelling Additions and Alterations and Adjoining Land and Buildings

Turning firstly to the visual amenity of the proposed outdoor living and kitchen/living portion of the dwelling additions it is apparent that the wall on boundary is commensurate with the wall that currently exists (see Figure 2).



Figure 2: Existing Wall on Boundary Common with 13 Frew Street, Fullarton

It is apparent that this portion of the proposed development is consistent with CWPDC 14 which envisages that “dwellings sited on side boundaries... should be located and limited in length and height to... the same or lesser length and height dimensions of any abutting boundary wall”.

Additionally, on review of the shadow diagrams it is apparent that the shadow cast by the low pitch roof and parapet walls will “fall” on shadow which is already occurring on the adjoining land and buildings at 13 Frew Street, Fullarton.

In relation to the visual and shadow impacts of the proposed garage wall, I understand from (i) review of aerial imagery, (ii) my site inspection, (iii) review of real estate sales information and (iv) a discussion with Council that:

- the former north facing courtyard associated with 13 Frew Street Fullarton was the subject of a development application which has resulted in the area being “built in” so as to accommodate “non-habitable rooms (namely a bathroom and laundry)”; and
- the adjacent bedroom (i.e. the room located at the north-western corner of 13 Frew Street, Fullarton) incorporates an obscure glazed window (see Figure 4) which is adjacent a walk in robe which has subsequently been separated from the habitable room by the inclusion of a nib wall (see Figure 3).

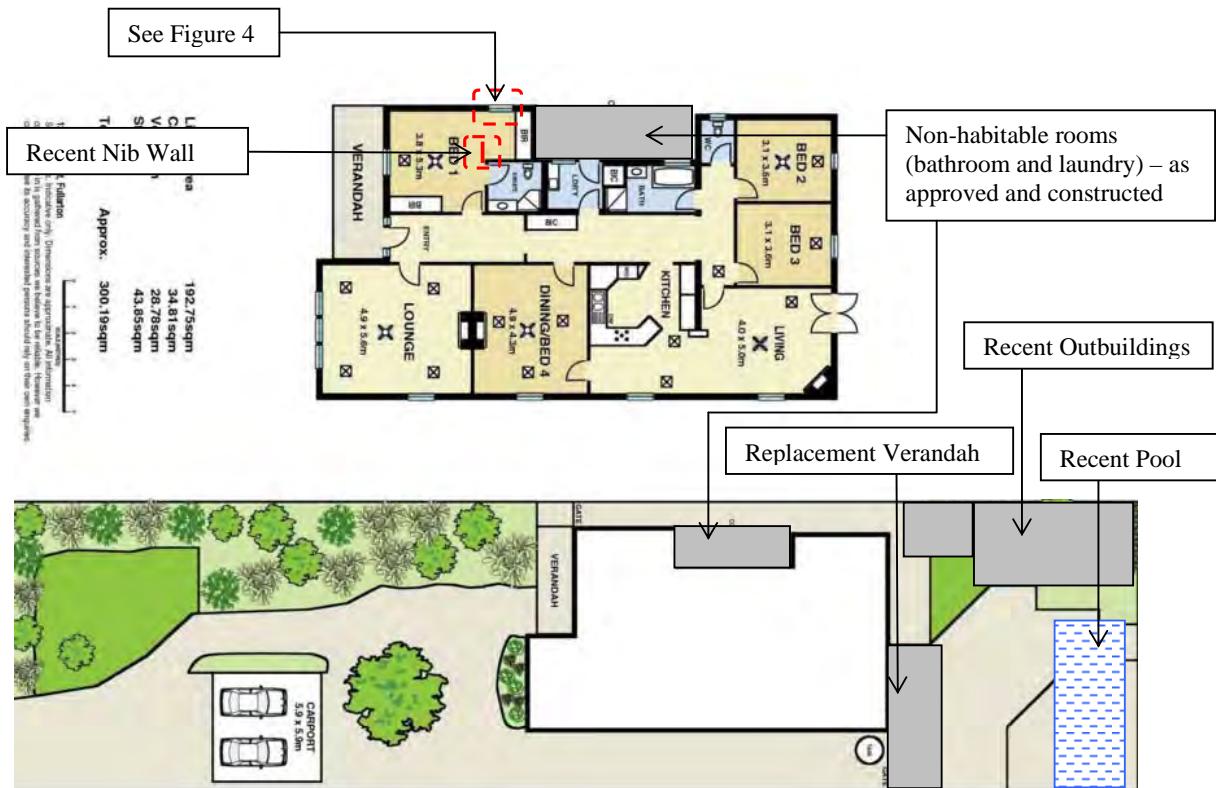


Figure 3: Site and Floor Plan of 13 Frew Street, Fullarton (not to scale)



Figure 4: North Facing Obscure Glazed Window of 13 Frew Street, Fullarton

As a consequence no north facing windows are associated with habitable rooms or “main activity areas”, noting also that the adjacent bedroom incorporates a street/west facing window to service the light and ventilation needs of the room. It follows that the proposed garage wall does not offend the Development Plan provisions as previously noted.

Finally, and for completeness, I note that the length of the garage wall is less than 9 m as per CWPDC 14 and although it is greater than 3 m in height (i.e. 3164 mm) it is apparent that the height does not create visual or shadow related impacts. Additionally, it is clearly less than 50% of the length of the side boundary, while I understand that the window per Figure 4 is located 900 mm from side boundary (in accordance with the BCA).

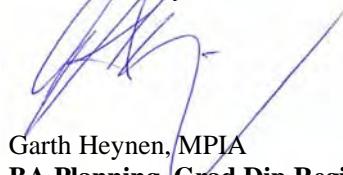
Having regard to the above I am of the opinion that proposed boundary walls and upper level walls are consistent with the relevant provisions of the Development Plan.

Accordingly, I am of the opinion that the development as amended and herein attached allows adequate levels of access to natural light to the neighbouring building, while also ensuring no detrimental impact arises in relation to the private open space of the representors land. Likewise, no unreasonable visual impacts arise from the development. In closing, I am of the view that the proposed dwelling additions and alterations appropriately consider and address the representation.

I welcome discussion in relation to my comments, if you so require, otherwise should the occasion arise to speak before the CAP, the applicant and/or representative would welcome this opportunity.

On behalf of the applicant I request that the application be scheduled for the next available CAP meeting.

Yours faithfully



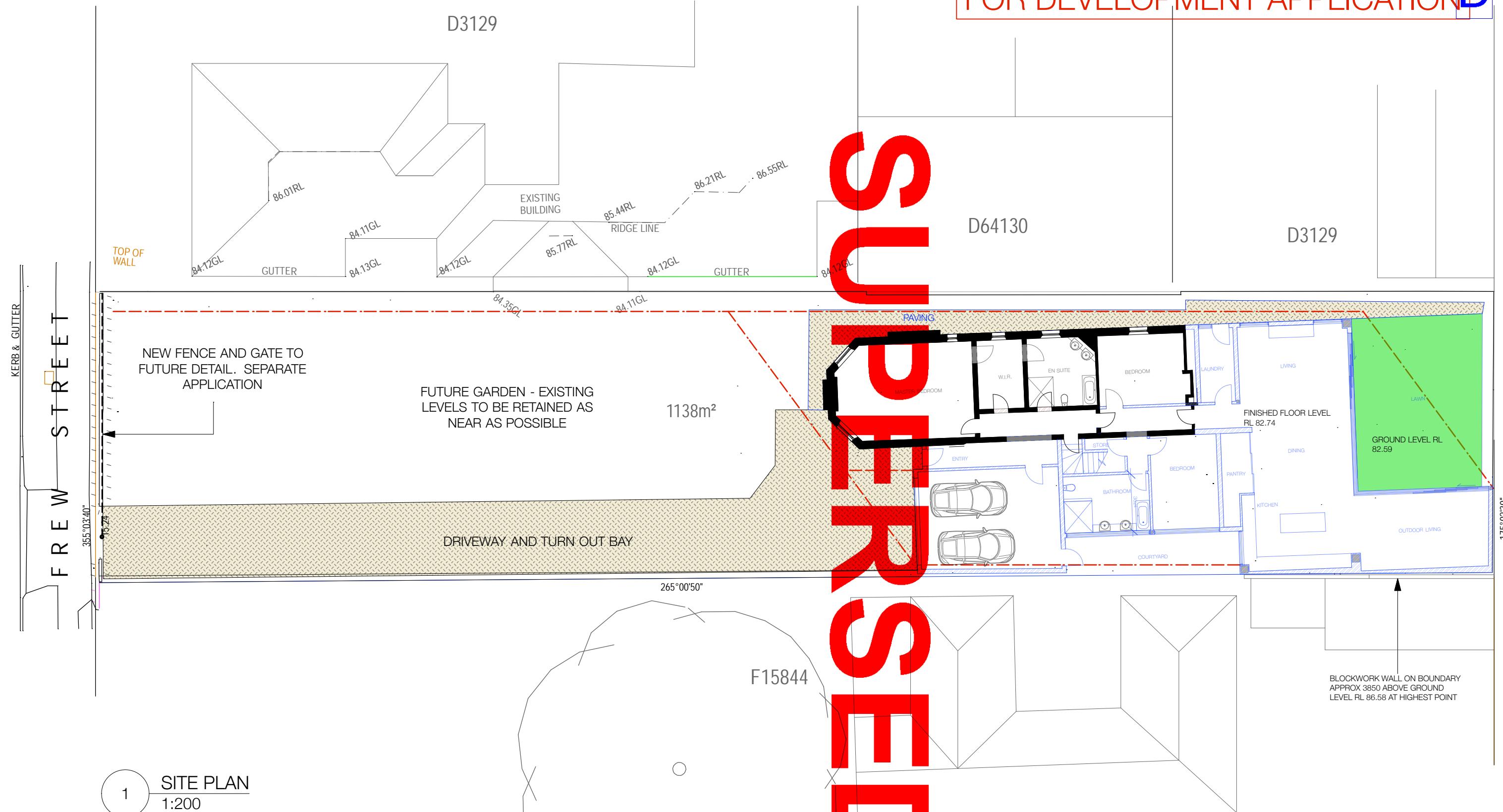
Garth Heynen, MPIA
BA Planning, Grad Dip Regional & Urban Planning, Grad Dip Property

cc. Mr W Paley, by email

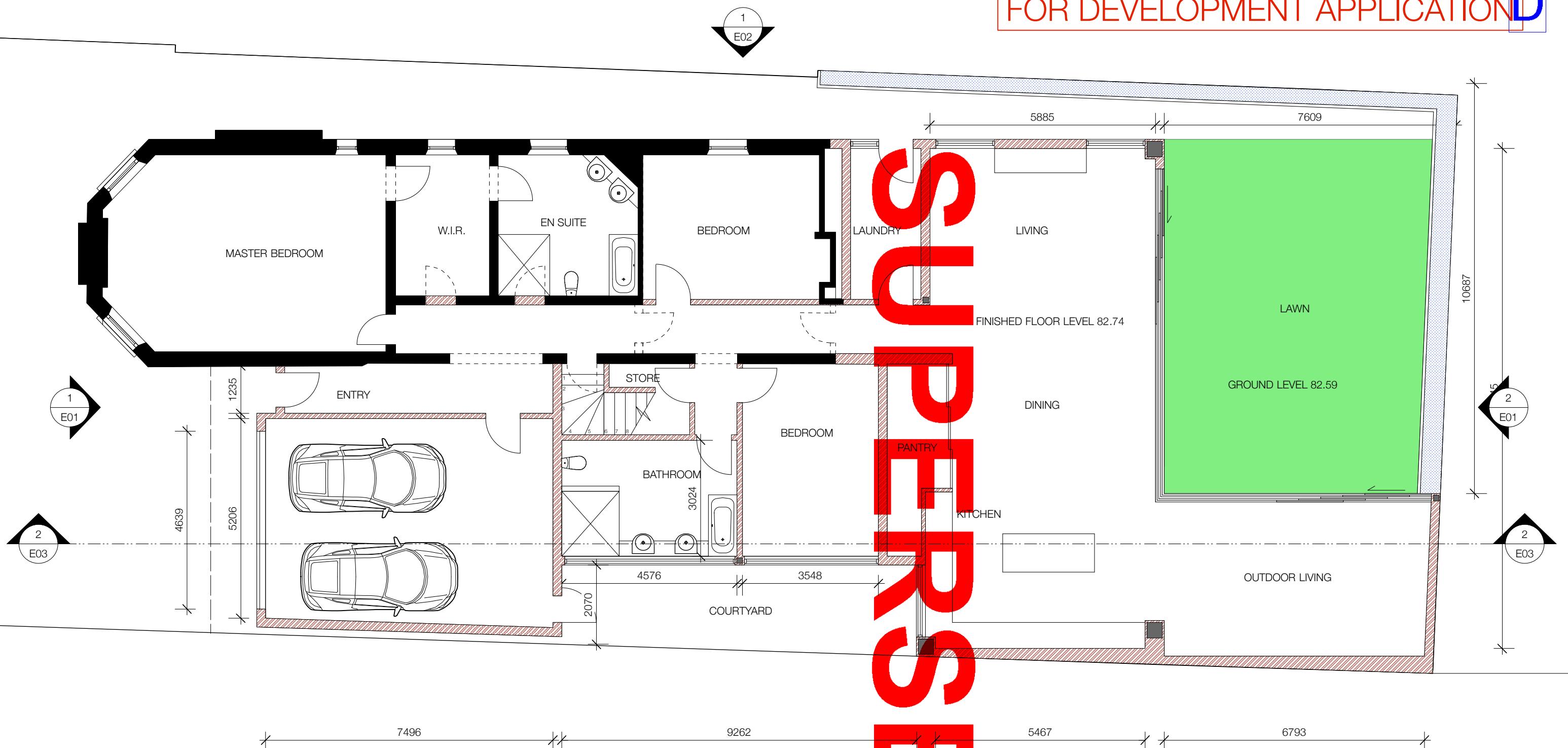
Enc. Amended Planning Drawings (GlasgowHart, 7 sheets, dated 24.04.20 and 24.06.20)
Landscaping Plan, (Garden Art Design), 1 sheet, dated April 2020
Shadow Diagrams, undated

ATTACHMENT D

FOR DEVELOPMENT APPLICATION D



LEGEND	NOTES	AMENDMENTS	PROJECT
NEW LAWN OR PERMEABLE GARDEN SPACE		A 18.03.20 For DA B 14.04.20 For DA (ADJACENT BUILDINGS INCLUDED)	PO Box 3101 Melbourne St North Adelaide SA 5006 T 08 7221 3174 E info@glasgowhart.com.au Glasgow Hart Pty Limited ABN 37 116 010 907
HARD SURFACE, FOR DRIVEWAY AND PAVING			GlasgowHart
NEW STORMWATER LINES			
ADJACENT BUILDINGS			
		<small>It is intended that the drawings represent the visual design of the work. Any technical details are for outline purposes only. The contractor/manufacturer must separately provide all necessary technical diagrams or calculations for compliance with any relevant industry or safety standards or regulations or by-laws. Check dimensions on site. Use figured dimensions not scaled. Check for latest revision issue. Copyright of this drawing is vested with GlasgowHart.</small>	
			SITE PLAN
			DATE: JAN 2020 SCALE: 1: 100@A3 NUMBER: 737.A00 REVISION: B



1 GROUND FLOOR PLAN
1:100

LEGEND
NEW LAWN
EXISTING HERITAGE PART OF PROPERTY
WALLS + DOORS TO BE REMOVED
NEW WALLS - GENERALLY MASONRY WITH RENDER FINISH TO EXTERIOR
NEW GARDEN BEDS
NEW STRUCTURAL COLUMN - FINAL LOCATION TO BE CONFIRMED

AMENDED PLAN / DOCUMENT
DATE: 15/04/2020

NOTES

AMENDMENTS
A 18.03.20 For DA
B 14.04.20 For DA

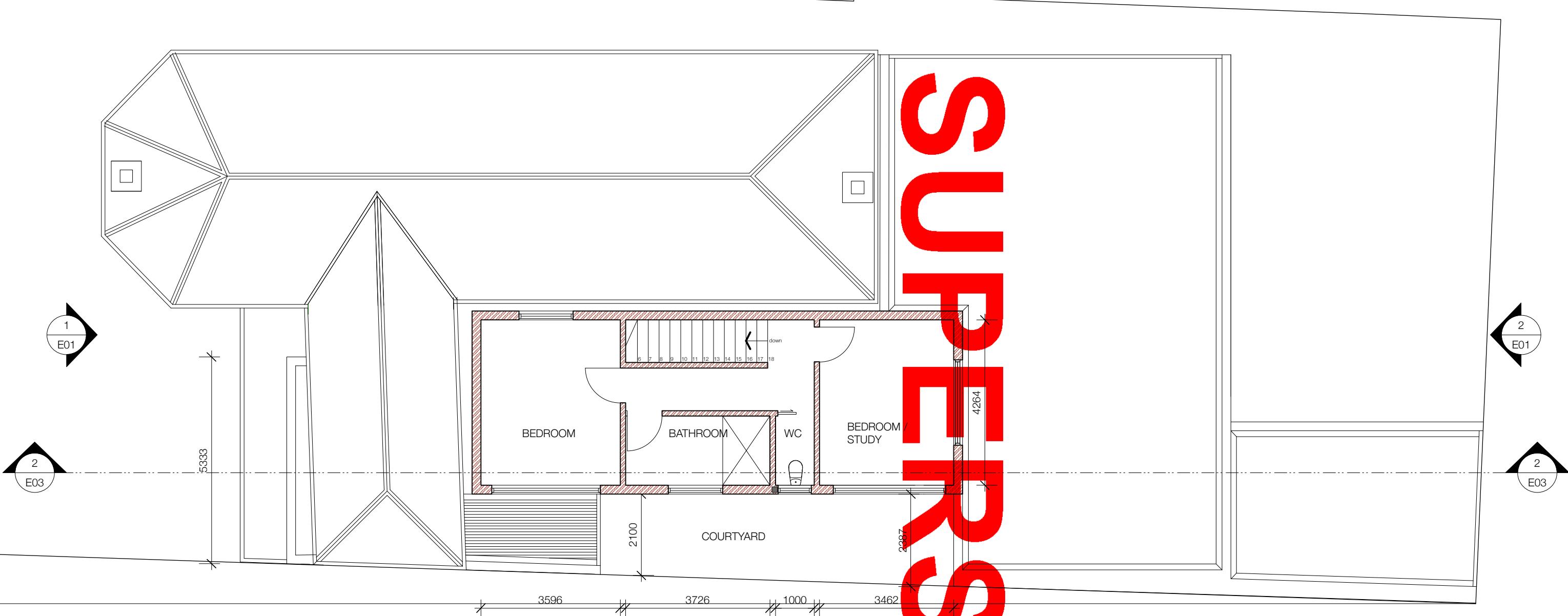
It is intended that the drawings represent the visual design of the work. Any technical details are for outline purposes only. The contractor/manufacturer must separately provide all necessary technical diagrams or calculations for compliance with any relevant industry or safety standards or regulations or by-laws. Check dimensions on site. Use figured dimensions not scaled. Check for latest revision issue. Copyright of this drawing is vested with GlasgowHart.

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Glasgow Hart Pty Limited ABN 37 116 010 907

GlasgowHart

PROJECT
Paley House
11 Frew Street Fullarton

DRAWING	GROUND FLOOR PLAN			NORTH
DATE	SCALE	NUMBER	REVISION	
JAN 2020	1: 100@A3	737.A02	B	

1
E02

1 FIRST FLOOR PLAN 1:100

LEGEND

NEW WALLS - GENERALLY MASONRY WITH RENDER FINISH TO EXTERIOR

NEW STRUCTURAL COLUMN - FINAL LOCATION TO BE CONFIRMED

NOTES

AMENDMENTS
A Date Reason for IssuePO Box 3101 Melbourne St North Adelaide SA 5006
T 08 7221 3174 E info@glasgowhart.com.au
Glasgow Hart Pty Limited ABN 37 116 010 907**GlasgowHart**PROJECT
Paley House
11 Frew Street FullartonDRAWING
FIRST FLOOR PLANDATE
JAN 2020 | SCALE
1: 100@A3 | NUMBER
737.A05 | REVISION
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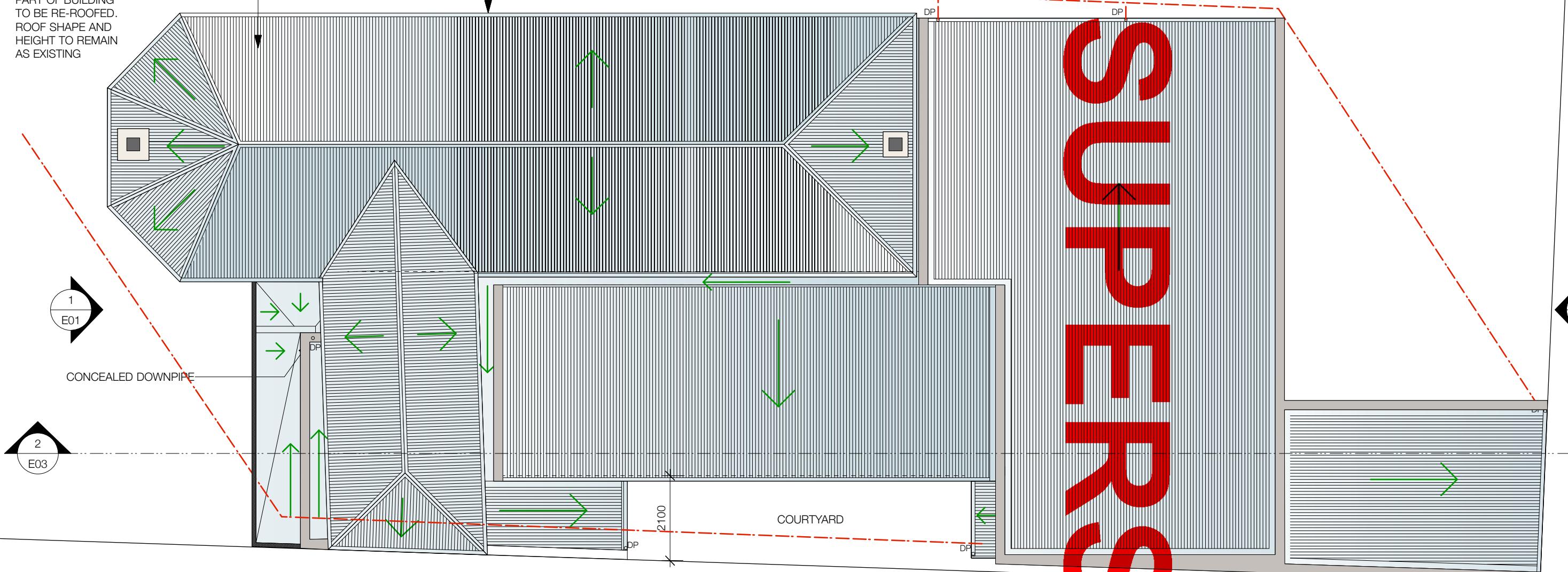
It is intended that the drawings represent the visual design of the work. Any technical details are for outline purposes only. The contractor/manufacturer must separately provide all necessary technical diagrams or calculations for compliance with any relevant industry or safety standards or regulations or by-laws. Check dimensions on site. Use figured dimensions not scaled. Check for latest revision issue. Copyright of this drawing is vested with GlasgowHart.

FOR DEVELOPMENT APPLICATION

D

EXISTING
DOWNPIPE
LOCATIONS ON
HERITAGE PART OF
HOUSE TO BE
RE-USSED

EXISTING HERITAGE
PART OF BUILDING
TO BE RE-ROOFED.
ROOF SHAPE AND
HEIGHT TO REMAIN
AS EXISTING



1 ROOF PLAN
1:100

LEGEND
LOCATION OF NEW SUB GROUND STORMWATER LINES. ALL DOWNPipes TO CONNECT TO THESE LINES
GALVANISED ROOF SHEETING TO ALL ROOFS, FLASHINGS, GUTTERS AND DOWNPipes
PARAPET WALLS IN RENDER AND PAINT FINISH. DULUX CLASSIC COOL
PAINTED PFC EDGE TO AWNING OVER GARAGE DOOR. DULUX BLACK
→ FALL DIRECTION OF ROOF

NOTES

AMENDMENTS
A Date Reason for Issue

It is intended that the drawings represent the visual design of the work. Any technical details are for outline purposes only. The contractor/manufacturer must separately provide all necessary technical diagrams or calculations for compliance with any relevant industry or safety standards or regulations or by-laws. Check dimensions on site. Use figured dimensions not scaled. Check for latest revision issue. Copyright of this drawing is vested with GlasgowHart.

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PROJECT
Paley House
11 Frew Street Fullarton

DRAWING	DATE	SCALE	NUMBER	REVISION
ROOF PLAN	JAN 2020	1: 100@A3	737.A04	A



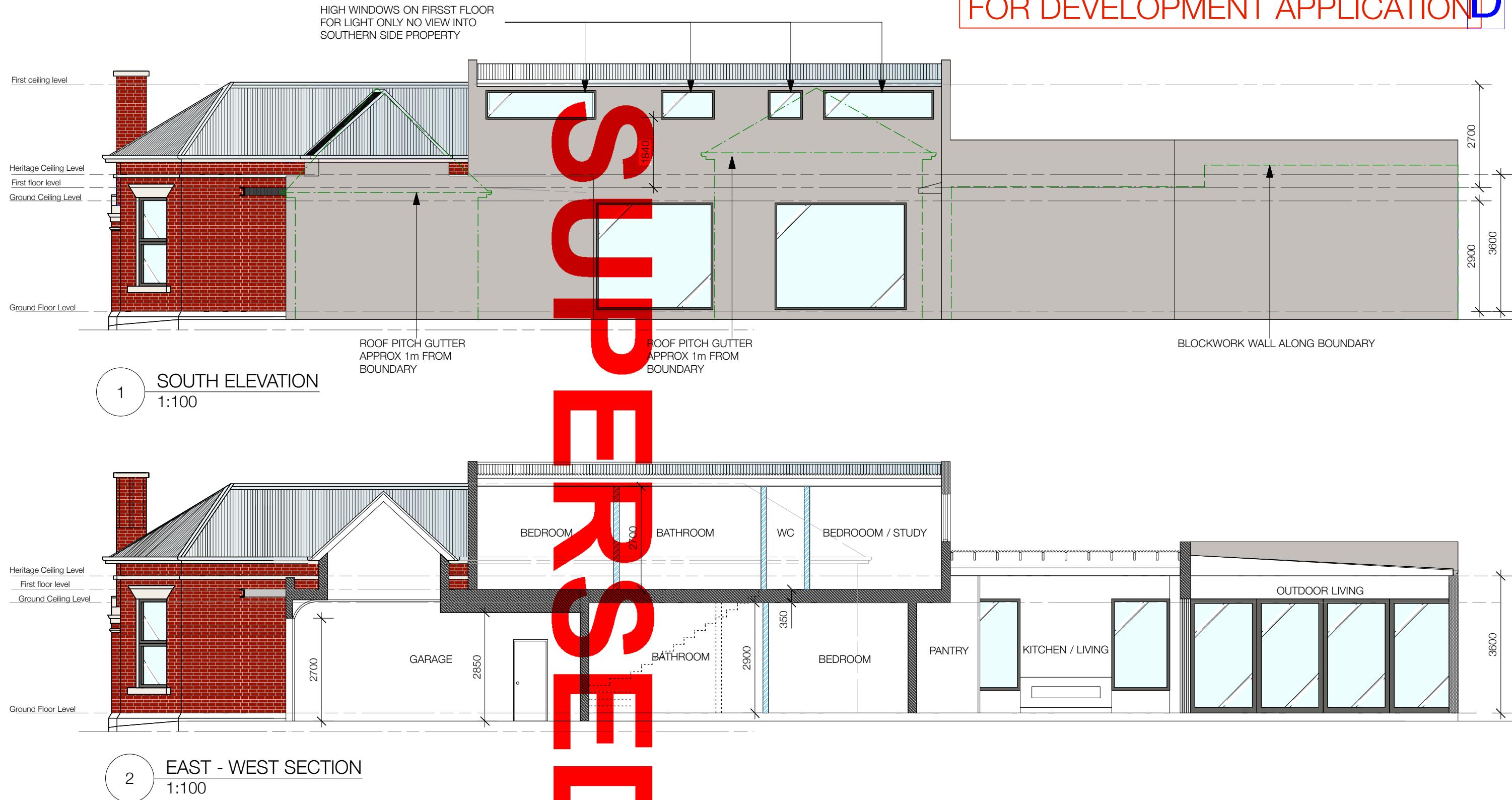
LEGEND	NOTES	AMENDMENTS	PROJECT
EXISTING BRICKS - EXPOSED	GARAGE DOOR AWNING EDGE AND FRONT DOOR FRAMING - DULUX BLACK	A Date Reason for Issue	PO Box 3101 Melbourne St North Adelaide SA 5006 T 08 7221 3174 E info@glasgowhart.com.au Glasgow Hart Pty Limited ABN 37 116 010 907 GlasgowHart
PAINTED RENDER - DULUX CLASSIC COOL	ROOF, GUTTERS, DOWNPipes, FLASHINGS. GALVANISED STEEL		
PAINTED MASONRY AND EAVES - DULUX ANTIQUE WHITE USA	GARAGE DOOR - TIMBER FINISH		
WINDOW FRAMES - TO MATCH COLORBOND WOODLAND GREY	EXISTING LOWER MASONRY BELOW ANGLED CORBEL - EXISTING BLUESTONE TO REMAIN	<p>It is intended that the drawings represent the visual design of the work. Any technical details are for outline purposes only. The contractor/manufacturer must separately provide all necessary technical diagrams or calculations for compliance with any relevant industry or safety standards or regulations or by-laws. Check dimensions on site. Use figured dimensions not scaled. Check for latest revision issue. Copyright of this drawing is vested with GlasgowHart.</p>	<p>Paley House 11 Frew Street Fullarton</p> <p>DRAWING NORTH ELEVATION</p> <p>DATE JAN 2020 SCALE 1: 100@A3 NUMBER 737.E02 REVISION A</p>



AMENDED DRAWING / DOCUMENT
DATE: 14/04/2020

LEGEND	NOTES	AMENDMENTS	PROJECT
EXISTING BRICKS - EXPOSED	GARAGE DOOR AWNING EDGE AND FRONT DOOR FRAMING - DULUX BLACK	A 18.03.20 For DA B 14.04.20 For DA (ADJACENT BUILDINGS INCLUDED)	PO Box 3101 Melbourne St North Adelaide SA 5006 T 08 7221 3174 E info@glasgowhart.com.au Glasgow Hart Pty Limited ABN 37 116 010 907
PAINTED RENDER - DULUX CLASSIC COOL	ROOF, GUTTERS, DOWNPIPES, FLASHINGS, GALVANISED STEEL		GlasgowHart
PAINTED MASONRY AND EAVES - DULUX ANTIQUE WHITE USA	GARAGE PANEL DOOR - TIMBER FINISH		Paley House 11 Frew Street Fullarton
WINDOW FRAMES - TO MATCH COLORBOND WOODLAND GREY	EXISTING LOWER MASONRY BELOW ANGLED CORBEL - EXISTING BLUESTONE TO REMAIN	It is intended that the drawings represent the visual design of the work. Any technical details are for outline purposes only. The contractor/manufacturer must separately provide all necessary technical diagrams or calculations for compliance with any relevant industry or safety standards or regulations or by-laws. Check dimensions on site. Use figured dimensions not scaled. Check for latest revision issue. Copyright of this drawing is vested with GlasgowHart.	DRAWING EAST + WEST ELEVATIONS DATE JAN 2020 SCALE 1: 100@A3 NUMBER 737.E01 REVISION B

FOR DEVELOPMENT APPLICATION D



LEGEND	NOTES	AMENDMENTS	PROJECT
EXISTING BRICKS - EXPOSED	GARAGE DOOR AWNING EDGE AND FRONT DOOR FRAMING - DULUX BLACK	A 18.03.20 For DA B 14.04.20 For DA (ADJACENT BUILDINGS INCLUDED)	PO Box 3101 Melbourne St North Adelaide SA 5006 T 08 7221 3174 E info@glasgowhart.com.au Glasgow Hart Pty Limited ABN 37 116 010 907
PAINTED RENDER - DULUX CLASSIC COOL	ROOF, GUTTERS, DOWNPIPES, FLASHINGS - GALVANISED STEEL		GlasgowHart
PAINTED MASONRY AND EAVES - DULUX ANTIQUE WHITE USA	GARAGE DOOR - TIMBER FINISH		Paley House 11 Frew Street Fullarton
WINDOW FRAMES - TO MATCH COLORBOND WOODLAND GREY	EXISTING LOWER MASONRY BELOW ANGLED CORBEL - EXISTING BLUESTONE TO REMAIN		DRAWING SOUTH ELEVATION + SECTION DATE JAN 2020 SCALE 1: 100@A3 NUMBER 737.E03 REVISION B

AMENDMENT PLAN / DOCUMENT
DATE: 15/04/2020

D

Have a nice day.

Thanks



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Will Paley | Project Director

M 0447 192 583

W shape.com.au

Mezzanine Level, 182 Victoria Square, Adelaide, SA, 5000



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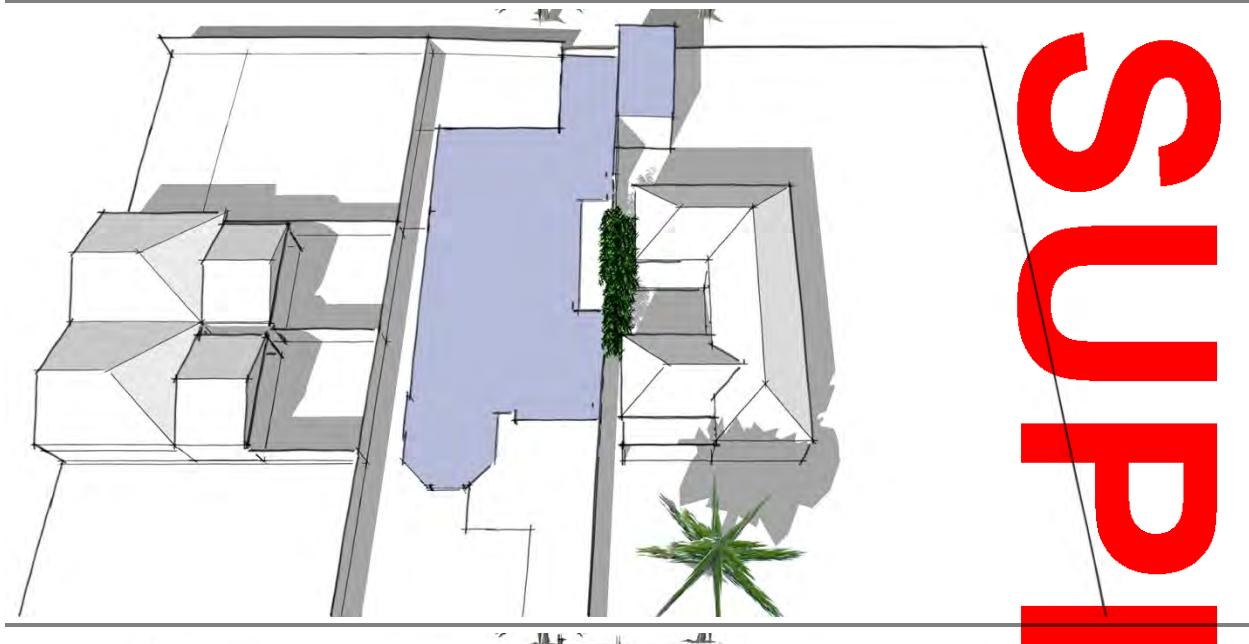
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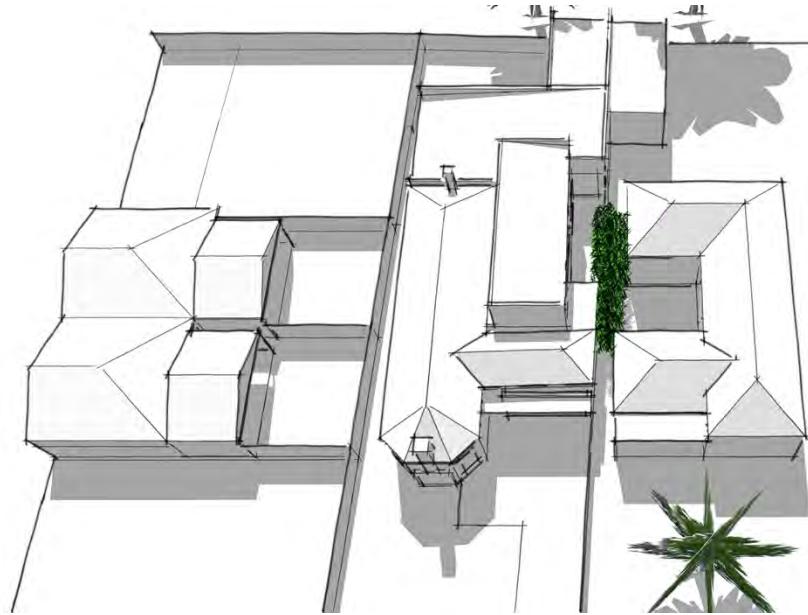
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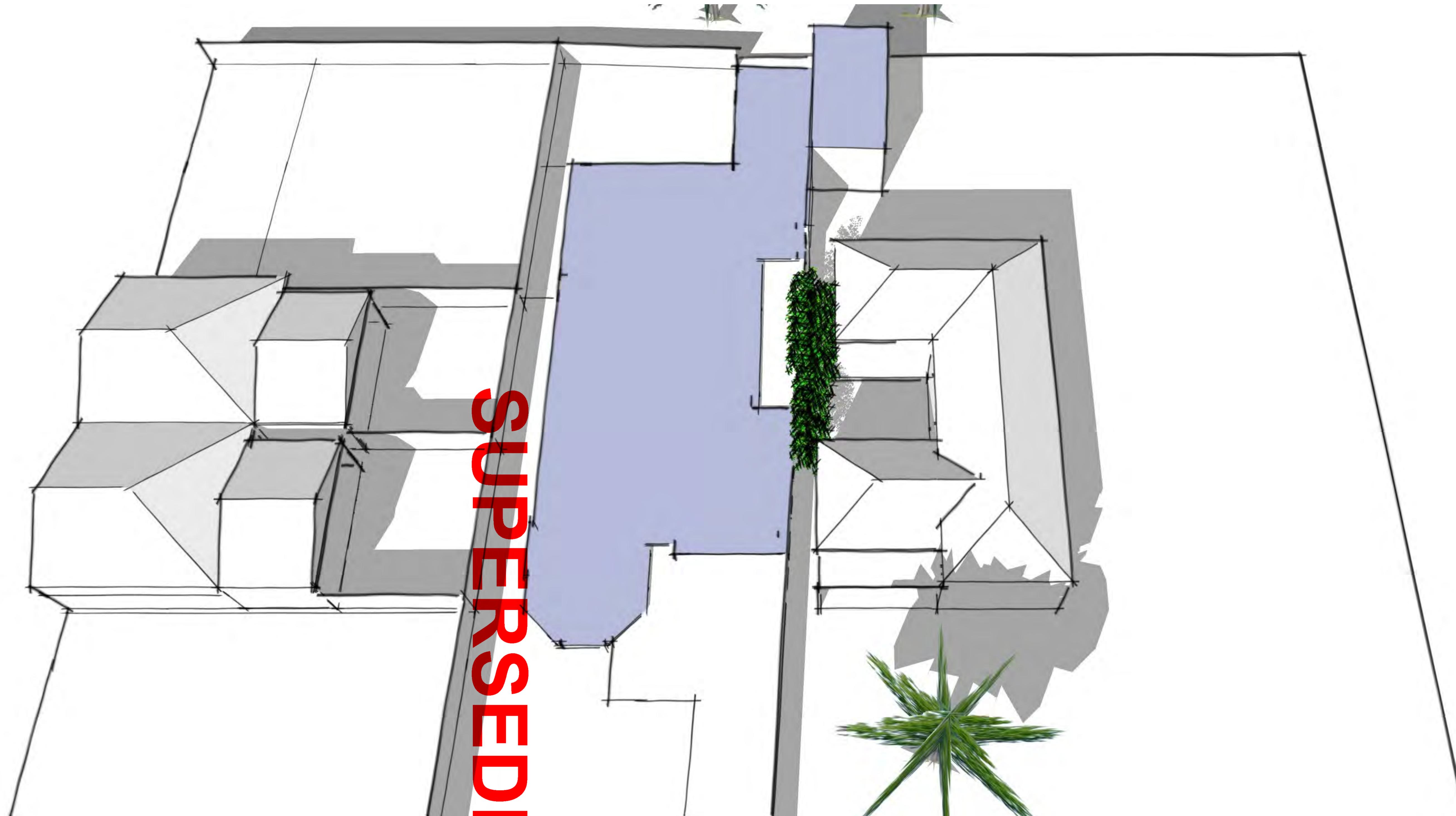


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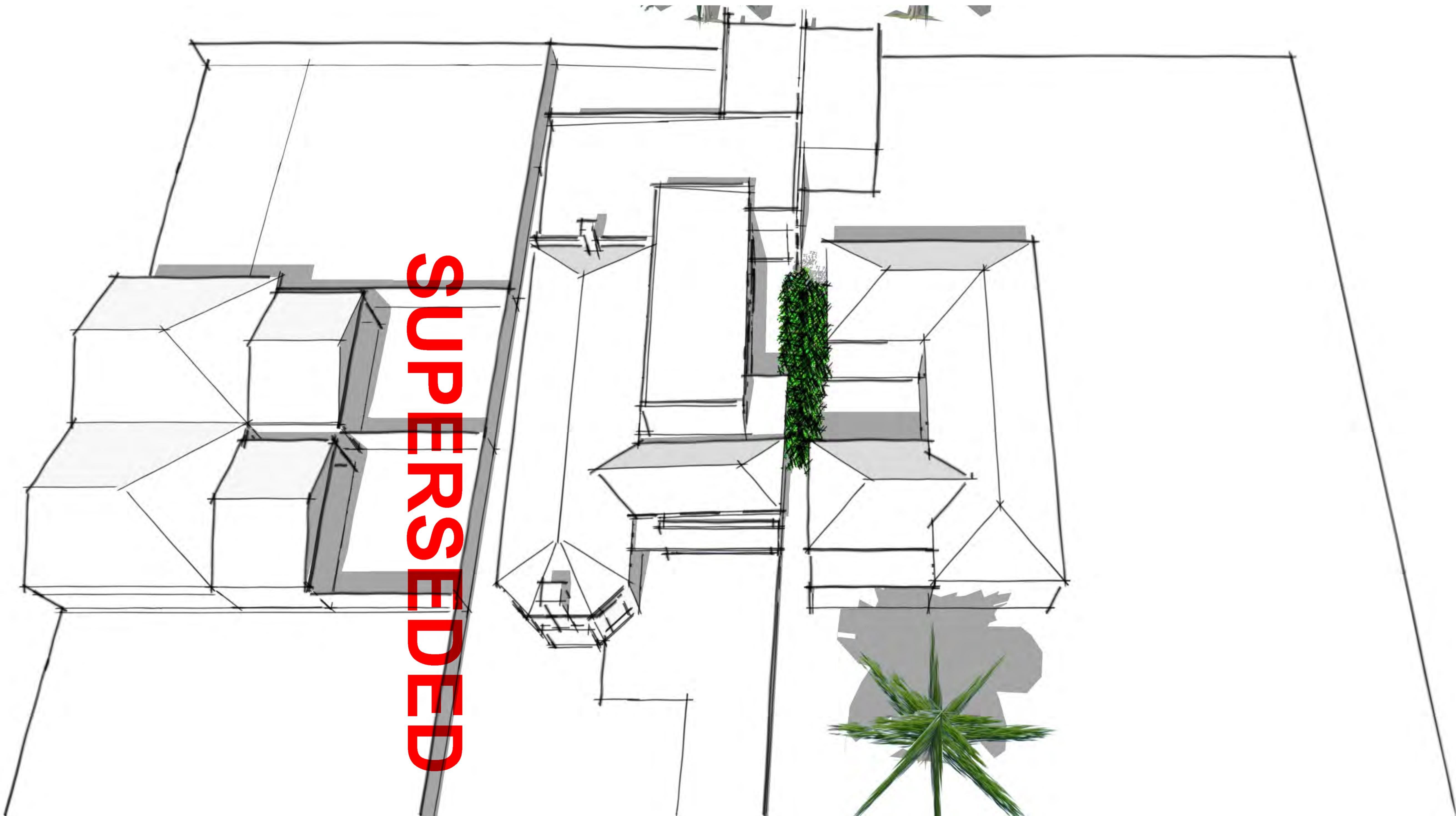




SUPERSEDED



SUPERSEDED





ITEM 5**DEVELOPMENT APPLICATION – 090/215/2019/DIV – 300 CROSS ROAD,
CLARENCE PARK SA 5034 (CLARENCE PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/215/2019/DIV
ADDRESS:	300 Cross Road, Clarence Park SA 5034
DATE OF MEETING:	21 July 2020
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Land Division - Community Title - Create two allotments from one existing and construction of freestanding carport in association with existing dwelling
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 9 – Spacious Precinct 9.1 – Clarence Park
APPLICANT:	Shane Ross Webster and Katherine Elise Olivia Webster
OWNER:	Shane Ross Webster and Katherine Elise Olivia Webster
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (1 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Site Area and Frontage Vehicular Access

1. PLANNING BACKGROUND

The subject application was to be presented to the 18 February 2020 Council Assessment Panel, however the applicant requested for it to be withdrawn as they wished to provide additional information. This information has now been provided and includes:

- An amended land division plan;
- An amended carport siting and design;
- An amended indicative dwelling site plan with vehicle turning circles;

- Photos of the subject site and other Cross Road hammerhead developments.

2. DESCRIPTION OF PROPOSAL

The application is for a Community Title land division to create one additional allotment (one allotment into two). The proposed allotments will be 345m² and 355m² in area. A common property allotment is to be provided for shared driveway access.

An existing dwelling on Lot 101 will be retained while Lot 102 is being created for residential purposes (i.e. a single dwelling).

A freestanding carport is to be constructed to the rear of the existing dwelling on Lot 101. The carport measures 6 metres in length, 6 metres wide and a minimum of 2.4 metres in height to the top of the posts.

3. SITE DESCRIPTION

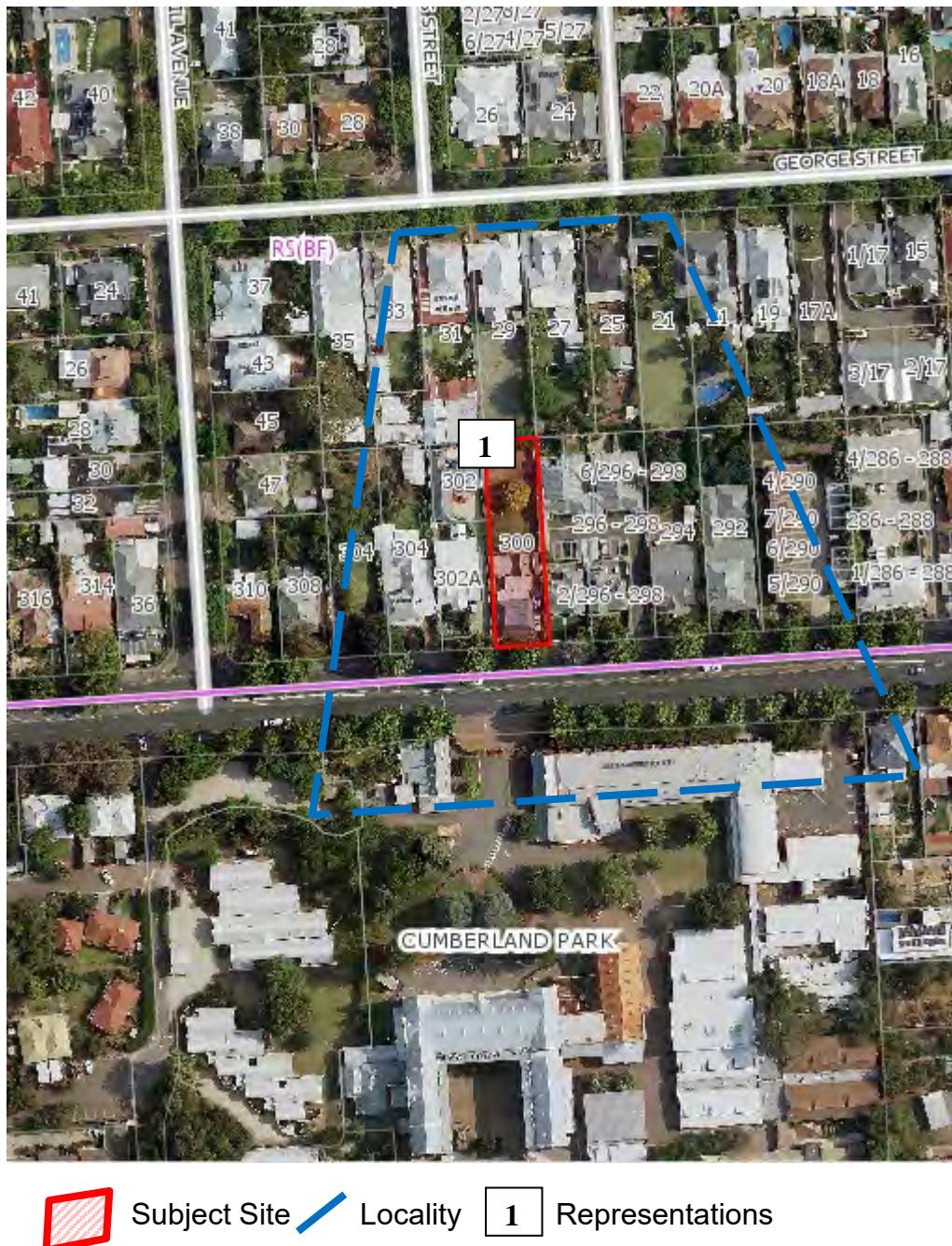
The subject land is a single residential allotment located on the northern side of Cross Road in Clarence Park. The allotment is a rectangular shape with a frontage width of 15.28 metres, a depth of 58.22 metres and total area of 890m². There are no easements, rights of way or encumbrances affecting the land.

The land is relatively flat with only a gentle fall from the front of the site to the rear boundary.

Currently occupying the land is a single storey detached dwelling located toward the front of the property, a shed and pergola structure adjacent to the rear of the dwelling and a front brush fence.

There are no Regulated Trees on the site or on adjoining land that would be affected by the development.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

The locality comprises of an established residential area that interfaces with a school (Cabra College) on the southern side Cross Road. Existing development includes detached dwellings, group dwellings and residential flat buildings at low to medium densities.

Land Division/Settlement Pattern

The land division/settlement pattern in the area is mixed and fragmented as a result of infill development. The locality is characterised by battle-axe allotments containing group dwellings or unit dwellings intermixed with original detached dwellings. Front building setbacks vary as does the land allocation provided for backyard spaces.

Dwelling Type / Style and Number of Storeys

There is a mix of dwelling types and styles with conventional, modern and traditional dwellings prevalent along Cross Road.

Fencing Styles

Fencing styles and heights vary along Cross Road and typically comprise masonry pillars and walling and brush.

6. STATUTORY REFERRALS

Department Planning Transport and Infrastructure (DPTI)

A referral to the Department of Planning Transport and Infrastructure (DPTI) was required under Section 37 of the *Development Act 1993* as the proposal would alter the nature and function of the existing access on Cross Road (an arterial road under the care, control and management of the Commissioner of Highways). It is noted that the Assessment Authority cannot consent to or approve the development without having regard to the response of DPTI.

DPTI is unable to support this application in its current form as the shared driveway is not wide enough to cater for simultaneous two-way movements in the vicinity of Cross Road.

Given the amendment made to the proposal plans, DPTI have provided the following updated response:

DPTI supports the intention for this site to be served by a single access point only. However, the width of the shared access is insufficient to cater for any simultaneous two-way vehicular movements. It is likely that a vehicle entering the site will have to stop across the footpath (and potentially on road), as it gives way to an exiting vehicle, increasing the potential for conflict at this location. Council will need to be fully satisfied that this outcome does not pose an undue risk to the safety of pedestrians / cyclists / motorists, travelling along Cross Road.

Should Council not require an amended plan to address that matter, it is recommended that conditions be attached to any approval given.

A copy of both DPTI letters are included as Attachment D.

SA Water

SA Water has raised no concerns with the proposal. The developer will be required to meet the requirements of SA Water for the provision of water and sewerages services. Standard conditions of consent have been recommended.

State Commission Assessment Panel (SCAP)

SCAP has raised no concerns with the proposal. Standard conditions of consent have been recommended.

7. NON-STATUTORY (INTERNAL) REFERRALS

Traffic Referral

Traffic have reviewed the amended proposal plans and provided the following summary:

- **Off-street parking provision**
New dwelling: The new dwelling is a detached type dwelling with less than four bedrooms and of an area less than 250m². There is a requirement for two on-site parking spaces, which is provided.
Existing dwelling: Dwelling is approximately 140m² however the number of bedrooms is unknown based on the plans. The existing dwelling likely requires two on-site parking spaces, which is provided.
- **Off-street parking design**
New dwelling: A 3.0 x 6.2m single-vehicle garage is provided. This meets the requirements of the Development Plan. Two 2.7 x 6m uncovered parking spaces for the new dwelling and for visitors is provided. This meets the requirements in AS2890.1.
Existing dwelling: A double-vehicle carport is proposed. This is 5.8m wide x 6.0m in length and meets the requirements of the Development Plan.
- **Manoeuvrability**
Access to the new dwelling garage is acceptable, although some difficulty may be experienced when reversing out of the garage with a large vehicle, however this is not a concern. Access to the carport for the existing dwelling and all uncovered parking spaces are also acceptable.
The 7.78m available adjacent the carport and uncovered parking spaces is relatively generous and results in improved ease of access compared with other similar developments.
- **Site Distance**

As the footpath is greater than 2.5m wide, sight distance to/from motorists on the frontage road is not inhibited by the development. A 1.4x1.7m cutoff is provided (with 1.4m measured along Cross Road) which improves sight distance to the west, however it still does not meet the minimum requirement. This is not a major concern however due to the low number of movements out of the property.

- **Driveway Width**

DPTI indicate that a 6x6m area be provided on the site at the Cross Road access to allow a vehicle to enter the property whilst a vehicle is concurrently exiting the property. The proposed driveway is essentially 3.1 m in width. It begins at 4.5m in width at the property boundary, transitioning down over a length of 1.7m to a width of 3.1 m. DPTI's requirement is therefore not achieved. The Development Plan (Residential Development - Principle of Development Control 44) indicates that for a driveway servicing 1-2 dwellings (such as this development), a driveway width at the frontage road of 3m is acceptable. AS2890.1 indicates that for a category 1 access (<25 spaces) with a driveway <30m in length, there is no requirement to provide space for simultaneous access.

- **Summary**

Should the development proceed as proposed, the only matter of concern is that the dimensions of the access driveway where it meets the frontage road, although meeting Australian Standard and Development Plan requirements, does not meet DPTI requirements, who state clearly that they are unable to support the application.

A copy of these comments is included as Attachment E.

Arboriculture Referral

The subject tree is a mature 'London Plane' tree that is part of an 'avenue' of trees that line Cross Road within the City of Unley. As an individual, the tree presents good health with excellent form and structure and subsequently contributes to the high amenity value provided by this vegetative corridor. The proposed vehicle crossover adjacent the tree appears to replicate the existing crossover on-site. The existing crossover exists 1.7 metres to the east of the subject tree (centre of trunk) and this distance should be maintained. Any compromise of this distance may result in significant tree health and structural concerns.

It is noted that the amended plans were not referred to the Arboriculture Officer as they were amended to show that the existing crossover was to remain. The setback to the existing street tree therefore will not be compromised.

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.

1. 302 Cross Rd – oppose (wishes to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE

Another dwelling will worsen existing parking problems	We can confirm that there are sufficient carparks included in the proposed plans to overcome their concerns regarding the carparking.
*Object to a two-storey dwelling as surrounding properties are single storey and a two-storey dwelling would impact on privacy and the landscape	The intention is to build a single storey dwelling – noting this could form a condition of the land division consent.

(* denotes non-valid planning considerations as not related to subject application)

Council Administration advises that it is not appropriate to condition the approval of the subject land division by restricting the height of a built form element that does not form part of the application. It is noted that there are options available to the owner i.e. placing an encumbrance over the land, should they wish to pursue this, but it is not a matter for Council regulate and enforce.

Any new dwelling on the subject land will be required to obtain Development Approval and as such, will be subject to an assessment against the relevant planning provisions at that juncture.

9. DEVELOPMENT DATA

Site Characteristics	Lot 101	Lot 102	Development Plan Provision
Total Site Area	345m²	355m²	*700m ² – Policy Area
Frontage	10.78m	4.50m	*15m – Policy Area
Depth	20.69m – 30.95m	16.10 – 27.27m	20m – Council Wide

*Refers to the predominant allotment size

Building Characteristics		
Car parking and Access		
On-site Car Parking	2 for existing dwelling	2 per dwelling where less than 4 bedrooms or 250m ² floor area
Covered on-site parking	2	<input type="checkbox"/> 1 car parking space
On-street Parking	As existing	0.5 per dwelling
Driveway Width	3m	3m for 1-2 dwellings
Carport Internal Dimensions	6m x 6m	5.8m x 6m for double
Outbuildings		
Post Height	2.4m-3m	<input type="checkbox"/> 3m
Total Height	3.3m (max)	<input type="checkbox"/> 5m
Total Floor Area	36m ²	<input type="checkbox"/> 80m ² or 10% of the site, whichever is the lesser

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

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

(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, including attributes such as allotment patterns.

The northern side of Cross Road comprises an established residential area with a diverse built form character that is a result of infill development that has taken place over a period of time. While original street-fronting dwellings on large rectangular allotments are still evident within the surrounding area, land within the immediate locality has been fragmented particularly with group dwellings on battle-axe allotments.

The proposed division of land would create a battle-axe allotment that is similar in size and layout to that of the adjoining properties on both the eastern and western sides and to existing developments further east on Cross Road.

From a built form perspective, the existing streetscape would be maintained as the existing dwelling fronting Cross Road would be retained and the proposed carport for the existing dwelling would not be readily visible from the road frontage.

For these reasons, the proposal is considered to sufficiently maintain the existing streetscape attributes and therefore would not be at odds with the desired character of the Residential Streetscape (Built Form) Zone.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 2</p> <p><i>Development should comprise:</i></p> <p>(a) <i>alterations and/or additions to an existing dwelling; and</i></p> <p>(b) <i>ancillary domestic-scaled structures and outbuildings; and</i></p> <p>(c) <i>the adaptation of, and extension to, a building to accommodate and care for aged and disabled persons, or for a multiple dwelling or residential flat building; and</i></p> <p>(d) <i>selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and</i></p> <p>(e) <i>replacement of a building or site detracting from the desired character of a precinct with respectful and carefully designed building(s).</i></p>	<p>The subject land is currently occupied by a single storey dwelling that addresses the Cross Road frontage. This dwelling is to be retained.</p> <p>PDC 2 of the Residential Streetscape (Built Form) Zone envisages selected infill development on vacant or under-utilised allotments for ‘street-fronting’ dwellings. Although the proposal would create a new allotment for a dwelling that would not front Cross Road (i.e. rear lot dwelling), the retention of the existing dwelling and driveway access would ensure the prevailing streetscape character is maintained.</p>
<p>PDC 8</p> <p><i>Development should comprise street-fronting dwellings exhibiting streetscape attributes consistent with the desired character. In this respect:</i></p> <p>(a) <i>sites should not be amalgamated for the purposes of developing residential flat buildings, group dwellings or non street-fronting dwellings unless involving existing large sites occupied by buildings of discordant character where the consolidated site and its replacement dwellings produce a streetscape setting and built forms complementing the desired character; and</i></p> <p>(b) <i>“hammerhead” allotment(s) should not be created, nor should a dwelling be located in a rear yard of an existing street-fronting dwelling site where this would detrimentally impact on the established settlement pattern or impose on the characteristic spacious setting of neighbouring dwelling sites, exceed single storey, or impose excessive building bulk.</i></p>	<p>PDC 8 discourages the creation of battle-axe allotments and rear-of-lot dwellings where such development “would detrimentally impact on the established settlement pattern or impose on the characteristic spacious setting of neighbouring dwelling sites, exceed single storey, or impose excessive building bulk.</p> <p>The size and the configuration of the proposed allotments would be consistent with the adjoining development on both sides and the general allotment pattern within the locality.</p> <p>The applicant has provided an indicative building envelope for a dwelling on Lot 102 that demonstrates the new battle-axe allotment is also large enough to accommodate a single storey dwelling.</p>
<p>PDC 14</p> <p><i>A carport or garage should form a relatively minor streetscape element and should:</i></p>	<p>The proposed carport is located to the rear of the existing dwelling on Lot 101 and therefore would be a minor streetscape element as envisaged by PDC 14.</p>

Relevant Zone Principles of Development Control	Assessment
<p>(a) be located to the rear of the dwelling as a freestanding outbuilding; or</p> <p>(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:</p> <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>PDC 17</p> <p>Land should only be divided:</p> <p>(a) on a detached dwelling site - where the resultant allotment(s) conform with the minimum street frontage and site area set out in the desired character; or</p> <p>(b) on a site of other dwelling types - to give separate title to approved dwelling(s) site(s) (including any common land of a community land division) upon which the dwelling construction or conversion has been substantially commenced; or</p> <p>(c) in those parts of the zone where the prevailing settlement pattern is clearly at variance with the desired character of the respective policy area – where the resultant allotment(s) are consistent with those in the locality, providing the allotment(s) provide for dwellings of street-fronting format and the building settings and proportions which reinforce the desired character.</p>	<p>The desired character for Policy Area 9 envisages an allotment area of 700m² and a frontage width of 15 metres for new allotments within Precinct 9.1 – Clarence Park. The proposed allotments would have an area of 345m² and 355m² and a frontage of 10.78 metres would be maintained for the existing dwelling. Although the proposed site areas and frontages are significantly less than the desired allotment sizes, in this instance, the proposed allotments would be of a size and layout that is “consistent with those in the locality”. It is also observed that the subject land is located in a part of the Residential Streetscape (Built Form) Zone “where the prevailing settlement pattern is clearly at variance with the desired character of the respective policy area”.</p> <p>On balance, the proposed allotment density is compatible with the existing and desired built form and spatial characteristics of the locality. The intent of PDC 17 is therefore satisfied.</p>

Relevant Zone Principles of Development Control	Assessment

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> <ul style="list-style-type: none"> <i>a) allotment widths and sizes;</i> <i>(b) front and side building setbacks including the collective side setbacks; and</i> <i>(c) the prevailing architectural styles (and characteristic built forms and detailing).</i> <p>Desired Character</p> <p><i>The streetscape attributes include the:</i></p> <ul style="list-style-type: none"> <i>(a) low scale building development;</i> <i>(b) spacious road verges and front and side building setbacks from the street;</i> <i>(c) forms and detailing of the predominant architectural styles (variously Victorian and Turn-of-the-Century double-fronted cottages and villas, and Inter-War era housing, primarily bungalow but also tudor and art deco and complementary styles); and</i> <i>(d) varied but coherent rhythm of buildings and spaces along its streets.</i> <p>Development will:</p> <ul style="list-style-type: none"> <i>(a) be of a street-front dwelling format, primarily detached dwellings; and</i> <i>(b) maintain or enhance the streetscape attributes comprising:</i> <ul style="list-style-type: none"> <i>(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</i> <i>(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</i> <i>(iv) 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.</i>
Assessment
<p>The desired character for the Policy Area seeks to ensure that the streetscape attributes are retained and enhanced.</p>

As already considered, the proposed division of land would create a battle-axe allotment that is similar in size and layout to those of the adjoining properties and several others within the locality. The retention of the existing street-fronting dwelling would maintain the existing built form character of the streetscape.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 12, 13
Form of Development	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 4
Land Division	<i>Objectives</i>	1, 2, 4
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
Residential Development	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	1, 2, 3, 4, 8, 15, 16, 17, 19, 20, 22, 23, 24, 26, 30, 32, 33, 34, 37, 43, 44, 45, 46, 47, 48, 49, 51
Transportation (Movement of People and Goods)	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7
	<i>PDCs</i>	1, 2, 3, 4, 7, 12, 13, 15, 16, 18, 19, 20

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

Relevant Council Wide Provisions	Assessment
Land Division	
PDC 2 & 6 – Vehicle Access	<p>PDC 2 states that when land is divided, each allotment should have a safe and convenient access to a carriageway of an existing road. PDC 6 further states '<i>vehicle access is available that has sufficient width to provide safe and functional access and manoeuvring for resident, visitor and service vehicles</i>'.</p> <p>Council Traffic department has undertaken an assessment of the proposal against the Unley Development Plan as well as Australian Standard 2890.1. They have stated that:</p> <ul style="list-style-type: none"> <i>Adequate sight distance to/from motorists on the frontage road shall be provided. As the footpath is greater than 2.5m wide, sight distance is not inhibited by the development;</i>

Relevant Council Wide Provisions	Assessment
	<ul style="list-style-type: none"> • Adequate sight distance to/from pedestrians on the footpath shall be provided. This is not provided to the east due to the adjacent dividing property fence. A 1.4x1.7m cutoff is provided (with 1.4m measured along Cross Road) which improves sight distance to the west, however it still does not meet the minimum requirement. This is not a major concern however due to the low number of movements out of the property. • The Development Plan (Residential Development - Principle of Development Control 44) indicates that for a driveway servicing 1-2 dwellings (such as this development), a driveway width at the frontage road of 3m is acceptable. AS2890.1 requirements appear to be designed to ensure that an entering motorist can wait on the frontage road if they see a motorist exiting. DPTI likely want to avoid a situation where a motorist is waiting on Cross Road while a motorist is waiting to exit the property, which could affect the efficiency of the road and increase the chance of rear end crashes. As there is a raised median, exit will only be via a left turn out, and any delay for those waiting on Cross Road to enter would be very be minimal. In addition to this, due to the low number of traffic movements (approximately 18.2 trips per day, or less considering some of these would utilise on-street parking), the frequency of this would be low. <p>In summary of the above, Council's Traffic Department has advised that the proposal satisfies the requirements of the Unley Development Plan and Australian Standards, in regards to safe and functional vehicle access and manoeuvrability. There are some minor exceptions however it was considered that these minor exceptions were acceptable in this instance given the low number of expected vehicle movements in and out of the site.</p>
PDC 7 – Residential Allotments	The proposed allotments are regular in shape and have a north to south orientation. This would allow a dwelling to be designed with north and east-facing windows to maximise energy efficiency. The layout and orientation of the proposed allotments is acceptable.

Relevant Council Wide Provisions	Assessment
Transportation (Movement of People and Goods)	
PDC 4, 15 & 16 – Access on Arterial Roads.	<p>Council Wide PDC 4 & 15 seek to ensure that the number, location and design of access points onto the arterial roads are such as to minimise traffic hazards and queuing on roads. PDC 16 seeks to ensure that access is sited to avoid the need for vehicles to reverse onto or from the road.</p> <p>The existing access and crossover are not proposed to be modified and furthermore, no additional access points are proposed as the additional allotment will share the existing access point.</p> <p>Currently the occupants of 300 Cross Road will need to reverse out onto Cross Road when exiting the site, as there is no opportunity on site to turn a vehicle around. The proposed new allotments will be provided with sufficient turning area on site to ensure vehicles can enter and exit in forward gear, thereby improving the safety of vehicle accessibility.</p>

11. DISCUSSION

It is acknowledged that DPTI do not support the proposed land division as a 6x6m area has not been provided on site at the Cross Road access to allow simultaneous two-way vehicle movements when entering/ exiting the site. It is however noted that:

- Council can only have regard of these comments i.e. DPTI cannot provide direction to refuse the subject application;
- DPTI have provided conditions were Council to approve the subject application;
- Council's Traffic Department have advised that the proposal satisfies the relevant provisions of the Unley Development Plan and Australian Standards. There are some minor exceptions however it was considered that these minor exceptions were acceptable in this instance given the low number of expected vehicle movements in and out of the site;
- There are on street parking spaces in front of the subject site as well as the site to the east to allow vehicles to pull over/ park, if there any major obstruction on site, that will also allow for the continued flow of traffic along Cross Road;
- There are a number of properties along the northern side of Cross Road, where more than one dwelling shares a vehicle crossover. Not all of these

- properties are provided with a 6x6m area to allow for simultaneous vehicle movements;
- It has been demonstrated that sufficient area has been provided onsite so that vehicles are able to enter and exit the site in forward gear.

12. CONCLUSION

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

- The proposed division of land would create a battle-axe allotment that is similar in size and layout to that of the adjoining properties on both the eastern and western sides and to existing developments further east on Cross Road;
- The proposal is considered to sufficiently maintain the existing streetscape attributes and therefore would not be at odds with the desired character of the Residential Streetscape (Built Form) Zone.
- The proposal satisfies the relevant provisions of the Unley Development Plan and Australian Standards, in regards to safe and functional vehicle access and manoeuvrability
- The existing access and crossover are not proposed to be modified and furthermore, no additional access points are proposed as the additional allotment will share the existing access point;
- The proposed development is well located in terms of convenient access to local facilities and services as well as road and public transport corridors.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/215/2019/DIV at 300 Cross Road, Clarence Park SA 5034 for 'Land Division - Community Title - Create two allotments from one existing; and construction of freestanding carport in association with existing dwelling', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. All vehicles must enter and exit Cross Road in a forward direction.
4. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
5. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Cross Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

LAND DIVISION CONSENT CONDITIONS:

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

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

STATE COMMISSION ASSESSMENT PANEL CONDITIONS are as follows:

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0082919) On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.
The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
2. Payment of \$7,253.00 into the Planning and Development Fund (1 allotment/s @ \$7253.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines)

issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

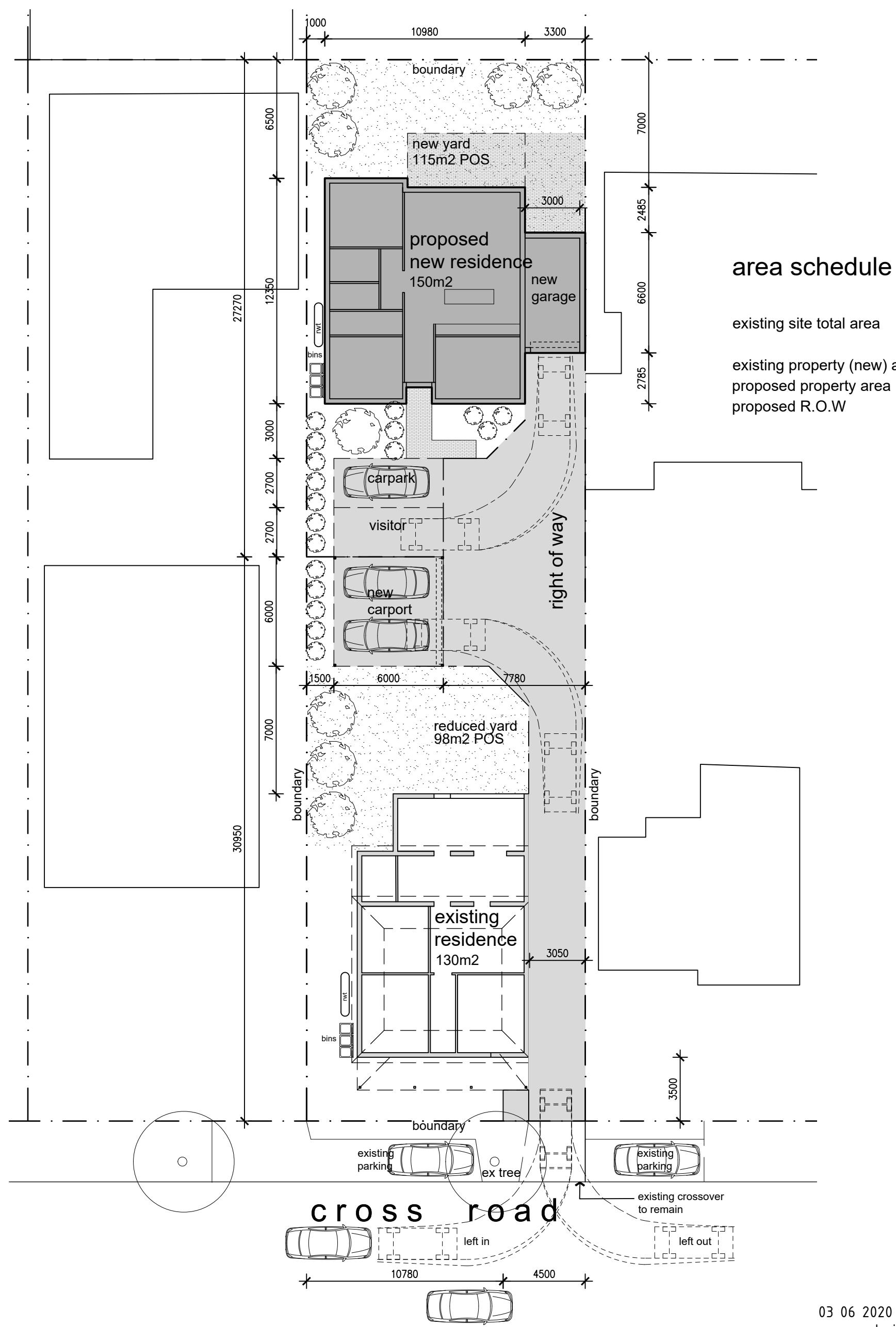
NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- 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.

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

ATTACHMENT A

A



03 06 2020
proposed site plan

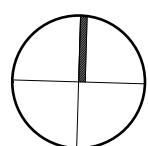
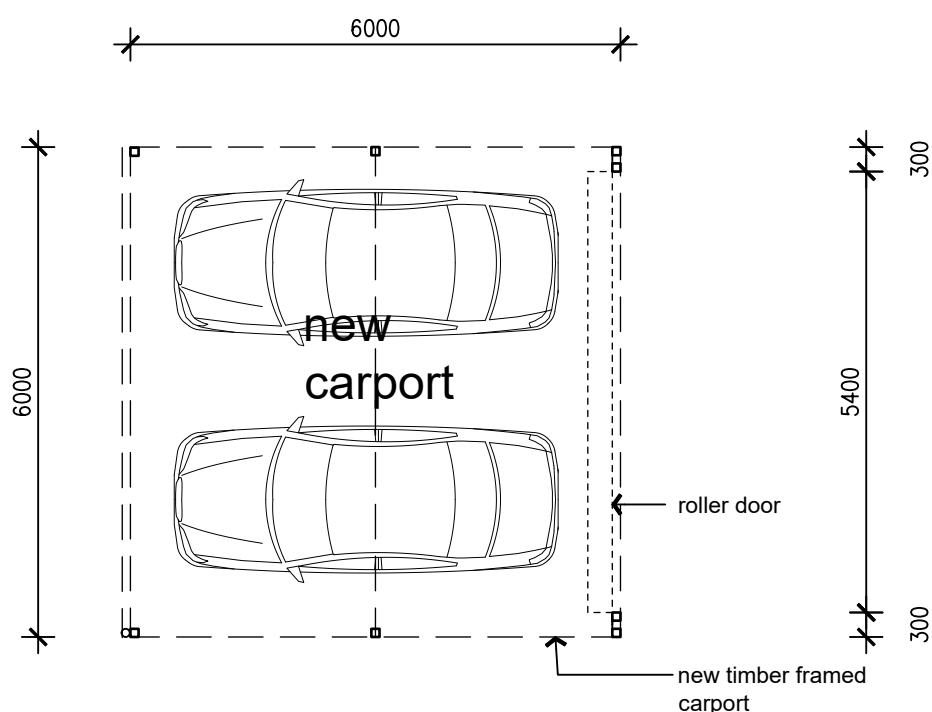
subdivision concept
300 cross road
clarence park sa
SK12
architect I jon lowe
I 0403 169 125 I
jonlowearchitect@gmail.com

proposed site plan

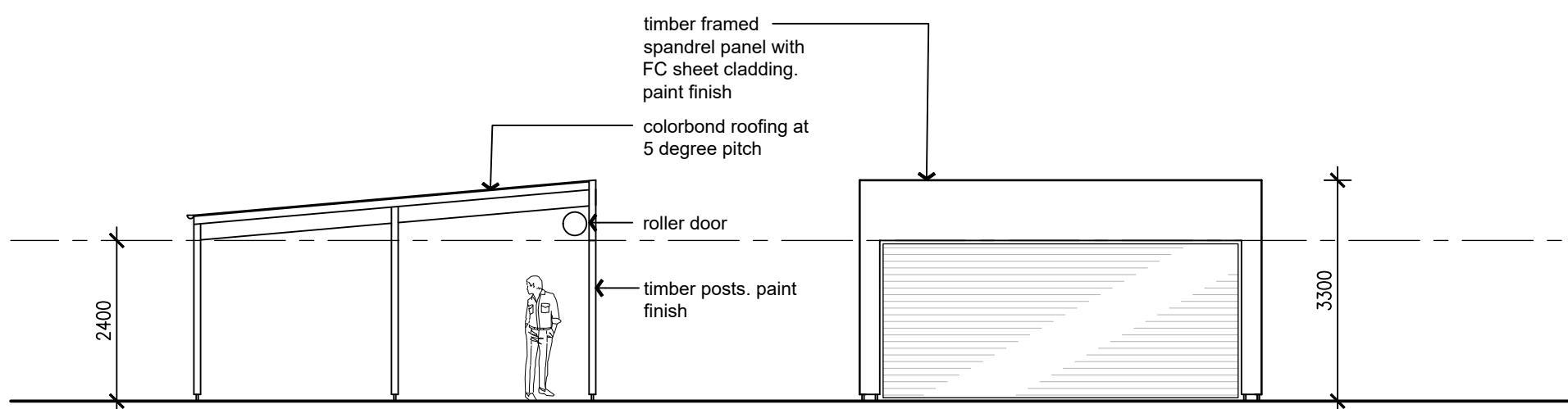
1 200 A3

INDICATIVE BUILT FORM PLAN

DATE: 10/06/2020

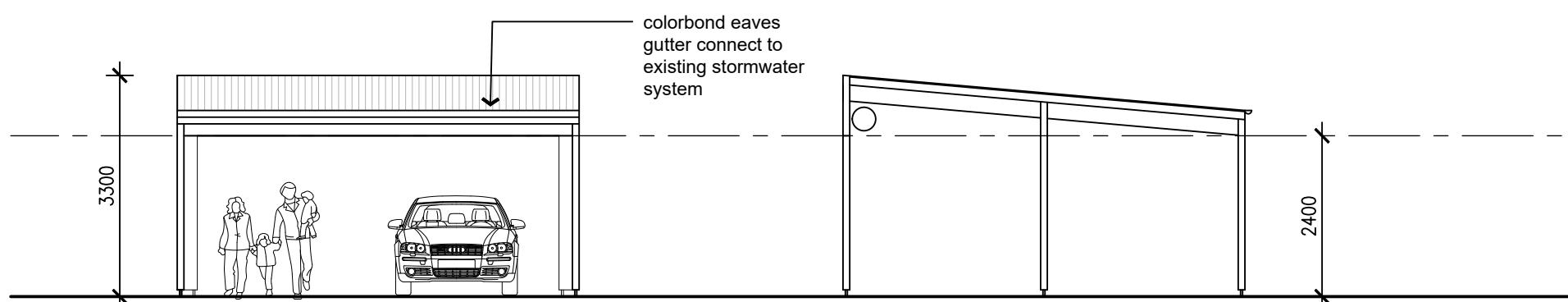


floor plan 1:100 A3



south elevation

east elevation



west elevation

north elevation

**AMENDED PLAN / DOCUMENT
DATE: 10/06/2020**

27 05 2020
shed elevations

subdivision concept
300 cross road
clarenc park sa
SK11
architect I jon lowe
I 0403 169 125 I
jonlowarchitect@gmail.com

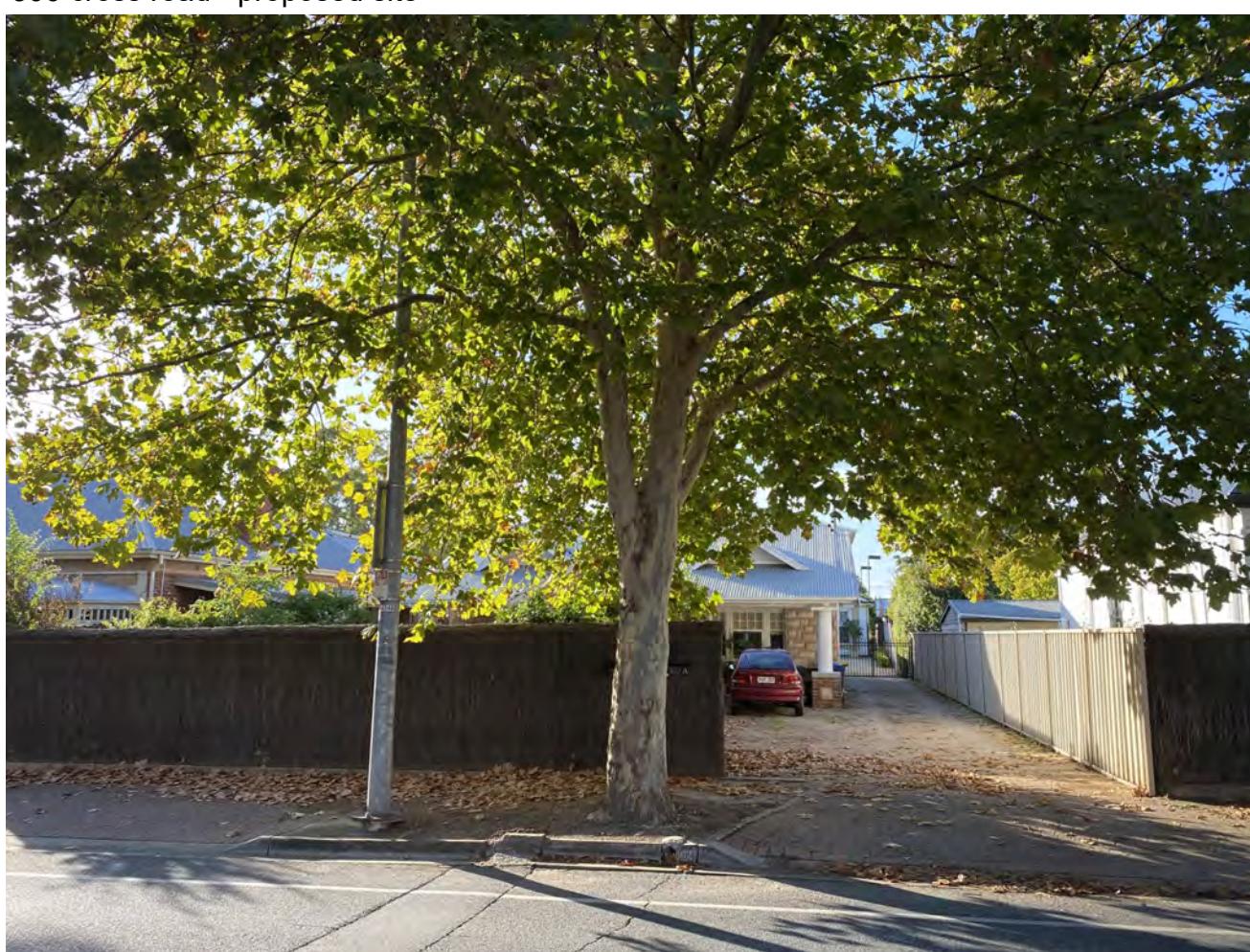




276 cross road - existing site with hammerhead allotment and narrow driveway



300 cross road - proposed site



302A cross road - existing site with hammerhead and narrow driveway

01 05 2020
existing site context

subdivision concept
300 cross road
clarence park sa
SK10
architect | jon lowe
| 0403 169 125 |
jonlowearchitect@gmail.com



ATTACHMENT B

REPRESENTATION Category 2 (Page 1)

To: Chelsea Spangler, City of Unley Development Section

Please read these notes carefully:

1. Both pages MUST be completed in full and returned to the City of Unley by the closing date to be a valid representation.
2. This page (ie Page 1) will NOT be published on the internet.
3. Pages 1 and 2 (and any attachments) may be included as attachments in the hard copy of the Council Assessment Panel agenda.
4. Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and attachments) will be forwarded to the Applicant for consultation and response.

The closing date for Representations is 5pm on 10 May 2019.

Application: 090/215/2019/DIV 300 Cross Road, Clarence Park SA 5034

Details of Person(s) making Representation:

Name: [REDACTED]

Postal Address: [REDACTED]

EMAIL ADDRESS: [REDACTED]

Daytime Phone No: [REDACTED]

Property affected
by Development [REDACTED]


(Signature)

2/5/19
(Date)

Dev App

Property/Street	090/215/2019/DIV
Application No.	090/215/2019/DIV
Doc. No.	08 MAY 2019
For Info/Action	CLASS

Document Set ID: 6848838
Version: 2, Version Date: 09/02/2020

Attach any extra pages to this form

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 10 May 2019**.

Application: 090/215/2019/DIV 300 Cross Road, Clarence Park SA 5034

Property affected by Development: 302 CROSS RD, CLARENCE PK 5034

We

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)

- We currently have parking problems - another dwelling will add to this problem ie visitors
- We strongly object to a 2 Storey dwelling. The surrounding properties are single storey - a 2 storey dwelling will be an invasion of privacy and change the landscape.

My concerns (if any) could be overcome by:

- ① 2-Car carport/garage for proposed dwelling
- ② Single storey dwelling only

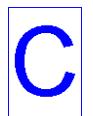
WISH TO BE HEARD

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: Katharine Couzner
Sent: Wed, 6 May 2020 07:20:42 +0930
To: PO Box1;Chelsea Spangler
Subject: DA 090/215/2019 - 300 Cross Rd, Clarence Park
Attachments: Cross Rd SK09.pdf, Cross Rd SK10.pdf

Dear Chelsea

Please find attached amended plans for the subdivision application. You will see that changes have been made to the garage, turning circle and any potential impact to the street tree has been resolved by leaving the curb unchanged. We have also attached context drawings showing approved subdivisions on neighbouring properties on Cross Road, very similar to our own plans.

We would also like to respond to the feedback from our neighbours with a confirmation that there are sufficient carparks included in the proposed plans to overcome their concerns regarding the carparking and that the intention is to build a single story dwelling - noting that this could form a condition of the Land division consent.

Please let me know if you require any further information or documentation.

Kind regards
Katharine Webster

ATTACHMENT D



In reply please quote 2019/00291, Process ID: 566067
 Enquiries to Matthew Small
 Telephone (08) 7109 7875
 E-mail dpti.luc@sa.gov.au

Department of Planning,
 Transport and Infrastructure

POLICY, STRATEGY AND
 PROGRAM DEVELOPMENT

Transport Assessment and
 Policy Reform

GPO Box 1533
 Adelaide SA 5001

ABN 92 366 288 135

24 April 2019

The Presiding Member
 State Commission Assessment Panel
 GPO Box 1815
 ADELAIDE SA 5001

Dear Ms Fogarty,

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	090/C004/19
Applicant	Shane Webster
Location	300 Cross Road, Clarence Park
Proposal	Community Division (2 Lots)

I refer to the above development application forwarded to the Commissioner of Highways (CoH) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.

PROPOSAL

This application proposes one additional allotment at the rear of the site, with the existing dwelling to remain on the subject land.

CONSIDERATION

The subject site abuts Cross Road, an arterial road under the care, control and management of the CoH. The adjacent section of Cross Road is identified as a Major Traffic Route, Primary Freight Route, Major Cycling Route and Standard Frequency Public Transport Corridor in the Department of Planning, Transport and Infrastructure's (DPTI's) '*A Functional Hierarchy for South Australia's Land Transport Network*'. At this location, Cross Road carries approximately 26,500 vehicles per day (4% commercial vehicles) and has a posted speed limit of 60km/h.

As DPTI's policy is to minimise access points onto arterial roads in the interest of road safety, DPTI supports the intention for this site to be served by a single access point only. However, the width of the shared access is insufficient to cater for simultaneous two-way vehicle movements and thus is likely to result in potential conflicts in the vicinity of Cross Road that may interfere with the free flow of traffic on Cross Road and increase the accident potential at this location. To cater for simultaneous two-way vehicle movements in the vicinity of Cross Road, the access should be a minimum of 6 metres in width at the property boundary and

extend at this width for a distance of at least 6 metres within the site before tapering to a narrower driveway.

ADVICE

DPTI is unable to support this application in its current form as the shared driveway is not wide enough to cater for simultaneous two-way movements in the vicinity of Cross Road.

Yours sincerely,



for **MANAGER, TRANSPORT ASSESSMENT AND POLICY REFORM**
for COMMISSIONER OF HIGHWAYS

In reply please quote 2020/00313, Process ID: 627628
 Enquiries to Matthew Small
 Telephone 7109 7875
 E-mail: dpti.luc@sa.gov.au



Government of South Australia

Department of Planning,
 Transport and Infrastructure

**TRANSPORT PLANNING AND
 PROGRAM DEVELOPMENT**

Transport Assessment

GPO Box 1533
 ADELAIDE SA 5001

ABN 92 366 288 135

15 June 2020

The Presiding Member
 State Commission Assessment Panel
 GPO Box 1815
 ADELAIDE SA 5001

Dear Ms Thomas

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	090/C004/19 – Amended Plan (Rev A, dated 02/06/2020)
Applicant	Shane Webster
Location	300 Cross Road, Clarence Park
Proposal	Community Division (2 Lots)

I refer to the above development application forwarded to the Commissioner of Highways (CoH) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4) (b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.

PROPOSAL

This application proposes one additional allotment at the rear of the site, with the existing dwelling to remain on the subject land. The Department of Planning, Transport and Infrastructure (DPTI) has previously provided comments in letter dated 24 April 2019.

CONSIDERATION

The subject site abuts Cross Road, an arterial road under the care, control and management of the CoH. The adjacent section of Cross Road is identified as a Major Traffic Route, Primary Freight Route, Major Cycling Route and Standard Frequency Public Transport Corridor in DPTI's '*A Functional Hierarchy for South Australia's Land Transport Network*'. At this location, Cross Road carries approximately 26,500 vehicles per day (3.5% commercial vehicles) and has a posted speed limit of 60km/h.

DPTI supports the intention for this site to be served by a single access point only. However, the width of the shared access is insufficient to cater for any simultaneous two-way vehicular movements. It is likely that a vehicle entering the site will have to stop across the footpath (and potentially on road), as it gives way to an exiting vehicle, increasing the potential for conflict at this location. Council will need to be fully satisfied that this outcome does not pose an undue risk to the safety of pedestrians / cyclists / motorists, travelling along Cross Road.

ADVICE

DPTI advises that the width of the shared driveway does still not accommodate any simultaneous two-way movements in the vicinity of Cross Road.

Should Council not require an amended plan to address that matter, it is recommended that the following conditions be attached to any approval given:

1. All vehicles must enter and exit Cross Road in a forward direction.
2. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
3. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Cross Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Yours sincerely



**A/MANAGER, TRANSPORT ASSESSMENT
for COMMISSIONER OF HIGHWAYS**

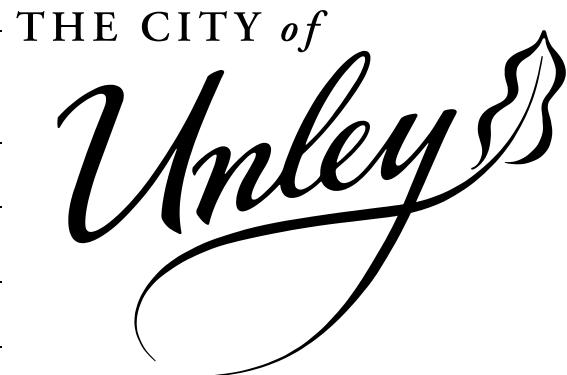
ATTACHMENT E

MEMORANDUM

To PLANNING
DEVELOPMENT AND
 FROM TRANSPORT AND TRAFFIC
TECHNICAL OFFICER
 DATE 25 JUNE 2020

FILE

SUBJECT **Traffic comments on development application 215/2019
300 Cross Road**

**New Development**

The property, 300 Cross Road, is located on the northern side of Cross Road between Churchill Avenue and Goodwood Road. Cross Road is under the care and control of the Department of Planning, Transport and Infrastructure and carries 25,000 vehicles per day.

It is proposed that the existing dwelling be retained and a new residential dwelling be constructed at the rear of the property. The proposed development would remove the existing carport to provide a continuous shared driveway access to the rear dwelling, with access via the existing Cross Road crossover. The rear dwelling would provide a single garage and single uncovered parking space, and the existing front dwelling would be provided a new double carport at the rear. One single uncovered visitor space would also be provided.

Comments

Comments on the plans dated 1 May 2020 are as follows:

7. Off-street parking provision

Residential Development - Principle of Development Control 45 states that the number of car parking spaces should be provided in accordance with Table Un/5.

New dwelling: The new dwelling is a detached type dwelling with less than four bedrooms and of an area less than 250m². There is a requirement for two on-site parking spaces, which is provided.

Existing dwelling: Dwelling is approximately 140m² however the number of bedrooms is unknown based on the plans. The existing dwelling likely requires two on-site parking spaces, which is provided.

8. Off-street parking design

Requirements:

- Residential Development - Principle of Development Control 47 indicates that single-vehicle garages/carports should have minimum internal dimensions of 3m width x 6m length, and double-vehicle garages/carports 5.8m width x 6m length.
- Principle of Development Control 48 suggests that open (uncovered) spaces be designed in accordance with the relevant Australian Standard (AS2890.1). This generally requires 5.4m x 2.4m wide spaces with an additional 0.3m clearance for car door opening.

New dwelling:

A 3.0 x 6.2m single-vehicle garage is provided. This meets the requirements of the Development Plan.

Two 2.7 x 6m uncovered parking spaces for the new dwelling and for visitors is provided. This meets the requirements in AS2890.1 and allows for a 2.4m space + 0.3m clearance should landscaping on the northern side be high or should the carport require a central verandah post along its northern edge.

Existing dwelling:

A double-vehicle carport is proposed. This is 5.8m wide x 6.0m in length and meets the requirements of the Development Plan.

9. Manoeuvrability in and out of the garage/carport has been checked with a B85 vehicle, which represents the likely size of passenger vehicles used in a residential property.

Access to the new dwelling garage is acceptable, although some difficulty may be experienced when reversing out of the garage with a large vehicle, however this is not a concern. Access to the carport for the existing dwelling and all uncovered parking spaces are also acceptable.

The 7.78m available adjacent the carport and uncovered parking spaces is relatively generous and results in improved ease of access compared with other similar developments.

10. Adequate sight distance to/from motorists on the frontage road shall be provided. AS2890.1 – Parking facilities – Off-street car parking, Figure 3.2 ‘Sight distance requirements at access driveways’ indicates that for a domestic driveway on a 60km/h road, visibility must be provided to a point 55m down the road from a point 2.5m back from the kerb face. As the footpath is greater than 2.5m wide, sight distance is not inhibited by the development.

11. Adequate sight distance to/from pedestrians on the footpath shall be provided. In order to provide this, AS2890.1 Figure 3.3 ‘Minimum sight lines for

pedestrian safety' specifies a 2x2.5m sight triangle that is to be kept clear of obstructions to visibility. This is not provided to the east due to the adjacent dividing property fence. A 1.4x1.7m cutoff is provided (with 1.4m measured along Cross Road) which improves sight distance to the west, however it still does not meet the minimum requirement. This is not a major concern however due to the low number of movements out of the property.

- 12.** DPTI indicate that a 6x6m area be provided on the site at the Cross Road access to allow a vehicle to enter the property whilst a vehicle is concurrently exiting the property. The proposed driveway is essentially 3.1m in width. It begins at 4.5m in width at the property boundary, transitioning down over a length of 1.7m to a width of 3.1m. DPTI's requirement is therefore not achieved.

The Development Plan (Residential Development - Principle of Development Control 44) indicates that for a driveway servicing 1-2 dwellings (such as this development), a driveway width at the frontage road of 3m is acceptable. AS2890.1 indicates that for a category 1 access (<25 spaces) with a driveway <30m in length, there is no requirement to provide space for simultaneous access. However, AS2890.1 requirements appear to be designed to ensure that an entering motorist can wait on the frontage road if they see a motorist exiting, whereas DPTI likely want to avoid a situation where a motorist is waiting on Cross Road while a motorist is waiting to exit the property, which could affect the efficiency of the road and increase the chance of rear end crashes (however this would need to be confirmed by DPTI).

As there is a raised median, exit will only be via a left turn out, and any delay for those waiting on Cross Road to enter would be very be minimal. In addition to this, due to the low number of traffic movements (approximately 18.2 trips per day, or less considering some of these would utilise on-street parking), the frequency of this would be low. Therefore, although DPTI's assessment of the potential traffic implications associated with the Cross Road access are valid, we consider that simultaneous movements will likely be a rare occurrence due to the low volume of traffic movements in and out of the driveway.

It should also be considered that with the current development, there is not space for a motorist to turn around on site and motorists would be reversing out on to Cross Road, which presents its own risk. A development where all traffic exits in a forward direction is an improvement in this respect.

Summary

Should the development proceed as proposed, the only matter of concern is that the dimensions of the access driveway where it meets the frontage road, although meeting Australian Standard and Development Plan requirements, does not meet DPTI requirements, who state clearly that they are unable to support the application.

Hayden Scharnberg
Transport and Traffic Technical Officer

ITEM 6**DEVELOPMENT APPLICATION – 090/180/2020/C2 – 10 RINGAROOMA AVENUE, MYRTLE BANK SA 5064 (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/180/2020/C2
ADDRESS:	10 Ringarooma Avenue, Myrtle Bank SA 5064
DATE OF MEETING:	21 July 2020
AUTHOR:	Calvin Bacher
DEVELOPMENT PROPOSAL:	Install in-ground swimming pool
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Regeneration Zone Major Roads Policy Area 14
APPLICANT:	Outside Development Pty Ltd
OWNER:	C J Moyse
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 near boundary Noise and disturbance

1. DESCRIPTION OF PROPOSAL

The proposed development includes the following:

- Install an in-ground swimming pool in the north western (rear) corner of the site.

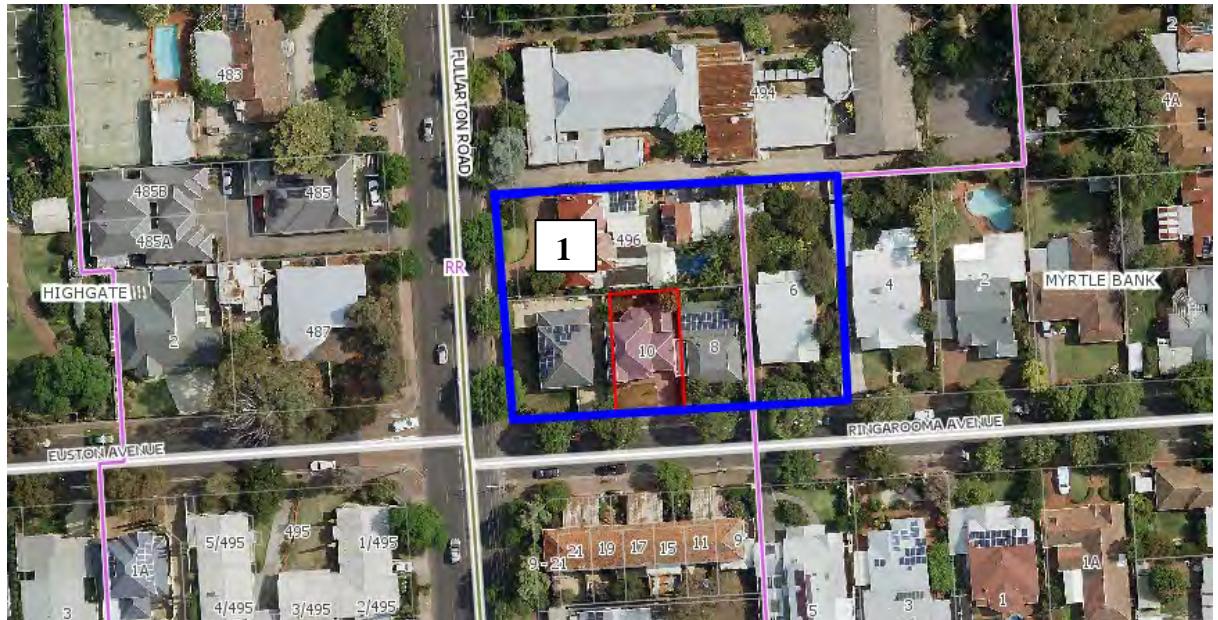
2. SITE DESCRIPTION

The site is rectangular with a southern frontage to Ringarooma Avenue of 13.20 metres, and a depth of 22.86 metres. The site has an area of 302 square metres.

Existing structures on the subject site include a single storey detached dwelling.

There are **no** Regulated or Significant trees growing on or near the development site.

3. LOCALITY PLAN



Subject Site



Locality



Representations

4. LOCALITY DESCRIPTION

Land Use

The predominant land use within the wider locality is residential. Dwellings typically occupy a moderate to large proportion of the sites. Numerous properties include an outdoor pool, including at 1 and 2 Ringarooma Avenue, 483 and 496 Fullarton Road, and at 88 Cross Road.

5. STATUTORY REFERRALS

No statutory referrals required.

6. NON-STATUTORY (INTERNAL) REFERRALS

No internal referrals were undertaken.

7. PUBLIC NOTIFICATION

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

496 Fullarton Rd, Myrtle Bank (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Proximity to boundary	The pool is located 400mm off the shared boundary as stated on the plan that was submitted to Council. Outside Developments will issue the certificate of Insurance for Builders Warranty Insurance to council prior to commencing work on the pool installation.
Noise and disturbance	The pump station is to be installed inside an acoustic box, on the corner of the house west side. This will comply with Council building regulations to reduce noise as it is less than 12mtr from the boundary. Documentation has been supplied with the development application to show this.
Impact to established landscaping*	
Boundary fence replacement/extension*	

(* denotes non-valid planning considerations)

It is noted that the landscaping and fencing matters raised by the representor are not considered to be valid planning matters as no significant or regulated trees are located in close proximity to the development and the fencing is below 2.1m on the boundary and therefore does not require planning consent.

8. ADMINISTRATION NEGOTIATIONS

The applicant has provided amended plans that increase the setback of the swimming pool from the western boundary and indicate a new location for proposed pool equipment.

9. DEVELOPMENT DATA

Site Characteristics	Swimming Pool	Development Plan Provision
Total Site Area	302m ²	
Frontage	13.20m	
Depth	22.86m	
Building Characteristics		
Setbacks		
Front boundary South	N/A	
Side boundary East	5.7m	1.5m
Side boundary West	1.0m	1.5m
Rear boundary North	0.40m	1.5m
Pool equipment location		
Distance to habitable room window's of adjoining dwelling/s	4.5m (12 Ringarooma Ave)	5m

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Regeneration Zone
Objective 1: A predominantly medium density residential zone that comprises a range of dwelling types of 2storeys together with associated local community services and facilities.
Objective 2: Provision of medium to high dwelling densities of up to 3 to 5 storeys within designated policy areas achieved through the re-development of under utilised or aggregated land and land in close proximity to centres, public transport stops and public open spaces.
Objective 3: Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing, available to cater for changing demographics, particularly smaller household sizes and supported accommodation
Objective 4: Increased dwelling densities and population
Objective 5: Sustainable development outcomes through the provision of water sensitive design, energy efficiency, waste minimisation and urban landscaping and biodiversity.
Objective 6: High quality urban design where buildings are sited, composed and scaled to mitigate visual and amenity impacts on residential neighbours in adjoining residential zones.
Objective 7: Development that contributes to the desired character of the zone.
Desired Character
Areas within this zone are widely dispersed across the City of Unley and have been identified for regeneration and housing growth for one or more of the following reasons: (a) development is nearing the end of its economic life or is under-utilised;

- (b) are located outside of designated character areas;
- (c) comprise existing medium density housing development;
- (d) have strategic locational benefits supporting higher density residential living such as close proximity to centres, public transport and open space.

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

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

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

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

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

Assessment

The proposed development is limited to a domestic scale and ancillary to the existing residential use of the land and buildings. The development would be located to the rear of the site and dwelling and have minimal impact on the character of the zone.

Policy Area Desired Character and Principles of Development Control

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

density housing. Dwelling types other than detached and semi-detached housing are envisaged in this policy area. Affordable housing and supported accommodation are encouraged to take advantage of the good linkages to public transport.

Assessment

The proposed development is limited to a domestic scale and ancillary to the existing residential use of the land and buildings. The development would be located to the rear of the site and dwelling and have minimal impact on the character of the zone.

Relevant Council Wide Objectives and Principles of Development Control

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 50 – Swimming Pools and Outdoor Spas</p> <p><i>Swimming pools, outdoor spa baths and ancillary equipment and structures should be designed and located so as to protect the privacy and visual and acoustic amenity of adjoining residential occupiers and should be constructed in accordance with the following parameters:</i></p> <p>(a) <i>located at least 1.5 metres from any adjoining residential property boundary;</i></p> <p>(b) <i>ancillary pool and spa equipment is located within a sound attenuated enclosure and located at least 5 metres from a habitable room window in an adjoining residential building;</i></p> <p>(c) <i>have a maximum finished height above ground level of 0.5 metres for in-ground pools/spas and 1.5 metres for above-ground pools/spas.</i></p>	<p>The swimming pool would be located a minimum 0.4 metres from adjoining property boundaries, 1.1m less than the recommended minimum Development Plan guidelines.</p> <p>Whilst the pool could be installed 1.5 metres from the western boundaries, there are constraints on the setback of the northern (rear) boundary.</p> <p>The proposed location has been designed to maximise the usability and amenity of the site, and the equipment selected to minimise impacts to the subject and adjoining dwellings.</p> <p>Whilst the pump equipment would be located within 4.5m of the adjoining habitable room windows, it would be located immediately abutting the subject dwelling and located within a sound attenuated enclosure to meet EPA Noise Policy recommendations.</p> <p>Given the above, and in context of the site and locality, it is considered that the pool and equipment design and locations would reasonably protect the privacy as well as the visual and acoustic amenity of adjoining residential occupiers.</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 development is considered to adequately satisfy relevant Council wide, zone and policy area principles of development control.
- The development is of domestic scale and ancillary to and would facilitate the better use of the existing residential use of the land and buildings.
- The proposed positioning of the pool and pool equipment would not unreasonably impact upon the amenity of the surrounding area.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/180/2020/C2 at 10 Ringarooma Avenue, Myrtle Bank SA 5064 to 'Install in-ground swimming pool' 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 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.

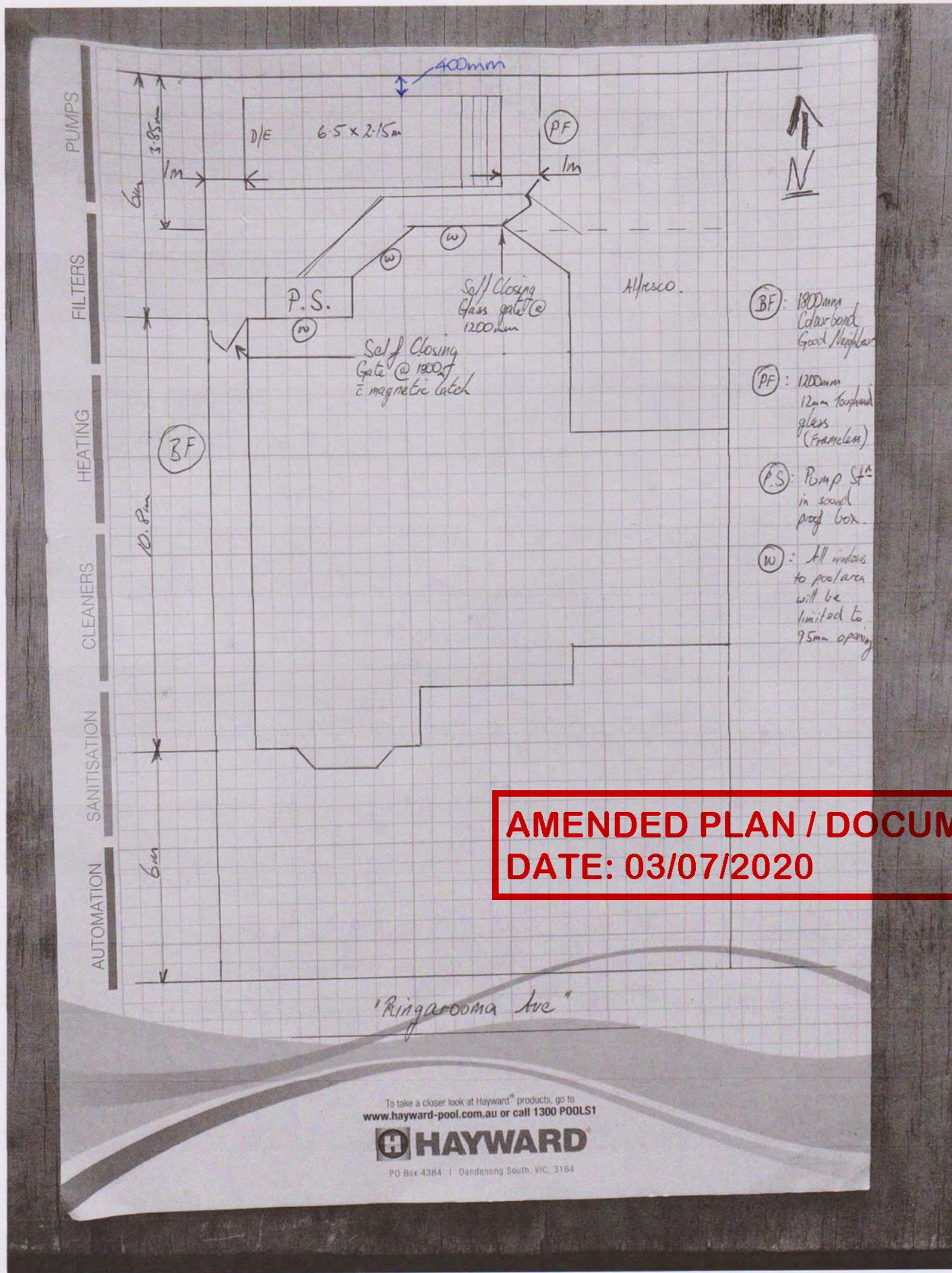
4. That waste water from the swimming pool shall be discharged to the sewer, and not be allowed to flow onto adjoining properties or the street water table under any circumstances.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Administration
C	Response to Representations	Applicant
D	Further correspondence from Representation	Administration

ATTACHMENT A



PUMPS

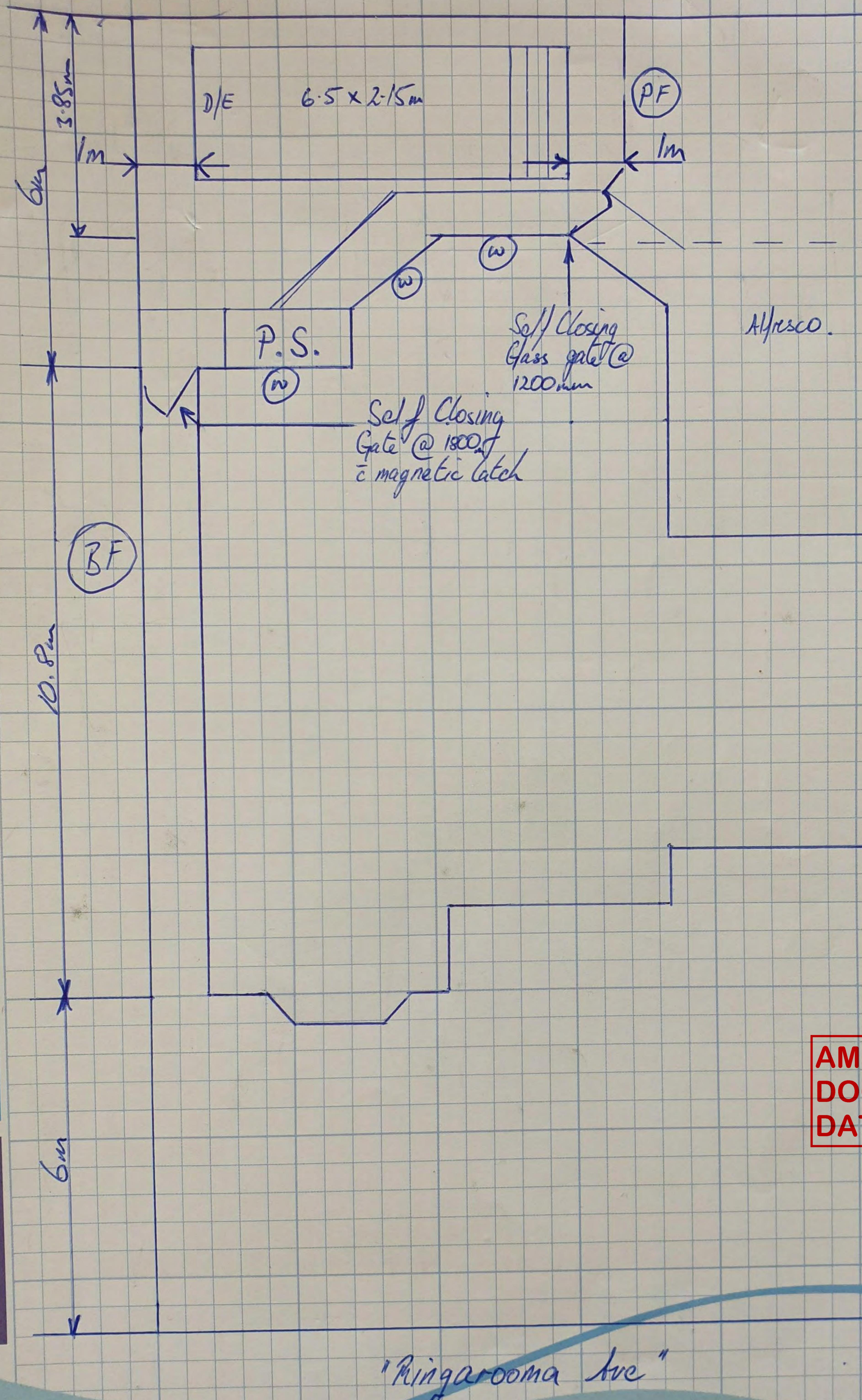
FILTERS

HEATING

CLEANERS

SANITISATION

AUTOMATION



Alresco.

(BF): 1800mm
Colorbond
Good Neighbor

(PF): 1200mm
12mm Toughened
glass
(Frameless)

(P.S.): Pump ST^A
in sound
proof box.

(W): All windows
to pool/area
will be
limited to
95mm opening

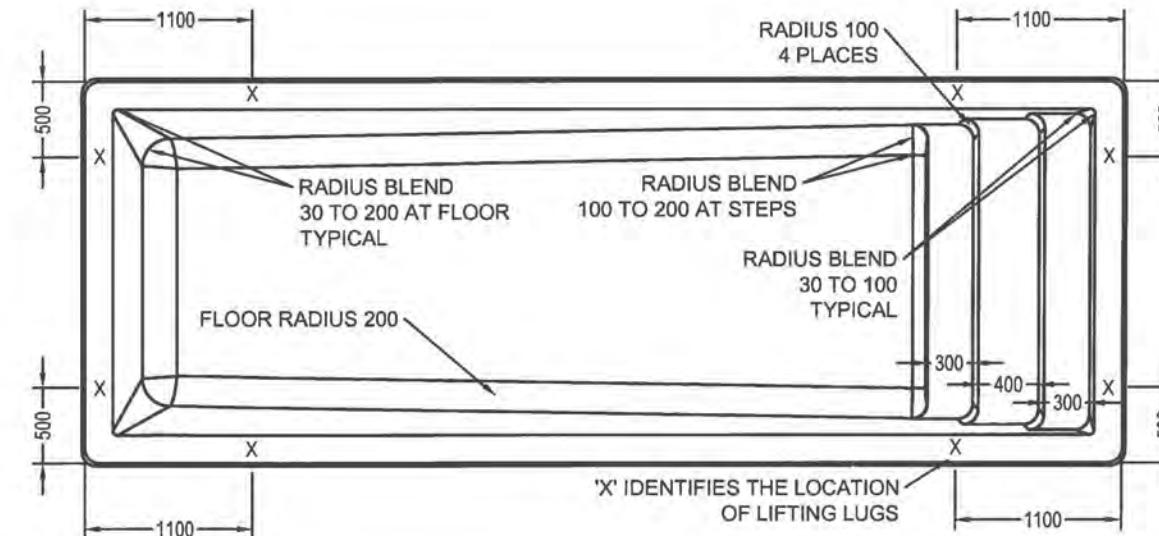
**AMENDED PLAN /
DOCUMENT
DATE: 02/07/2020**

To take a closer look at Hayward® products, go to
www.hayward-pool.com.au or call 1300 POOLS1

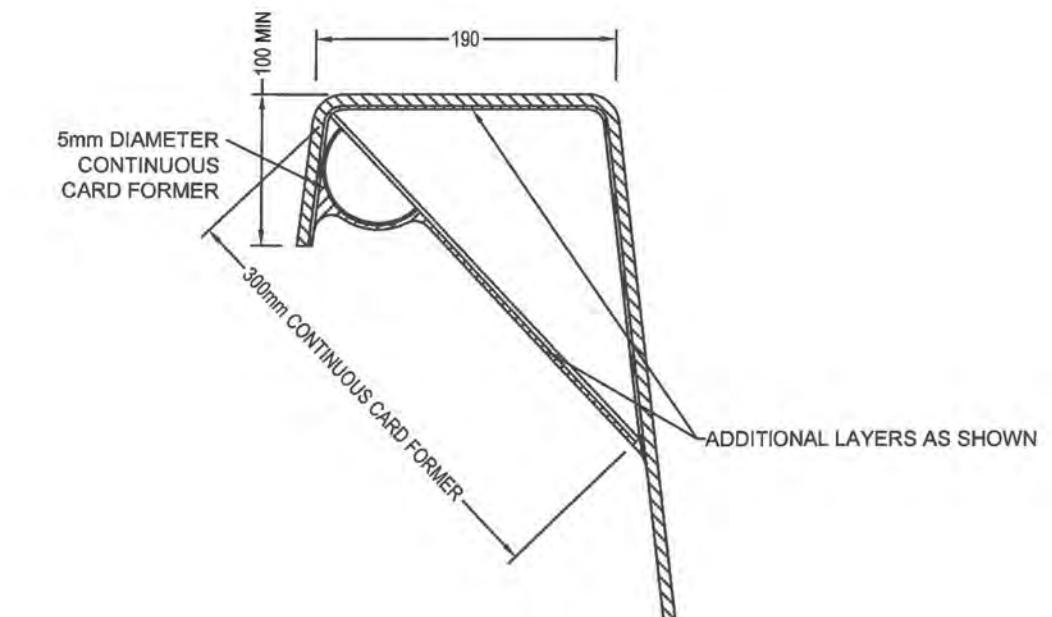


PO Box 4384 | Dandenong South, VIC, 3164

A

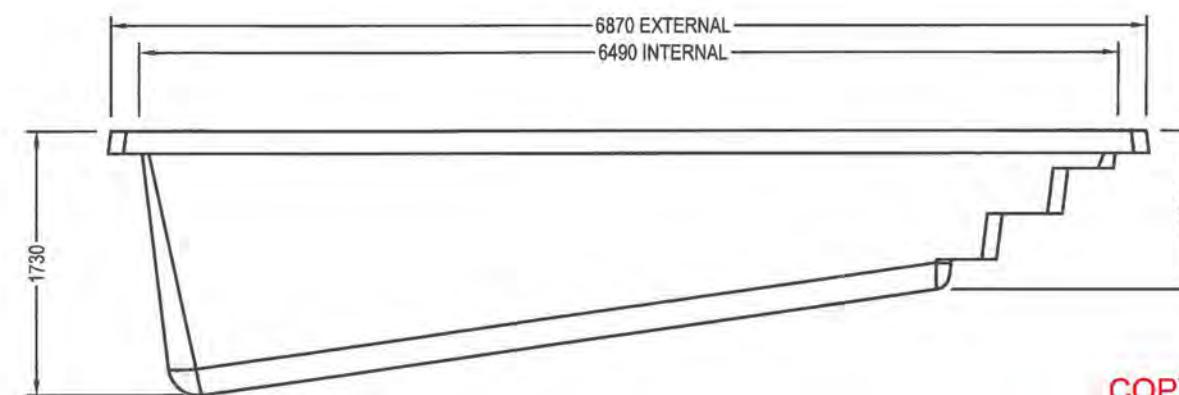


PLAN

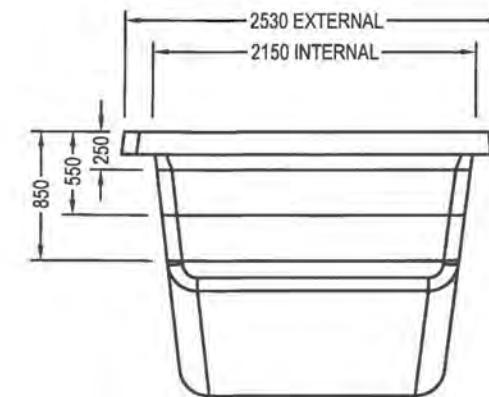


EDGEBEAM DETAIL

SCALE 1:5



SIDE ELEVATION

COPY OF ORIGINAL
FOR REFERENCE ONLY

DEEP END ELEVATION

REFER TO DRAFT-003 FOR ALL OTHER
STRUCTURAL SPECIFICATIONS

AQUATIC LEISURE TECHNOLOGIES PTY LTD

9 Stott Road, Welshpool WA 6106
 t: +61 8 9258 5000 f: +61 8 9258 5500 e: info@aqualeisure.com.au
 ACN 008 905 888 ABN 23 008 905 888 www.aqualeisure.com.au

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REVISION SUMMARY

GENERAL DETAILS

ALT DRAWING DETAILS

Rev:	Date:	Description:	Drawn By:
0	05-09-2014	ORIGINAL	LSM

UNSPECIFIED RADII	INTERNAL - CONCAVE	30
	EXTERNAL - CONVEX	20

RELEASE ANGLE	TYPICAL	6.843°
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NON-SKID TO ALL FLAT TRAFFICABLE AREAS		
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Previous revisions are available in superseded draw

Page 422 of 619

ALL DIMENSIONS IN MM UNLESS OTHERWISE STATED

Brand:	AQUA TECHNICS
--------	---------------

Title:	SENTOSA - DETAILS
--------	-------------------

INGROUND FIBREGLASS POOL		
--------------------------	--	--

Approved By:

MC ABENOJA

MEAust (Civil/Structural)
 Membership No. 3555124

A3



Head Office
Suite 9
38-46 Albany St
St Leonards 2065

Postal Address
PO Box 270
Neutral Bay 2089
ABN: 36 105 797 715

T 02 9908 1270
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E info@acousticdynamics.com.au
W www.acousticdynamics.com.au



A

Project 3821
3 May 2016

The Acoustic Box Pty Ltd

Attention: Mr Simon Samaan
79 First Avenue
FIVE DOCK NSW 2046

Email: simon@acousticbox.com.au
Mob: 0403 971802

Dear Simon

VENTILATED ACOUSTIC ENCLOSURE – NOISE EMISSION ASSESSMENT **ACOUSTIC SERVICES & ADVICE**

1 INTRODUCTION

Acoustic Dynamics is engaged by The Acoustic Box Pty Ltd to assess the reduction in noise emission resulting from the use and operation of a mechanical (electrical) pool pump, when housed within a ventilated acoustic enclosure “Acousticbox”.

This document provides the results of a site visit, noise measurements, an assessment of the reduction in noise emission level resulting from use/incorporation of an acoustic enclosure placed around pool mechanical equipment.

This document is prepared in accordance with the reporting requirements of our client along with relevant ISO and Australian Standards, and provides an assessment of sound reduction performance of the acoustic enclosure.

2 NOISE DESCRIPTORS AND DEFINITIONS

2.1 Noise

Noise is the presence of unwanted sound. The sound is produced through rapid variations in air pressure at audible frequencies (20 Hz – 20 kHz). Most noise sources vary with time. The measurement of a variable noise source requires the ability to describe the sound over a particular duration of time. A series of industry standard statistical descriptors have been developed to describe variable noise, as outlined in Section 2.1.2 below.

2.2 Noise Descriptors

L_{Aeq} – The A-weighted equivalent continuous level which is a measure of the energy content of a sound over a time period. It gives a single figure expressing the equivalent of a varying level. It can be considered to be the “average” sound level.

L_{A90} – The A-weighted noise level exceeded for 90% of the sample time.

2.3 A-weighting

"A-weighting" refers to a prescribed amplitude versus frequency curve used to "weight" noise measurements in order to represent the frequency response of the human ear. Simply, the human ear is less sensitive to noise at some frequencies and more sensitive to noise at other frequencies. The A-weighting is a method to present a measurement or calculation result with a number representing how humans subjectively hear different frequencies at different levels.

2.4 Noise Character, Noise level and Annoyance

The perception of a given sound to be deemed annoying or acceptable is greatly influenced by the character of the sound and how it contrasts with the character of the background noise. A noise source may be measured to have only a marginal difference to the background noise level, but may be perceived as annoying due to the character of the noise.

Acoustic Dynamics' analysis of noise considers both the noise level and sound character in the assessment of annoyance and impact on amenity.

3 RELEVANT ACOUSTIC CRITERIA

3.1 NSW Protection of the Environment Operations Act 1997

Acoustic Dynamics advises that noise emission within any Local Government area must not generate "offensive noise", as defined within the NSW Protection of the Environment Operations (POEO) Act 1997. Within the POEO Act 1997, "offensive noise" is defined as follows:

""offensive noise" means noise:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or*
- (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted,*

or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations."

3.2 NSW Protection of the Environment Operations (Noise Control) Regulation 2008

Acoustic Dynamics advises that noise emission resulting from the operation of residential pool equipment within NSW must comply with the requirements of the NSW Protection of the Environment Operations (POEO) (Noise Control) Regulation 2008. Within the POEO Regulation 2008, the following requirements are specified:

"Subdivision 1 Time limits on the use of certain articles

50 Power tools and equipment

- (1) *A person must not cause or permit a power tool or swimming pool pump to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):*
 - (a) *before 8 am or after 8 pm on any Sunday or public holiday, or*
 - (b) *before 7 am or after 8 pm on any other day.*
- (3) *In this clause:*
swimming pool pump includes a spa pump.

52 Air conditioners and heat pump water heaters

- (1) *A person must not cause or permit an air conditioner or heat pump water heater to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):*
 - (a) *before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or*
 - (b) *before 7 am or after 10 pm on any other day.*
- (4) *In this clause:*
heat pump water heater means a device that heats water using the energy generated from the compression of a gas."

3.3 Government Legislation

In addition to the above, within NSW and throughout Australia, Local Governments regulate noise emission resulting from the operation of pool equipment under the above planning controls, and via their LEP, DCP and other planning controls and guidelines.

The NSW EPA's Noise Guide for Local Government (NGLG) includes guidance on the assessment of mechanical noise sources, such as pool equipment. Within this guidance, the EPA recommends the use of the intrusive criterion, also represented by background (L_{A90}) noise level plus 5 dB.

Councils can enforce the above planning controls under the Environmental Planning and Assessment Act of 1979.

4 NOISE MEASUREMENT EQUIPMENT & STANDARDS

All measurements were conducted in general accordance with Australian Standard 1055.1-1997, "Acoustics - Description and Measurement of Environmental Noise Part 1: General Procedures". Acoustic Dynamics' sound measurements were carried out using precision sound level meters conforming to the requirements of IEC 61672-2002 "Electroacoustics: Sound Level Meters – Part 1: Specifications". The survey instrumentation used during the survey is set out in **Table 4.1**.

Table 4.1 Noise Survey Instrumentation

Type	Serial Number	Instrument Description
2270	2664115	Brüel & Kjaer Modular Precision Sound Level Meter
4189	2385698	Brüel & Kjaer 12.5 mm Prepolarised Condenser Microphone
4230	623588	Brüel & Kjaer Acoustic Calibrator

The reference sound pressure level was checked prior to and after the measurements using the acoustic calibrator and remained within acceptable limits.

5 NOISE MEASUREMENTS PROCEDURE

Noise emission measurements were taken within the backyard of 75 First Avenue, Five Dock, between 3:15pm and 4:30pm on Tuesday 19 April 2016.

The weather conditions during the noise measurement surveys were calm, and did not affect the measurement results. To quantify the maximum likely noise emission reduction from the acoustic enclosure during normal operation, the following mechanical plant and generated noise source were used:

- AstraPool Australia E-series 170 Pool Pump; and
- Generated Pink Noise (via loudspeaker).

Photo 5.1 "Acousticbox"



Field noise measurements were taken at a central position at the front, sides, rear and above the acoustic enclosure at a distance of one (1) metre from the equipment. Measurements were conducted with and without the enclosure in place at a height of approximately 1.2 metres. The pool pump was placed on the lawn (grass) and the acoustic enclosure was erected around the pump sitting on a light wooden frame. Background ambient noise measurements were taken prior to the operation of the pool pump to ensure influence of this did not affect the measurement results.

The testing conditions were not ideal, with the pool pump and the acoustic enclosure both placed on the grass, not a solid (e.g. concrete) surface. The enclosure was not fastened to the ground and air-gaps were present under the lightweight enclosure frame and at some of the joints of the enclosure.

6 MEASUREMENT RESULTS

The noise level average (L_{Aeq}) emission at one (1) metre around the pool pump without the acoustic enclosure was 68 dB (an L_{Aeq} sound power level (SWL) of 76 dB).

With the acoustic enclosure fitted around the pool pump the L_{Aeq} was reduced to 49 dB at one (1) metre. This gives an overall 'A' weighted noise reduction of 19 dB.

As indicated above, there were a number of noise leakage points during the measurements, via the timber frame, and within the corners of the enclosure which would contribute to the noise emissions measurement. Therefore it is likely that the enclosure would perform marginally better under ideal testing conditions or for an actual installation, assuming the enclosure is well sealed.

Figure 6.1 below shows the overall 'A' weighted noise levels and the 1/3 octave band frequency noise levels of the pool pump without the enclosure and with the enclosure at a distance of one (1) metre, and **Figure 6.2** shows the 1/3 octave band noise level reduction achieved by the acoustic enclosure at a distance of one (1) metre.

Figure 6.1 Overall A-Weighted & 1/3 Octave Band Noise Levels - Pool Pump With and Without Acoustic Enclosure

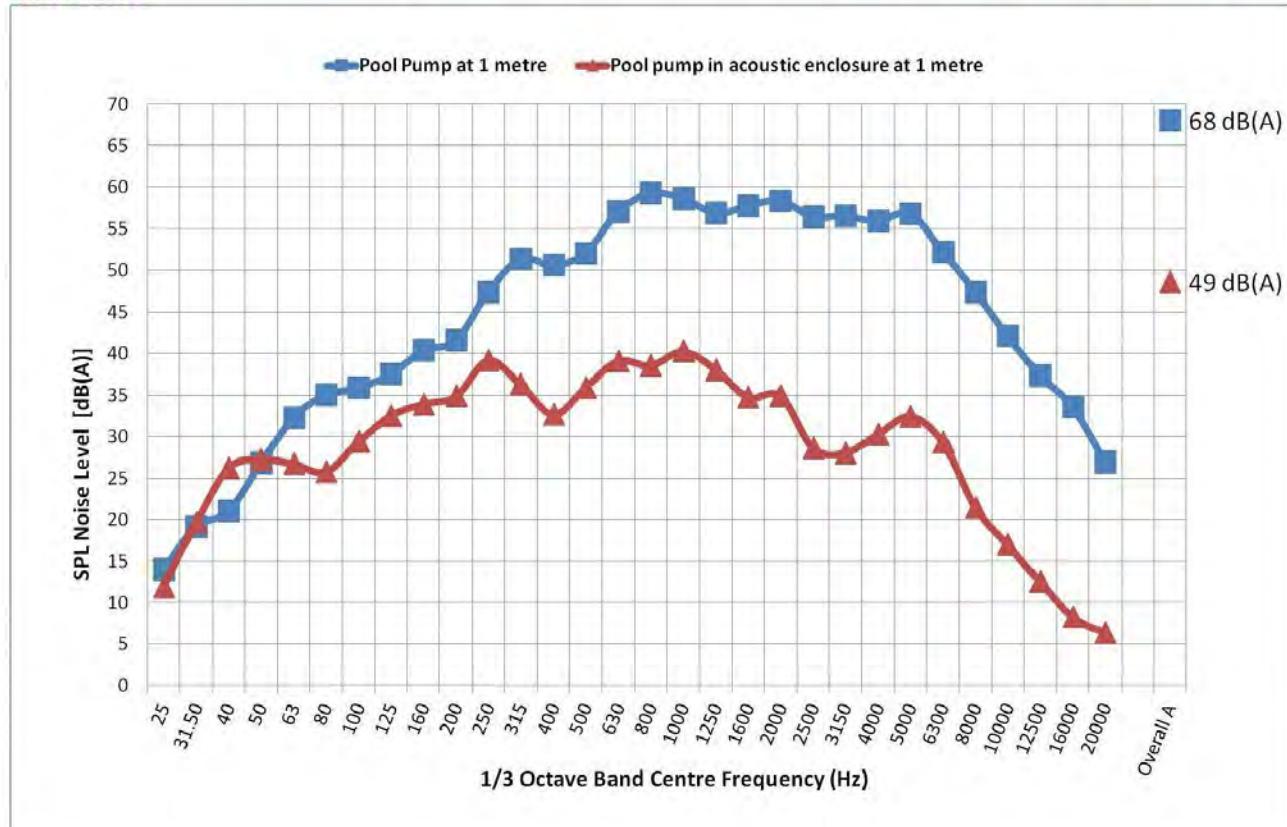


Figure 6.2 Reduction in 1/3 Octave Band Pool Pump Noise Levels Achieved by Acoustic Enclosure

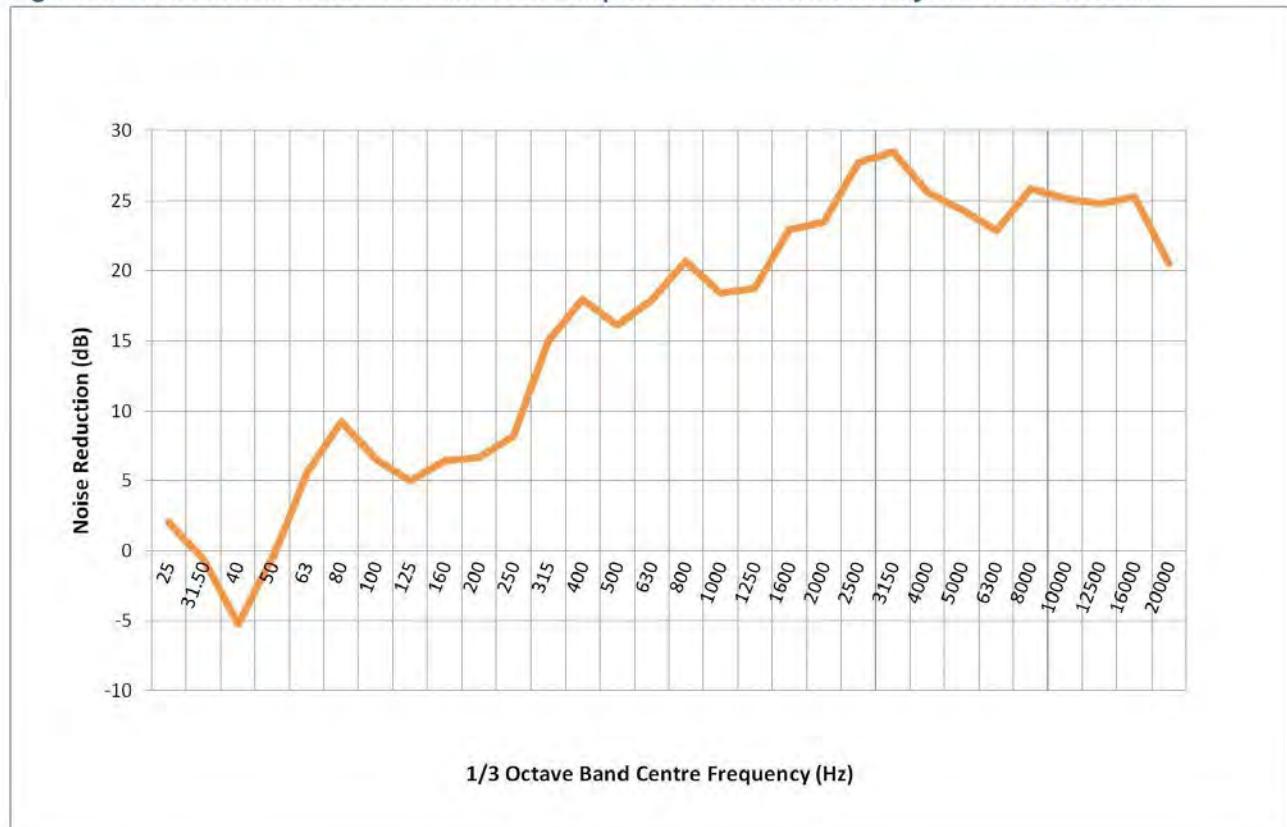


Table 6.1 Measured Octave Band Noise Reduction

	Octave Band Centre Frequency (Hz)										O/All (A-Wgt)
	31	63	125	250	500	1k	2k	4k	8k	16k	
Noise Reduction	0 ¹	6	5	8	16	18	23	26	26	25	19 ²

Note: 1) Controlled by higher measured background noise level

2) Measured difference between overall A-weighted noise source and background level

7 CONCLUSION

Acoustic Dynamics has conducted an acoustic assessment of the noise emission reduction associated with an acoustic enclosure “Acousticbox”, for use with pool pumps and pool equipment.

The L_{Aeq} emission at one (1) metre around the pool pump without the acoustic enclosure was **68 dB**. With the acoustic enclosure fitted the L_{Aeq} noise emission level reduced to **49 dB** at a distance of one (1) metre. This gives an overall A-weighted noise reduction of **19 dB**.

The testing conditions were not ideal, and as such, a marginally greater reduction in noise emission levels is likely to be achieved for an actual installation, assuming the enclosure is well sealed.

We trust that the above information meets with your requirements and expectations. Please do not hesitate to contact us on 02 9908 1270 should you require our services further.

Kind Regards
ACOUSTIC DYNAMICS



MATTHEW WESTON

Document	Revision	Date	Prepared	Checked	Approved
3821L001.MW.160429	Revision 0	3 May 2016	MW	RH	

THE ACOUSTIC BOX



WHAT IS THE ACOUSTIC BOX?

The Acoustic Box Company specialises in manufacturing **soundproof boxes**, specifically designed for enclosing and reducing noise from pool pumps, compressors and other noisy machinery. We supply and deliver to all areas in Australia.

Our thick galvanised steel enclosures are powder coated and fitted with acoustic grade foam to comply with Council regulations for running your pump at night - **SAVING YOU MONEY ON YOUR ENERGY BILL!**

The boxes come in **multiple sizes** and **10 different colours**. Custom sizes and colours are available on request.

EASY TO ASSEMBLE...

Assembly takes as little as **5-15 minutes - NO NUTS & BOLTS**, no screws or special tools required!

There are only 3 different parts which simply click together in just a few minutes.

Most models can be assembled by one person with no building experience with a Youtube clip and illustrated assembly instructions with every order.

SUPERIOR DESIGN

Industrially engineered to provide enhanced sturdiness yet lighter than other models on the market.

Gas Struts and removable door provides easy access. Made from thick 0.9mm **galvanised steel** and finished with Dulux powder coating. A **7 Year Warranty** provides peace of mind. **Ventilation gaps** allow for air circulation without any water leaks or compromising noise abatement.

SOUNDPROOF COMPLIANCE SAVE \$\$\$ ON ENERGY BILLS!

The Acoustic Box is lined with quality, 20mm thick acoustic grade foam, translating into **a reduction of 80% in noise levels!**

This means you can use your pump during off-peak hours saving you money.

The noise reduction is certified by an **Acoustic Engineer's report**.

ACOUSTICBOX.COM.AU
02 9620 5430





AVAILABLE MODELS AND SIZES

CHOOSE YOUR WIDTH:

1100mm external / 1045mm internal
1660mm external / 1595mm internal
2218mm external / 2163mm internal
2778mm external / 2713mm internal
3336mm external / 3281mm internal

CHOOSE YOUR DEPTH:

1100mm external / 1045mm internal
660mm external / 595mm internal
900mm external / 845mm internal
Add 50mm if choosing backless

CHOOSE YOUR HEIGHT:

900mm external / 855mm internal
1145mm external / 1100mm internal
1345mm external / 1300mm internal
1845mm external / 1800mm internal*
*only available in 1100 & 1660 wide,
1100 & 900 deep



FOOTINGS, CUSTOM BOXES AND DELIVERIES

We also offer custom cut footings for all models - made from H3 treated timber and cut to exact dimensions. The footings come pre-drilled and ready to assemble.

- ▶ **Custom colours** on request – no additional lead time
- ▶ **Custom tailored solutions** to suit any level site
- ▶ **Boxes with side access** and **extra timber panels**
- ▶ **Deliveries** to all cities and regional towns

COLOURS



ACOUSTICBOX.COM.AU
02 9620 5430



ATTACHMENT B

REPRESENTATION Category 2 (Page 1)

To: Calvin Bacher, City of Unley Development Section

Please read these notes carefully:

1. Both pages MUST be completed in full and returned to the City of Unley by the closing date to be a valid representation.
2. This page (ie Page 1) will NOT be published on the internet.
3. Pages 1 and 2 (and any attachments) may be included as attachments in the hard copy of the Council Assessment Panel agenda.
4. Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and attachments) will be forwarded to the Applicant for consultation and response.

The **closing date** for Representations is **5pm on 27 April 2020**.

Application: 090/180/2020/C2 10 Ringarooma Avenue, Myrtle Bank SA 5064

Details of Person(s) making Representation:

Name:

Postal Address:

EMAIL ADDRESS

Daytime Phone No

**Property affected
by Development**

P & Camil

(Signature)

22/4/20

(Date)

REPRESENTATION Category 2 (Page 2)

To: Calvin Bacher, 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 27 April 2020.

Application:	090/180/2020/C2 10 Ringarooma Avenue, Myrtle Bank SA 5064
Property affected by Development	496 Fullarton Road, Myrtle Bank 5064

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)

- Distance from boundary fence not clearly stated. Has insurance for water leaks been considered +/- arranged?
- Sound is the other issue - the acoustic's expert rates likely pump sound as 49 dB^{with a cover}, or approximately 'classroom chatter' level. (This is measured on a grassy surface and therefore could be louder on concrete). The expert does not mention pitch of sound, and this is important - a pool pump is just below high C and so it is an incessant whine. A pool pump would preferably be housed in a soundproofed shed and have a cover, on the house side of the pool. There is a bedroom^{at 496 Fullarton Rd} within a metre of the relevant boundary.

My concerns (if any) could be overcome by: This is very important as the expert sound assessment did not take into account voice levels, which while intermittent would be at least 50 dB level, potentially impacting 2 rooms at 496 Fullarton. We would consider therefore placement of a swimming pool pump room ^{proximity of the proposed development} at least near the boundary as unreasonable (It is noted that a 3dB change is associated with doubling of sound intensity, and so any noise levels mentioned are minimum).

I WISH TO BE HEARD (one) 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

15/05/2020

681 Marion Road
ASCOT PARK SA 5043
ABN: 66 614 160 244

To Whom it may concern,

Development Application : 090/180/2020/C2

10 Ringarooma Ave ; Myrtle Bank SA 506

This letter is to address concerns as stated by Philip & Anne Cornish of

496 Fullarton Road; Myrtle Bank SA 5064

- *Distance from boundary fence not clearly stated. Has insurance for water leaks been considered +/- arranged?*

The pool is located 400mm off the shared boundary as stated on the plan that was submitted to Council. Outside Developments will issue the certificate of Insurance for Builders Warranty Insurance to council prior to commencing work on the pool installation.

- *Sound is the other issue;*

The pump station is to be installed inside an acoustic box, on the corner of the house west side. This will comply with Council building regulations to reduce noise as it is less than 12mtr from the boundary. Documentation has been supplied with the development application to show this.

Yours Sincerely

Janine Faggotter

Ph:0432 336 536

Administration

Outside Developments

admin@outsidedevelopments.com.au

ATTACHMENT D

D

From: Philip Cornish
Sent: Fri, 22 May 2020 16:10:36 +0930
To: PO Box1
Subject: Re: Application Number 090/180/2020/C2 for - install in-ground swimming pool

This email is written in addition to our previous submission to Council.

The filter pump is to be placed within an acoustic box which reduces sound to a level which we have previously identified as the level of 'classroom chatter'. In the plan provided by the applicant, the pump and box are housed in the narrow pathway beside the house, obstructing it completely. This location is within 5 metres of the boundary. It is also hard against a boundary fence which leads down to our property and we believe this could act like a 'whispering wall' conducting sound. This fence finishes 500 mm from a room in our house which is used as a study and bedroom. Noise is already somewhat of an issue.

The intention is to dig a 2 metre deep hole across the whole of the western end of the property and within 400 mm of the boundary fence. This will entail digging across a substantial number of tree roots on our boundary fence, potentially killing the established trees, and will likely destabilise the existing fence and piping. We are doubtful that this can be accomplished without substantial damage to the fence and our property. Whilst we note provisions for insurance, it is better to not create the damage in the first place.

We note that there are plans to elevate the boundary fence to 1800 mm. The reason for this is stated in the handwritten plan as '900 NCZ'. This is a reference to State Law for fencing requirements around swimming pools in SA. There has been no approach to us to ask if we are in agreement to elevate the boundary fence, and this cannot be altered without our permission under the Fencing Act, and which is unfortunately not given. The pool can therefore not be legally fenced.

The pool has to be positioned so close to the boundary because it is prefabricated and the concrete walkway prevents it being placed any closer to the house.

We would respectfully suggest that it is not merely an issue of compliance with Council bylaws in this case, but also of operating within State Law which this application is unfortunately unable to do.

We previously indicated that we would not attend the Council Assessment Panel, but wish to reverse that decision and intend to be present.

Yours sincerely

Philip and Annie Cornish
496 Fullarton Road

ITEM 7**DEVELOPMENT APPLICATION – 090/263/2020/C2 – 60 PARK STREET,
HYDE PARK SA 5061 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/263/2020/C2
ADDRESS:	60 Park Street, Hyde Park SA 5061
DATE OF MEETING:	21 st July 2020
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Land Division - Torrens Title - Create 2 allotments from one existing; demolish existing dwelling and structures; construct 2, two-storey dwellings, carports and front fence
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape Built Form Zone, Policy Area 8.5
APPLICANT:	K Barkoukis
OWNER:	K Barkoukis and D Pastrikos
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (Three oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Streetscape Character Bulk and Scale Boundary Development Orderly and Economic Development/Land Division

1. PLANNING BACKGROUND

The applicant submitted application number 090/94/2019/C2 to ‘*Demolish existing dwellings and construct two, two storey semi-detached dwellings including verandahs and garages at rear*’. Administration met with the applicant and discussed fundamental concerns with the proposal.

The applicant advised Administration that the existing building is configured as two dwellings (having a party wall, separate letter boxes and electricity/gas meters since the early 1970s). As such, the applicant is of the view that the property has existing use rights as two dwellings.

Administration are unable to locate application history to reflect the conversion, and the Rates Department advise that the property is rated as one assessment (property). As such, Administration does not concur with the applicant's view.

The applicant was advised that if they wish to proceed with an application for two dwellings, a land division application is required to be lodged and assessed contemporaneously with the built form. The applicant subsequently lodged application 090/263/2020/C2 (subject application) which includes the subdivision and built form.

Application history:

090/185/1979/BA – Carport. Approved

090/376/2002/DI – Land division – Torrens title (creating two allotments from one existing). Approved. This application related to the subject allotment and the eastern adjoining allotment (58 Park Street).

2. DESCRIPTION OF PROPOSAL

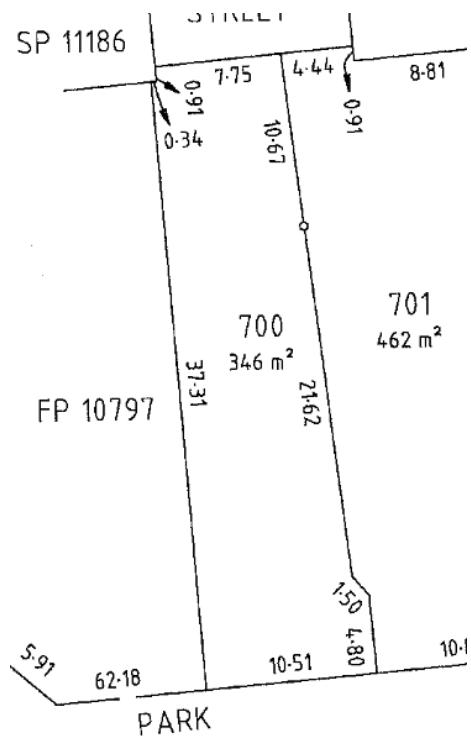
The applicant seeks approval for the following development at 60 Park Street Hyde Park;

- Demolish the existing dwelling and ancillary structures;
- Land division - create two allotments from one existing;
- Construct two, two-storey dwellings with associated garaging at the rear (access via Harley Street); and
- Erect front fence

3. SITE DESCRIPTION

The subject site is located within the Residential Streetscape Built Form Zone, Policy Area 8.5.

The site is located on the northern side of Park Street, between King William Road and Clarence Street. The site is not symmetrical in shape, having a wider frontage (10.51m) and narrowing at the rear (7.75m), and two 'kinks' along the side boundaries as demonstrated below.



The overall site area is 346m².

The site is currently occupied by a historic hall (approximately c 1900s). A lean-to addition has been constructed forward of the hall. An open carport is located at the rear of the allotment which provides vehicle access to the site, via Harley Street.

No regulated trees have been identified on the subject land, or within close proximity of the proposed development.

4. LOCALITY PLAN



Subject Site Locality Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Settlement Pattern & Dwelling Type

With the exception of the residential flats on the corner of Park Street and Westall Street (and 4 Harley Street) the settlement pattern remains intact and accommodates predominantly single storey, detached dwellings.

The subject site is bound by double fronted cottages. Villas are also found within the immediate locality, and two Local Heritage places are identified at 77 Park Street and 54 Park Street.

Fencing Styles

Front fencing is predominantly low (masonry or timber picket).

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

Councils Consulting Architect has provided the following advice;

- *The existing building is a historic hall. Based on its appearance and that of nearby buildings, it is likely to have been constructed around the early 1900s.*
- *It is consistent with the prevailing streetscape character of the locality.*
- *Unfortunately, a lean-to addition on the front and previous inappropriate repairs diminish the contribution that it makes to streetscape character.*
- *Historic brickwork detailing and peck-faced sandstone in the façade remain evident however and, with paint removal from stonework, cleaning of brickwork and appropriate repairs, the subject place would make a positive contribution to prevailing streetscape character. This is however subject to the removal of the front lean-to and appropriate making good to the front façade, noting that the degree of intactness of the front façade is not evident from the street.*

17th October 2019

- *Met with Douglas, Lou, Kon and Amy.*
- *Recent amendments are positive but further refinement and additional information is necessary.*
- *While the existing building is somewhat compromised by additions and deterioration of fabric, the proposed building needs to demonstrate that it “makes a comparable or more positive contribution to the desired character”.*
- *Recommended detailed survey of site and surrounds to inform further design amendments and design impact statement.*
- *Recommend looking at increasing front setback further. Also recommend amendments to the proportions of the proposed dwellings, particularly the vertical proportions and removing some of the imitation historic detail to simplify the appearance. The upper storey should remain “inconspicuous” in the streetscape and setback further if necessary.*

March 2020

Reviewed the recently submitted drawings (emailed on the 20th February)

- *The streetscape elevations have been amended to more accurately reflect adjacent dwellings.*
- *Window sill mouldings have been removed.*
- *The front setback appears to have been slightly reduced.*
- *The minor amendments do not go far enough.*
- *The following is recommended:*

- *Increase front setback to at least the average of the front setbacks of the walls, (not verandahs), of adjacent dwellings.*
- *Increase the main wall height of the proposed dwelling and adjust the verandah proportions to more closely reflect the height and proportions of adjacent dwellings.*
- *Amend the proposed colour scheme to reflect the less-contrasting and more subtle colours of traditional buildings nearby.*

The applicant provided amended plans addressing points two and three above. Of note the main wall height was increased from 3.5m to 3.8m, and the roofing colour was changed from ‘monument’ to ‘windspray’.

The application was referred to Council’s Assets Department and Traffic Department with regards to the rear vehicle access arrangement. The following comments were provided:

Assets

- *No issue with the proposed new crossovers in Harley Street.*
- *The minimum FFL of the garages at the boundary should be maximum 75m above the kerb height or in this case 75mm above the paved footpath at the kerb alignment of the carport of 4 Harley St or at top of kerb at the Etsa pole out front of 4 Harley St.*

Traffic

Comments on the plans dated April 2020 are as follows:

- *The proposed design for both dwellings only has an allocation for 1 off-street car park.*
 - *This is below the minimum required for off-street parking as the City of Unley Development Plan states that there should be a minimum of 2 off-street car parks for a 3-bedroom dwelling.*
- *The proposed carport dimensions are 3.7m x 5.7m.*
 - *This is below the minimum dimensions required as for a single garage, the dimensions should be 3m x 6m. It is noted that the width does exceed the minimum width which will increase the manoeuvrability.*
 - *Modern 4wd’s and utes have a length of 5.3+m without accessories, so the sub-standard length may present an issue in the future.*

- Dwelling 1 has the access to the carport partially fronting a paved footpath.
 - This does present a potential traffic conflict and is not an ideal outcome from a traffic perspective.
 - Having the access partially via a footpath and roadway clouds the demarcation of the garage which may potentially lead to vehicles blocking the garage.
 - The mitigating factors are that it's currently permitted for the existing dwelling, the adjacent dwelling and little connectivity for the footpath.

SUMMARY

It is recommended to provide the applicant the following information:

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

- The minimum length for a single garage has not been met.
- The minimum quantity for off-street carparking has not been met.
- Access arrangements for Dwelling 1 in consideration to the footpath.

Following receipt of the above advice, the applicant amended the plans as follows;

- Increased the length of the carport (to be 6m);
- Altered the garage to be an open carport with a car stacker (allowing for two off-street spaces per dwelling); and
- Relocated the access arrangement such that it conflicts less with the footpath

Councils Traffic Department advise that the above changes are a good outcome and do not have objections to the proposed development.

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 3 representations were received as detailed below.

62 Park Street (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Concern about fence replacement and cost*	Administration note: The applicant has submitted to Council a letter signed by 62 Park Street dated 29/5/2020 which provides agreements between the parties. NB the letter did not come directly from the representor and Administration have not received a formal withdrawal of their concerns.
Concern about disturbance and nuisance during construction*	Shadow diagrams provided with application.
Concern regarding shadowing of existing solar panels	Shadow diagrams provided with application.

2/4 Harley Street (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Concern regarding garage location (manoeuvrability and safety)	The applicant has provided a response (refer email dated 12 June 2020). In summary: The carports replace an existing carport.
Concern that the site does not provide adequate on-site parking and will add to the existing parking issues	Volume of traffic unchanged as the current building is being used as two dwellings.
Concern about disturbance and nuisance during construction*	The proposal has been amended to include a 'stacked' car park arrangement.
6 Clarence Street (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
The proposal does not comply with Zone and Council Wide requirements (including the treatment of the upper level, bulk and mass, shadowing, insufficient frontage width, insufficient setbacks etc)	The applicant has provided a response (refer email dated 11 June 2020). In summary: It is noted that the existing building is two storeys. The proposed dwellings make a greater contribution to the streetscape and provide superior setbacks than the existing. The proposed upper storey is adequately setback and will incur no considerable change to shadowing of adjoining properties.

(* denotes concerns that relate to matters of a civil nature or addressed pursuant to the Local Nuisance and Litter Act)

The applicant has also provided a response to representation email addressed to 'Unley Council Planning' dated 25th June 2020.

9. ADMINISTRATION NEGOTIATIONS

The Traffic and Assets referral advice was received by Administration after the application had been publicly notified. The advice was forwarded to the applicant, along with a re-iteration from Administration of the numerous shortfalls in the proposal. Subsequently, the applicant has provided amended plans to better address the shortfalls (dated 26/06/2020), and include the following amendments:

- Alteration to the 'garaging' to accommodate a car stacker (open sided and increase in height);

- The access to the carport for dwelling one has been shifted towards the east of the site, resulting in less conflict with the existing footpath;
- Reduce the upper floor level area to accommodate a balcony per dwelling (increasing private open space);
- Removal of verandah structures (reducing site coverage);
- Increase dwelling setback to the western boundary (reducing boundary development)

10. DEVELOPMENT DATA

Site Characteristics	Allotment 71	Allotment 72	Development Plan Provision		
Total Site Area	169m²	177m²	500m²		
Frontage	4.75m	5.76	15m		
Depth (approx.)	37.31m	37.31m			
Building Characteristics					
Floor Area					
Ground Floor	81m ²	84m ²			
Upper Floor	49m ² 60.4% of ground floor	49m ² 58% of ground floor	<input type="checkbox"/> 50% of ground floor		
Site Coverage					
Roofed Buildings	63%	61.60%	<input type="checkbox"/> 50% of site area		
Total Impervious Areas	75.7%	77%	<input type="checkbox"/> 70% of site <input type="checkbox"/>		
Building Height					
Total Building Height	6.5m				
Setbacks					
Ground Floor					
Front boundary (South)	4.763m	3.863m	Same distance as one or the other adjoining dwellings NB the average of the two adjoining would be 6m		
Side boundary (East)	Attached	580mm – 800mm On boundary (4.987m length)	1m where wall height is up to 4m 2m where wall height exceeds 4m		
Side boundary (West)	480mm- 650mm On boundary (6.97m in length)	Attached	1m where wall height is up to 4m 2m where wall height exceeds 4m Maximum boundary wall length 9m and 3m in height		

Rear boundary (North)	13m	13m	3m where wall height is up to 4m 6m where wall height exceeds 4m
Upper Floor			
Front boundary (South)	10.76m	10.76m	Inconspicuous in the streetscape
Side boundary (East)	Attached	580mm – 800mm	2m where wall height exceeds 4m
Side boundary (West)	480mm- 650mm	Attached	2m where wall height exceeds 4m
Rear boundary (North)	12m	12m	6m where wall height exceeds 4m
Wall on Boundary			
Location	Western	Eastern	
Length	Dwelling 6.97m	Dwelling 4.987m	<input type="checkbox"/> 9m or <input type="checkbox"/> 50% <input type="checkbox"/> of the boundary length, whichever is the lesser
Height	Dwelling 3.74m	Dwelling 3.8m	<input type="checkbox"/> 3m
Private Open Space			
Min Dimension	>4m	>4m	<input type="checkbox"/> 4m minimum
Total Area	29m ² +7m ² balcony	29m ² +7m ² balcony	35m ²
Car parking and Access			
On-site Car Parking	2	2	2 per dwelling where less than 4 bedrooms or 250m ² floor area
Covered on-site parking	2	2	<input type="checkbox"/> 1 car parking space
On-street Parking	0.5	0.5	0.5 per dwelling
Garage/ Carport Internal Dimensions	3.35m x 6m	3.35m x 6m	3m x 6m for single 5.8m x 6m for double
Carport			
Wall Height	3.8m	3.8m	<input type="checkbox"/> 3m NB the carports are located adjacent existing boundary development
Total Height	4.3m	4.3m	<input type="checkbox"/> 5m
Total Floor Area	20m ²	20m ²	<input type="checkbox"/> 80m ² or 10% of the site, whichever is the lesser
Colours and Materials			
Roof	Colorbond windspray 25 degrees		
Walls	<ul style="list-style-type: none"> Natural limestone stone veneer (front) with rendered feature quoins (white) Timber framed windows (front) Revolution roofing Europlus (wayward grey) upper level & ACC Cladding (white polar) 		
Fencing	1500mm high (500mm high wall and 1000mm high black cast iron infill 100mm spacing between iron bars)		

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape Built Form Zone, Policy Area 8.5 Compact	
<p>Objective 1: Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</p>	
<p>Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</p>	
<p>Objective 3: Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.</p>	
<p>Objective 4: Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.</p>	
Desired Character	
<p>Streetscape Value</p> <p>The Residential Streetscape (Built Form) Zone encompasses much of the living area in inner and western Unley, (excluding the business and commercial corridors and those areas of heritage value). The zone is distinguished by those collective features (termed “streetscape attributes”) making up the variable, but coherent streetscape patterns characterising its various policy areas and precincts. These attributes include the:</p> <ul style="list-style-type: none">a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; andb) allotment and road patterns; andc) landscape features within the public road verge and also within dwelling sites forward of the building façade; andd) scale, proportions and form of buildings and key elements.	
<p>Streetscape Attributes</p> <p>It is important to create high quality, well designed buildings of individuality and design integrity that nonetheless respect their streetscape context and contribute positively to the desired character in terms of their:</p> <ul style="list-style-type: none">a) siting - open style front fences delineate private property but maintain the presence of the dwelling front and its garden setting. Large and grand residences are on large and wide sites with generous front and side setbacks, whilst compact, narrow-fronted cottages are more tightly set on smaller, narrower, sites. Infill dwellings ought to be of proportions appropriate to their sites and maintain the spatial patterns of traditional settlement; andb) 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 subject site is currently occupied by an existing historic building (a hall constructed circa 1900s). It is evident that the existing building is ‘somewhat compromised by additions and deterioration of fabric’, which diminish the contribution it makes to the streetscape character. The Zone seeks primarily to retain and refurbish buildings, or development that complements the siting, form and key elements as expressed in the respective policy areas and precincts.

As the application does not propose to retain and refurbish the existing building, assessment turns to how the proposed development complements the siting, form and key elements of Policy Area 8.5.

The following Table provides guidance on the predominant allotment pattern within Policy Area 8.5.

Precinct	Predominant Allotment Size		Predominant Setbacks		
	Area	Width	Street setbacks	Minimum side setbacks	Collective side setbacks†
8.1 Forestville (North)	550m ²	15m	6.0m	1.0m	4.0m
8.2 Goodwood and Hyde Park	500m ²	15m	6.0m	1.0m	5.0m
8.3 Parkside (North)	400m ²	15m	5.0m	1.0m	3.0m
8.4 Parkside (South)	500m ²	15m	7.0m	1.0m	4.0m
8.5 Unley (West) and Hyde Park	500m ²	15m	5.0m	1.0m	4.0m

† ie the distance between the main walls of neighbouring dwellings.

The immediate locality reflects the predominant allotment area and width provided above. The subject allotment currently provides for less than the ‘predominant’ allotment size, with a frontage of 10.51m and overall site area of 346m².

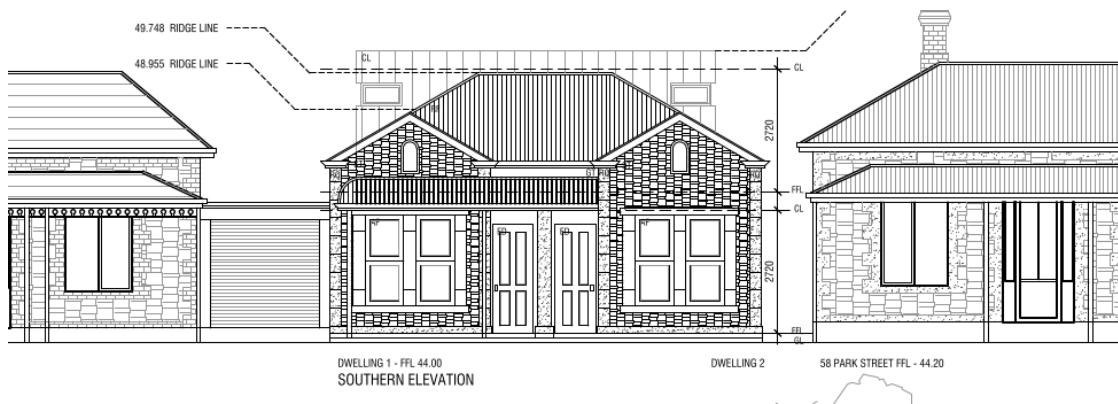
The proposed development will result in a dwelling frontage width and area substantially less than the predominant allotment sizes, as follows;

Lot	Area	Width
71	169m ²	4.75m
72	177m ²	5.76m

Impact as a result of the deficiency will be explored throughout the planning assessment with focus on streetscape presentation, pattern of development, site functionality and whether the proposal achieves an orderly development.

Streetscape Presentation

The predominant architectural style of the immediate locality includes Turn-of-the-Century double-fronted cottages and villas. The proposed development includes two, semi-detached dwellings sharing a single roof form. As demonstrated in the streetscape elevation below, the overall form of the proposed development is compatible with the traditional building proportions including the proposed wall heights, roof form and width of the façade (combined).



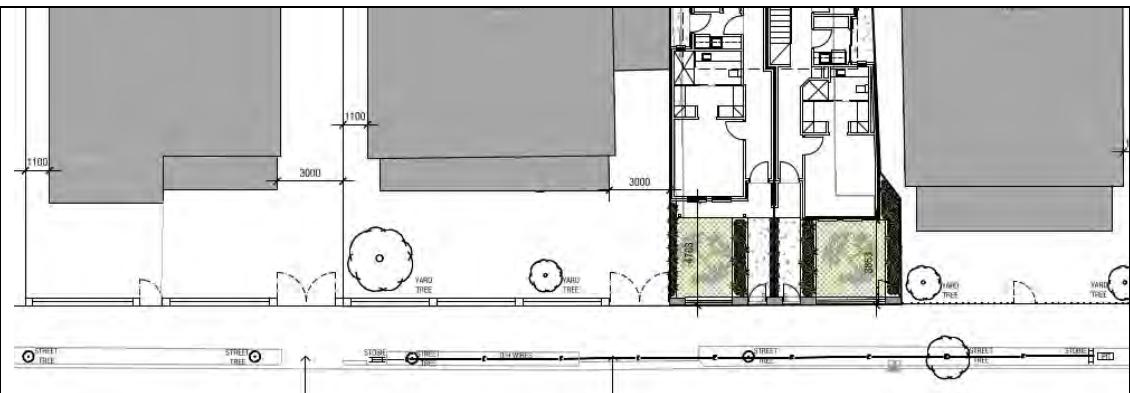
Pattern of development

The immediate locality demonstrates a varied pattern of development. The dwellings to the west of the site reflect the predominant spacing between dwellings (as noted in the table above) and typically include a front setback of approximately between 5m and 7m, a 1m side setback and 3m side setback, creating a collective side setback of 4m between buildings.

The properties to the east of the site include more compact side setbacks and spacing between buildings. Front setbacks are approximately 5m, and it is noted that a carport structure is located forward of 56 Park Street. The property on the corner of Park and Clarence Street represents a different dwelling style (being an old shop front).

It is noted that the eastern properties have vehicle access via Park Street (contributing to the spacing between dwellings) whereas the subject site, and adjoining western site have access from the rear.

The proposed development includes boundary-to-boundary development, however as there is a 'kink' in the boundary line along the eastern boundary, some separation is achieved to the eastern adjoining building.



The proposed front setback is 3.86m for the eastern dwelling, and 4.763m for the western dwelling. The proposed setback could be improved however it is recognised that it provides a transition between the existing properties, and better aligns with the Policy Area than that of the existing building.

The proposed front fence delineates private property while maintaining the presence of the dwelling front and garden setting.

Vehicle access is appropriately located at the rear of the allotments.

On balance, the proposed development as viewed from the street is considered to support and enhance the desired character for the RS(BF) Compact Policy Area.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 6 – Replacement Dwelling</p> <p><i>Demolition of the whole of a building should only be undertaken – where the replacement building(s) makes a comparable or more positive contribution to the desired character than the building to be demolished, or alternatively where the building to be demolished:</i></p> <p>(a) <i>is structurally unsafe or so unsound as to be unreasonably economically rehabilitated; or</i></p> <p>(b) <i>is so compromised or altered that there is no reasonable prospect of its original character being revealed; or</i></p> <p>(c) <i>adds little value to the desired character due to its discordant form and poor streetscape contribution; or</i></p> <p>(d) <i>is incongruous with, and makes a poor contribution to the particular character of its streetscape.</i></p>	<p>As discussed, the existing building is ‘somewhat compromised by additions and deterioration of fabric’ which diminish the contribution it makes to the streetscape character. While diminished, the existing building is considered to contribute to the desired character.</p> <p>The subject application has not demonstrated that the existing building satisfies a) – d) of related PDC 6. As such, demolition of the existing building should only be undertaken where the replacement building makes a comparable or more positive contribution to the desired character than the building to be demolished.</p> <p>As discussed in detail above, the replacement building respects and complements the pattern of development and key elements found within the immediate locality and as such is found to</p>

Relevant Zone Principles of Development Control	Assessment
	make a make a comparable contribution to the desired character.
<p>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> <p><i>(a) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street; or</i></p> <p><i>(b) set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.</i></p>	<p>The proposed upper level is set behind the primary street façade and is inconspicuous within the streetscape.</p> <p>The bulk and mass of the upper level is discussed in more detail below.</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		
Land Division	<i>Objectives</i>	1, 2, 3, 4
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
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
Transportation (Movement of People and Goods)	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33

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

Relevant Council Wide Provisions	Assessment
Land Division – Residential Allotments	

PDC 7 and 12	<ul style="list-style-type: none"> • The proposed land division does not reflect the predominant allotment area and shape of sites in the immediate locality, contrary to PDC 12. • While irregular in shape, the division includes generally rectangular allotments as desired in PDC 7. • The proposed land division does allow for a diversity in housing type (i.e. semidetached dwelling) than that found within the immediate locality, as desired in PDC 12. • As demonstrated on the accompanying plans, the proposed dwelling arrangement allows for; <ul style="list-style-type: none"> ○ Private outdoor space directly accessible to the dwelling; ○ Vehicle access and parking; ○ Dwelling siting that reinforces the desired character of surrounding development (at the streetscape); <p>The proposed dwelling arrangement is however above the maximum for site coverage and does not allow any further opportunity of ancillary outbuildings; and</p> ○ The proposal also includes minimal side setbacks to the lower and upper levels (discussed below).
Residential Development	
PDC 16	<ul style="list-style-type: none"> • The proposed development exceeds related site coverage and permeability recommendations. • The dwelling configuration provides for the 'minimum' with regards to private open space and landscaping, front setbacks, vehicle access and parking. • It is noted that there would be limited future opportunities to accommodate ancillary outbuildings.
PDC 13 Side and Rear Setbacks	<ul style="list-style-type: none"> • Dwelling setbacks from side and rear boundaries should be progressively increased as height of the building increases to minimise massing and overshadowing impacts to adjoining properties and the side setback should be in accordance with the following parameters: <ul style="list-style-type: none"> ○ 1m (wall height up to 4m) ○ 2m (wall height >4m) • The proposed dwelling design includes minimal side setbacks and no graduation from the lower to the upper floor level. • The proposed dwelling is sited such that it does not extend greatly beyond the footprint of the adjoining dwellings, and a substantial amount of boundary development exists on the

	<p>adjoining dwelling sites. As such, the visual impact of the proposed upper level from the adjoining properties is considered minimal.</p> <ul style="list-style-type: none"> • Likewise, given the north-south orientation of the land shadowing of the adjoining properties (in June) will predominantly be to 'roofed areas', and is limited to either in the morning (62 Park), or afternoon (58 Park). • Having regard to the site circumstances and the compact nature of the site the shortfall in side boundary setbacks is not considered to be fatal to the planning merits of the proposed dwellings.
PDC 38 Overlooking	<ul style="list-style-type: none"> • Direct overlooking from upper level habitable room windows and external balconies to habitable room windows and useable private open space of other dwellings is minimised by the inclusion of obscured windows to a height at least 1.7m above floor level, and privacy screening (1800mm timber slat screen to balconies with 10mm gap between slats).

12. CONCLUSION

The application is very finely balanced, however, 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 land division provides sufficient dimensions to accommodate a dwelling which enjoys a setback from its street frontage and adjoining properties together with suitable land for useable private open space to the rear of the dwelling, landscaping, and vehicle parking;
- The replacement building makes a comparable contribution to the desired character than the building to be demolished;
- The replacement building presents a single storey built scale to the streetscape; suitably references the contextual conditions of the locality and contributes positively to the desired character in terms of scale and form, patterns of development and open front fencing;
- Vehicle access is taken from the rear and provides adequate on-site parking; and
- The proposed development will result in minimal overlooking and overshadowing of adjoining residential development

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/263/2020/C2 at 60 Park Street, Hyde Park SA 5061 for 'Land Division - Torrens Title - Create 2 allotments from one existing; demolish existing dwelling and structures; construct 2, two-storey dwellings, carports and front fence is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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) An updated civil and drainage plan shall be provided to reflect the approved dwelling configuration; and
- b) A stormwater management plan shall be provided demonstrating that the total stormwater volume requirement (detention and retention) for the development herein approved satisfies 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.

CONDITIONS:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. 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 upper floor windows be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
4. The finished floor level of the garage/carport hereby approved shall be no greater than 75mm above the paved footpath at the kerb alignment.
5. The approved landscaping shall be established prior to the occupation of the development and shall be irrigated, maintained and nurtured at all times with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.

6. 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#>

LAND DIVISION CONDITIONS:

7. That the existing building on site be demolished prior to the issue of the Section 51 Certificate by the State Commission Assessment Panel.

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

STATE COMMISSION ASSESSMENT PANEL CONDITIONS are as follows:

8. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0097243)

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

9. SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

Payment of \$7,616.00 into the Planning and Development Fund (1 allotment/s @ \$7,616.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.

10. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

NOTES PERTAINING TO 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	Traffic Department Comments	Administration
E	Superseded and Other submitted documents	Administration

ATTACHMENT A

A

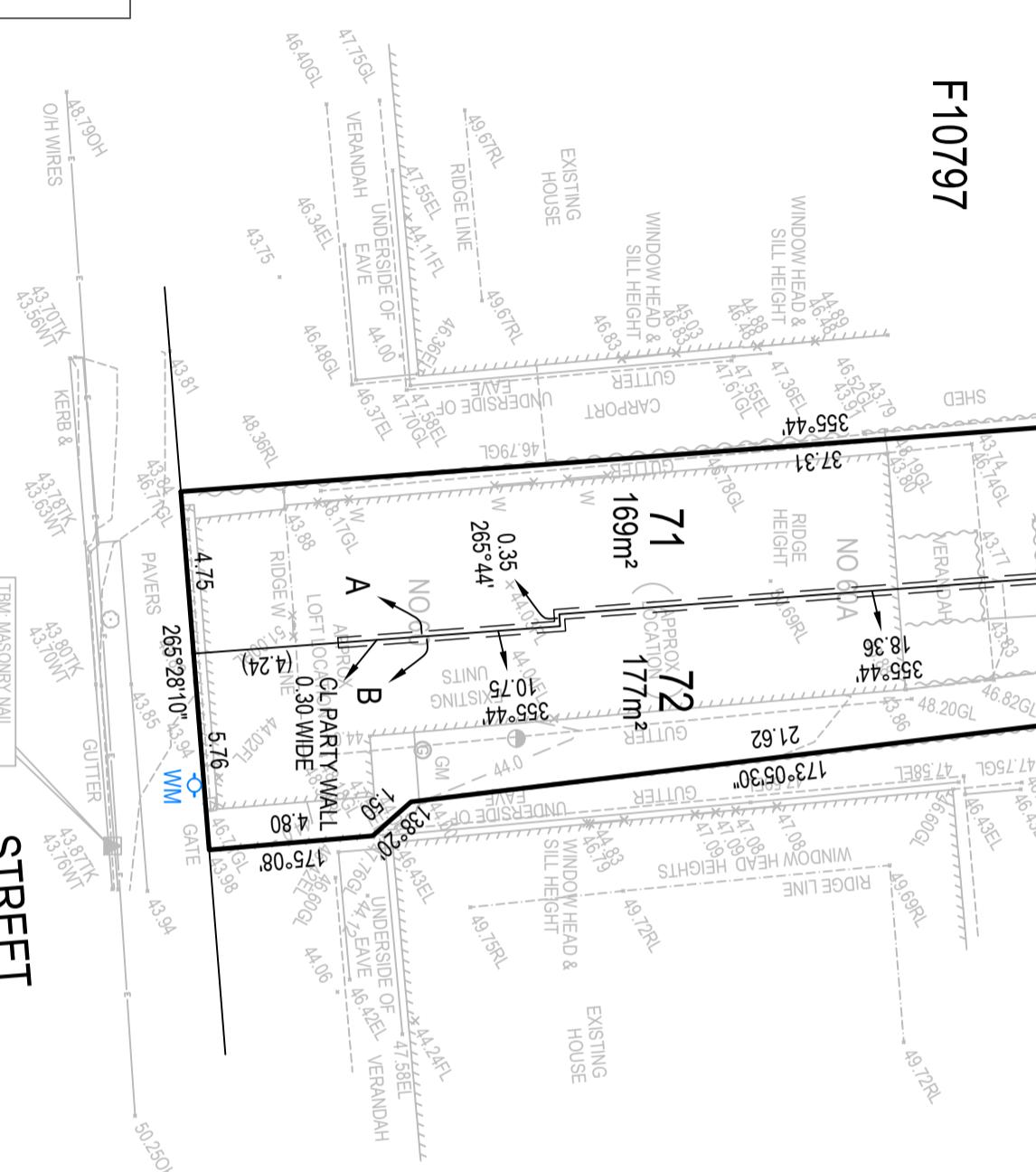
S 11186

SCALE
METRES

**PLEASE REFER ASSOCIATED DA
FOR PROPOSED BUILT FORM**

D63803

F10797



NOTE:
THIS PLAN WAS PREPARED AS A PROPOSED SUBDIVISION AND SHOULD
NOT BE USED FOR ANY OTHER PURPOSE. THE DIMENSIONS SHOWN
HEREON ARE SUBJECT TO SURVEY AND THE REQUIREMENTS OF
COUNCIL AND OTHER RELEVANT AUTHORITIES.
NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN
FOR ANY FINANCIAL DEALINGS INVOLVING THIS LAND. THIS NOTE IS AN
INTEGRAL PART OF THE PLAN.

PaperLeaker
Surveying services

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Wayville SA 5034
e info@paperleaker.com.au

PARK

STREET

PROPOSED PLAN OF DIVISION

Council: CITY OF UNLEY
DEV. No.:
TITLE SYSTEM: REAL PROPERTY ACT
TITLE REFERENCE: CT 5913/861
TOTAL AREA: 346m²
MAP REFERENCE: 6628/49/A

HUNDRED: ADELAIDE
AREA: FAIRVIEW PARK

ALLOTMENT 700 IN D63803 60 & 60A PARK STREET

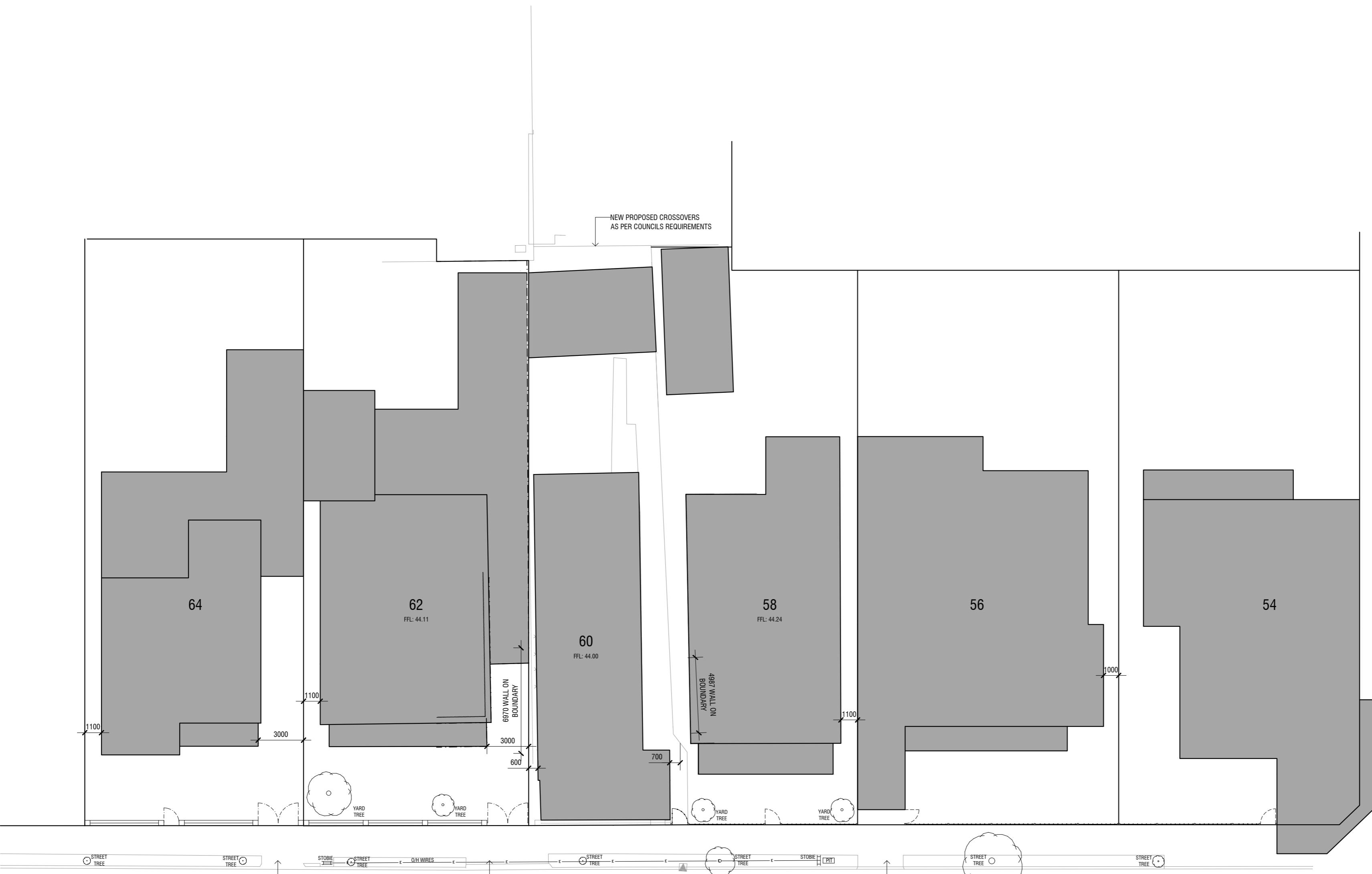
STATEMENTS CONCERNING EASEMENTS ANNEXATION
AND AMENDMENTS

RECIPROCAL PARTY WALL RIGHTS ARE TO BE
CREATED OVER THE PORTIONS MARKED A AND B.
RECIPROCAL PARTY WALL RIGHTS ARE TO BE
CREATED OVER THE PORTIONS MARKED C AND D.
EXISTING STRUCTURES ARE TO BE REMOVED.

SCALE 1:200 (A3)	REVISION: 0
DATA SUBJECT TO SURVEY	
DATE: 08/04/2020 BP REF: PL8566	



**AMENDED PLAN / DOCUMENT
DATE: 26/06/2020**



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CLIENT: KONSTANTINOS BARKOUKIS

PROJECT: PROPOSED DEVELOPMENT

ADDRESS: 60 & 60A PARK STREET,
HYDE PARK SA

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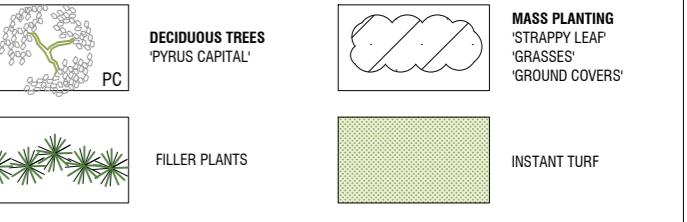
PLANNING DRAWINGS

**AMENDED PLAN / DOCUMENT
DATE: 26/06/2020**

58 PARK STREET:	60 PARK STREET:	62 PARK STREET:	64 PARK STREET:
STREET TREE LOCATED 2100MM FROM BOUNDARY. STOBIE POLE LOCATED 2500MM FROM EASTERN BOUNDARY. NATIVE GUM TREE, GREEN SHRUB AND LAWN TO FRONT YARD	STREET TREE LOCATED 3200MM FROM BOUNDARY. FRONT YARD AS PER LANDSCAPE SCHEDULE	STREET TREE AS SHOWN STOBIE POLE LOCATED 1200MM FROM WESTERN BOUNDARY. OLIVE TREE AND SMALL APRICOT TREE LOCATED 500MM FROM BOUNDARY, LAWN TO FRONT YARD	TWO STREET TREES AS SHOWN SMALL SHRUBS AND LAWN TO FRONT YARD

A

LANDSCAPE LEGEND:



PLANT SCHEDULE:

SYMBOL	BOTANICAL NAME	COMMON NAME	POT SIZE
TREES			
PC	PYRUS 'CAPITAL'	'CAPITAL' PEAR	2.4M TALL
FILLER PLANTS			
CC	CONVOLVULUS CNEORUM	SILVER BUSH	200MM POTS
MP	MURRAYA PANICULATA	MURRAYA	250MM POTS
NDN	NANDINA DOMESTICA NANA	DWARF NANDINA	200MM POTS
ROP	RAPHIOLEPSIS	ORIENTAL PEARL	200MM POTS
STRAPPY LEAF PLANTS			
AON	AGAPANTHUS ORIENTALIS NANA	DWARF AGAPANTHUS	150MM POTS
DBL	DIANELLA 'BLAZE'	'BLAZE' FLAX LILY	150MM POTS



AMENDED PLAN / DOCUMENT
DATE: 26/06/2020

ThreeSixFive
DESIGN STUDIO

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WWW.365STUDIO.COM.AU

CLIENT:
KONSTANTINOS BARKOUKIS

PROJECT:
PROPOSED DEVELOPMENT

ADDRESS:
60 & 60A PARK STREET,
HYDE PARK SA

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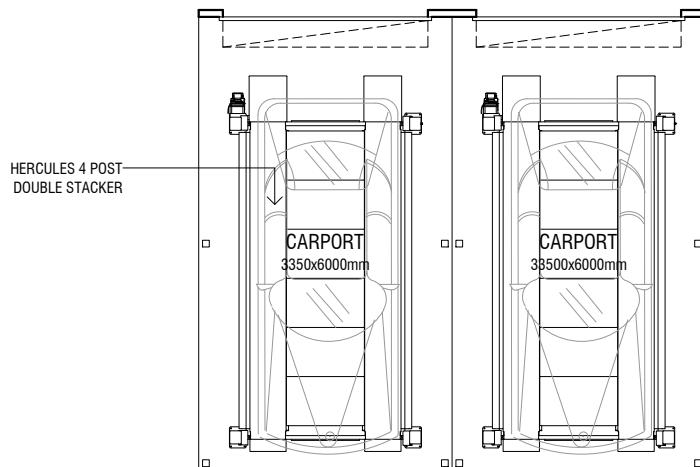
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ISSUE: W. 18-03-2020/PD 02

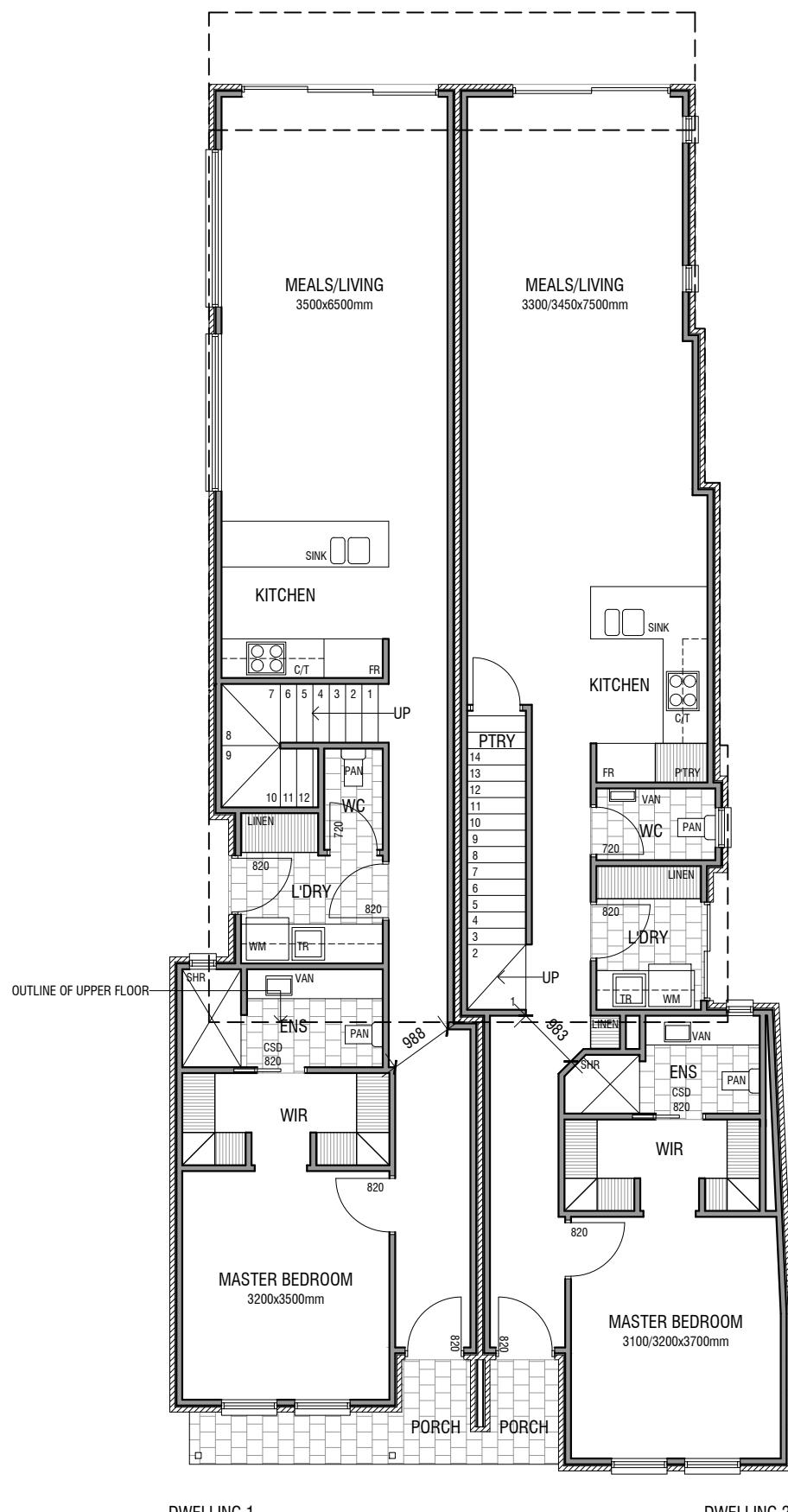
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PLANNING DRAWINGS



**AMENDED PLAN / DOCUMENT
DATE: 26/06/2020**



AREAS (D1)	m²
LOWER LIVING	82.00
UPPER LIVING	52.00
CARPORT	20.40
PORCH	4.50
BALCONY	6.85
TOTAL	158.90

AREAS (D2)	m²
LOWER LIVING	86.00
UPPER LIVING	53.70
CARPORT	20.40
PORCH	1.90
BALCONY	6.50
TOTAL	168.50

ISSUE	AMENDMENT	DATE
A - J	CONCEPT - PLANNING DRAWINGS	2018
K - T	PLANNING DRAWINGS CLIENT CHANGES	2019-2020
U	COUNCIL COMMENTS	20.04.20
V	SHADOW DIAGRAMS	04.05.20
W	COUNCIL COMMENTS	24.06.20

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CLIENT:	KONSTANTINOS BARKOUKIS		
PROJECT:	PROPOSED DEVELOPMENT		
ADDRESS:	60 & 60a PARK STREET, HYDE PARK SA		
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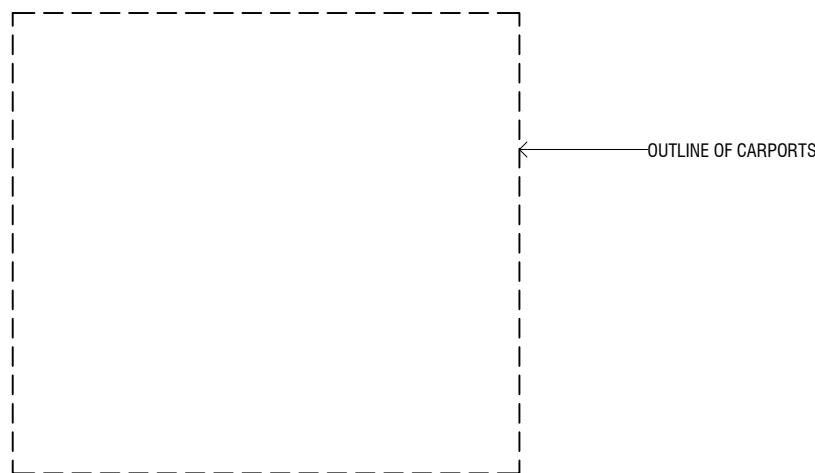
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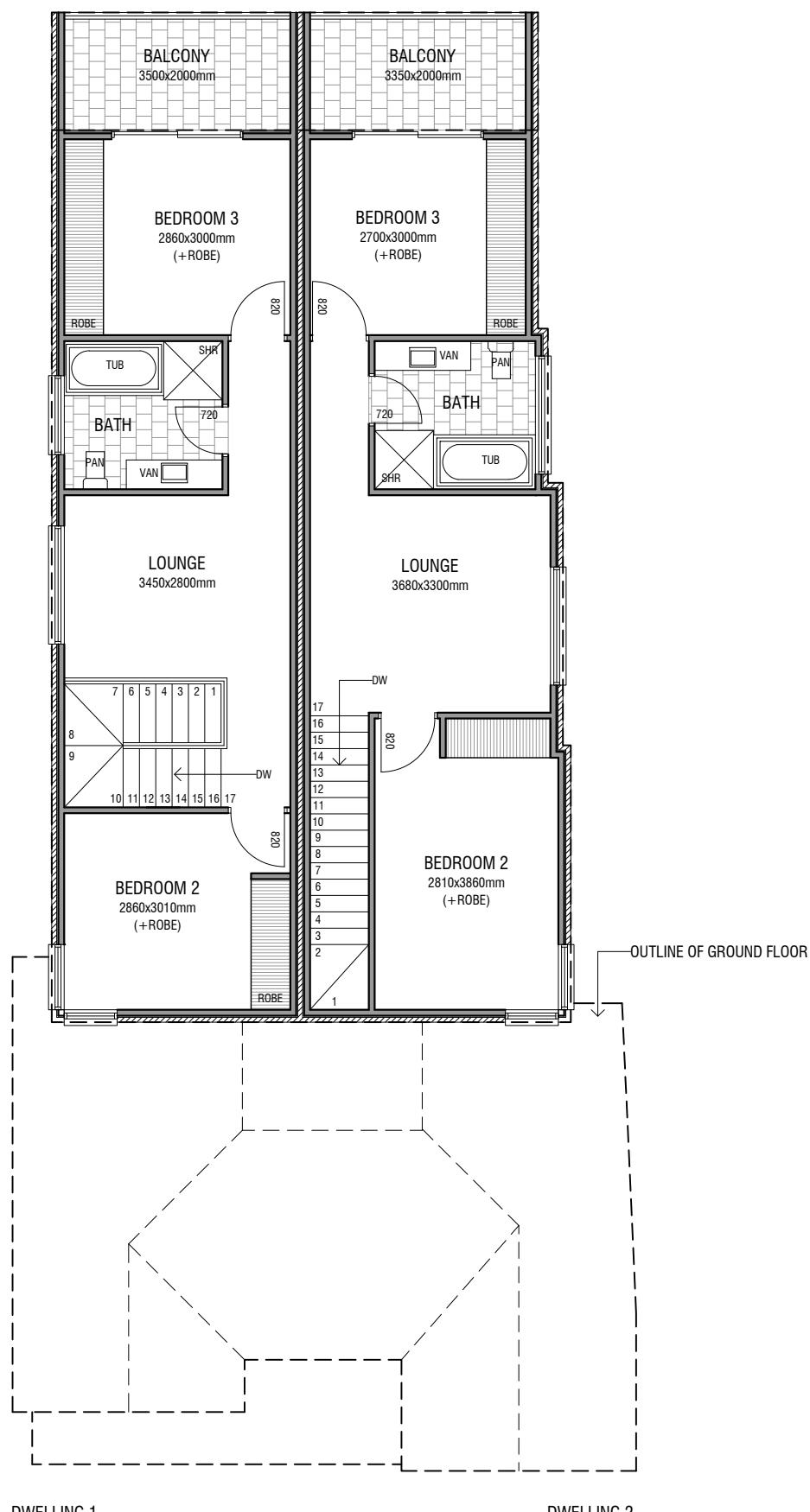
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**AMENDED PLAN / DOCUMENT
DATE: 26/06/2020**



PROPOSED UPPER FLOOR

SCALE 1:100

AREAS (D1)	m ²
LOWER LIVING	82.00
UPPER LIVING	52.00
CARPORT	20.40
PORCH	4.50
BALCONY	6.85
TOTAL	158.90

AREAS (D2)	m ²
LOWER LIVING	86.00
UPPER LIVING	53.70
CARPORT	20.40
PORCH	1.90
BALCONY	6.50
TOTAL	168.50

ISSUE	AMENDMENT	DATE
A - J	CONCEPT - PLANNING DRAWINGS	2018
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U	COUNCIL COMMENTS	20.04.20
V	SHADOW DIAGRAMS	04.05.20
W	COUNCIL COMMENTS	24.06.20

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WWW.365STUDIO.COM.AU

CLIENT:

KONSTANTINOS BARKOUKIS

PROJECT:

PROPOSED DEVELOPMENT

ADDRESS:

60 & 60a PARK STREET,
HYDE PARK SA

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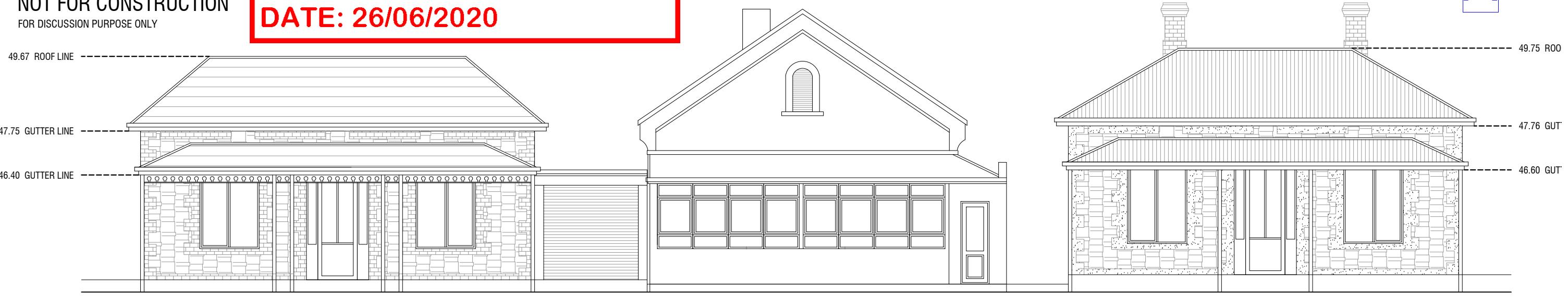
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**AMENDED PLAN / DOCUMENT
DATE: 26/06/2020**

A



EXISTING ELEVATIONS

SCALE 1:100



56 PARK STREET:
IRONSTONE COLORBOND ROOF AND GUTTERS, BLUESTONE FAÇADE, CREAM RENDERED QUOINS, CREAM WINDOW FRAMES, IRONSTONE COLORBOND BULL NOSE VERANDAH, CREAM TRIMS ON CARPORT. WHITE PICKET FENCE AND POSTS 1000MM HIGH PICKETS WITH 1300MM HIGH POSTS
58 PARK STREET:

62 PARK STREET:
RED TILED ROOF, SANDSTONE FAÇADE WITH RED BRICK SURROUND. BLACK ENTRY DOOR, WHITE GUTTERS, ALUMINUM WINDOWS. RED BRICK FENCE 900MM HIGH WITH 300MM HIGH WHITE CAST IRON INFILL 1200MM HIGH RED BRICK PIERS.
64 PARK STREET:



EXISTING STREETSCAPE

SCALE 1:100

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ISSUE	AMENDMENT	DATE
A - J	CONCEPT - PLANNING DRAWINGS	2018
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V	SHADOW DIAGRAMS	04.05.20
W	COUNCIL COMMENTS	24.06.20

PLANNING DRAWINGS

CLIENT: KONSTANTINOS BARKOUKIS
PROJECT: PROPOSED DEVELOPMENT
ADDRESS: 60 & 60a PARK STREET, HYDE PARK SA

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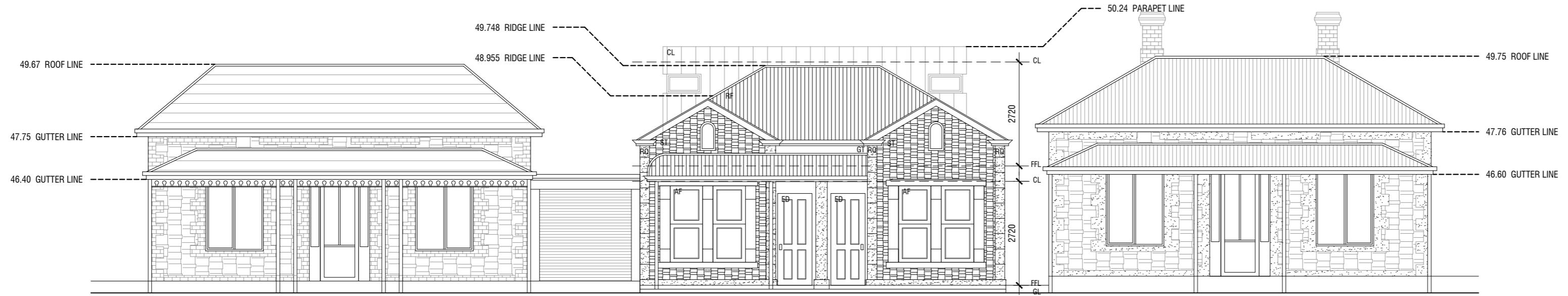
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PROPOSED ELEVATIONS

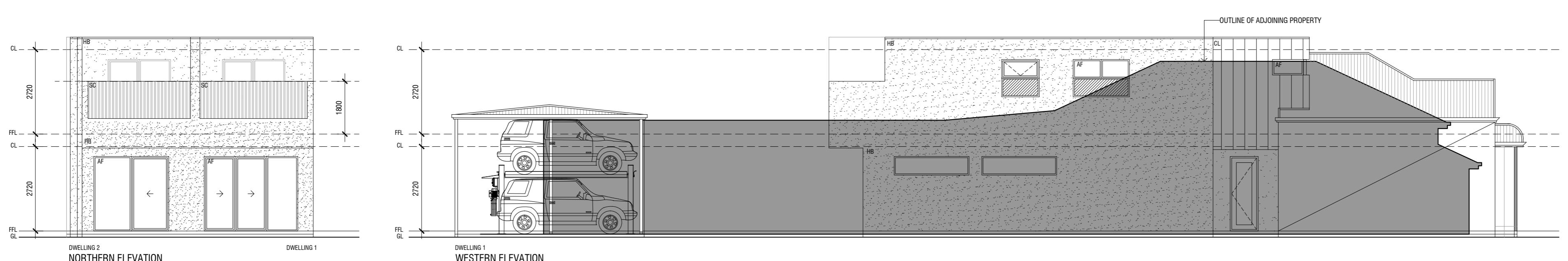
SCALE 1:100



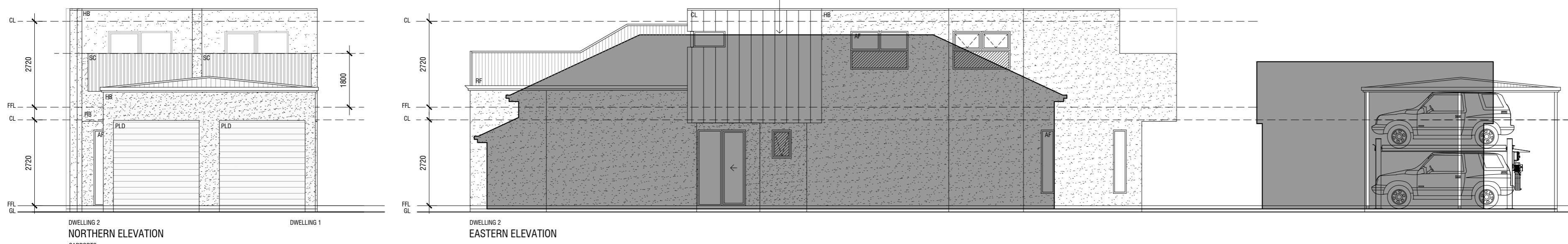
**AMENDED PLAN / DOCUMENT
DATE: 3/07/2020**

PROPOSED STREETSCAPE

SCALE 1:100



ISSUE	AMENDMENT	DATE
A - J	CONCEPT - PLANNING DRAWINGS	2018
K - T	PLANNING DRAWINGS CLIENT CHANGES	2019-2020
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W	COUNCIL COMMENTS	24.06.20



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CLIENT:
KONSTANTINOS BARKOUKIS

PROJECT:
PROPOSED DEVELOPMENT

ADDRESS:
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HYDE PARK SA

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ELEVATIONS

SCALE 1:100



21st JUNE - 9am



21st JUNE - Noon



21st JUNE - 3pm

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PROJECT:
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ADDRESS:
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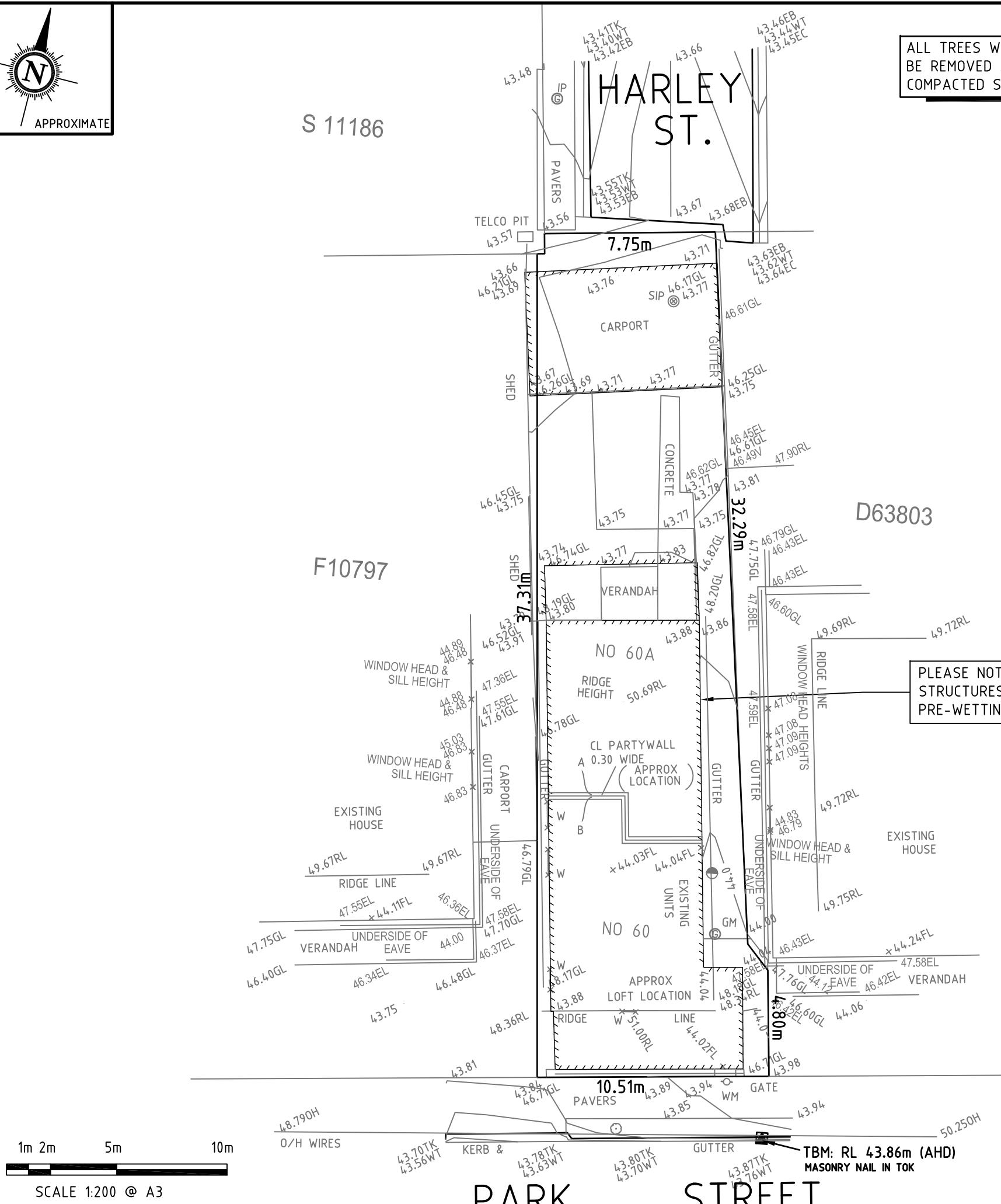
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PLANNING DRAWINGS



APPROXIMATE

S 11186



ALL TREES WITHIN THE SITE BOUNDARIES ARE TO BE REMOVED AND THE VOIDS BACKFILLED WITH COMPACTED SATURATED SOIL. (U.N.O)

NOTES:

1. THIS IS AN ENGINEERING SURVEY ONLY AND SHALL NOT BE TAKEN AS A BOUNDARY IDENTIFICATION SURVEY. THE BOUNDARY DATA SHOWN IS TO BE TAKEN AS A GUIDE ONLY.
 2. CONTACT 'DIAL BEFORE YOU DIG' PRIOR TO COMMENCEMENT OF WORKS TO VERIFY THE LOCATION AND DEPTH OF EXISTING SERVICES.
 3. WHERE TREES ARE TO BE REMOVED, BACKFILL THE VOIDS WITH COMPAKTED SATURATED SOIL.

LEGEND:

X 99.00 EXISTING SPOT LEVEL
- - - EXISTING CONTOUR

ISSUE	DATE	AMENDMENT	APPROVED
A	02.05.2020	FOR APPROVAL	KP
PROJECT PROPOSED RESIDENCES			
AT: 60 & 60A PARK STREET, HYDE PARK			
FOR: K. BARKOUKIS			
DRAWING TITLE LEVEL PLAN			
SCALE 1:200	DRAWN KP	ENGINEER KP	DATE 02.05.2020
SURVEYED Y OTHERS	PROJECT No. 200407	DRAWING No. C1	ISSUE A
		SHEET SIZE A3	

ATTACHMENT B

REPRESENTATION Category 2 (Page 1)

To: Amy Barratt, City of Unley Development Section

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3. Pages 1 and 2 (and any attachments) may be included as attachments in the hard copy of the Council Assessment Panel agenda.
4. Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and attachments) will be forwarded to the Applicant for consultation and response.

The closing date for Representations is **5pm on 3 June 2020**.

Application: 090/263/2020/C2 60 Park Street, Hyde Park SA 5061

Details of Person(s) making Representation:

Name:

Postal Address:

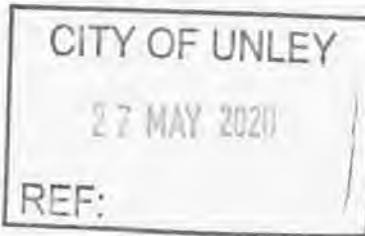
EMAIL ADDRESS:

Daytime Phone No.

**Property affected
by Development**

Peter Oliver Carlo Oliveri
(Signature)

27/5/2020
(Date)



REPRESENTATION Category 2 (Page 2)

To: Amy Barratt, City of Unley Development Section

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The closing date for Representations is **5pm on 3 June 2020**.

Application:	090/263/2020/C2 60 Park Street, Hyde Park SA 5061
Property affected by Development	62 Park St, Hyde Park 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)

As per Face to Face conversation with Kosta, a Despatch on the 27th May 2020 (~ 12.30pm), developers agree to pay & replace fence.

- (1) Driveway fence as accepted by developer.
- (2) Require parking of my 2 vehicles in front of property while building is being done - This request is for resident parking only.
- (3) Still consider some implications to solar panels may be of disadvantage although have been supplied with a shadow diagram, only after buildings completed in summer time will denote if panels are effected & should they be, then developer will need to resolve our concerns.

My concerns (if any) could be overcome by: Replacement of fence as per verbal agreement, parking for 2 vehicles, no impact on solar generating power, no debris to be left on our side while building on boundary. After our meeting, we trust that the developer will do the right thing by us.

I 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.)



Franca Zosens <zosenf@gmail.com>

Assessment

1 message

Austin Taylor <austin@ardsolar.com.au>

Tue, May 26, 2020 at 2:52 PM

To: Franca Zosens <zosenf@gmail.com>

Cc: Angela DeChellis <angelade2016@gmail.com>

To whom it may concern,

We have been asked to do a Solar site assessment on the impact of proposed development to be built next door to 62 Park St Hyde Park SA 5061 at 60 Park St Hyde Park SA 5061.

- The proposed new development will have a considerable impact on the generation of power from the solar panels currently installed at 62 Park St Hyde Park.
- The height of the new development and close proximity to the boundary will cause major shading issues to said address and currently installed system.
- As the current installed system is over 10yrs old it is on a high feed in tariff until 2028.
- Any addition or adjustment to the current system will lose the high feed in tariff.
- As owners of 62 Park St are pensioners any reduction of solar generation will significantly impact their financial welfare and quality of life.

SUMMERY

The owners are not oppose to the new development as long as it does not affect their financial welfare, if they would be compensated enough to allow a new solar system to be installed that can produce enough power and feed in tariff to match what they currently have they would be happy.

Please let me know if you have any questions or need any clarification on the above matter.

Kind regards,

Austin Taylor

Director

Commercial, Industrial and
Domestic Solar Power Solutions

Mobile 0434 540 354
Email austin@ardsolar.com.au
Website ardsolar.com.au

From: [REDACTED]
Sent: Wed, 3 Jun 2020 09:57:47 +0930
To: PO Box1
Subject: Representation re development at 60 Park st Hyde Park 090/263/2020/C2
Attachments: Representation re 60 Park st.pdf

Dear Amy,
Re 090/263/2020/C2 ^0 Park St Hyde Park
Please find my representation for the above development attached to this email.
Regards,
[REDACTED]

REPRESENTATION Category 2 (Page 1)

To: Amy Barratt, City of Unley Development Section

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Application: 090/263/2020/C2 60 Park Street, Hyde Park SA 5061

Details of Person(s) making Representation:

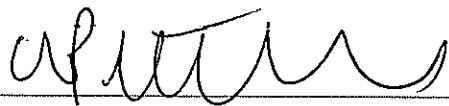
Name:

Postal Address:

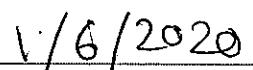
EMAIL ADDRESS:

Daytime Phone No.

**Property affected
by Development**



(Signature)



(Date)

REPRESENTATION Category 2 (Page 2)

To: Amy Barratt, City of Unley Development Section

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The closing date for Representations is 5pm on 3 June 2020.

Application:	090/263/2020/C2 60 Park Street, Hyde Park SA 5061
Property affected by Development	units at 4 Harley st Hyde Park.

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)

- ① The garages appear to be right on the boundary into Harley st. There is an access/safety concern as this is so close to the carports for the units at 4 Harley st. This could be a real issue.
- ② Parking is an issue in Harley st already, with many non-residents parking all day and perhaps working nearby/ getting bus in to work.
- ③ Access to the units at 4 Harley st during the build process. The Harley st entrance is our only entrance point. We must have access to our properties and to our carports for parking.

My concerns (if any) could be overcome by: ① Garages being located in Park st./ Garages being moved off the boundary. ② No trucks entering Harley st. Truck access from Park st. No trades people parking in Harley st. ③ No trucks/trades entering Harley st nor parking in Harley st. Access to properties being safe & maintained during the build process.

<input type="checkbox"/> WISH TO BE HEARD <input checked="" type="checkbox"/> 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.)

It is not reasonable for this access to be blocked/restricted. Trucks in Harley st will severely block access for all houses/units in Harley st. Same goes for trade vehicles. Access also needs to be maintained for garbage collection, as this is already problematic for the council garbage collection trucks, with the already congested street.

REPRESENTATION Category 2 (Page 1)

To: Amy Barratt, City of Unley Development Section

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Application: 090/263/2020/C2 60 Park Street, Hyde Park SA 5061

Details of Person(s) making Representation:

Name:

Postal Address:

EMAIL ADDRESS:

Daytime Phone No.

**Property affected
by Development**



(Signature)

216120

(Date)

03 JUN 2020

REF:

REPRESENTATION Category 2 (Page 2)

To: Amy Barratt, City of Unley Development Section

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The closing date for Representations is 5pm on 3 June 2020.

Application:	090/263/2020/C2 60 Park Street, Hyde Park SA 5061
Property affected by Development	6 Clarence st. Hyde Park.

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)

- 1) The application is a non-complying development. This would set a precedent for future developments and encourage poor design and policy principles.
- 2) RS(BF) has various policy constraints. The proposed development does not align itself with those ^{policy}.

My concerns (if any) could be overcome by:

The property was a single fronted building with NO first floor, in keeping with the Heritage nature of the area.

1 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.)

3. RS (BF) offers the following guide lines to adhere to.

- a) maximum access to natural light and avoid large uniform building of bulk or mass. Designs will manage overlooking and overshadowing impacts.
- This two storey (non-complying) development will create a permanent shadow effect to the Eastern and West' Western properties.
- b) Infill dwellings ought to be of properties appropriate to their site and maintain their spatial portions of traditional settlement.
- This development is NOT proportional to the site

4) New Developments

... Are to incorporate primarily into the roof - without imposing excessive roof bulk or volume or intruding on neighbouring spaces conditions

- This two storey development has a imposing over sized bulk located right on the boundary offering no side set back. This creates special issues along with a potential fire hazard.

"New developments":

Buildings should be of high quality.

a) Scale and form of buildings relative to their setback.

- This development literally covers the entire site with little or no set backs, or access.
- New Development : should present a single storey built scale to the streetscape.

Summary

The width of this block is 10.5m. Subdivision of this would create dwellings with a max. width of 5m. This creates a living space of extremely narrow proportions and NOT in character with the street.

This does not allow for side set backs and builds a 2 storey development right to the boundary.

This representation is a Category 2 application and DOES NOT meet any of the characteristics the street currently provides.

ATTACHMENT C

From: kosta888
Sent: Fri, 29 May 2020 15:40:25 +0930
To: PO Box1
Subject: FW: attention Amy Barret - 60 Park street Hyde Park - Application Name: 090/263/2020/C2 [SEC=UNOFFICIAL]
Attachments: 29052020154947-0001.pdf
Importance: Normal

Sent from my Samsung Galaxy smartphone.

Dear Amy/Unley Council,

Please refer to the letter of support for the development at 60 Park St Hyde Park. These neighbors at 62 Park St Hyde park are the only ones affected by the development and are supporting the development application.

Refer to attachment.

Thanks

Kosta 0413045788

Application Number: 090/263/2020/C2
Property Address: 60 Park St, Hyde Park SA

Carlo and Rita Oliveri
62 Park St
Hyde Park SA 5061

Dear Unley Council,

We are the owners of 62 Park Street Hyde Park.

As we are the most affected neighbours of the proposed development (**Application Number:** 090/263/2020/C2), after liaising with Kosta and Despina Barkoukis (owners of 60/60A Park St Hyde Park 5061) we are happy to support the development of 2 Torrens title town houses next door at 60 Park St. Hyde Park 5061. Both Parties have agreed that:

- Kosta Barkoukis will provide a fence along the boundary including the walls on the boundary.
- The solar panels will not be affected as confirmed by the shadow diagrams.
- Kosta Barkoukis confirmed that the site will be kept clean and any rubbish will be removed.
- The surveyor will peg and realign the boundary on our fence line.

In addition, we state that we are happy that the new dwellings will be set back from the front boundary as it was dangerous reversing from the driveway.

We are happy that the architecturally designed townhouses will make a more positive contribution to the streetscape than the old structure that is an eyesore and in old condition.

We are also happy that there will be new dwellings in the street and look forward to having a new development next door.

Yours Truly,

Carlo Oliveri.....*Carlo Oliveri*.....

29/5/2020

City of Unley

20 MAY 2020

Received

From: kosta888
Sent: Thu, 11 Jun 2020 14:14:57 +0930
To: Amy Barratt;PO Box1
Subject: FW: Representations for 60/60A Park St Hyde Park 5061. [SEC=OFFICIAL]
Importance: Normal

Sent from my Samsung Galaxy smartphone.

Dear Mr. Pozza,

Thank you for taking time to list your representations regarding 60/60A Park St Hyde Park.

Please refer to the factual responses:

Development does not align itself with RS (BF) policies.

- The existing dwelling has been utilised as 2 dwellings since the early 1970s and was reconfigured into 2 residences with party wall, 2 electricity metres, 2 gas metres and 2 x separate post boxes – 60 60A park st Hyde Park.
- The new designs have addressed superior setbacks to existing dwelling, side setbacks and second story setbacks. The new dwellings make a greater contribution to the street scape as confirmed by leading heritage architects that assisted in the design process.

The property was a single fronted building with no first floor, keeping with the heritage nature of the area.

- The existing building(s) have had considerable alterations and any heritage features have been removed or bastardised, as confirmed by heritage consulting architect Douglas Alexander on his inspection. He stated privately that he would not support redevelopment of the property's if there was a historical component that could be salvaged. He totally supported and consulted in the re-design process.
- The existing building(s) are in fact 2 levels, with a mezzanine level that is not used. There are vents in the second story visible from the street.

- The new designs meet the heritage nature as per development plan and heritage consultant.

Overshadowing impacts and second story.

- Second story is set back considerably and cannot be noticed from the street, shadowing diagrams confirm there is no considerable change to the shadows during the day on neighbouring property.
- The new dwellings are north facing providing fantastic and optimal lighting.
- The immediate neighbours are content that shadowing will not affect them.

Not proportional to the site.

- Designs have met setback and Private Open Space (20%) backyard POS provisions.
- The new dwellings are providing more space and in fact reduce the danger of reversing for neighbours, having the existing dwelling(s) built flush to the front boundary.

Two story development has no side setback posing fire risk

- Both sides of the upper story have more than 900mm setback from the side boundaries as per Australian standards.
- Windows are allowed to be implemented 900mm of side boundary setback.
- The dwellings meet Australian fire safety provisions.

New Developments – scale and form with little setbacks or access. Should present as single story to the street.

- As stated previously, current building(s) have no front setback, new dwellings will be set back further than original hall in line with neighbouring property's
- Excellent access from the front and the back (Harley St Garages)
- Presents as single story to the street, second level is set back. Additionally current building is tall.

Width is 10.5 metres – does not allow for proportions or allow for side setbacks

- Once again, there are 2 existing dwellings, reconfigured in 1970s, this is not a new concept as there are 2 residences already on a small site.
- There are many examples of 5m (or less) fronted cottages in Hyde Park. Even across the road at 7 and 9 Clarence st Hyde Park, there are dwellings with narrower frontages.

Does not meet the characteristics of the street.

- Park street is a mismatch of different property types including high density, unattractive 1970s flat buildings across the street, character homes, townhouses.
- This development, as outlined by neighbours and heritage architects is attractive and will make a positive contribution to the street and increase value to the area.

Please refer to the existing configuration and heights/dimensions of 60/60A Park St in Detail.

Please compare with the more positive setbacks of the new dwellings.

Please contact me for further clarification, I can meet you on site.

Yours Truly,

Kind Regards,

Kosta Barkoukis 0413 045 788

IMPORTANT

From: kosta888
Sent: Fri, 12 Jun 2020 14:56:04 +0930
To: Amy Barratt;PO Box1
Subject: FW: 60/60A Park st Hyde Park representations [SEC=UNOFFICIAL]
Importance: Normal

Sent from my Samsung Galaxy smartphone.

Dear Amy,

Please pass on responses to Emily at the flats on Harley st.

Kosta

Dear Emily,

Thanks for your engagement.

Please refer to replies to representations:

Garages appear to be right on the boundary on Harley st

- Garages will replicate the carports that already exist on 60/60A Park St Hyde Park 5061.
- The volume of traffic and utilisation will be the same as there are 2 residences and will maintain 2 garages. There won't be any additional residences built on the site.

Parking is already an issue on Harley St.

- The new dwellings will alleviate the issues of additional parking from the current residences, as the design caters for stacked parking into the back yards of 60/60A park St.
- As mentioned previously, there are 2 existing residences with cars, the volume will be maintained, therefore there shouldn't be any additional impact.

Access to Harley St during build process – congested street

- The replacements dwellings face Park St, the only construction on Harley St will consist of garages. We have asked the trucks not to use the access points during peak morning and evening times, as not to impact on neighbours, the majority of building traffic will come from Park st side.

Kind regards,

Konstantinos Barkoukis

Ps. I had a diplomatic discussion with Tim Pozza who reiterated his credentials as a commercial property and development specialist.

Whilst I addressed his concerns/representations logically, he was adamant that he didn't want to remove his representations, due to the fact that he could have developed it himself, if he had known?

In addition he stated I shouldn't be making money from subdivision in his area and to go elsewhere?

Once again, the council need to draw the line somewhere, Tim Pozza lives on another street and I referred to similar dwellings across the street from him and then mentioned POS that he didn't understand. He has no good reason to oppose this development.

I will still follow DA council process, however this scenario where he isn't affected or impacted is quite unfair.

Regards Kosta 0413045788

From: Lou Fantasia
Sent: Thu, 25 Jun 2020 22:20:28 +0930
To: Amy Barratt; Andrew Raeburn
Subject: FW: 60/60A Park St Hyde Park 5061

Hi Amy

please find below the response submission to the concerns you raised with Kosta and the representation.

Please note that the drawings have been further amended to address the quantitative issues that were raised with respect to setbacks, private open space and carparking

Bruno Ienco of 365 Studio will email to you the amended drawings tomorrow.

Kind Regards

L Fantasia

Lou Fantasia MPIA KCHs

Director

Registered Planner

P: +61 413 74 34 05

E: lou@loufantasiaplanning.com.au



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Please consider the environment before printing this email.

From: kosta888 <kosta888@yahoo.com>
Sent: Thursday, 25 June 2020 9:48 PM
To: Lou Fantasia <lou@loufantasiaplanning.com.au>

Cc: Bruno - 365STUDIO <bruno@365studio.com.au>
Subject: 60/60A Park St Hyde Park 5061

Dear Unley council planning,

The proposal drawings have been amended to accommodate and satisfy the most of the quantitative provisions for the Zone and Policy Area and the proposed building definitely make a more positive contribution to the streetscape compared to the existing structure.

As per previous meetings at Council Offices undertaken in 2019, attended by Douglas Alexander, Bruno Ienco, Lou Fantasia, Andrew Stevens (Unley Council heritage architect) and the Unley council planners:

- The consensus and agreement was reached that 60/60A Park St (former hall) has lawful existing "Use Rights" for two dwellings, as the internals arrangements of the premises had been reconfigured with an party wall to create to independent flats with a separate electricity and gas meter for each dwelling and letter box, in the early 1970s.
- The existing building does NOT meet any of the previous or current zoning provisions as the building additions extend to the front boundary; is built less than the prescribed distances from the western boundary; and is two storied in height being built as a hall and not a dwelling and comprises two dwellings on two levels as it contains a mezzanine).
- Most heritage features of the former hall had been removed from the existing structure and has an unflattering addition to the front of the building, and the entire structure is in poor condition.

The project designers have worked closely with Douglas Alexander from Flightpath Architects a well recognised and respect heritage architects to achieve a replacement building with a built form and appearance that make a positive contribution to the streetscape:

- especially when assessed against the current aspects of the existing building as the new dwellings are set back in line with the adjoining dwellings;
- the second storey element is well set back front façade of the dwellings and will not be visible from the street;
- the dwellings have superior side boundary setbacks with superior useable private open space and on-site garaging than the existing maisonettes; and
- the front facade of the proposed replacement dwellings also make a far more positive contribution to the existing 'eyesore' of the existing building and front additions.

We note the both the immediate neighbours support the proposed development as being a significant improvement to the existing development on the land.

The representation from a resident in Clarence St does not in our opinion have any merit as their property has rear vehicular access to their property from Harley Street in a similar manner to the subject land and the proposed development does not seek to alter this rear access and will result in an improvement to the existing parking arrangement to the two existing dwellings.

Kind Regards,

ATTACHMENT D

DA REFERRAL | Traffic

TO	DEVELOPMENT & REGULATORY SERVICES
FROM	Vasilis Zissopoulos
DATE	10 June 2020
SUBJECT	DA 263/2020/C2
ADDRESS	60 Park Street, Hyde Park

BACKGROUND

The existing property is located at 60 Park Street, Hyde Park. The proposed development includes the demolition of the existing property and the construction of two, two-storey semi-detached dwellings with a carport at the rear of the property, accessed via Harvey Street. The following is proposed the redevelopment:

Dwelling 1

The following is proposed for Dwelling 1:

- **Access** | Access via Harvey Street
- **Bedrooms** | 3 bedrooms
- **Building Size** | 183.02 m²
- **Parking** | Single carport

Dwelling 2

The following is proposed for Dwelling 2:

- **Access** | Access via Harvey Street
- **Bedrooms** | 3 bedrooms
- **Building Size** | 176.59m²
- **Parking** | Single carport

COMMENTS

Comments on the plans dated April 2020 are as follows:

- The proposed design for both dwellings only has an allocation for 1 off-street car park.
 - This is below the minimum required for off-street parking as the City of Unley Development Plan states that there should be a minimum of 2 off-street car parks for a 3-bedroom dwelling.
- The proposed carport dimensions are 3.7m x 5.7m.
 - This is below the minimum dimensions required as for a single garage, the dimensions should be 3m x 6m. It is noted that the width does exceed the minimum width which will increase the manoeuvrability.
 - Modern 4wd's and utes have a length of 5.3+m without accessories, so the sub-standard length may present an issue in the future.

- Dwelling 1 has the access to the carport partially fronting a paved footpath.
 - This does present a potential traffic conflict and is not an ideal outcome from a traffic perspective.
 - Having the access partially via a footpath and roadway clouds the demarcation of the garage which may potentially lead to vehicles blocking the garage.
 - The mitigating factors are that it's currently permitted for the existing dwelling, the adjacent dwelling and little connectivity for the footpath.

SUMMARY

It is recommended to provide the applicant the following information:

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

- The minimum length for a single garage has not been met.
- The minimum quantity for off-street carparking has not been met.
- Access arrangements for Dwelling 1 in consideration to the footpath.

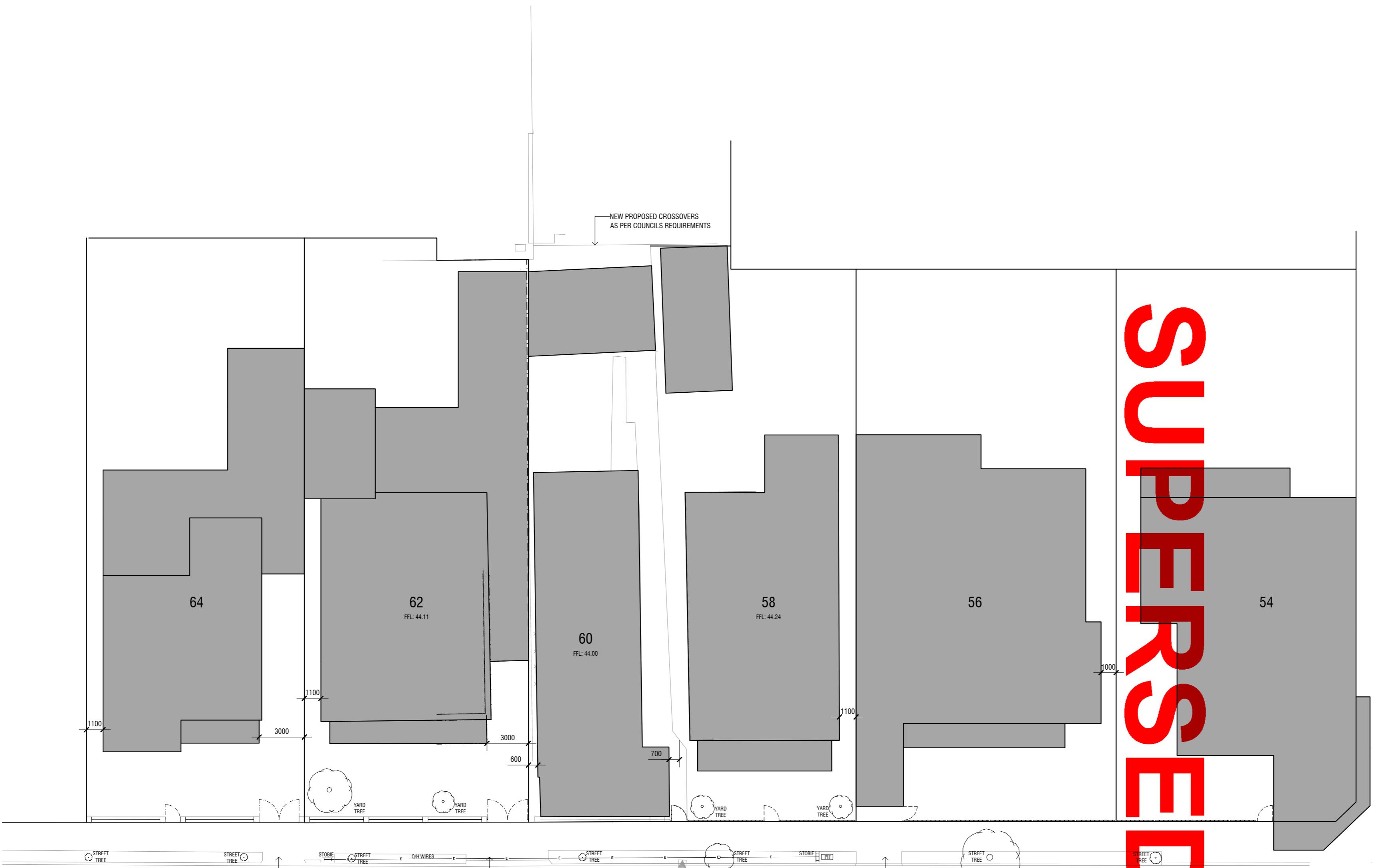
Yours sincerely



Vasilis (Bill) Zissopoulos

Parking & Traffic Advisor

ATTACHMENT E



ISSUE	AMENDMENT	DATE
A - J	CONCEPT - PLANNING DRAWINGS	2018
K - T	PLANNING DRAWINGS CLIENT CHANGES	2019-2020
U	COUNCIL COMMENTS	20.04.20
V	SHADOW DIAGRAMS	04.05.20

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WWW.365STUDIO.COM.AU

CLIENT:
KONSTANTINOS BARKOUKIS

PROJECT:
PROPOSED DEVELOPMENT

ADDRESS:
60 & 60A PARK STREET,
HYDE PARK SA

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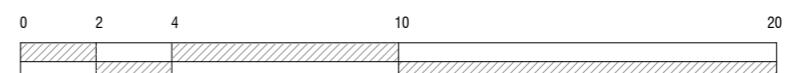
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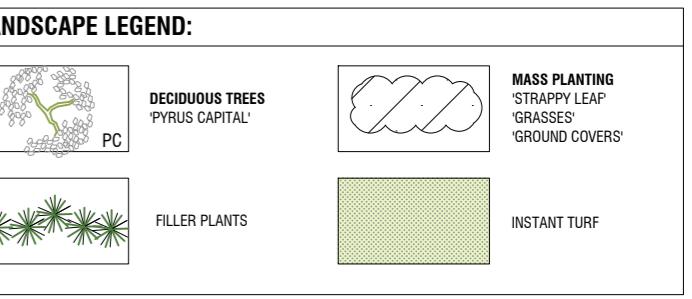
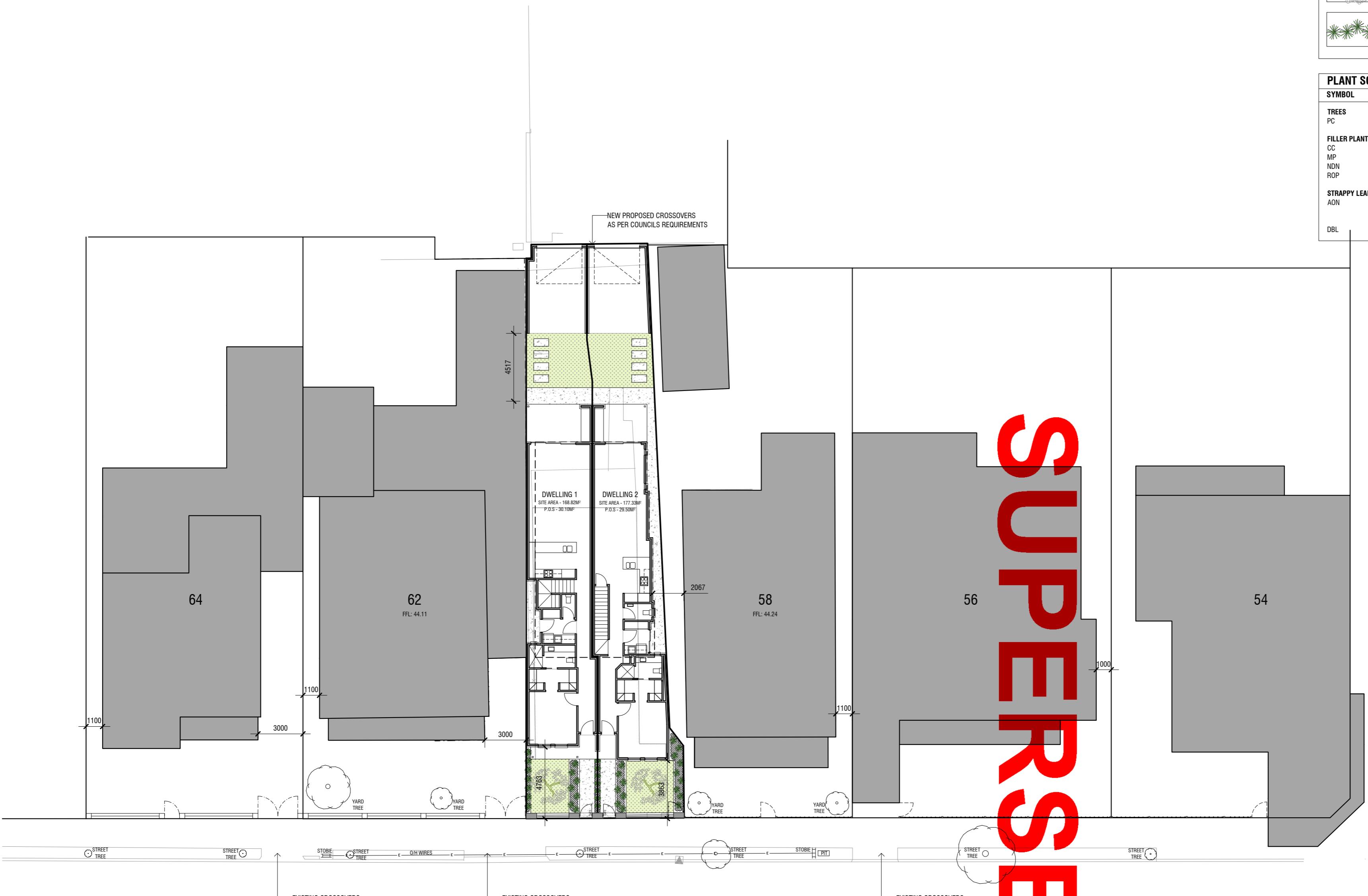
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PLANNING DRAWINGS

PROPOSED

58 PARK STREET:	60 PARK STREET:	62 PARK STREET:	64 PARK STREET:
STREET TREE LOCATED 2100MM FROM BOUNDARY.	STREET TREE LOCATED 3200MM FROM BOUNDARY.	STREET TREE AS SHOWN	TWO STREET TREES AS SHOWN
STOBIE POLE LOCATED 2500MM FROM EASTERN BOUNDARY.	FRONT YARD AS PER LANDSCAPE SCHEDULE	STOBIE POLE LOCATED 1200MM FROM WESTERN BOUNDARY.	SMALL SHRUBS AND LAWN TO FRONT YARD
NATIVE GUM TREE, GREEN SHRUB AND LAWN TO FRONT YARD		OLIVE TREE AND SMALL APRICOT TREE LOCATED 500MM FROM BOUNDARY, LAWN TO FRONT YARD	





PLANT SCHEDULE:			
SYMBOL	BOTANICAL NAME	COMMON NAME	POT SIZE
TREES			
PC	PYRUS 'CAPITAL'	'CAPITAL' PEAR	2.4M TALL
FILLER PLANTS			
CC	CONVOLVULUS CNEORUM	SILVER BUSH	200MM POTS
MP	MURRAYA PANICULATA	MURRAYA	250MM POTS
NDN	NANDINA DOMESTICA NANA	DWARF NANDINA	200MM POTS
ROP	RAPHIOLEPSIS	ORIENTAL PEARL	200MM POTS
STRAPPY LEAF PLANTS			
AON	AGAPANTHUS ORIENTALIS NANA	DWARF AGAPANTHUS	150MM POTS
DBL	DIANELLA 'BLAZE'	'BLAZE' FLAX LILY	150MM POTS

ISSUE	AMENDMENT	DATE
A-J	CONCEPT - PLANNING DRAWINGS	2018
K-T	PLANNING DRAWINGS CLIENT CHANGES	2019-2020
U	COUNCIL COMMENTS	20.04.20
V	SHADOW DIAGRAMS	04.05.20

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CLIENT:
KONSTANTINOS BARKOUKIS

PROJECT:
PROPOSED DEVELOPMENT

ADDRESS:
60 & 60A PARK STREET,
HYDE PARK SA

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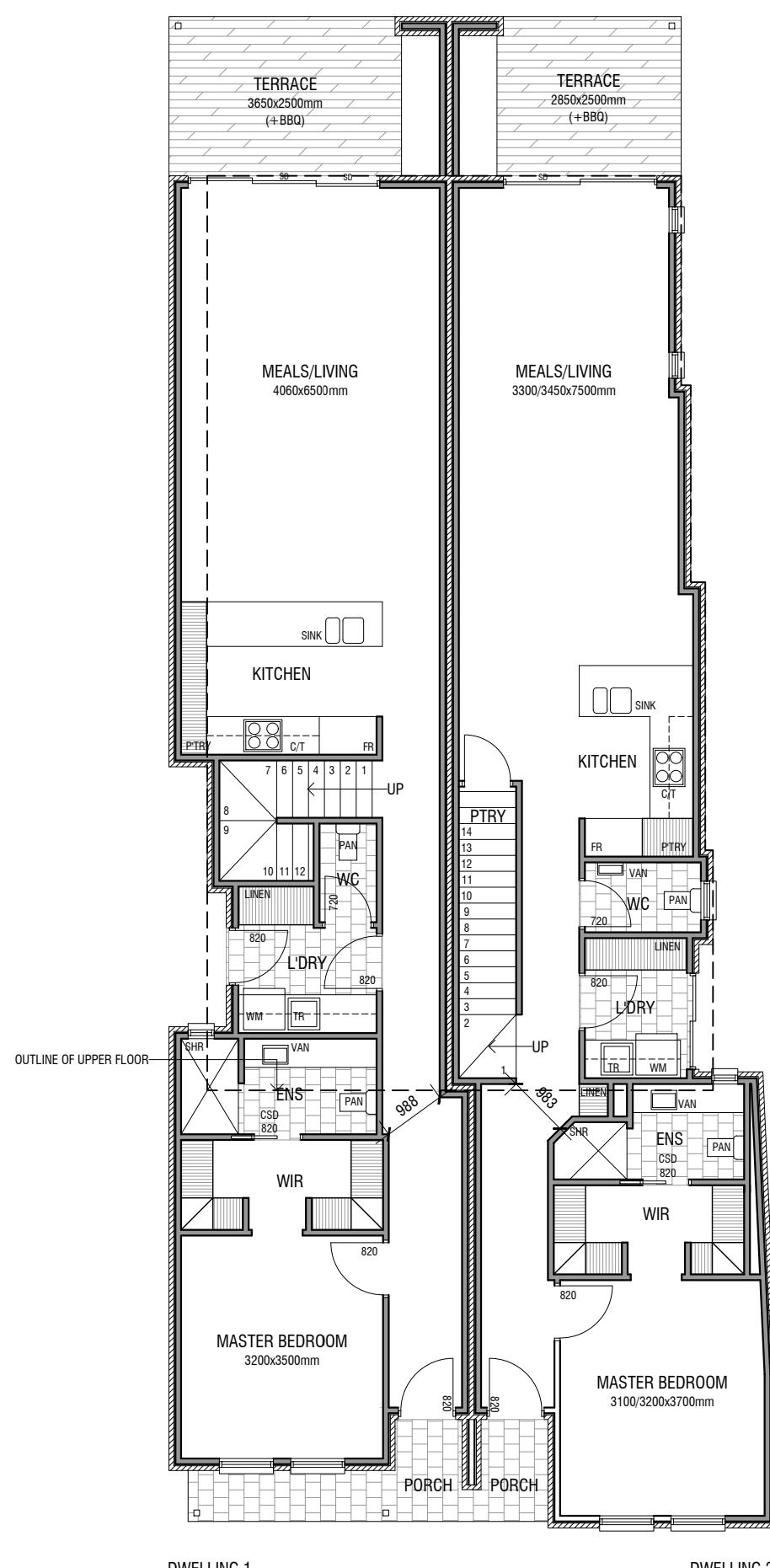
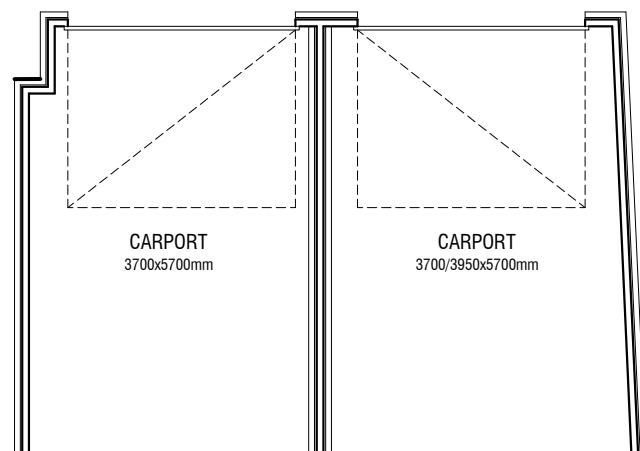
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PLANNING DRAWINGS

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PROPOSED LOWER FLOOR

SCALE 1:100

Supercraft

AREAS (D1)	m ²
LOWER LIVING	89.58
UPPER LIVING	54.56
CARPORT	23.54
PORCH	4.34
TERRACE	11.00
TOTAL	183.02

AREAS (D2)	m ²
LOWER LIVING	85.30
UPPER LIVING	56.04
CARPORT	24.60
PORCH	1.56
TERRACE	9.09
TOTAL	176.59

ISSUE	AMENDMENT	DATE
A-J	CONCEPT - PLANNING DRAWINGS	2018
K-T	PLANNING DRAWINGS CLIENT CHANGES	2019-2020
U	COUNCIL COMMENTS	20.04.20
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PROJECT:
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ADDRESS:
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HYDE PARK SA

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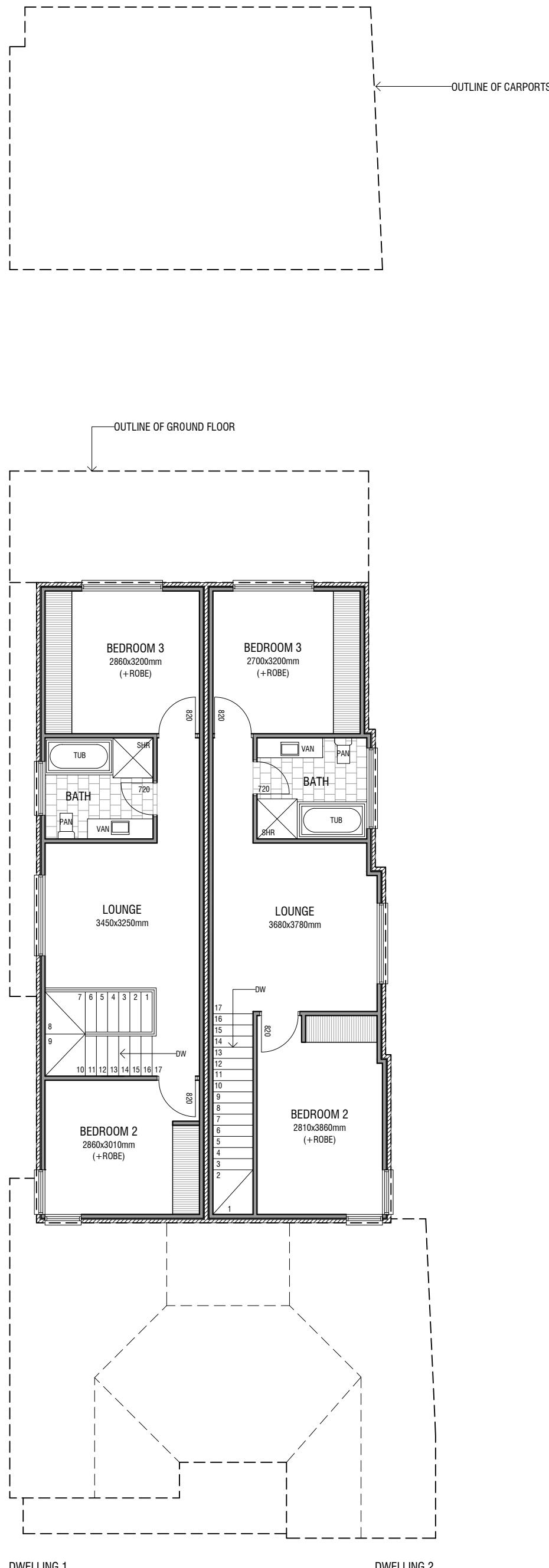
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PROPOSED UPPER FLOOR

SCALE 1:100

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PROJECT:
PROPOSED DEVELOPMENT

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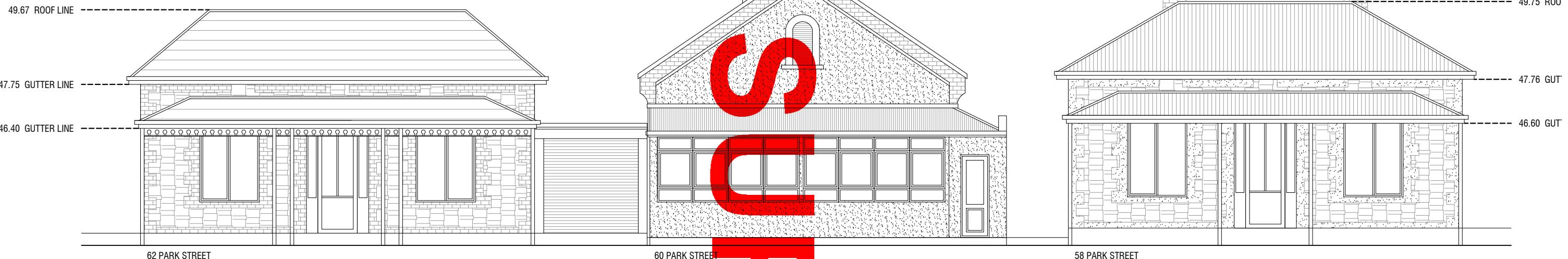
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EXISTING ELEVATIONS

SCALE 1:100



56 PARK STREET:	58 PARK STREET:	62 PARK STREET:	64 PARK STREET:
IRONSTONE COLORBOND ROOF AND GUTTERS, BLUESTONE FAÇADE, CREAM RENDERED QUOINS, CREAM WINDOW FRAMES, IRONSTONE COLORBOND BULL NOSE VERANDAH, CREAM TRIMS ON CARPORT, WHITE PICKET FENCE AND POSTS 1000MM HIGH PICKETS WITH 1300MM HIGH POSTS	RED COLORBOND ROOF, SANDSTONE FAÇADE WITH RED BRICK SURROUND, RED COLORBOND BULL NOSE VERANDAH, CREAM GUTTERS, NO CARPORT, NO DRIVEWAY, WHITE PICKET FENCE AND RED POSTS 1100MM HIGH PICKETS WITH 1500MM HIGH POSTS.	RED TILED ROOF, SANDSTONE FAÇADE WITH RED BRICK SURROUND, BLACK ENTRY DOOR, WHITE GUTTERS, ALUMINUM WINDOWS, RED BRICK FENCE 900MM HIGH WITH 300MM HIGH WHITE CAST IRON INFILL ABOVE 1500MM HIGH PILLARS, 1200MM HIGH RED BRICK PIERS, 1000MM WIDE CAST IRON GATE	

EXISTING STREETSCAPE

SCALE 1:100

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K - T	PLANNING DRAWINGS CLIENT CHANGES	2019-2020
U	COUNCIL COMMENTS	20.04.20
V	SHADOW DIAGRAMS	04.05.20

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PROPOSED DEVELOPMENTADDRESS:
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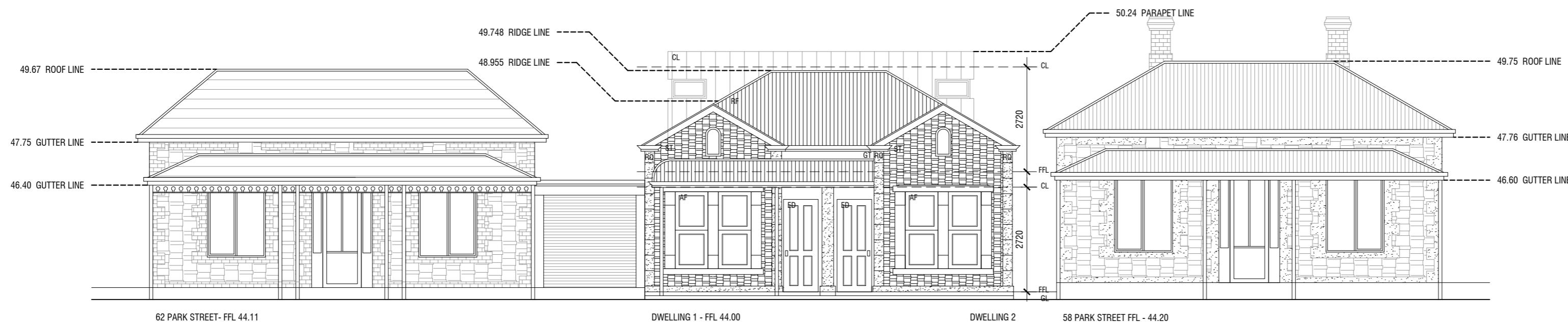
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MATERIAL / COLOUR SCHEDULE:		
AAC CLADDING	HB	AAC CLADDING DULUX - WHITE POLAR
QUOINS	RQ	RENDERED FEATURE QUOINS DULUX - WHITE POLAR
FEATURE STONE	ST	NATURAL LIMESTONE STONE - VENEER
CLADDING	CL	REVOLUTION ROOFING - EUROPUS INTERLOCKING PANEL DULUX - WAYWARD GREY
DOORS & WINDOWS	AF	TIMBER FRAMES PAINTED BLACK
ENTRY DOOR	ED	CORINTHIAN - CLASSIC CL 4 PAINTED BLACK
PANEL-LIFT DOOR	PLD	BND PANEL-LIFT DOOR FEDERATION
ROOF/FASCIA	RF	COLORBOND - WINDSPRAY ROOF PITCH @ 25°
GUTTER	GT	REVOLUTION ROOFING - REVOL COLORBOND - WINDSPRAY
CAPPING	CP	COLORBOND - SURFMIST

E

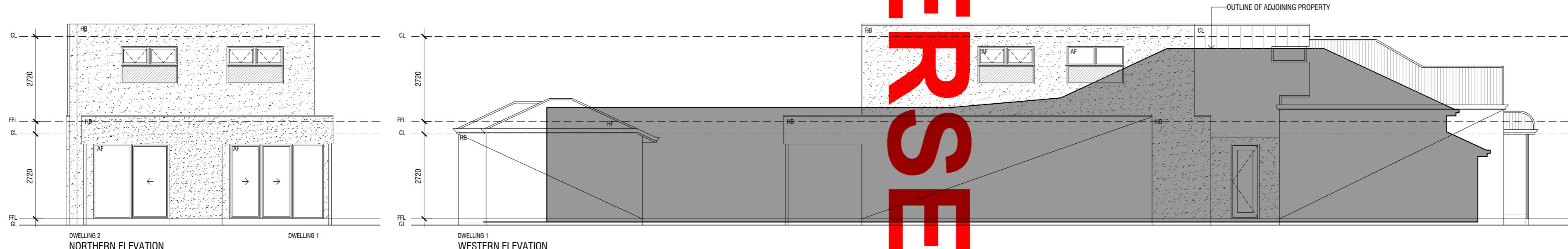
PROPOSED ELEVATIONS

SCALE 1:100



PROPOSED STREETSCAPE

SCALE 1:100



ISSUE	AMENDMENT	DATE
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U	COUNCIL COMMENTS	20.04.20
V	SHADOW DIAGRAMS	04.05.20



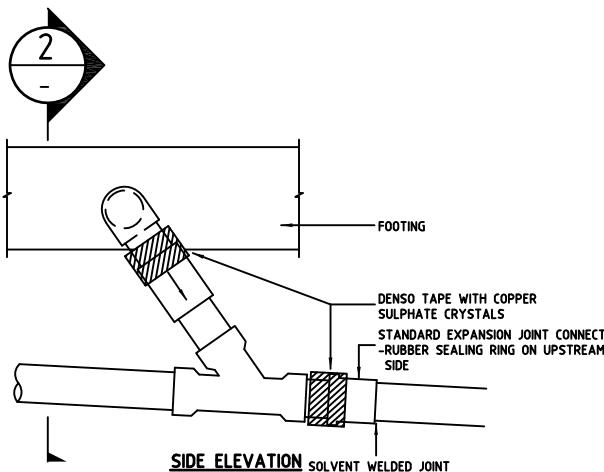
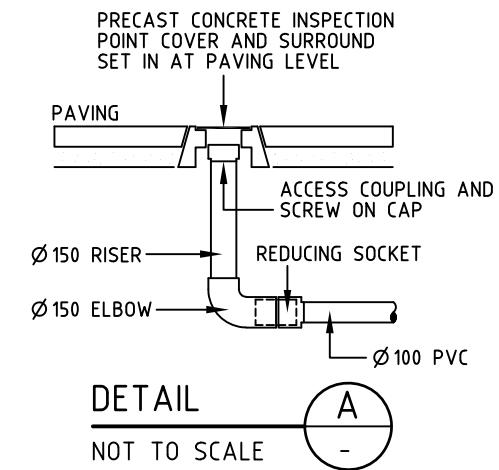
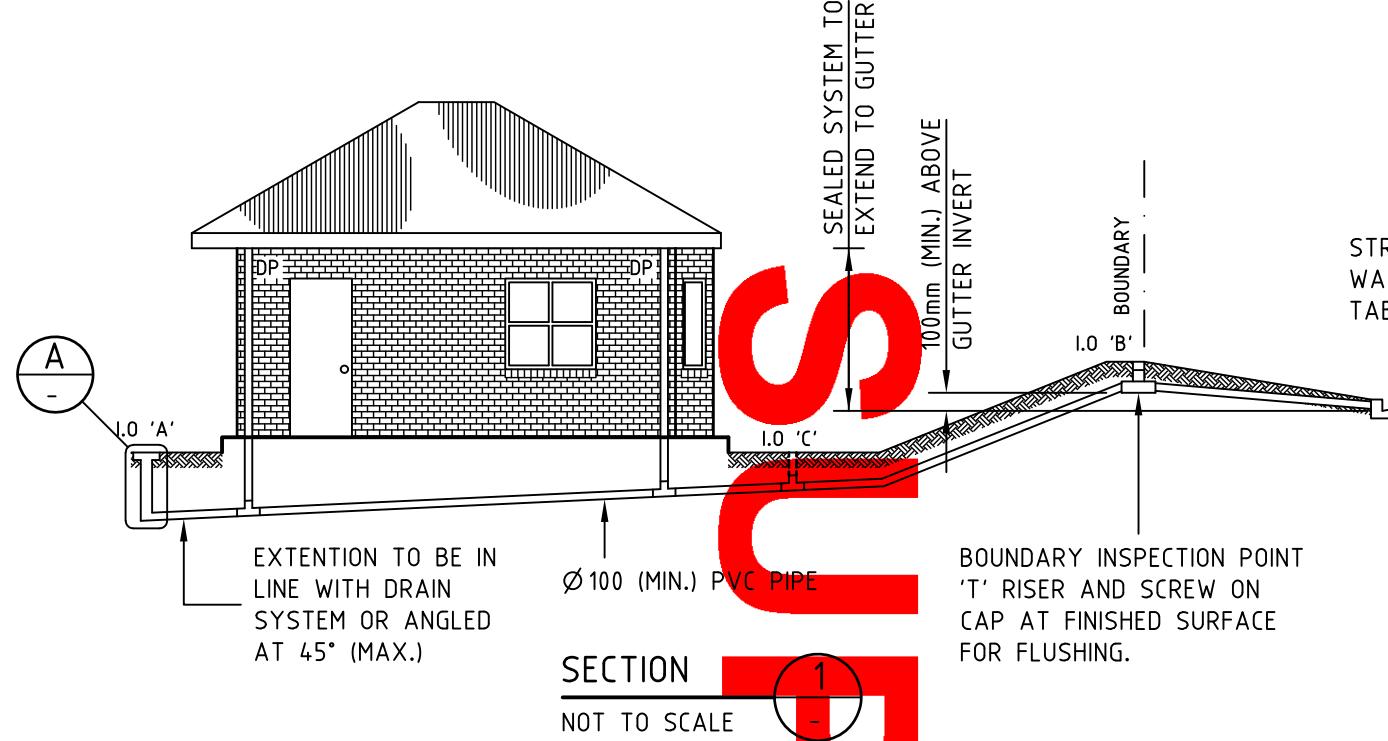
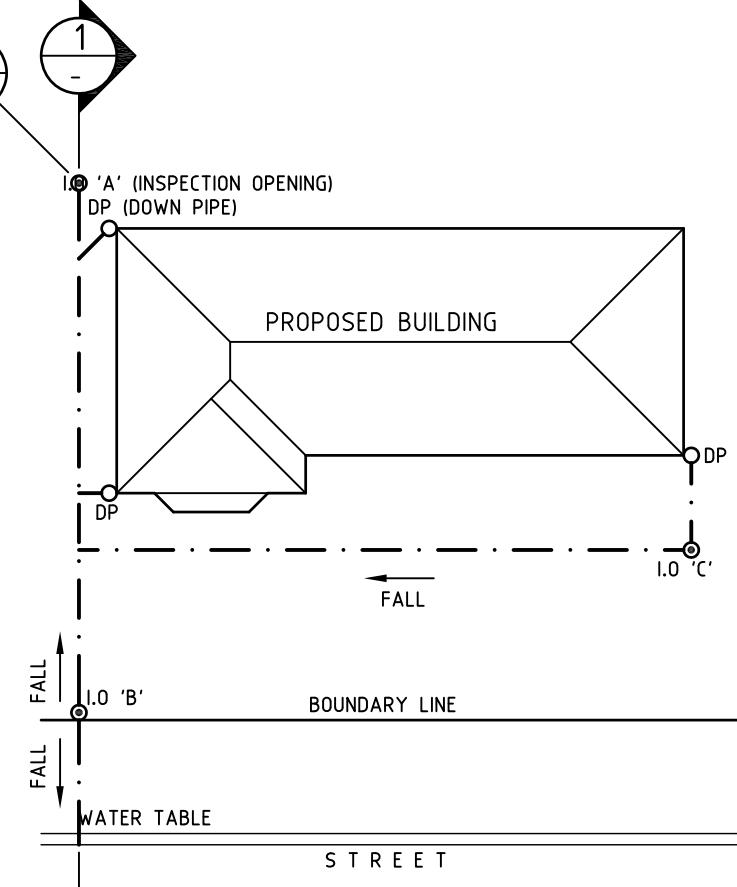
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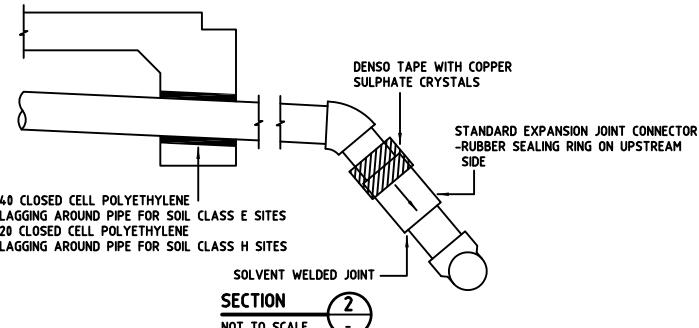
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E



SEWER & SEWER FLEXIBLE SERVICE CONNECTION DETAILS FOR CLASS 'H' & 'E' SITES

NOT TO SCALE

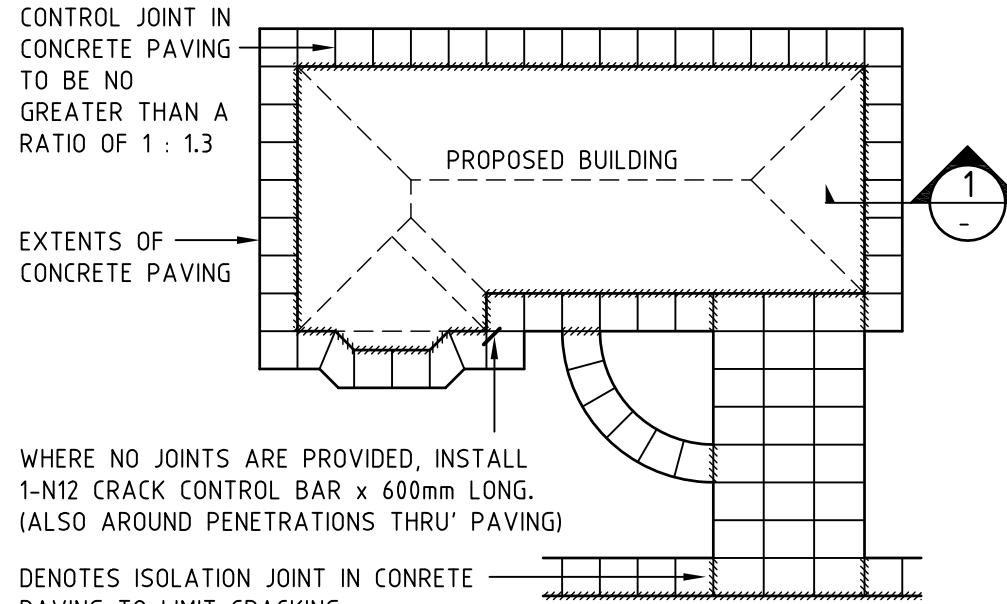


GENERAL FLEXIBLE CONNECTION NOTES:

DUE TO THE MOISTURE REACTIVE NATURE OF SOILS ON CLASS 'H' & 'E' SITES, IT IS REQUIRED THAT THE SERVICE PIPES INCLUDE STANDARD EXPANSION TYPE JOINT COUPLINGS. PROVIDE A FLEXIBLE CONNECTION TO PIPE IN ACCORDANCE WITH THE FOLLOWING;

1. CONNECTIONS ARE REQUIRED AT EACH LOCATION WHERE PIPES (50mm OR LARGER) PENETRATE OR PASS BEHIND THE EXTERNAL FOOTING BEAMS.
2. TWO EXPANSION JOINT CONNECTORS ARE REQUIRED, AS DETAILED ABOVE, AT EACH CONNECTION..
3. THE DENSO TAPE MUST BE SPINKLED WITH COPPER SULPHATE CRYSTALS PRIOR TO WRAPPING AND MUST EXTEND 50mm BEYOND THE JOINT ON EITHER SIDE.
4. DETAILS ARE APPLICABLE TO TO SEWER AND STORMWATER PIPES.
5. REFER TO THE CONSTRUCTION/GEOTECHNICAL REPORT FOR SOIL CLASSIFICATION.

PROJECT			
PROPOSED RESIDENCES			
AT: 60 & 60A PARK STREET, HYDE PARK			
FOR: K. BARKOUKIS			
DRAWING TITLE			
STORMWATER DETAILS			
SCALE AS SHOWN	DRAWN KP	ENGINEER KP	DATE 02.05.2020
SURVEYED BY OTHERS	PROJECT No. 200407	DRAWING No. C3	ISSUE A
SHEET SIZE A3			
6 CRITTENDEN ROAD, FINDON, SA, 5023. PH: (08) 8448 2900			



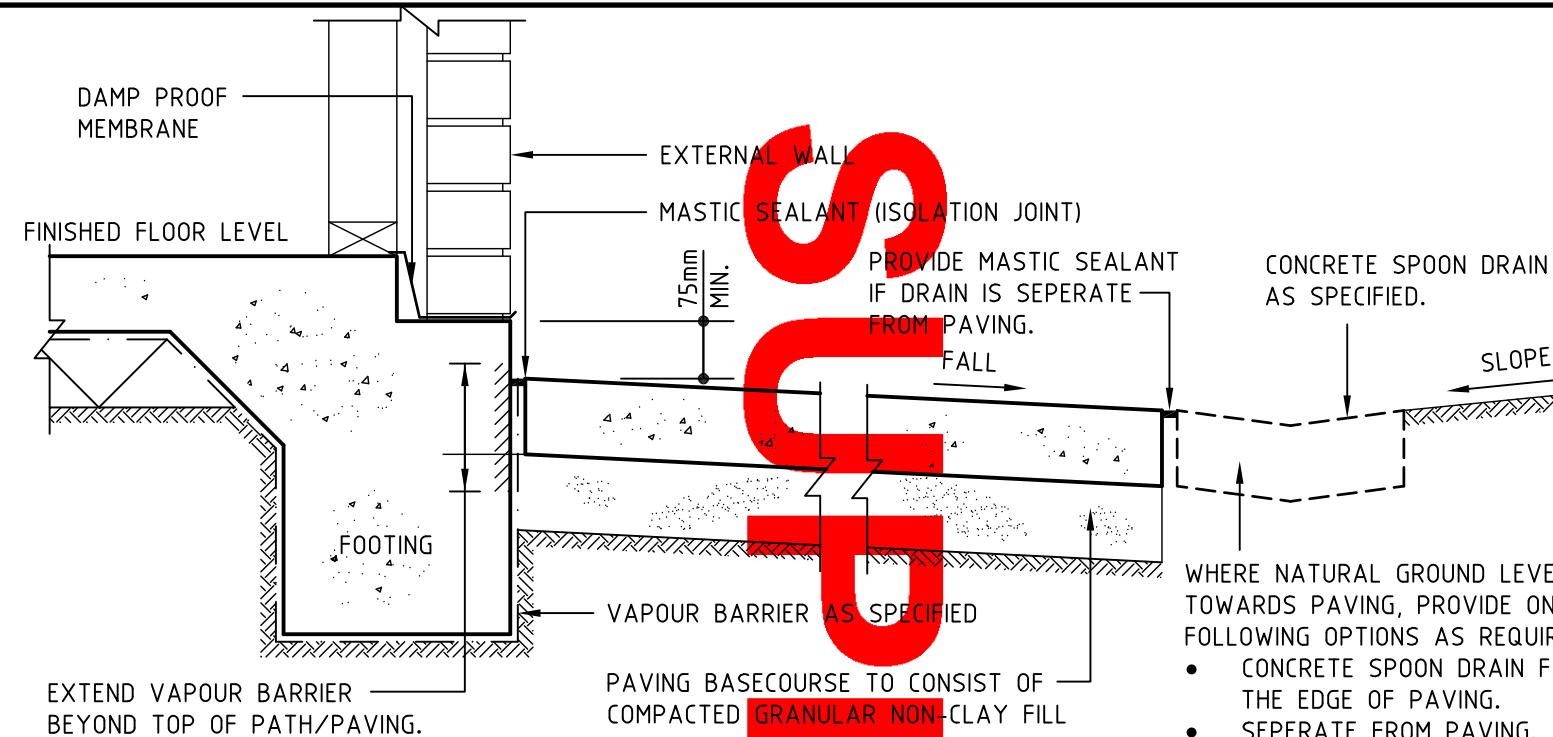
ALL CONCRETE PAVING LAYOUT AROUND BUILDING

NOT TO SCALE

GENERAL PAVING NOTES:

1. UNLESS NOTED OTHERWISE, PAVED AREAS SHALL HAVE A MINIMUM WIDTH OF 900mm. A PREFERABLE WIDTH OF 1200mm SHOULD BE ADOPTED FOR CLASS 'E-D' SITES.
2. WHERE CONCRETE PAVEMENTS ARE ADOPTED, REFER TO THE TABLE BELOW:

<u>CLASS 'A' OR 'S' SITES</u> - MIN. CROSSFALL=1:30
• FOOT TRAFFIC [2m] - 75mm THICK CONCRETE WITH SL52 FABRIC CENTRAL
• LIGHT VEHICULAR TRAFFIC [3m] - 100mm THICK CONCRETE WITH SL62 FABRIC CENTRAL
<u>CLASS 'M' SITES</u> - MIN. CROSSFALL=1:20
• FOOT TRAFFIC [2m] - 75mm THICK CONCRETE WITH SL52 FABRIC CENTRAL
• LIGHT VEHICULAR TRAFFIC [3m] - 100mm THICK CONCRETE WITH SL62 FABRIC CENTRAL
<u>CLASS 'H' SITES</u> - MIN. CROSSFALL=1:20
• FOOT TRAFFIC [2m] - 75mm THICK CONCRETE WITH SL62 FABRIC CENTRAL
• LIGHT VEHICULAR TRAFFIC [4m] - 100mm THICK CONCRETE WITH SL72 FABRIC CENTRAL
<u>CLASS 'E' SITES</u> - MIN. CROSSFALL=1:20
• FOOT TRAFFIC [3m] - 100mm THICK CONCRETE WITH SL72 FABRIC CENTRAL
• LIGHT VEHICULAR TRAFFIC [4m] - 120mm THICK CONCRETE WITH SL82 FABRIC CENTRAL
3. CONCRETE PAVING AND GROUND LEVEL ADJACENT TO THE BUILDING PERIMETER SHALL BE GRADED 50mm OVER 1 METRE (1:20) AWAY FROM THE BUILDING.
4. MINIMUM CROSSFALLS MAY ALSO BE DESIGNED IN ACCORDANCE WITH THE MAXIMUM ALLOWABLE FALLS DENOTED IN 'AS 1428 DESIGN FOR ACCESS & MOBILITY'.
5. (Xm) DENOTES THE MAXIMUM DISTANCE BETWEEN CONTROL JOINTS (NOTING THAT LENGTH OF ADJACENT SIDES SHOULD BE IN THE RATIO OF 1 TO 1.3 MAX).
6. BRICK, BLOCK & BITUMEN PAVEMENTS SHALL ADHERE TO CROSSFALLS AS NOTED BELOW FOR CLASS 'A', 'S', 'M', 'H' & 'E' SITES. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATIONS.
7. WHERE PAVING CONSTRUCTION IS UNDERTAKEN ON CLASS 'H' OR 'E' SITES, IT IS PREFERABLE TO COMMENCE PAVING WORK AT THE END OF WINTER WHEN SITE SOIL IS STILL WET TO HELP LIMIT A REDUCTION IN CROSSFALLS.
8. SHOULD TO BUILDING BE OCCUPIED DURING THE WINTER MONTHS WITH NO PAVING PROVIDED, ENSURE THAT THE SOIL SURFACE TO THE PERIMETER OF THE BUILDING IS MAINTAINED TO A WELL DRAINED STATE UNTIL SUCH TIME THAT PAVING IS INSTALLED.
9. SHOULD IT BE NECESSARY TO CONSTRUCT PAVING ON THESE TYPES OF SOILS DURING OTHER TIMES OF THE YEAR, I.E THE END OF SUMMER, THE CROSSFALLS SHALL BE TWICE OF THAT INDICATED IN NOTE "2".
10. SHOULD TO DWELLING BE OCCUPIED DURING THE WINTER MONTHS WITH NO PAVING PROVIDED, ENSURE THAT THE SOIL SURFACE TO THE PERIMETER OF THE BUILDING IS MAINTAINED TO A WELL DRAINED STATE UNTIL SUCH TIME THAT PAVING IS INSTALLED.
11. ALL PAVEMENTS MUST BE SET DOWN 75mm BELOW THE REBATE.
12. PAVING SHALL BE PREPARED ON A FIRM CLEAN BASE WHERE ALL BUILDING DEBRIS IS REMOVED FROM THE PERIMETER OF THE BUILDING. A COMPACTED QUARRY RUBBLE BASE IS TO BE PROVIDED AS REQUIRED TO ELEVATE PAVING AND ACHIEVE NECESSARY CROSSFALLS.
13. PAVEMENTS SHALL NOT BREACH THE DAMP PROOF COURSE OR BUILT-IN DAMP PROOF MEMBRANE UNLESS OTHER ADEQUATE DAMP-PROOFING MEASURES HAVE BEEN TAKEN.
14. REACTIVE SOILS MAY CAUSE PAVING TO SEPARATE HORIZONTALLY FROM THE BUILDING PERIMETER. IT IS IMPORTANT THAT ANY GAPS BETWEEN THE BUILDING AND PAVING BE IMMEDIATELY SEALED WITH A FLEXIBLE MASTIC SEALANT.
15. PROVIDE EDGE DRAINS WHERE NECESSARY TO DIVERT RUNOFF CLEAR OF THE BUILDING.
16. PROVIDE TERMITE PROTECTION TO AS 3660.1.



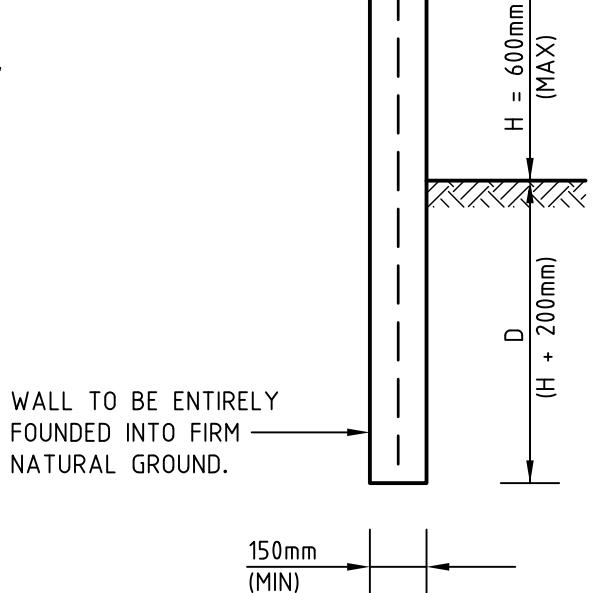
SECTION
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1

PROVIDE 30mm COVER 20mm DEEP TO REINFORCEMENT. TOOLED JOINT.

N25 CONC,
SL72 CENTRAL.

PAVING BASECOURSE TO CONSIST OF COMPAKTED GRANULAR NON-CLAY FILL.

CONCRETE PAVING CONTROL JOINT DETAIL
NOT TO SCALE



CONCRETE PLINTH DETAIL
N.T.S

PROJECT				PROPOSED RESIDENCES			
AT: 60 & 60A PARK STREET, HYDE PARK				FOR: K. BARKOUKIS			
DRAWING TITLE				EARTHWORKS & PAVING DETAILS			
SCALE AS SHOWN		DRAWN KP		ENGINEER KP		DATE 02.05.2020	
SURVEYED BY OTHERS	PROJECT No. 200407	DRAWING No. C4	ISSUE A	SHEET SIZE A3			
K Q J S A R E E N G I N E E R I N G							
6 CRITTENDEN ROAD, FINDON, SA, 5023. PH: (08) 8448 2900							

Tax Invoice / Receipt

ABN: 92 366 288 135
Agency: Department of Planning, Transport and Infrastructure
Address: PO Box 1815, Adelaide SA 5001
Phone: 7109 7018

Fee Description	GST excl.	GST	GST incl.
Lodgement Fee (additional allotment)	\$225.00	\$0.00	\$225.00
Land Division Fee (additional allotment)	\$169.00	\$0.00	\$169.00
Land Division Fee (per Additional Allotment)	\$16.00	\$0.00	\$16.00
Statement of Requirements Fee (additional allotment)	\$447.00	\$0.00	\$447.00
Certificate of Approval Fee (additional allotments)	\$373.00	\$0.00	\$373.00
DAC Consultation Report Fee (additional allotments)	\$224.00	\$0.00	\$224.00
Total	\$1454.00	\$0.00	\$1454.00

APPLICATION DETAILS

Unique Id: 67665
Development Number: 090/D011/20
Agents Reference: PL8566
Applicant: Mr Konstantinos Barkoukis
Owner: Mr Konstantinos Barkoukis
Type: DirectDebit
Agent: Pyper Leaker Surveying Services Pty Ltd
Address: 78 Goodwood Road Wayville, 5034 South Australia

TRANSACTION DETAILS

Received: Thursday, 09 Apr 2020
Receipt Ref. No: 52673385680
Process Id: DEV6766520200409095045222
Amount Paid: \$1454.00
Payment Method: Direct Debit



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Product	Register Search (CT 5913/861)
Date/Time	08/01/2018 08:36AM
Customer Reference	
Order ID	20180108000485
Cost	\$28.25

Certificate of Title - Volume 5913 Folio 861

Parent Title(s) CT 5151/997

Creating Dealing(s) RTU 9798807, T 9798808

Title Issued 29/03/2004 Edition 3 Edition Issued 18/10/2017

Estate Type

FEE SIMPLE

Registered Proprietor

KONSTANTINOS BARKOUKIS
DESPINA PASTRIKOS
OF 60 PARK STREET HYDE PARK SA 5061
AS JOINT TENANTS

Description of Land

ALLOTMENT 700 DEPOSITED PLAN 63803
IN THE AREA NAMED HYDE PARK
HUNDRED OF ADELAIDE

Easements

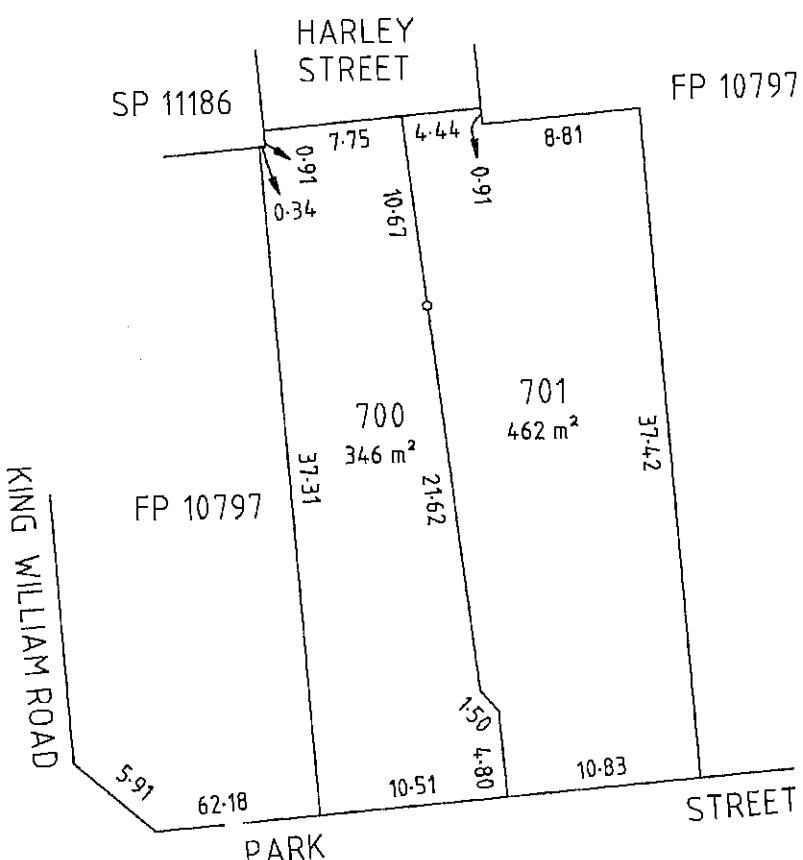
NIL

Schedule of Dealings

Dealing Number	Description
12829437	MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA (ACN: 123 123 124)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



0 4 8 12 16 Metres

NO GOVERNMENT ADMINISTRATIVE INTERESTS

There are no

- Planning interests (either land division or land use)
- State Heritage interests
- Aboriginal Heritage interests
- Environment Protection Act interests

recorded on the Property Interests System for this property at the date of lodgement of the application.

Other Government Departments may have administrative interests recorded but this has not been searched by Department of Planning, Transport and Infrastructure.

NOTE: The Certificate of Title should be checked for registered interests, e.g. Land Management Agreements.

Dear Unley Council,

I am attaching the relevant information because of preliminary discussions regarding the development application of 60/60A Park St Hyde Park 5061.

The 2 maisonettes were changed into the current configuration in approximately mid 1970s. I have utilised Mellor Olsson solicitors (conveyancer acting for the previous vendor) to try to establish a formalised statement from the original owner/vendor about when the 60/60A Park St Hyde Park re-configuration occurred?

- From the attached emails (as evidence), it appears the 2 maisonettes were created before 1978.
- The previous vendors are elderly and refuse to disclose any further information, however as of 2018, have confirmed it was done “over 40 year ago”.

I contacted SA Power Networks to establish the new meter installation date, and the meter installation date for 60A Park St. Hyde Park 5016 is stated as 01-01-1984, however this is a formalisation date and the likelihood is this meter was created and installed earlier.

- Please refer to the SA Power Networks Meter information for 60A Park St, Hyde Park from 60A Park St Hyde Park.

I have contacted APA (formally Gas distributor) and have tried locating the gas meter for 60A Park St Hyde Park (Meter No. s051680), unfortunately this is a very old meter and no meter installation record was found for the 60A Park St Hyde Park Gas Meter.

As per preliminary request, I have also conducted a boundary identification survey and detailed survey of the existing dwellings by Pyper Leaker Surveyors.

- The surveys are attached.

As per preliminary discussions, the head of planning mentioned that the preference was for 2 North facing Torrens titled town houses onto Park St., with garages on Harley St.

Adjoining similar property's

2 Westall St, Hyde Park 5061



11 Westall St, Hyde Park 5061



High Density development across the road

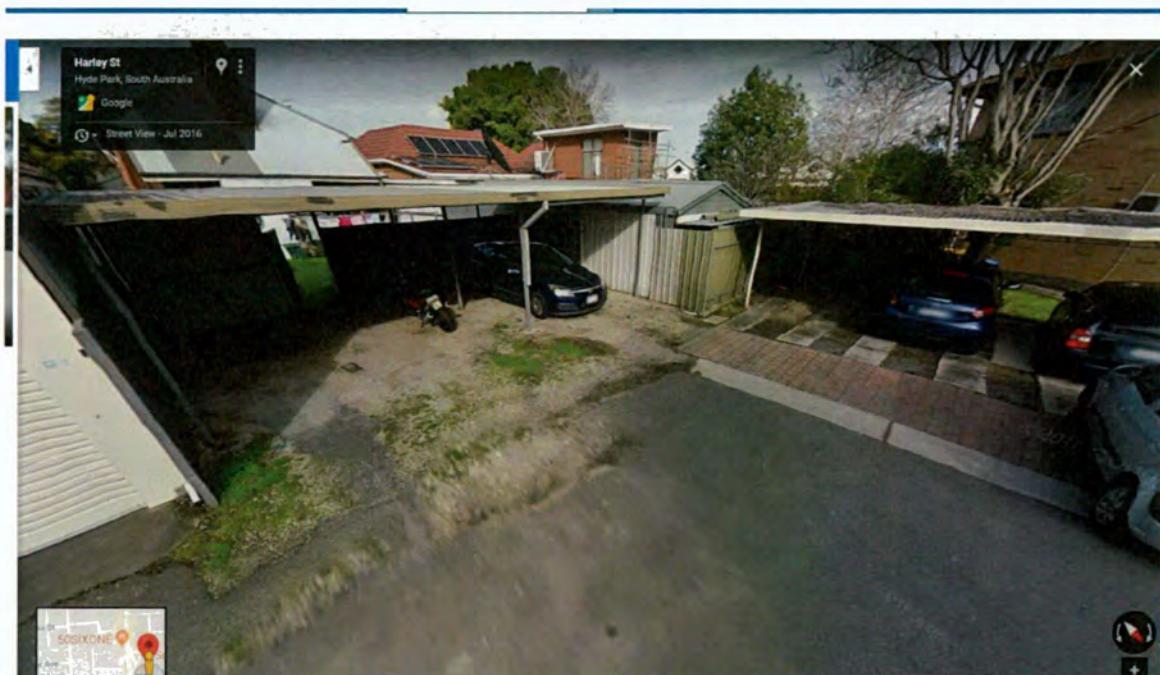
73 Park St, Hyde Park 5061



2 Westall St, Hyde Park 5061



There is also high density development on Harley St at the back of the property:



Meter List for 20010228280

Preferred Name	MR HORST MERWARTH
Legal Entity	MERWARTH
Property Address	FLAT 2 60A PARK STREET HYDE PARK 5061
Postal Address	
Service Provision Status	Fuse In
Revenue Class	Domestic
Tariff	QRSR
NMI	20010228280
Phone Numbers	MR HORST MERWARTH: 0882715373
Feeder Number	SM350F
Transformer Number	118
Latitude	-34.95502439682
Longitude	138.60097533215
Map Link	click here to open map
Map Reference	130 G8
MDP :	SA Power Networks (ETSAMDP)
MPC :	SA Power Networks (ETSAMDP)
LR :	AGL Electricity - SA (AGLE)
MPB :	SA Power Networks (ETSAPMP)
FRMP :	TRUenergy Pty Ltd (EASTENGY)

[Submit an Update](#)

Meter Number	Equipment Type	Model Code	Read Method	Equipment State	Installation State	Install Date	Acquired Date	Disposal Date	Dispo
798568	E	YA1625	Basic Meter	I (Installed)	Active	01 JAN 1984	01 JAN 1984		

Meter Details

NMI	20010228280
Meter Number	798568
Equipment Type	E
Model Code	YA1625
Read Method	Basic Meter
Route Number	32903
Squence (in route)	83
Multiplier	1
Equipment Owner	ETSA Utilities
Meter Status	I (Installed)
Installation Status	Active
Special Instructions	
Location Description	
Meter Location	
Installation Date	01 JAN 1984
Date Acquired	01 JAN 1984
Date Disposed	
Reason for Disposal	

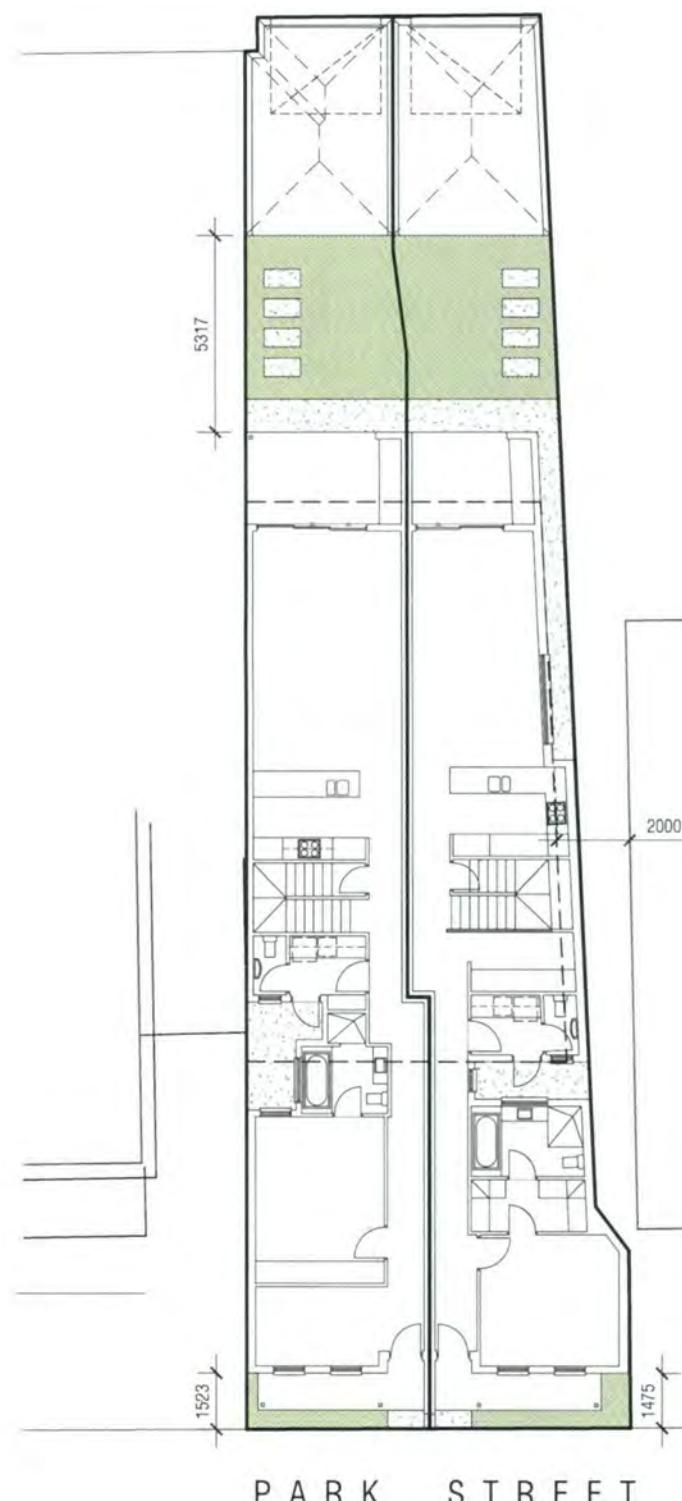
Registers

Start Date	Reg Config	NMI Suffix	Register Number	Tariff Component	Multiplier	Register State	End Date
01 JAN 1984	(EGY5) Energy 5 Dial	11	1	(E) Energy	1	(B) Billable	

Regards,

LANDSCAPING LEGEND: ALL LANDSCAPE BY OWNER

GROUND COVERS	HEIGHT/SPACING (m)	PLANTS		HEIGHT (m)	SPACING (m)
			DIANELLA PRUNINA UTOPIA		
			LOMANDRA		
			MYOPORUM FINE LEAF WHITE		
	SIZE VARIES BETWEEN 50-100MM HIGH WITH A SPACING OF 1-2 METRES		THYMUS LONGICAULIS		
			TREES		
			PRUNUS CERASIFERA	5.0	4.0
			MORUS NIGRA	3.0	4.0



P A R K S T R E E T



PROPOSED SITE PLAN

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REVERSE EDGE

City of Unley

20 FEB 2019

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HYDE PARK, SA

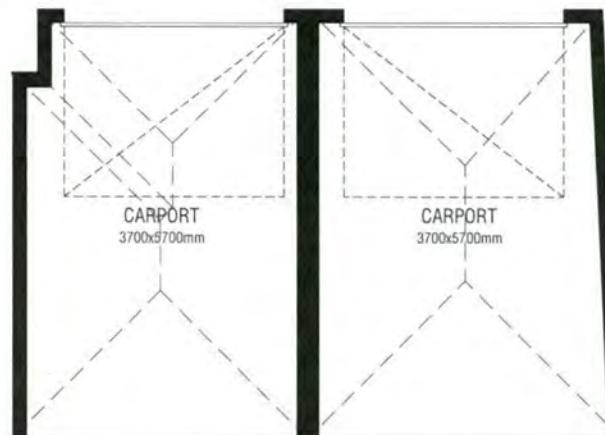
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SUPERIOR

PLANNING DRAWINGS

DWELLING 1 AREA	SQM
LOWER LIVING	102.00
UPPER LIVING	58.00
CARPORT	23.80
PORCH	4.90
TERRACE	11.00
TOTAL	209.70

DWELLING 2 AREA	SQM
LOWER LIVING	100.00
UPPER LIVING	59.00
CARPORT	24.80
PORCH	4.90
TERRACE	9.50
TOTAL	198.20

ISSUE	AMENDMENT	DATE
A	CONCEPT ISSUE	08.05.18
B	CONCEPT ISSUE	25.05.18
C	CONCEPT ISSUE	31.05.18
D	CONCEPT ISSUE	08.06.18
E	PLANNING ISSUE	25.06.18
F	CONCEPT ISSUE	17.10.18
G	CONCEPT ISSUE	09.11.18
H	CONCEPT ISSUE	12.11.18
I	CONCEPT ISSUE	14.11.18
J	PLANNING ISSUE	23.11.18

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SPACES EDGE

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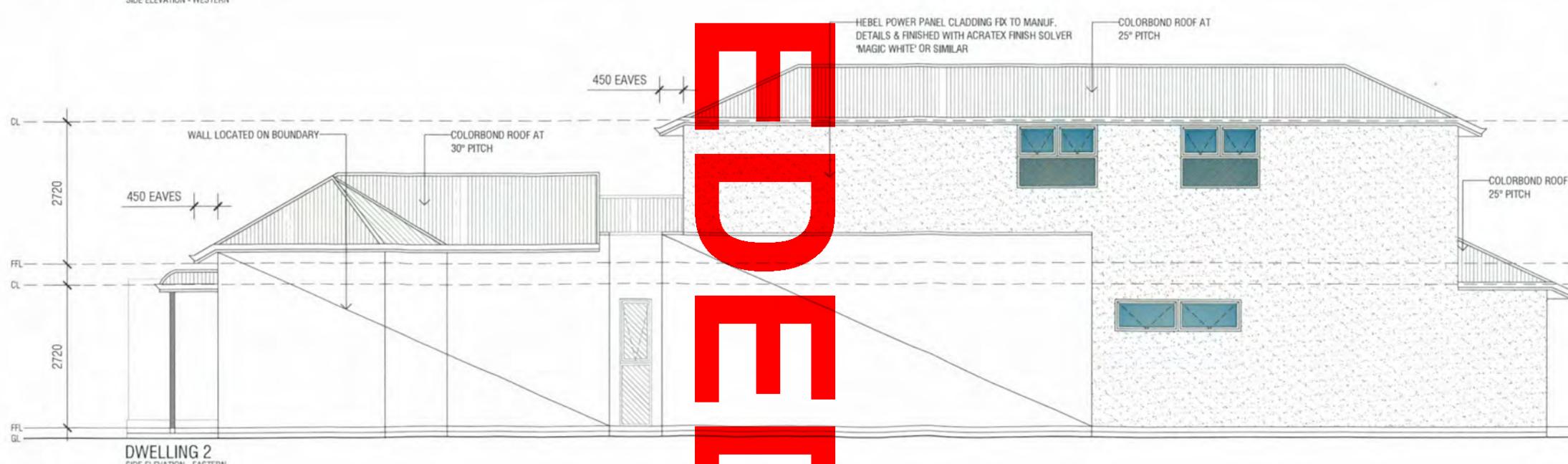
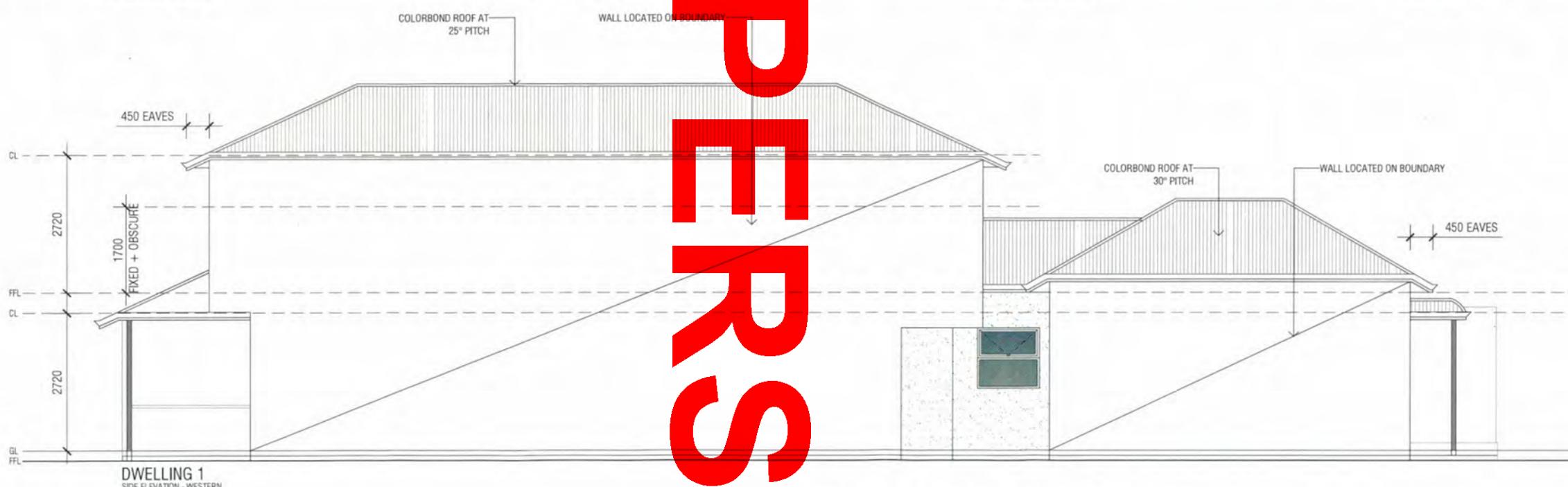
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RESCUE
EDGE



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C	CONCEPT ISSUE	31.05.18
D	CONCEPT ISSUE	08.06.18
E	PLANNING ISSUE	26.05.18
F	CONCEPT ISSUE	17.10.18
G	CONCEPT ISSUE	09.11.18
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J	PLANNING ISSUE	23.11.18

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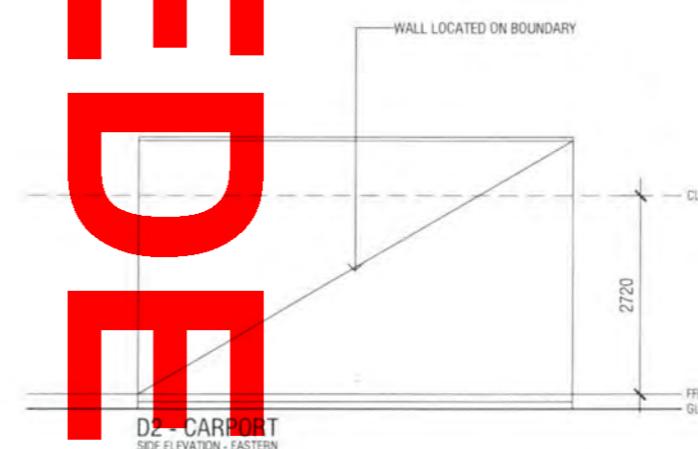
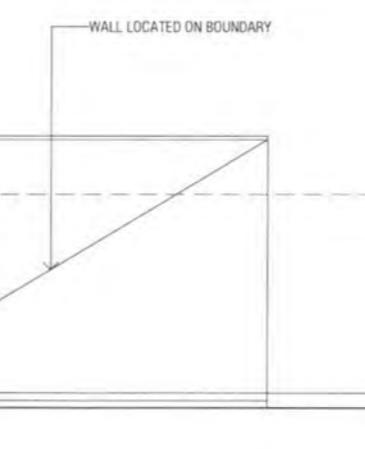
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City of Unley
20 FEB 2019
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PROPOSED CARPORT ELEVATIONS

ISSUE	AMENDMENT	DATE
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B	CONCEPT ISSUE	25.05.18
C	CONCEPT ISSUE	31.05.18
D	CONCEPT ISSUE	08.06.18
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J	PLANNING ISSUE	23.11.18

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PTY LTD PRIOR TO TENDERING OR CONSTRUCTION.

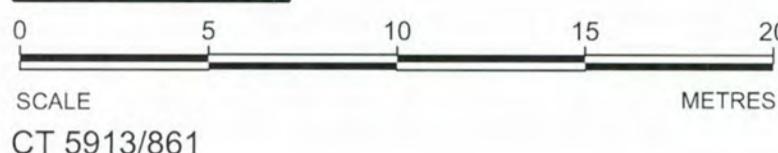
SCALE:	DRAWN BY:	DRAWING NO:
1:100 @ A3	BI	5 of 5
ISSUE:	J.	JOB NUMBER: 020-03-18/PD05

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PLANNING DRAWINGS

IDENTIFICATION SURVEY

ALLOTMENT 700 IN D63803
60 PARK STREET,
HUNDRED OF ADELAIDE
IN THE AREA NAMED
HYDE PARK



N

E



ENI ARGEMENT

NOT TO SCALE



City of Unley

20.03.2019

Received

IMPORTANT NOTE
This plan is of an identification survey only and as such is not registered by the lands title office. Subsequent registered or other surveys in this area may affect the boundary definition shown on this plan. Any differences so caused to the boundary definition shown on this plan are beyond the control of PYPER LEAKER Surveying Services Pty. Ltd. who can accept no responsibility for such differences.



p 08 8373 3880
a 65 Goodwood Road
Wayville SA 5034
e info@curiousyou.com.au

LEGEND

OCC	:	OCCUPATION
F	:	FENCE
MP	●	METAL PIN
MN	●	MASONARY NAIL
W	:	WALL
G	:	GLUTTER

INFO
Page

Page 518 of 619

SCALE: 1:200 (A3)
SURVEY DATE: 10/1/2018
SURVEYED BY: DCC
PROJECT REF: PL 8566

1:200 (A3)
10/1/2018
DCC
BL 8566

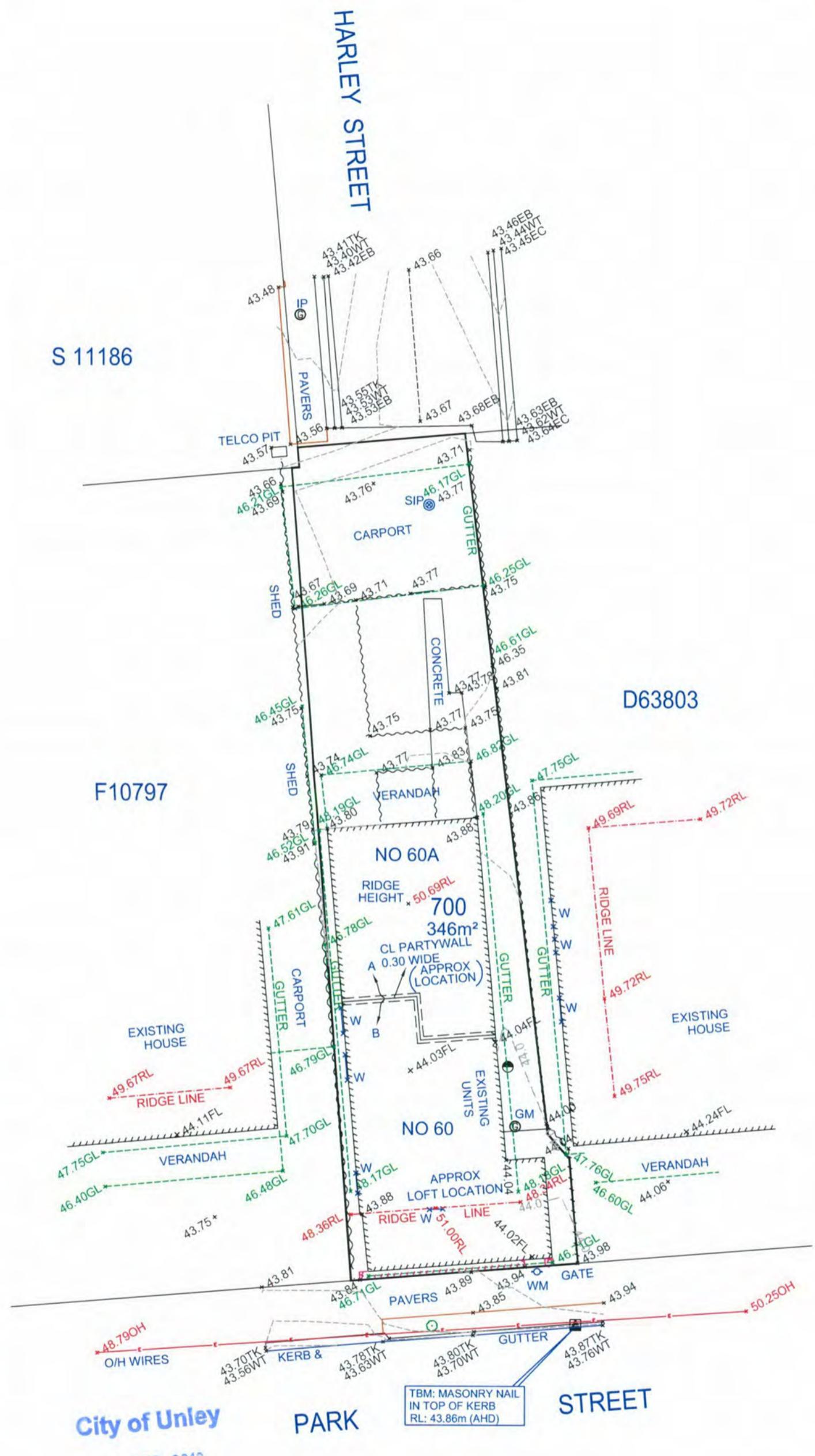
CERTIFIED COPY

LICENSED SURVEYOR
18/01/2018

A3

ALLOTMENT 700 IN D63803
HUNDRED OF ADELAIDE
CT 5913/861

E



LEGEND

SURVEY MARK	
GI NAIL	SPIKE
BOLLARD	STOBIE
ETSA CONN	
SIP	SM/H SEWER
FIRE HYDRANT	
FIRE PLUG / STOP VALVE	
GRATING	
TREE	SHRUB
CABLE MARKER	
TELCO PIT	
GM GAS METER	ETSA METER
ICV IRRIGATION	
TAP	BORE
SHRUB	
S SIGN POST	
WM WATER METER	
ROAD SIGN	
LP LIGHT POLE	
FP FUSE PIT	
SW IP	
DP DOWNPIPE	
BRICK PAVERS	
WALL	
BUILDING	
CENTRE OF CORNICE	
BANK TOP	
BANKBOT	
EDGE BITUMEN	
EDGE TRACK	
EDGE CONC	
VERANDAH	
ROOF LINE	
WALL	
EDGE VEGETATION	
BUILDING GI	
EDGE GARDEN	
FENCE (POST & WIRE)	
FENCE (GI)	
UNKNOWN	
STORMWATER PIPE	
SEWER	
WATER	
ELECTRICAL	
TELSTRA	
GAS	
COMMUNICATIONS	
EC EDGE OF CONCRETE	
TK TOP OF KERB	
EB EDGE OF BITUMEN	
RL ROOF LEVEL	
FL FLOOR LEVEL	
GL GUTTERLEVEL	
IL INVERT	
TW TOP OF WALL	
BW BOTTOM OF WALL	

ITEM 8**DEVELOPMENT APPLICATION – 090/9/2020/C1 – 39A DAVENPORT TERRACE, WAYVILLE 5034 (GOODWOOD)**

DEVELOPMENT APPLICATION NUMBER:	090/9/2020/C1
ADDRESS:	39A Davenport Terrace, Wayville 5034
DATE OF MEETING:	21 July 2020
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Remove significant <i>Corymbia Citriodora</i> (Lemon Scented Gum)
DEVELOPMENT PLAN:	19 December 2017
ZONE:	(BUILT FORM) ZONE P 9.9
APPLICANT:	R R Tan
OWNER:	Davenport Tce Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 1
REPRESENTATIONS RECEIVED:	NO
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Deferred Matter Recommendation for Refusal

1. DESCRIPTION OF PROPOSAL

The applicant is seeking development approval to remove a Significant tree identified as a *Corymbia citriodora* (Lemon Scented Gum Tree).

2. PLANNING BACKGROUND

The subject application was presented to the Council Assessment Panel meeting held on the 16 June 2020 and the Panel subsequently resolved to defer a decision on the application to allow the giving of notice to the adjoining land on which the tree partly grows, pursuant to regulation 18 of the Regulations. The required notice has now been given and the adjoining land owner has provided a response summarised as follows: (see attachments for full comments)

We concur with Mr Tan's request for removal of the tree and agree with the report of his arborist, Mr Dean Nicole.

Like Mr Tan, 41 Davenport Tce has also been the recipient of damage to existing structures surrounding the lemon scented gum due to fallen branches of significant size. It has been only good fortune to date, that has prevented anyone from being hurt.

3. SITE DESCRIPTION

The subject tree is growing on the common boundary between the southern rear yards of the properties identified as 39A and 41 Davenport Terrace. The tree is located 6 metres from the southern rear secondary street boundary of Davenport Lane, approximately 26 metres from the associated dwellings located on each property, and 4.2 metres and 2.7 metres respectively to the associated garages of each dwelling. The tree is also located approximately 16 metres from the building containing the dwellings identified as 3 & 4 / 292 Young Street, located to the south across Davenport Lane.

4. LOCALITY PLAN



5. PUBLIC NOTIFICATION

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

6. VISUAL TREE ASSESSMENT

The application was referred to Council's Landscape Architect. Comments provided are summarised as follows:

The subject tree does make an important contribution to the character and amenity of the local area and is a notable visual element to the landscape due to its height and high visibility from the surrounding residences, road and footpath network including Davenport Terrace, Davenport Lane and Young Street.

7. APPLICANTS SUPPLIED ARBORICULTURAL REPORT

The application was accompanied by a tree report prepared by Dean Nicole who has qualifications (including BAppSc Natural Resource Management, BSc Botany (Hons), PhD) in accordance with the Development Regulations 2008 regulation 117 (1). The summary of findings and recommendations are as follows: (see attachments for full arborist technical report)

Legal status of the tree

The tree is significant as defined by the Development Act 1993. Local government development approval is required to remove or otherwise damage the tree.

Arboricultural assessment

The tree is in excellent health, however the Useful Life Expectancy of the tree has been surpassed due to the marginally unacceptable and increasing, and unmanageable, risk to safety that the tree represents.

Retention value

The tree is considered to be not worthy of retention (score -7).

Unley Council Development Plan

The tree arguably fulfils some of the Objectives for regulated and significant trees in the Development Plan.

The tree fulfils some of the criteria for the removal of regulated trees under the Principles of Development Control in the Development Plan.

Development application

I am supportive of any development application to remove the tree.

My support for tree removal is made on the basis of the very low retention value of the tree, and in particular:

1. *The exceeded Useful Life Expectancy of the tree;*
2. *The deteriorating branch structure of the tree;*
3. *The extensive evidence of ongoing branch failures from the tree;*
4. *The amplified and increasing likelihood of further branch failure events from the tree;*
5. *The amplified consequence of branch failure events from the tree;*
6. *The moderate and marginally unacceptable (and increasing) risk to personal safety represented by the tree;*

7. *The lack of any risk-reduction techniques, other than tree removal, that would stabilise or reduce the risk to safety represented by the tree; and*
8. *The locally exotic status and planted/self-seeded origin of the tree.*

8. COUNCIL NATURAL ASSETS OBTAINED ARBORICULTURAL REPORT

Council's Natural Assets department commissioned an independent arborist report by Peter Oates of Adelaide Arb Consultants, who has qualifications (including Diploma of Arboriculture) in accordance with the Development Regulations 2008 regulation 117 (1). The discussion was as follows: (see attachments for full arborist technical report)

*A visual assessment of one *Corymbia citriodora* – Lemon Scented Gum located at 39A Davenport Terrace, Wayville was undertaken, as concerns were raised regarding the risk the tree poses to the users and structures within the immediate area and as a Development Application for tree removal had been submitted. This assessment will determine if the tree presents a material risk and if it meets the criteria for removal as outlined in the Development Act 1993.*

The tree has a trunk circumference measurement that exceeds three metres when measured at one metre above ground level. It is therefore classified as a Significant Tree under the current provisions of the Development Act 1993.

Overall the tree presents a notable feature within the local landscape, as one of the tallest specimens within the streetscape it is considered a notable visual element of the area. It also provides a considerable contribution to the amenity of the area due to its good health and vitality. It is not indigenous to the area; however, it is regularly encountered throughout metropolitan Adelaide.

The tree presented good health. This was indicated by normal foliage colour, size, and density. This particular species is terminally foliated, the primary form of the tertiary and secondary branch structure has grown in this manner. There appears to be no evidence of pest or disease attack and the tree did not exhibit any environmental stress indicators.

Tree structure is fair. There was evidence of a five small diameter (<70mm) branch failures which had occurred in the middle and lower eastern crown. These failures do not substantiate a physiological issue with the tree, more a sequence of events. It is highly likely that the initial failure within the middle crown created the additional wounds as the initial tree part fell. This can be clearly observed by the broken stubs which remain, as they are in almost all cases in line with each other. As the prevailing winds are south-westerly, it's far more likely that these failures are a result of high-wind events targeting overextended and exposed branches. Due to the well documented

growth habit of Corymbia citriodora, this failure pattern should not be a cause for concern.

The remaining crown was free of major structural flaws, there was evidence of good buttress formation and the taper of the trunk and branches was distinctly true to form for this species. The primary and secondary unions display good-fair formation and no signs of instability were noted. With this view, it is unlikely that further branch failures will be experienced.

A risk assessment in accordance with the International Society of Arboriculture was undertaken with the subject tree achieving a Low Risk Rating. This indicates mitigation is not required however, there are remedial treatments which could be implemented to maintain the low levels of risk and take advantage of the benefits the tree provides to the immediate area.

Overall the subject tree presented good-fair condition and achieved a low risk rating. There are available options consistent with Australian Standard AS4373-2007 Pruning of amenity trees which are both reasonable and effective and will extend the life expectancy of this tree. The Development Application therefore is not supported by Adelaide Arb Consultants.

9. APPLICANTS RESPONSE TO NATURAL ASSETS ARBORICULTURAL REPORT

The above information from Council's Natural Assets department was provided to the applicant, who provided further advice by Dean Nicholle in response. Comments provided are as follows:

I've just read the arborist report of Peter Oaks and I disagree with his findings and recommendations. In particular, the risk assessment of the tree is incorrect.

Oaks states (p. 6) that only '...five small diameter (50-100mm) branch failures had occurred...', however, Figures 3 and 4 in my report indicate many more branch failure scars in the canopy of the tree. My Figure 6 also indicates that at least one of the failed branches is much larger (ca. 150 mm in diameter) than suggested in the Oats report.

This leads to the flawed risk assessment in the Oats report. The 'Likelihood Matrix' on p. 11 of the Oats report indicates a 'Likelihood of failure' of 'Possible'. However, given the history of numerous small and medium-sized branch failures in this relatively young tree, this should have been scored as 'Probable'. Similarly, the 'Likelihood of Impacting Target' is scored as 'Low', but considering the presence of residential outbuildings under the canopy of the tree (on both sides of the tree), this should have been scored as 'Medium' or 'High'. Using his 'Risk rating matrix', this would result in a 'moderate' or 'high' risk rating.

Considering Oats (erroneously) assesses the tree as representing a 'Low' risk, his recommendation for canopy reduction pruning is somewhat perplexing (why is pruning being recommended?). No detail nor images of what branches would be pruned, and the extent of the pruning, is provided.

I have not recommended pruning as a risk-mitigation method in this case due to the following:

1. *The tree has a history of extensive branch failures occurring in sound wood;*
2. *The tall, narrow canopy shape of the tree is not conducive to canopy reduction pruning, especially in this species;*
3. *The length-reduction or removal of lower branches has the potential to increase the risk to safety and property in this case, by increasing the impact potential of any branches failing from higher in the canopy of the tree;*
4. *The tree is still rapidly growing, such that any pruning in the lower to mid canopy will increase the rate of branch extension in the upper canopy, resulting in a long-term increased to risk to safety and property, by forcing a more obconic-shaped tree (again increasing the impact potential of any branches failing from higher in the canopy of the tree).*

In summary, canopy reduction pruning of the tree is more likely to increase rather than decrease the risk to safety and to property associated with branch failure in this tree, especially over the long-term.

10. COUNCIL ADMINISTRATION OBTAINED ARBORICULTURAL REPORT

As the expert technical arborist advice provided by the applicant and Council's Natural Assets department were conflicting, Council Administration engaged Marcus Lodge of Arborman Tree Solutions to provide a third opinion. This arborist also has qualifications (Diploma of Arboriculture) in accordance with the Development Regulations 2008 regulation 117 (1). The tree assessment findings and conclusion are summarised as follows: (see attachments for full arborist technical report)

Observations

This tree has a history of medium diameter branch failure throughout the crown. This tree is on the boundary, the trunk straddles the boundary, and it has the potential to impact both properties.

Legislative status: Significant

This tree has a trunk circumference greater than three metres and is not subject to any exemption from regulation and therefore it is identified as a Significant Tree as defined in the Development Act 1993.

Risk rating: Low

This tree does not represent an elevated risk. The most likely targets are sheds, parked vehicles and a carport in the neighbouring property.

A low to moderate level of damage to the sheds or carport is the most likely consequence.

Recommendation: Crown maintenance

Maintenance and reduction pruning are recommended for this tree. Whilst this tree has a Low Risk Rating it does have an elevated Likelihood of Failure and as such Crown Maintenance to minimise this is considered to be a reasonable and appropriate management option.

Priority: Low

These works should be completed at the discretion/priority of the tree owners, however to minimise the likelihood of failure it is recommended it be carried out within 12 months.

Conclusion

The subject tree is identified as a Significant Tree and partially achieves character and amenity attributes that indicate its retention and protection is warranted. When considered against the attributes that would support the removal, this tree does not achieve these criteria. The removal of this tree is therefore not consistent with the Objectives and Principles of Development Control within the City of Unley Development Plan and therefore cannot be supported in this regard.

The following is recommended in relation to the management of this tree: -

1. *Retain the tree as an asset to both the associated properties and the local area.*
2. *Undertake Crown Maintenance consistent with Australian Standard AS4373-2007 Pruning of amenity trees to reduce the likelihood of further branch failure.*
3. *Assess the tree every 3-5 years to determine if further crown management is required.*

11. DEVELOPMENT PLAN ASSESSMENT

The applicant supplied an arborist report prepared by Dean Nicolle which determined the tree to have a trunk circumference at one metre of 3.05 metres, classified the tree as Significant, and supported any application to remove the tree.

Councils Natural Assets Department obtained an arborist report from Peter Oats which determined the tree to have a trunk circumference measurement that exceeds three metres when measured at one metre above ground level, classified the tree as Significant, and recommended the tree be retained, including recommendations for appropriate maintenance.

Due to the conflicting findings and recommendations of the arborist reports, Council Administration obtained a third arborist report from Marcus Lodge. This report confirmed the tree does have a trunk circumference greater than 3 metres, is classified as Significant, and also recommended the tree be retained, including recommendations for appropriate maintenance.

SIGNIFICANT TREE ASSESSMENT

Council Wide Objective 3 - Significant Trees

The preservation of significant trees in The City of Unley which provide important aesthetic and environmental benefit.

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.

While indiscriminate and inappropriate significant tree removal should be generally prevented, the preservation of significant trees should occur in balance with achieving appropriate development.

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 6

Where a significant tree or significant tree grouping:

- a) makes an important contribution to the character or amenity of the local area, or
- b) forms a notable visual element to the landscape of the local area, or
- c) contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor

development should be designed and undertaken to retain and protect such significant trees and to preserve these attributes.

Applicants Arborist (Dean Nicolle)	Administration Comments	
	(Peter Oakes)	(Marcus Lodge)
<p><i>The tree arguably significantly contributes to the character or visual amenity of the locality. The tree is relatively tall and is conspicuous from Davenport Lane.</i></p> <p><i>The tree is not of important environmental benefit, due to the exotic status of the species and the lack of any habitable faunal hollows in the tree.</i></p>	<p><i>The subject tree provides amenity to the subject allotment, the dwelling located within this area and neighbouring dwellings and allotments.</i></p> <p><i>The tree contributes to the skyline when viewed from both Davenport terrace and to a lesser extent, Young Street. The tree is clearly notable from the length of Davenport Lane also which is a thoroughfare for vehicular access to</i></p>	<p><i>The tree achieves attributes that identify it as a tree that should be protected.</i></p>

	<p><i>many properties fronting both Davenport Terrace and Young Street. With this view, it is expected that the subject trees removal, should such be approved would be noted and therefore the tree presents as a notable visual element.</i></p> <p><i>As an introduced species that does not present with branch or stem hollows or other nesting sites, the subject tree is not making a significant contribution to habitat values within the local environment.</i></p>	
--	---	--

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 8		
<i>Significant trees should be preserved and tree-damaging activity should not be undertaken unless:</i>		
a) In the case of tree removal:		
Applicants Arborist (Dean Nicholle)	Administration Comments (Peter Oates)	(Marcus Lodge)
(i) <i>The tree is diseased and its life expectancy is short; or</i>		
<i>The tree is not unusually diseased. However, the Useful Life Expectancy of the tree has been surpassed due to its deteriorating structure and increasing risk to safety.</i>	<i>The tree has good health and fair structure and therefore has an extended useful life expectancy.</i>	<i>The tree does not achieve any criteria that indicates it should be removed.</i>
(ii) <i>The tree represents an unacceptable risk to public or private safety; or</i>		
<i>The tree does currently represent a moderate and marginally unacceptable, and</i>	<i>The assessment process has involved the International Society of Arboriculture ratified tree risk assessment. The findings of this</i>	<i>The tree does not achieve any criteria that indicates it should be removed.</i>

<i>continually increasing, risk to safety.</i>	<i>assessment indicate that the tree represents a low and acceptable risk to public and private safety. Furthermore, plentiful pruning management options are available to maintain the risk in this case.</i>	
<i>(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 demonstrated to be ineffective; or</i>		
<i>The tree is not causing or threatening to cause substantial damage to a substantial building or structure of value.</i>	<i>The damage from the recent branch failure does not constitute substantial damage and there is no new written or physical evidence to suggest that the tree is causing damage to the shed. Additionally and as stated above, plentiful pruning management options are available to maintain the potential for branch failure and alleviate risk of damage to the shed.</i>	<i>The tree does not achieve any criteria that indicates it should be removed.</i>
<i>(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.</i>		
<i>All alternative risk-mitigation methods, including pruning, have been considered for this tree but are not considered to be effective or reasonable in this case.</i>	<i>Where tree management is considered 'Development' under the provisions of the Development Act 1993, pruning options remain available and do not appear to have been considered to maintain the tree within its environment and avoid inappropriate tree-damaging acidity.</i>	<i>Crown maintenance and reduction pruning are recommended to minimise likelihood of failure is considered to be a reasonable and appropriate management option.</i>

12. CONCLUSION

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

- The significant tree provides important aesthetic and environmental benefit, and therefore should be retained in accordance with Regulated and Significant Trees Objective 3;
- The significant tree makes an important contribution to the character and amenity of the local area, and forms a notable visual element to the landscape of the local area, and therefore should be retained in accordance with Regulated and Significant Trees PDC 6;
- No conclusive evidence has been provided to demonstrate that the significant tree is diseased and its life expectancy is short, nor represents an unacceptable risk to public or private safety, nor 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.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/9/2020/C1 at 39A Davenport Terrace, Wayville 5034 to 'Remove significant *Corymbia Citriodora* (Lemon Scented Gum)', is seriously at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

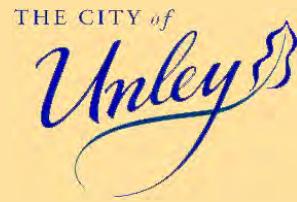
- 1) The significant tree provides important aesthetic and environmental benefit, and therefore should be retained in accordance with Regulated and Significant Trees Objective 3;
- 2) The significant tree makes an important contribution to the character and amenity of the local area, and forms a notable visual element to the landscape of the local area, and therefore should be retained in accordance with Regulated and Significant Trees PDC 6;
- 3) No conclusive evidence has been provided to demonstrate that the significant tree is diseased and its life expectancy is short, nor represents an unacceptable risk to public or private safety, nor 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	Applicants Arborist Report (Dean Nicholle)	Applicant
C	Council Arborist Report (Peter Oates)	Administration
D	Council Arborist Report (Marcus Lodge)	Administration
E	Adjoining Land Owner (reg.18) Letter Response	Adjoining Land Owner

ATTACHMENT A

Details of Regulated Tree Proposed Removal

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



1. Property details

Property No.: 39a... Street:..... Davenport Terrace Suburb: Wayville

2. Tree details

Tree 1:

Total circumference: 310 cm

Scientific name: Corymbia Citrodora Common name: Lemon Scented Gum
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:

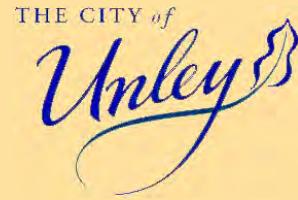
Scientific name: _____ Common name: _____
e.g. Schinus areira (Peppercorn Tree)

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 **\$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:

Plant Replacement Trees

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

OR

Pay into Urban Trees Fund

\$188.00* for Regulated Trees
\$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.

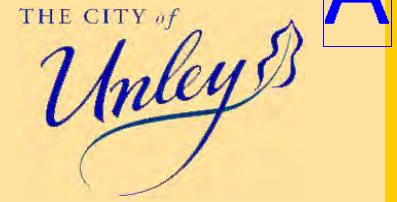
If you have elected to make a payment into the Urban Trees Fund, you will receive an invoice when the decision is made that will provide 30 days to make payment.

* 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.

Details of Regulated Tree Proposed Removal

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

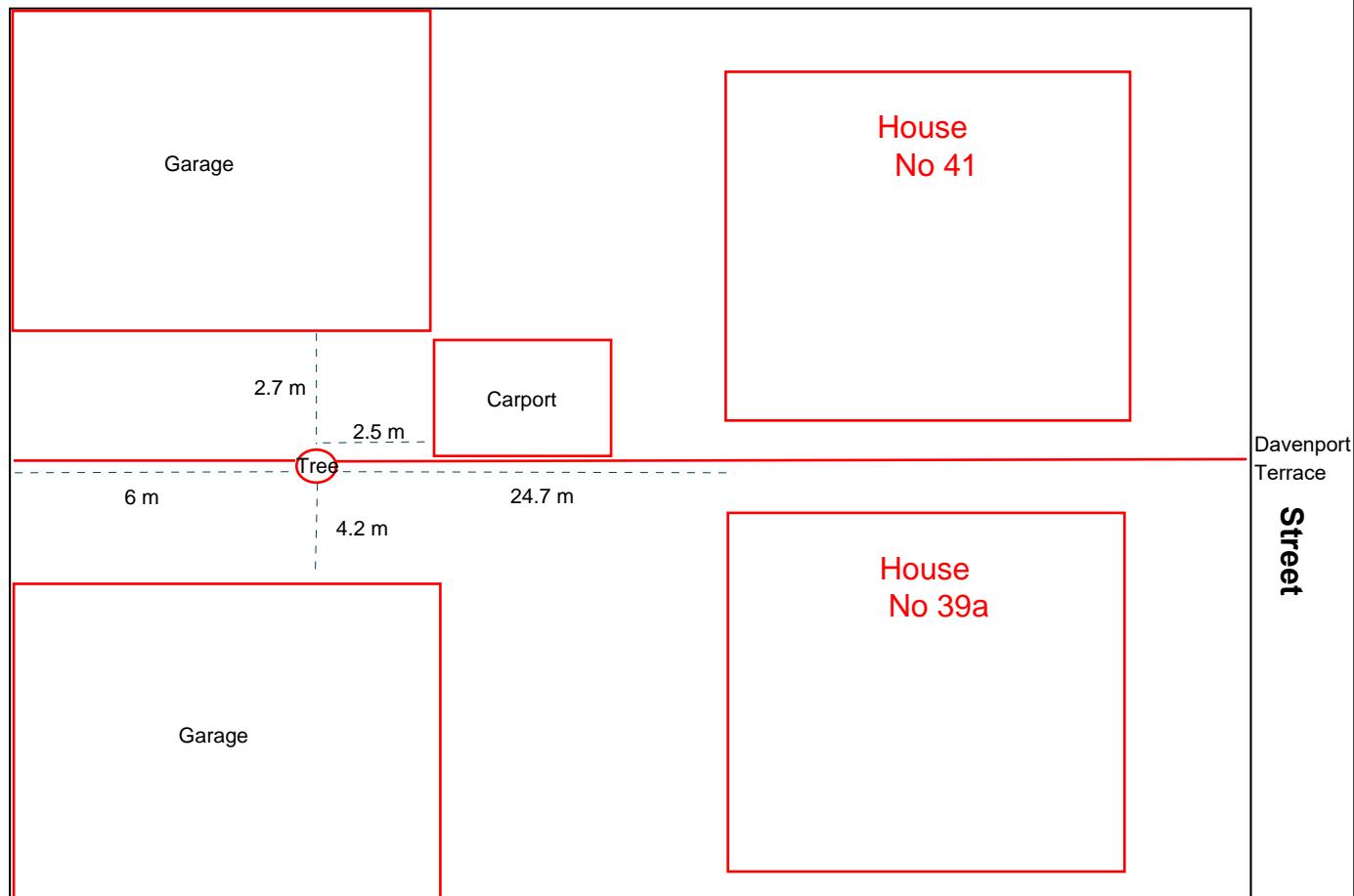
Continued...



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

Signature of Applicant

Date

3 Jan 2020

Page 3 of 3

Application to Remove a regulated tree – *Corymbia Citriodora* (Lemon-Scented Gum)
At 39a Davenport Terrace, Wayville SA 5034
3 Jan 2020

The *Corymbia Citriodora* at 39a Davenport Terrace, Wayville SA 5034 has a history of dropping large limbs resulting in damage to our garage as well as the fence.

This tree has demonstrated over a period of time that it is a material risk to the safety of people occupying the backyard.

The *Corymbia Citriodora* is not native to South Australia; its natural habitat extends from central Queensland to northern New South Wales. The species was introduced to Adelaide and extensively planted there during the 1960s and 70s.

It has been established in the case of Prestige Wholesale Pty Ltd v City of Burnside [2005] SAERDC 12 (2 March 2005) that this type of tree is known for dropping branches.

A copy of the judgement of Prestige Wholesale Pty Ltd v City of Burnside [2005] is provided with this letter along with photograph evidence of a recently fallen tree limb and damage caused by the tree.

The above case included the following findings:

- a. Paragraph 15 – the *Corymbia citriodora* is not native to South Australia. The species was extensively planted in Adelaide, especially in the 1960s and 70s.
- b. Paragraph 56 – the presence of a *Corymbia Citriodora* is a risk to the safety of people walking beneath its canopy.
- c. Paragraph 57 – The Judge was satisfied that this species of tree presents a risk of dropping branches in all weather conditions.
- d. Paragraph 66 – Where there are no reasonable measures available to reduce this risk then it should be allowed that a tree of this nature be removed.

I also draw your attention to the following case which may be relevant:

Brodie v Singleton Shire Council; Ghantous v Hawkesbury Shire Council (2001) 180 ALR 145

Gaudron, McHugh and Gummow JJ

...on occasions, the powers vested by statute in a public authority may give it such a significant and special measure of control over the safety of the person or property of citizens as to impose upon the authority a duty of care. This may oblige the particular authority to exercise those powers to avert a danger to safety.....

In summary

The tree is an introduced species and is not indigenous to South Australia. It is not rare or endangered.

The tree has a history of dropping large limbs and causing damage to our garage and fencing.

The tree is a danger to life.

We request permission to remove this tree.

Kind Regards,



Roland Tan

PO Box 6618 Halifax Street

ADELAIDE SA 5000

roland.tan@aiseservices.com.au

0413 148 251

A

View of Fallen Limb



Close-up of Fallen Limb



A

Damage to Garage from Falling Limb



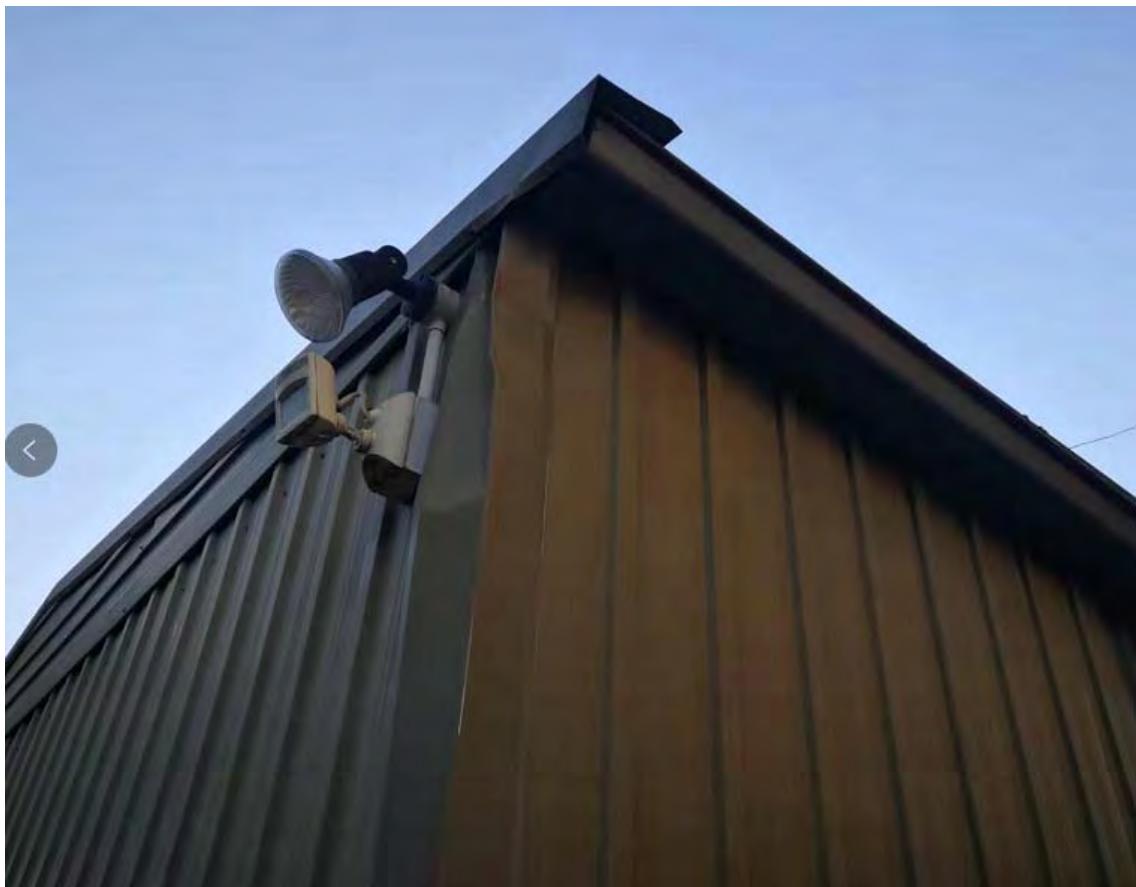
A

View of damage caused to garage roof following puncture from previous falling limb



A

Damage to garage from previous falling limb



Two previous broken limbs



Broken Limb



A

Damage to fence from falling limb



A

View of Tree along with Neighbour's Garage and Carport and Fence



ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA

DISCLAIMER - Every effort has been made to comply with suppression orders or statutory provisions prohibiting publication that may apply to this judgment. The onus remains on any person using material in the judgment to ensure that the intended use of that material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court in which it was generated.

PRESTIGE WHOLESALE P/L v CITY OF BURNSIDE

Judgment of Her Honour Judge Trenorden

2 March 2005

LOCAL GOVERNMENT - TOWN PLANNING

Application to remove significant tree - lemon scented gum - Business (Glen Osmond Road) Zone - refused by Council - history of development approvals for subject land considered - characteristics and nature of significant tree - whether important contribution to character or amenity of local area - meaning of "local area" - whether it forms a notable visual element in landscape - whether causing substantial damage to building - meaning of "structure of value" - whether risk to public or private safety - appeal upheld - consent subject to landscaping condition.

Development Act 1993, referred to.

Summers v City of Unley [2002] EDLR 445; *St Ann's College Inc v Corporation of the City of Adelaide & Renton* [1999] SASC 479; *Telstra Corporation Ltd v Corporation of the City of Mitcham* (2001) 79 SASR 509; *Frankham v Adelaide City Council* [2004] SASC 263, applied.

City of Noarlunga v Fraser (1986) 61 LGRA 324, considered.

PRESTIGE WHOLESALE P/L v CITY OF BURNSIDE
[2005] SAERDC 12

THE COURT DELIVERED THE FOLLOWING JUDGMENT:

- 1 The appellant, Prestige Wholesale Pty Ltd, owns land at 269-271 Glen Osmond Road, Frewville from which it or a subsidiary company or companies sells and services new and used “prestige” motor vehicles. This appeal is against the decision of the respondent made under the *Development Act 1993* to refuse provisional development plan consent to the removal of a significant tree on part of the land.
- 2 Relevant information concerning the proposed development is set out hereunder:

Subject Land:	Allotment 100 in Deposited Plan 60225 (CT 5881/135)
Application No.:	180/00861/03/C1
Date Application Received:	22 August 2003
Proposed Development:	Removal of significant tree: <i>Corymbia citriodora</i> (formerly known as <i>Eucalyptus citriodora</i>)
Date of Decision:	11 June 2004
Relevant Development Plan:	Burnside (City) consolidated 26 June 2003
Relevant Zone:	Business (Glen Osmond Road) Zone

Background

- 3 The case for the respondent put some emphasis on the history of developments approved on the subject land, with a view to placing the proposal presently before the Court in context. Parts of that history are relevant to an understanding of the background to the application.
- 4 In September 1998, the appellant was granted provisional development plan consent, subject to eight conditions, for development on the western part of the subject land (the western site) described as “service trade premises (motor vehicles), motor repairs and associated office and parking”. The condition numbered 2 addressed the retention of the subject tree in the following terms:

“The existing Eucalyptus citradora (*sic*) located in the south-eastern corner of the site is to be retained, protected and maintained in good health to the best endeavours of the owner of the site.”

[The subject tree has been identified as *Corymbia citriodora*, formerly known as *Eucalyptus citriodora* and commonly known as Lemon Scented Gum: see evidence of M G Annells, J A E Whitehill and D Nicolle.]

5 The approved plan shows the tree, located approximately 1m from the eastern boundary of the western site, as being retained. The evidence of Mr Roach, the appellant's architect, revealed that the plan which was approved had been amended prior to approval to indicate the retention of the tree, upon the advice of the respondent's officers. This was not the preferred course for the appellant, but it accepted the condition.

6 Some two months later, in November 1998, the respondent granted development approval to a variation to the approved building. The plan thereby approved noted the retention of the "existing large Eucalypt".

7 On 3 October 2000 provisional development plan consent subject to conditions was granted to the appellant for the change of use of an existing shop to service trade premises. The subject site (the eastern site) was that adjoining the western site and the approved plan showed the retention of the existing shop, the western wall of which was depicted as being approximately 2.5m from the trunk of the tree.

8 On 12 December 2000, provisional development plan consent, subject to conditions was granted for development being "service trade premises (motor vehicles showroom) and associated car parking". The plans reveal that a showroom was approved for the eastern site, in place of the proposal using the existing shops for which consent had been earlier granted. The tree continued to be shown on the plan which also depicted the western wall of the showroom as being constructed on the same alignment as the western wall of the existing shop shown in the earlier approval.

9 On 1 May 2001 the respondent granted provisional development plan consent subject to conditions, to "service trade premises (motor vehicle display area) and associated car parking". In place of the existing shops and showroom on the eastern site, to which consent had been previously granted, the plan now approved showed a brick paved vehicle display area on the eastern site, with the western boundary of that paved area extending as far as the eastern wall of the Alfa Romeo showroom and its prolongation towards the boundary of the subject land with Glen Osmond Road. Thus, the approved plan showed the paved vehicle display area extending to within approximately 1m of the base of the tree and therefore under the canopy of the tree.

10 By its decision on 2 April 2002 the respondent granted provisional development plan consent to development being "enclosure of vehicle showroom". The plan thereby approved continued to show the brick paved vehicle display area on the eastern site, to within approximately 1m of the trunk of the tree.

11 There is no evidence that in respect of any of the applications which gave rise to the abovementioned consents or approvals, with the exception of the first (September 1998), that any consideration was given to the impact of the proposed development upon the retained tree, the impact of the tree on the development or the consequences of development including the parking of motor vehicles under the canopy of the tree.

The Significant Tree

12 The development proposed is the removal of the tree from the subject land. Since April 2000 the removal of a tree within the class declared to be “significant” by the *Development Act* and Regulations has been classed as development and therefore requires approval under that Act.

13 There is no doubt that the subject tree - *Corymbia citriodora* – is significant as defined. The dimensions of the tree were variously estimated or measured as follows:

Witness	Draper	Whitehill	Nicolle	Heseltine
Trunk circumference at 1m above ground	> 2m	2.06m	2.09m	-
Height	24-25m	18m	17m	17m
Canopy spread	> 12m	11m	10m	> 10m
Age	Approx. 35-40 yrs	-	30-60 yrs	-

14 The canopy of the tree extends on the subject land across a driveway and an area used for the parking of used-vehicle stock, as well as across part of the footpath on the northern side of Glen Osmond Road.

15 The subject tree is not remnant vegetation. *Corymbia citriodora* is not native to South Australia; its natural habitat being central Queensland extending to the Atherton Tableland and south – perhaps into northern New South Wales. The species, which belongs to the same family as the Eucalyptus species, was extensively planted in Adelaide, especially in the 1960s and 70s, in public areas and in private gardens within residential properties.

16 There was general agreement amongst the experts that the species is deep rooted and has the potential to drop “branchlets” and minor branches from time to time with the occasional drop of moderate branches and branch failure in extreme storm or wind conditions. Expert witness Mr Dean Nicolle described branchlets as having the thickness of a finger, minor branches as up to 80-100mm in diameter, and moderate branches as having diameters of 100-150mm. Stress, particularly from lack of moisture, will also result in branch shedding.

17 The experts acknowledge that not all trees of the species *Corymbia citriodora* have the same characteristics with respect to the propensity for branchlet, branch and limb drop. The following exchange between the bench and the witness Dean Nicolle summarised the propensity of the subject tree (transcript pp192-194):

- “Q. I understood you to say a lemon-scented gum is not one of the worst branch droppers in the general gum tree family. You can expect them to drop branches in stormy weather, as a general rule, and you might expect, from time to time, in non-stormy weather for them to drop the branchlets, the ones that are as thin as your finger.
- A. The more minor-type branches, the minor material.
- Q. But beyond that, as a general rule, you don’t expect lemon-scented gums to be dropping branches. That’s as I understood your evidence.
- A. That’s pretty right, yes.
- Q. So does it follow then that if a lemon-scented gum drops branches from time to time in calm, hot weather, that it’s stressed.
- A. No.
- Q. So it could come back to the last point, it could just be that it’s the nature of that particular tree.
- A. That’s exactly right.
- Q. In the case of this tree, the evidence is that it has dropped maybe moderate branches, on your definition, or maybe something approaching moderate branches but certainly bigger than the stuff you expect it to drop from time to time. Does it follow that this particular tree is one of those rare ones that will drop branches from time to time, regardless of the weather, regardless of stress.
- A. No, I wouldn’t put it as an exceptional tree. I would put it in the middle of the range for lemon-scented gums. In some individuals, there is almost no history of any branch failure except for the very small diameter stuff. Other lemon-scented gums you see have relatively large scars all over the branches or all over the trunk, where they have dropped many branches in the past. So this one isn’t particularly exceptional and if it has dropped, you know, two or three or however many larger branches in the past, it is likely that that will continue to be ongoing throughout the life of the tree, although it’s more likely to occur in high wind conditions. The particularly large branch scar on the tree, I think it was 150mm in diameter – I am not sure there was any evidence of when that branch fell off but I would be very surprised if that branch came down in calm weather.
- Q. You acknowledged that can happen in lemon-scented gums.

- A. It can but a branch of that size is rare to come down in calm weather.
- Q. In the end, we have got a tree that, because of general lemon-scented gum characteristics, but also because of the constitution peculiar to it, is likely to drop moderate to semi-moderate branches or moderate to slightly less than moderate branches from time to time, regardless of the weather.
- A. Yes.
- Q. But it's not the extreme end of the scale and nor it is at the other end of the scale.
- A. That's right."

18 Apart from its propensity to drop material, the experts agreed that the tree generally is in good health, although not growing in ideal conditions.

19 It was not in dispute that the subject tree:

- has a 150mm scar exhibiting moderate sized branch failure some years ago;
- exhibits evidence of ongoing minor branch failure;
- shows past pruning of the canopy.

20 The pruning of the tree, alleged to have been carried out in 1999 on the evidence of Mr Annells which was not contradicted, appears to have been inappropriate and inadequate to minimise the potential for limb shear in severe wind conditions. In his opinion with which Messrs Whitehill and Nicolle agreed, this pruning has tended to promote terminal extension growth leading to a "lion-tailing" effect, with a large clump of foliage at the end of a lateral branch which keeps lengthening. The undisputed evidence is that this pruning practice results in long, end-weighted branches and therefore the potential for branch failure in severe wind conditions. It also restricts the ability to perform remedial pruning. The result of attempts to manage this consequence lead to either ineffective pruning, or extremely severe pruning resulting in an ugly tree.

21 It was acknowledged by all who were qualified to give expert opinions in relation to the tree, that some pruning is necessary and in addition, because the tree represents some risk to personal safety (and the experts disagreed on the level of risk) there is the need for an engineering solution to protect persons and property from material likely to fall from the tree in the future.

22 I have concluded from the evidence, that if alternative solutions are not available to minimise safety risks for members of the public and employees of the appellant and its businesses, then severe pruning of the tree would be the next best course, to reduce the weight at the end of the lateral branches and thus minimise the prospect of moderate to large branch drop in severe wind

conditions and possibly at other times. I have come to this conclusion having regard to the nature of this particular tree.

23 I have also concluded that the tree itself is unlikely to fail. Despite its growing conditions, it is in very good health.

The Issues

24 The appropriate approach to the assessment of this development, that is the removal of a significant tree, is that set out in *Summers v City of Unley* [2002] EDLR 445.

25 The zone provisions are of no great assistance. They identify the zone as one which should accommodate “offices, commercial and residential development of a low traffic-generating nature with limited vehicle movements which do not disrupt the free flow of traffic on Glen Osmond Road or generate unduly large traffic volumes in residential streets” (Objective 1).

26 They also identify Glen Osmond Road as being an important thoroughfare for interstate traffic and residents of the Adelaide Hills, and as carrying high traffic volumes. The character and amenity of the streetscape therefore assumes some importance, as does the safe and convenient movement of vehicles.

27 The proposed development is neither of a complying nor non-complying kind in the zone.

28 The Council Wide provisions speak specifically of the conservation of significant trees which provide important aesthetic and environmental benefits (Objective 20).

29 The initial issues to be determined in this appeal are whether the tree:

- makes an important contribution to the character or amenity of the local area; or
- forms a notable visual element to the landscape of the local area.

30 It was not in dispute that these are the only relevant issues arising out of Council Wide Principle of Development Control 42. If these issues are determined in the negative, it is not necessary to go further.

31 The issues which arise out of a consideration of Principle of Development Control 48, to be determined in this matter if the tree is found to have either of the above characteristics, are whether the tree:

- represents an unacceptable risk to public or private safety; or

- 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.

The Evidence of the Landscape Architects

32 Both parties called landscape architects for the benefit of the Court. In addition, other witnesses gave the Court the benefit of their opinions on these issues. In some cases it was their subjective opinion which was of no greater weight and benefit to the Court than that of any other passer-by.

33 The evidence of the landscape architects can be summarised as follows:

Mr Hayter:

- The tree is out of scale with the building on the subject land.
- While the tree is prominent in the locality, it does not make a major contribution to the character or amenity of the local area.
- While the tree is a strong visual element in the landscape it is not a notable visual element.

Mr Heseltine:

- The tree is part of the streetscape of Glen Osmond Road.
- It contributes to a sense of connectivity with the hills or hills face.
- It provides an important aesthetic benefit.
- It makes an important contribution to the character of the local area.
- It forms a notable visual element of the landscape.
- The tree most notably contributes to the amenity of the area of the corner of Conyngham Street and Glen Osmond Road.

34 I intend now to consider their respective evidence in some greater detail.

35 First, it is to be noted that neither of the witnesses distinguished between “local area” as used in Principle 42 and “locality”. Expert planner Mr Rumsby, when asked by the bench, responded that he had interpreted “local area” in the Plan as having the same meaning as “locality”. The Development Plan uses both

terms in its provisions, but the term “local area” is used only in Council Wide Principles of Development Control 31, 38 and 42 and Table Bur/2. Principle 31 addresses selection of plant species for landscaping, Principle 38 addresses conservation and enhancement of existing indigenous vegetation and Principle 42 addresses the preservation of significant trees with specified attributes. Table Bur/2 is the schedule of local heritage places and the term “local area” appears only in a direct quote from the relevant section of the *Development Act*.

³⁶ The source of the term “local area” in Principle 42 appears to be the *Development Act*. Paragraphs (a) to (f) of Principle 42 are virtually a copy of placita (i) to (vi) of Section 23(4a)(a) of the *Development Act*. The phrase “indigenous to the local area” that appears in s23(4a)(a)(ii) is repeated in Principles 31 and 38 with respect to vegetation species (31 and 38) and fauna (38). The amendments to the *Development Act* with respect to significant trees came into operation on 20 April 2000, which was the same time as the Draft Ministerial Plan Amendment Report. The current provisions of the Development Plan with respect to significant trees include the provisions of the Plan Amendment Report gazetted on 21 December 2000. It appears that the same terminology was used in both s23(4a) and in Principle 42.

³⁷ The Supreme Court has cautioned against interpreting the provisions of the Development Plan as if it is a statute: (*St Ann's College Inc v Corporation of the City of Adelaide & Renton* [1999] SASC 479; *Telstra Corporation Ltd v Corporation of the City of Mitcham* [2001] SASC 166; (2001) 79 SASR 509; *Frankham v Adelaide City Council* [2004] SASC 263).

³⁸ I have concluded that “local area” is likely to mean the same as “locality”, which is interpreted in a planning sense generally to mean the extent of the area likely to be impacted upon by the proposed development. It may vary, even with respect to development proposed from time to time on the same land, according to the nature of the development and particularly its impacts external to the land. “Local area” is used only in the context of indigenous vegetation and fauna, remnant vegetation and landscape. The words might be coterminous with “locality”. This has been assumed in every judgment involving an application to remove a significant tree, and I have concluded that this is most likely.

³⁹ Landscape architect Mr Hayter described a locality in his evidence. He asserted that the subject tree “does not make an important contribution to the character or amenity of the local area”, but without defining “local area”, and then went on to say “the subject tree is only visible within its immediate locality”, seemingly using the terms “local area” and “locality” in contradistinction. Later, Mr Hayter stated “the subject tree is a prominent visual element within the landscape of the local area”. His evidence evinces some confusion, on his part, about whether there is a distinction in meaning between the two terms.

40 Landscape architect Mr Heseltine did not use the term “locality”, but had prepared a Location Plan, identifying the “approximate extent of zone of visual influence” of the tree. He had conducted a “‘serial vision’ analysis to identify whether the tree plays an important role within the contextual landscape”. He placed significance on his view that the tree, being a Eucalyptus species, establishes a connectivity with the hills or hills face, being “an important visual link” with the hills and part of and reinforcing the green corridor effect along Glen Osmond Road. I do not discount his opinion because the subject tree is not a species of Eucalypt; it is closely related to the Eucalyptus species and was formerly considered to be of the Eucalyptus genus.

41 It is clear that Mr Heseltine has experience in undertaking visual assessment exercises to capture the “sense of place” in order to determine whether development or additions to a landscape are an appropriate response to the inherent characteristics of the existing landscape, or the sense of place.

42 In essence, Mr Heseltine has used the serial vision analysis to describe the existing sense of place and connectivity along Glen Osmond Road, of which the tree is a part, and concluded from that description that the tree forms a notable visual element of the landscape. In cross examination Mr Heseltine conceded that he had not undertaken a comparative analysis of the landscape with the subject tree absent from the picture, but of course that was the context within which he had undertaken the analysis – to determine whether the proposed development, namely the removal of the tree, would be in keeping with the existing sense of place on this part of Glen Osmond Road and so contribute importantly to the character of the local area.

43 It is difficult to elicit the meaning of the words “form a notable visual element to [sic] the landscape of the local area”. On one view, every significant tree, as defined, would fit this category, because it will generally constitute an obvious visual element in the landscape by its size alone. However, as the Court said in *Summers v City of Unley* [2002] EDLR 445 at 456 (paragraph 43):

“They may be a notable element, too, from one or more parts of the local area, in that by their height, they are noticeable and therefore, noteworthy or notable. However, if the trees do not make an important contribution to the character, which logically includes a consideration of the interplay between the elements of an area, including landscape, physical and social, should they be retained, simply because they are a notable element, visually, in the local area? I think not. An item can be a notable element in the landscape in both negative and positive senses. It would be inconsistent with Objective 54 to retain a significant tree on the sole ground that it forms a notable element in the landscape because it presents a negative aesthetic element or otherwise stands out as a jarring element in the generally uniform landscape character of the local area.”

44 Unfortunately, Mr Hayter’s written statement was akin to many of those of the planning witnesses who come before the Court. He chose to recite what he

considered to be relevant provisions of the Development Plan and then commented upon whether the proposed removal of the tree met these provisions, concluding that (as if his role was that of decision maker):

“The removal of the subject tree is supported by many of the provisions of the Burnside (City) Development Plan”.

45 Mr Hayter commented in some detail on Principle of Development Control 38, which is not relevant to the matter before the Court. By its terms, Principle of Development Control 38 does not speak to the proposed development (the removal of the subject significant tree), as no vegetation is likely to be affected by the removal of the tree.

46 His statement was helpful in identifying the areas of visibility of the subject tree, but generally it lacked analysis.

47 I prefer the evidence of Mr Heseltine who had attempted to analyse the place of the subject tree within the landscape. He was incorrect in some of the detail, including his claim that the tree “frames the CBD skyline and in particular the Santos building” and therefore in his conclusion that the tree heralds “impending arrival and entry into the city”. I find that this was too bold a claim. I accept his description of Glen Osmond Road as presenting generally, a tree-lined vista, although it is clear upon closer inspection, that there are gaps in the continuity of the trees in the streetscape. Nonetheless, I accept Mr Heseltine’s conclusion that the tree forms a notable visual element of the landscape, even though there is clearly a limited area in which the tree can be seen.

48 I have concluded that the subject tree at least:

- makes an important contribution to the character of the local area; and
- forms a notable visual element of the landscape of the local area.

The Engineering Evidence

49 The distance between the tree and the building on the subject land is approximately 3.5m. There was evidence that some lateral roots of the tree, on the northern side, were cut during the construction of the building.

50 The soil on the subject land is highly reactive, as agreed by the engineers, who also agreed that there are presently no signs of damage to the building on the land that are attributable to the presence of the tree.

51 As I have indicated above, approval for the buildings on the land was sought and obtained in stages. Construction was also carried out in stages. In effect, the basement and ground floor of the building originally constructed on the western site, were extended to the east, the extension commencing at a

distance of 3m to 4m from the subject tree. As the preferred method of extension had the consequence of reducing the structural integrity of the existing concrete wall (of the western building), another method was followed. The concrete walls and floors of the western and eastern stages were dowelled together with butted straight joints. The consequence of the method used is that potentially there is weakness in the joint of the basement wall junction in the proximity of the subject tree, according to architect Mr Rod Roach.

52 Mr Paul Gunson, the appellant's expert engineer, was of the opinion that in the future, as a result of the drying of the soil due to the presence of the roots of the tree, there is a potential for settlement of the foundation soils which could lead to damage to the building in this way: the construction joint might form a hinge which as a result of the reinforcing bars at the bottom failing, would open up from the bottom and eventually cause the superstructure at the top to be pushed together with resultant damage to it. There was no evidence as to whether the joint was designed to withstand the effects of drying of the soil at a depth of greater than 4m; that depth being what was required by the relevant standard at the time. There was evidence that it was well known at the time that the soil-drying effects of trees in highly reactive soils can extend to a depth far greater than 4m. In the absence of evidence on the point, it is only reasonable to assume that the design was in accordance with the required standard at the time, taking into account the presence of the tree.

53 Thus, I accept that there is a possibility (but not a probability) of the reinforcing bars in the construction joint failing, with consequences for the building, if the tree remains. I cannot conclude that the subject tree has been shown to be causing or threatening to cause, substantial damage to the building. This has not been made out.

54 There are methods available to insert moisture into the soil below the footings with a view to maintaining an equilibrium such that the joint would not be affected. However, there does not appear to be much science as to when and how much water should be inserted to achieve this consequence and in any event it would be inappropriate to proceed until the evidence was there that it was necessary; that is, when there were signs that the joint had failed. It would then require both the monitoring of moisture levels in the soil at the requisite depth and the application of water through tubes to maintain an equilibrium of moisture in the soil. It would be an onerous process, without a guarantee of success. I have concluded that this would not be a reasonable measure to minimise the threat of damage to the superstructure if the joint failed due to the drying out of the soil.

55 On the other hand, if the tree is removed, there might also be consequences for the building in the vicinity of the tree. With less moisture being removed from the soil by the presence of the subject tree, there could be resultant swelling of the soil, causing the building to heave, it having been designed, it is assumed, in the context of the tree being present. However, I cannot be concerned about

these consequences. Given the appellant is seeking consent to remove the tree, the consequences for its buildings in the event of consent being granted, are a matter for the appellant company, and the Development Plan does not require me to consider same.

The Risk to Public or Private Safety

56 It is clear that the presence of the tree gives rise to a risk to the safety of those employees of the appellant who may be required to move about under the canopy of the tree, and the members of the public who either may be visiting the appellant's premises or walking past the premises, on the public footpath adjoining the subject site.

57 That there is a risk is evident from the evidence of the arborists, having regard to the nature of this particular tree. Whether the risk is unacceptable depends in this case not on tree failure, but of the likelihood of reasonably large branches sufficient to cause injury, falling from the tree. I am satisfied that a risk of this nature exists both in severe wind conditions and at other times, because of the species of tree and this tree's known propensity to drop up to and including moderate-sized branches from time to time.

58 Consideration was given to the erection of a sail or sails extending from the building beneath the canopy of the tree, the purpose being to catch or deflect any branchlets, branches or limbs that might fall from the tree in the future, thus avoiding the risk of injury to persons or damage to motor vehicles. This was a suggestion made by the respondent's officers. The architect's evidence was that the addition of sail structures and their supports "would dramatically and negatively affect the architectural integrity of the building". His evidence continued thus:

"The very nature of a tension shade structure is organic and would be out of character with the simple rectangular lines of the existing building."

59 To be sufficiently adequate, the sail structure would have to extend under most of the canopy of the tree and be supported by steel posts or columns in addition to any support or anchor point provided by the building with the sail sufficiently tensioned to take the weight of branches of the tree. Accordingly, there would need to be more than one sail structure. I do not accept that the provision of sails is a reasonable measure to prevent risk to private or public safety, particularly because of the consequential visual impact of them, under the canopy, at the front of the building.

60 It was submitted by Mr Hilditch for the respondent, that there are other reasonable measures that could be taken to effectively minimise the risk to public or private safety. He submitted that the appellant could rearrange the layout of its site, including not using any part of the canopy area for the display of motor vehicles, so as to close off the under-canopy area to the public. I agree that some

measures could be taken in this regard. However, the flaw in this approach is threefold:

- part of the under-canopy area is a thoroughfare between the building and the tree trunk, from one part of the site to the other;
- part is approved for the display of motor vehicles for sale; and
- this measure would not provide protection for those members of the public who may be walking along the public footpath when the tree sheds a branch.

61 In the circumstances, the measure would not be reasonable and could not be effective across all affected areas.

62 In addition, at all times, the respondent, as the relevant authority considering the applications made under the *Development Act* which resulted in consents, was aware or should have been aware, by the notation on the plans, of the location of the subject tree. It perhaps does not sit well for the relevant authority to now say in effect “you cannot now use all of that area in accordance with your consent”.

63 The only other option to protect against unacceptable risk would see the tree so heavily pruned that it would become ugly (at least in the short term – although there was no evidence on the length of the “recovery” period) and consequently have a detrimental impact on the existing amenity of the subject land and at least part of the locality. There was general agreement on the part of the relevant witnesses that if this was the only measure available, it would be better to remove the tree. I find that the requisite heavy pruning of the tree would not be a reasonable measure.

64 I find that there is no reasonable measure that could be taken that would be effective to make acceptable the risk to the public, and the employees of the appellant.

The Meaning of “Structure” in Principle of Development Control 48

65 It was suggested that the term “structure” includes motor vehicle. Mr Henry submitted that the Court should look at the intent of Principle of Development Control 48, which he said, included excepting significant trees from preservation when substantial damage was being threatened to any valuable object by the tree, and reasonable measures and remedial treatments to prevent such damage have been determined to be ineffective. Perhaps the Principle was intended to exempt from preservation and so not bar the destruction of, those trees that presented an unacceptable risk to the safety of persons, buildings or any other valuable object. That may have been the intent. I consider that the answer is not to be determined by reference to *City of Noarlunga v Fraser* (1986) 61 LGRA 324, which turned

on whether the construction of a yacht on Mr Fraser's land was the construction of a structure and thus development governed by the *Planning Act 1982*. In any event, given my findings, I do not need to determine the meaning of "structure" as used in Principle of Development Control 48.

Conclusion

66 The subject tree is a prominent visual element in the streetscape and forms a notable visual element in the landscape of the local area. It makes an important contribution to the character of the local area. The tree is in very good health. It is therefore, with reluctance, that I am prepared to uphold the appeal and reverse the decision of the respondent, and so allow the removal of the tree. However, that must follow from my findings upon the evidence that the tree represents an unacceptable risk to public and private safety, and there are no reasonable measures that would be effective to reduce the risk to one that is acceptable.

67 In the event that I reached this conclusion, the parties joined in asking that I impose a condition on the consent that the tree be replaced by the landscaping proposed in the Roach plan produced at p4 of Exhibit R1.

68 I am prepared to make orders accordingly. I will hear the parties as to the precise terms thereof.

From: Roland Tan
Sent: Thu, 19 Mar 2020 09:18:45 +1030
To: Harry Stryker
Subject: FW: 39A Davenport Terrace, Wayville - 9/2020/C1 - Request for Further Information

Hi Harry,

I've received the feedback below from Dean Nicolle in relation to your request for further information.

Kind Regards,

Roland Tan

From: Dean Nicolle <dn@dn.com.au>
Sent: Thursday, 19 March 2020 9:01 AM
To: Roland Tan <roland.tan@aieservices.com.au>
Subject: Re: 39A Davenport Terrace, Wayville - 9/2020/C1 - Request for Further Information

Hi Roland,

Thanks for your email.

I've just read the arborist report of Peter Oaks and I disagree with his findings and recommendations. In particular, the risk assessment of the tree is incorrect.

Oaks states (p. 6) that only '*...five small diameter (50-100mm) branch failures had occurred...*', however, Figures 3 and 4 in my report indicate many more branch failure scars in the canopy of the tree. My Figure 6 also indicates that at least one of the failed branches is much larger (ca. 150 mm in diameter) than suggested in the Oats report.

This leads to the flawed risk assessment in the Oats report. The '*Likelihood Matrix*' on p. 11 of the Oats report indicates a '*Likelihood of failure*' of '*Possible*'. However, given the history of numerous small and medium-sized branch failures in this relatively young tree, this should have been scored as '*Probable*'. Similarly, the '*Likelihood of Impacting Target*' is scored as '*Low*', but considering the presence of residential outbuildings under the canopy of the tree (on both sides of the tree), this should have been scored as '*Medium*' or '*High*'. Using his '*Risk rating matrix*', this would result in a '*moderate*' or '*high*' risk rating.

Considering Oats (erroneously) assesses the tree as representing a '*Low*' risk, his recommendation for canopy reduction pruning is somewhat perplexing (why is pruning being recommended?). No detail nor images of what branches would be pruned, and the extent of the pruning, is provided.

I have not recommended pruning as a risk-mitigation method in this case due to the following:

1. The tree has a history of extensive branch failures occurring in sound wood;
2. The tall, narrow canopy shape of the tree is not conducive to canopy reduction pruning, especially in this species;
3. The length-reduction or removal of lower branches has the potential to increase the risk to safety and property in this case, by increasing the impact potential of any branches failing from higher in the canopy of the tree;
4. The tree is still rapidly growing, such that any pruning in the lower to mid canopy will increase the rate of branch extension in the upper canopy, resulting in a long-term increased risk to safety and property, by forcing a more obconic-shaped tree (again increasing the impact potential of any branches failing from higher in the canopy of the tree).

In summary, canopy reduction pruning of the tree is more likely to *increase* rather than decrease the risk to safety and to property associated with branch failure in this tree, especially over the long-term.

Let me know if you require any further information regarding the tree at this stage.

Regards,
Dean.

Dean Nicolle

***Currency Creek Arboretum
Arboriculture - Botany - Ecology - Eucalypt Research***

**PO Box 808
Melrose Park SA 5039 AUSTRALIA**

T: +61 413 214 303
E: dn@dn.com.au
W: www.dn.com.au

On 18 Mar 2020, at 4:14 pm, Roland Tan <roland.tan@aiseservices.com.au> wrote:

Hi Dean,

I hope you are well.

I've had some feedback from the planner at the City of Unley.

They commissioned an arborist who has recommended the tree be subject to pruning instead of being completely removed.

The planner mentioned that the report we provided them didn't really cover why pruning would not solve the problem so in the absence of further clarification, he would not be able to recommend removal of the tree.

Are you able to provide me with some advice that clarifies why you do not consider pruning to be an adequate control measure?

Kind Regards,

Roland Tan

From: Harry Stryker <hstryker@unley.sa.gov.au>
Sent: Wednesday, 18 March 2020 3:14 PM
To: Roland Tan <roland.tan@aieservices.com.au>
Subject: 39A Davenport Terrace, Wayville - 9/2020/C1 - Request for Further Information

Please find attached letter and copy of tree report for your reference.

<image001.png>
Harry Stryker
Development Administration & Planning
Development & Regulatory Services
City of Unley
P: (08) 8372 5111
unley.sa.gov.au

The City of Unley advises that, under the State Records Act 1997 and the Freedom of Information Act 1991, email messages may be monitored and/or accessed by Council staff. The contents of this email are confidential and intended only for the named recipient of this email. If the reader of this e-mail is not the intended recipient you are hereby notified that any use, reproduction, disclosure or distribution of the information contained in the email is prohibited. If you have received this email in error please immediately advise the sender by return email and delete the message from your system..

<ECM_5216860_v2_Further information required - planning Draft
Printed.pdf><ECM_5043792_v1_Arbicultural Report - Proposed Removal of Regulated Tree.pdf>

ATTACHMENT B

Calyptra Pty Ltd
trading as

Dean Nicolle

OAM, BAppSc Natural Resource Management, BSc Botany (Hons), PhD

PO Box 808 Melrose Park, SA 5039
Phone: 0413 214 303
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Web: www.dn.com.au

Arboriculture - Botany - Ecology - Eucalypt Research

Amended Tree Report: 39A Davenport Terrace, Wayville, SA

Arboricultural assessment of a significant *Corymbia citriodora* (lemon-scented gum) tree



Amended arboricultural assessment and report initially requested by Roland Tan of 39A Davenport Terrace in Wayville SA, on the 16th of January 2020.

Arboricultural report prepared by Dean Nicolle following site inspections and tree assessments on the 5th of February and the 2nd of June 2020.

Report dated the 2nd of June 2020.

AMENDED PLAN / DOCUMENT
D.Nicolle, 39A Davenport Tce Wayville SA, 2nd June 2020, Cory.citr
DATE: 3/06/2020

1

D.Nicolle, 39A Davenport Tce Wayville SA, 2nd June 2020, Cory.citr
Page 565 of 619

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3.0	RETENTION VALUE	12
4.0	ADDRESSING THE DEVELOPMENT PLAN	14
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**AMENDED PLAN / DOCUMENT
DATE: 3/06/2020**

D.Nicolle, 39A Davenport Tce Wayville SA, 2nd June 2020, Cory.citr

Page 566 of 619

2

1.0 BACKGROUND

I have been commissioned to provide an arboricultural assessment and report on a significant tree located in the south-west corner of 39A Davenport Terrace in Wayville, South Australia (Figure 1). I understand that there is a development application to remove the tree.

On that basis, I provided a report for the tree dated the 5th of February 2020. That report provides my findings and recommendations with respect to my arboricultural assessment of the subject tree, including:

1. Assessment of the health, structure, and risk to safety represented by the tree;
2. Assessment of the retention value of the tree; and
3. Assessment of the tree against the objectives and principles of development control in the *City of Unley* Development Plan.

In my February 2020 report, I erroneously referred to the tree as being ‘regulated’ (as defined by the *Development Act 1993*) rather than ‘significant’. This was caused by me only measuring the trunk of the tree on subject land, and having to estimate the remaining trunk circumference where it extends onto the other side of the boundary fence into the neighbouring allotment to the west. A trunk flare on the western side of the tree means that the *actual* trunk circumference is significantly larger than my February 2020 partial-measure and estimate. This report rectifies that error, following my re-inspection of the tree to accurately measure the its trunk circumference.

Other than the tree now being regarded as ‘significant’ rather than ‘regulated’ as defined by the *Development Act 1993*, and associated changes to the relevant sections of the Unley (City) development Plan, all of the findings and recommendations made in my February 2020 report remain the same, including the health and risk assessment of the tree.



Figure 1. The subject tree, looking approximately north-west from Davenport Lane on the 5th of February 2020.

2.0 TREE ASSESSMENT

<u>Location:</u>	On side boundary of 39A and 41 Davenport Terrace in Wayville, South Australia (see Figure 1).
<u>Species:</u>	<i>Corymbia citriodora</i> (lemon-scented gum).
<u>Key reference:</u>	Nicolle (2016). <i>Taller Eucalypts for Planting in Australia – Their Selection, Cultivation and Management.</i> Pp. 64 – 65.
<u>Legal status:</u>	A significant tree as defined by the <i>Development Act 1993</i> .
	<ul style="list-style-type: none"> - <i>Species:</i> <i>Corymbia citriodora</i> - <i>Trunk circ. at one metre:</i> 3.05 metres - <i>Distance to dwelling/pool:</i> >10 metres - <i>Bushfire Risk:</i> Excluded area - <i>Living/dead status:</i> Currently alive - <i>Exemptions:</i> No generic exemptions
<u>Current size:</u>	Approximately 26 metres tall, average of 16 metres wide.
<u>Trunk structure:</u>	Single trunk for most of tree height, with irregularly-spaced, small to slightly heavy branches of short to long length and of erect to pendulous habit from four metres above ground level.
<u>Canopy structure:</u>	Irregular but generally upright-oval in shape, slightly dense in density, and generally evenly weighted.
<u>Anticipated size:</u>	Near fully-grown under the existing environmental and site conditions and considering the species, age, health and structure of the tree. Eventual size approximately 28 metres tall x 20 metres spread.
<u>Species origin:</u>	Exotic to the locality (native to central and northern Queensland in Australia).
<u>Tree origin:</u>	Intentionally planted or of self-seeded weedy origin.
<u>Biodiversity value:</u>	Moderate. A reproductively mature and large tree of a locally exotic Australian native species. No faunal-habitable hollows are evident in the tree.
<u>Landscape value:</u>	High. The tree is quite tall and is conspicuous from Davenport Lane (see Figure 1).
<u>Estimated age:</u>	30 – 60 years.
<u>Actual Life Expectancy:</u>	Another 30+ years.
<u>Useful Life Expectancy:</u>	Surpassed.
<u>Health:</u>	Excellent and apparently stable.
<u>Vigour:</u>	High.

<u>Borer activity:</u>	None evident.
<u>Termite activity:</u>	None evident.
<u>Fungal wood decay:</u>	None evident.
<u>General structure:</u>	Average and gradually deteriorating over time. The trunk structure of the tree is very sound, but the branch structure is below average and deteriorating.
<u>Basal structure:</u>	Well buttressed, healthy, and apparently sound.
<u>Trunk structure:</u>	Healthy and apparently sound (see Figure 2).
<u>WTSF likelihood:</u>	The <i>likelihood</i> of <u>Whole-of-Tree Structural Failure</u> is currently considered to be very low.
<u>Branch structure:</u>	Primary branch junctions are healthy and generally well-structured. However, many branches are over-extended and/or heavily end-weighted, increasing their likelihood of failure.
<u>BF likelihood:</u>	The <i>likelihood</i> of branch failure in this individual is currently considered to be moderate, and increasing over time (as branches become longer and more heavily end-weighted) with ongoing rapid growth.
<u>BF consequence:</u>	The <i>consequence</i> of branch failure in this individual is significantly increased due to the tall height of the tree, the loss of many lower branches (due to previous branch failure events), and the moderate under-canopy use of the site. This amplifies the impact potential of any branch failure events from the canopy of the tree.
<u>Failure history:</u>	The tree has extensive evidence of ongoing branch failure events, of branches up to 150 mm in diameter (moderate-sized branches, see Figures 3 to 4). All branch failure scars occur at internodal points (between branches) and in sound wood (Figure 5), indicating that the branch failures are ‘sudden limb failures’ associated with the high vigour of the tree creating over-extended and heavily end-weighted branches.
<u>Risk to safety:</u>	Currently considered to be moderate and marginally unacceptable, and increasing over time (as branches continually increase in length and end-weight with ongoing rapid growth of the tree).
	The risk to safety is also highly correlated with the under-canopy use of the site.
<u>Damage/nuisances:</u>	The ongoing growth of the tree has displaced pavers forming paved areas surrounding the tree. Branch failure events have damaged residential outbuildings (sheds, garages and fencing) within the target zone of the tree (Figure 6).

The ongoing fall of bark, leaves, flowers and fruits from the tree also represents a nuisance issue on paved areas and in outbuilding gutters (see Figure 6).



Figure 2. The base and lower trunk of the tree, looking approximately south-west from the rear yard of 39A Davenport Terrace. The trunk structure of the tree is very sound and the tree has a very low likelihood of whole-of-tree structural failure.



Figure 3. Looking up the trunk of the tree from the rear yard of 39A Davenport Terrace. The superimposed yellow rings indicate scars created by past branch failure events. All branch failure scars occur at internodal points (between branches) and in sound wood, indicating that the branch failures are 'sudden limb failures' associated with the high vigour of the tree creating over-extended and heavily end-weighted branches.



Figure 4. The subject tree, looking up and approximately north-west from the rear yard of 39A Davenport Terrace. The superimposed yellow rings indicate scars created by past branch failure events. All branch failure scars occur at internodal points (between branches) and in sound wood, indicating that the branch failures are 'sudden limb failures' associated with the high vigour of the tree creating over-extended and heavily end-weighted branches.



Figure 5. A scar created by a recent branch failure event. All branch failure scars occur at internodal points (between branches) and in sound wood, indicating that the branch failures are 'sudden limb failures' associated with the high vigour of the tree creating over-extended and heavily end-weighted branches.



Figure 6. The subject tree and site, looking approximately south from the rear yard of 39A Davenport Terrace. Note the dead branch leaning on the shed – This branch was alive and healthy when it fell from the canopy of the tree. The ongoing fall of bark, leaves, flowers and fruits from the tree also represents a nuisance issue on paved areas and in outbuilding gutters.

3.0 RETENTION VALUE

The retention value of the tree is based on the following data:

- Historical significance (*National Trust of South Australia*);
- Tree origin;
- Current health;
- Further life expectancy;
- Biodiversity value;
- Landscape value;
- Tree structure;
- Risk to safety; and
- Damage and nuisances.

The tree has been scored for each of these nine characteristics (see Table 1). The sum of scores for the tree provides a total score: the higher the total score, the more valuable the tree (see Table 2). The total score for a tree can vary from -160 (lowest point value for all nine characteristics) to 130 points (highest point value for all nine characteristics).

In this case, the tree has a score of -7 (see Table 1), and is therefore assessed to be of no value (see Table 2).

Table 1. Scoring for retention value – Tree One. The characteristics and character states used to score the tree to determine its retention value. The character states for the subject tree are highlighted green.

Historical significance (NTSA¹)	<i>National importance Score: 40</i>	<i>State importance Score: 30</i>	<i>Regional importance Score: 20</i>	<i>Local importance Score: 10</i>	<i>Not listed on NTSA⁴ Score: 0</i>			
Origin	<i>Remnant Score: 10</i>	<i>Remnant/semi Score: 8</i>	<i>Semi-remnant Score: 5</i>	<i>Semi- / planted Score: 3</i>	<i>Planted Score: 0</i>	<i>Planted / weed Score: -5</i>	<i>Weed Score: -10</i>	
Health	<i>Excellent Score: 10</i>	<i>Above average Score: 8</i>	<i>Average Score: 5</i>	<i>Below average Score: 3</i>	<i>Poor Score: 0</i>		<i>Very poor Score: -10</i>	<i>Dead Score: -20</i>
Further Useful Life Expectancy	<i>30+ years Score: 10</i>	<i>20+ years Score: 8</i>	<i>10–20+ years Score: 5</i>	<i>10–20 years Score: 2</i>	<i><10–20 years Score: 0</i>	<i><5–10 years Score: -5</i>	<i><5 years Score: -10</i>	<i><2 years Score: -20</i>
Biodiversity	<i>Very high Score: 10</i>	<i>High Score: 8</i>	<i>Moderate Score: 5</i>	<i>Low Score: 2</i>	<i>Negligible Score: 0</i>		<i>Invasive Score: -10</i>	
Landscape	<i>Very high Score: 10</i>	<i>High Score: 8</i>	<i>Mod to high Score: 5</i>	<i>Moderate Score: 3</i>	<i>Low to mod Score: 0</i>		<i>Low Score: -10</i>	<i>Very low Score: -20</i>
Structure	<i>Excellent Score: 10</i>		<i>Above average Score: 5</i>		<i>Average Score: 0</i>	<i>Below average Score: -5</i>	<i>Poor Score: -10</i>	<i>Very poor Score: -20</i>
Risk to safety	<i>Very low Score: 10</i>	<i>Low Score: 7</i>	<i>Low to mod Score: 4</i>	<i>Moderate & stable Score: 0</i>	<i>Moderate, increasing Score: -10</i>	<i>Mod to high Score: -20</i>	<i>High Score: -30</i>	<i>Very high Score: -40</i>
Damage & nuisances	<i>None Score: 10</i>		<i>No damage but some nuisances (eg leaf debris) Score: 5</i>	<i>No damage, but minor maintenance issues (eg lifted pavers) Score: 0</i>	<i>Damage to minor structures (eg paths/ driveways Score: -5</i>	<i>Damage to moderate structures (eg masonry walls Score: -10</i>	<i>Damage to substantial structures (eg dwellings Score: -20</i>	

¹ National Trust of South Australia register of significant trees.

Table 2. Retention value categories. The five retention value categories, for each category the score required, the general description, and the development constraints appropriate. The retention value category of the subject tree (score of -7) is highlighted green.

Retention value	Score	General description	Development constraints
Priority 1A Very high value	>65 points	Remnant or semi-remnant trees in sound health, with a long further Useful Life Expectancy, of superior structure, and with a significant biodiversity value and landscape value	Trees of very highly value are relatively rare and should be retained by appropriate development design and construction.
Priority 1 High value	46 to 65 points	Trees in sound health and/or with a long further Useful Life Expectancy, of generally sound structure (or where defects can be practically mitigated or managed), and usually with a significant biodiversity value &/or landscape value	Trees of high value should be retained by appropriate development design and construction.
Priority 2 Moderate value	30 to 45 points	Trees in sound healthy and/or with an expected moderate to long further Useful Life Expectancy, of reasonable structure (or where defects can be mostly mitigated or managed), and of moderate to high biodiversity value &/or landscape value	Trees of moderate value should be retained whenever possible, by appropriate development design and construction.
Priority 3 Low value	10 to 29 points	Trees often of reduced health and/or having a short to moderate further Useful Life Expectancy, and/or may have some structural flaws, and are generally of lower biodiversity value &/or lower landscape value	Trees of low value should not constrain site development but may be retained if the proposed design and construction allows.
Priority 4 No value	<10 points	Trees in poor health and/or having a short or exceeded Useful Life Expectancy, and/or have significant structural flaws that cannot be practically mitigated or managed, &/or are of no or little biodiversity value &/or landscape value	Trees of no value should not constrain site development and should be removed in the case of site development, even if they do not constrain the development.

4.0 ADDRESSING THE DEVELOPMENT PLAN

Unley (City), consolidated 19 December 2017

4.1 OBJECTIVES – REGULATED AND SIGNIFICANT TREES

Objective 1: The conservation of regulated trees that provide important aesthetic and/or environmental benefit.

The tree arguably provides arguably important aesthetic benefit to the locality. The tree is relatively tall and is conspicuous from Davenport Lane (Figure 1).

The tree is not of *important* environmental benefit, due to the exotic status of the species and the lack of any habitable faunal hollows in the tree.

Objective 2: Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:

(a) significantly contributes to the character or visual amenity of the locality;

The tree arguably significantly contributes to the character or visual amenity of the locality. The tree is relatively tall and is conspicuous from Davenport Lane (Figure 1).

(b) indigenous to the locality;

The tree is of a species that is not indigenous to the locality.

(c) a rare or endangered species;

The tree is of a species that is not classified as rare or endangered.

(d) an important habitat for native fauna

The tree is not an *important* habitat for native fauna. The species is exotic to the locality and the tree has no habitable faunal hollows.

Objective 3: The preservation of significant trees in The City of Unley which provide important aesthetic and environmental benefit.

The tree arguably provides arguably important aesthetic benefit to the locality, as the tree is relatively tall and is conspicuous from Davenport Lane. However, the tree is not of important environmental benefit, due to the exotic status of the species and the lack of any habitable faunal hollows in the tree.

4.2 PRINCIPLES OF DEVELOPMENT CONTROL - SIGNIFICANT TREES

(Relevant principles only)

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 short; or

The tree is not unusually diseased. However, the Useful Life Expectancy of the tree has been surpassed due to its deteriorating structure and increasing risk to safety.

(ii) the tree represents an unacceptable risk to public or private safety; or

The tree does currently represents a moderate and marginally unacceptable, and continually increasing, risk to safety.

(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

The tree is not causing or threatening to cause substantial damage to a substantial building or structure of value.

(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; or

All alternative risk-mitigation methods, including pruning, have been considered for this tree but are not considered to be effective or reasonable in this case.

(b) in any other case;

Not applicable. The development application is for tree removal only.

5.0 SUMMARY of FINDINGS and RECOMMENDATIONS

Legal status of the tree

The tree is significant as defined by the *Development Act 1993*. Local government development approval is required to remove or otherwise damage the tree.

Arboricultural assessment

The tree is in excellent health, however the Useful Life Expectancy of the tree has been surpassed due to the marginally unacceptable and increasing, and unmanageable, risk to safety that the tree represents.

Retention value

The tree is considered to be not worthy of retention (score -7).

Unley Council Development Plan

The tree arguably fulfils some of the *Objectives* for regulated and significant trees in the Development Plan.

The tree fulfils some of the criteria for the removal of significant trees under the *Principles of Development Control* in the Development Plan.

Development application

I am supportive of any development application to remove this tree.

My support for tree removal is made on the basis of the very low retention value of the tree, and in particular:

1. The exceeded Useful Life Expectancy of the tree;
2. The deteriorating branch structure of the tree;
3. The extensive evidence of ongoing branch failures from the tree;
4. The amplified and increasing *likelihood* of further branch failure events from the tree;
5. The amplified consequence of branch failure events from the tree;
6. The moderate and marginally unacceptable (and increasing) risk to personal safety represented by the tree;
7. The lack of any risk-reduction techniques, other than tree removal, that would stabilise or reduce the risk to safety represented by the tree; and
8. The locally exotic status and planted/self-seeded origin of the tree.

I thank you for the opportunity to provide this arboricultural assessment and report. If you require further information or clarification please contact me for assistance.

Dean Nicolle

OAM, BAppSc Natural Resource Management, BSc Botany (Hons), Ph.D

AMENDED PLAN / DOCUMENT

D.Nicolle, 39A Davenport Tce Wayville SA, 2nd June 2020, Cory.citr

16

DATE: 3/06/2020

ATTACHMENT C

Document: # - R0388-039A41DavTcCcit

Prepared for The City of Unley

Attn: Joel Ashforth

PO Box 1

Unley SA 5065

Date: 1st June 2020

ABN. 16 804 909 619

PO Box 381

Goodwood SA 5034

Ph. 0428 827 007

E. info@adelaidearb.com.au

Tree Report – 39A-41 Davenport Lane, Wayville



Executive Summary

Adelaide Arb Consultants were engaged by the City of Unley to review a Development Application to remove one Significant Tree located at 39A Davenport Terrace, Wayville. This assessment will determine if the tree presents a material risk and if it meets the criteria for removal as outlined in the *Development Act 1993*.

The tree was identified as *Corymbia citriodora* – Lemon Scented Gum presenting good-fair overall condition. A risk assessment in accordance with the International Society of Arboriculture was undertaken with the subject tree achieving a Low Risk Rating, this indicates mitigation is not required however, there are remedial treatments which could be implemented to maintain the low levels of risk.



1st June 2020

Overall, the subject tree presented good-fair condition and achieved a low risk rating, there are no attributes within this tree which would indicate that major branch or stem failure is likely to occur within the next four-five years. Therefore, the Development Application is not supported by Adelaide Arb Consultants.

Thank you for the opportunity to provide you with this advice. Should you require any further assistance or clarification, please do not hesitate to call or email me.

Yours sincerely

A handwritten signature in black ink, appearing to read "P. Oates".

PETER OATES
Consulting Arboriculturist
Diploma of Arboriculture
REGISTERED ISA (TRAQ)
Certified QTRA tree risk assessor (License # 5774)
VALID Tree Risk Assessment (Valid) - 2018

A handwritten signature in black ink, appearing to read "S. Selway".

SHANE SELWAY
Senior Consulting Arboriculturist
Graduate Certificate of Arboriculture
Diploma of Arboriculture
International Society of Arboriculture – Certified Arborist AU-0270A

1st June 2020



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1st June 2020



Brief

Adelaide Arb Consultants were commissioned by Mr Joel Ashforth of The City of Unley to conduct a comprehensive tree assessment of one tree within the garden of 39A Davenport Terrace, Wayville.

The subject property is noted to be a residential allotment at 39A Davenport Terrace, Wayville with the tree situated immediately to the south of the western boundary.

The tree is identified as ***Corymbia citriodora - Lemon-scented Gum*** and is noted to display variable levels of health, integrity and Useful Life Expectancy.

The assessment criteria included the following attributes:

- The tree's current health, structure and sustainability within its current environmental conditions.
- The tree's control status under the current provisions of the *Development Act 1993* including an assessment against the relevant City of Unley Principles of Development Control.
- Crown management possibilities that conform to the current guidelines of Australian Standard AS4373-2007 *Pruning of amenity trees* to reduce the risk of potential branch failure and prolong the Useful Life Expectancy of the tree where relevant.
- Any other factors that were relevant to tree management in the situation.

1st June 2020

Tree and Environmental Observations

Tree 1		<i>Corymbia citriodora</i> - Lemon-scented Gum
Assessment Date	26 th February 2020	
Height	25 metres	
Spread (Diameter)	18 metres	
Age	Mature	
Useful Life Expectancy	10-20 years	
Basic Health	Good	
Basic Structure	Fair	
Form	Typical	
Right: The subject tree when viewed from the eastern aspect.		
Circumference	305 centimetres (measurement collected by City of Unley staff due to access restrictions at the time of the Adelaide Arb Consultants Visual Tree Assessment.)	
Legislative Control	The subject tree displays a trunk circumference at one metre above ground level that exceeds three metres. This tree is therefore controlled as a Significant Tree under the current provisions of the <i>Development Act 1993</i> .	

1st June 2020

General Observations

The tree is located within the back garden of 39A Davenport Terrace, Wayville on the western boundary; it can be viewed on the attached site plan as Tree 1.

The tree consists of a single trunk to five metres where primary branches emerge. The stem continues to ascend, and branches continue to emerge radially and laterally. The form that is created is a tall and upright crown which is more commonly presented by a close relative of the species, *Corymbia maculata*.

As the tree is directly on the boundary, its root zone is almost symmetrical with the neighbouring allotment. There is a driveway, paved area, lawn and shed on each side of the trees root zone. There are no recent soil disturbances in either side which could impact on tree health or stability.

Tree health is good. Foliage colour, size and density are normal, there is no evidence to suggest the tree is under environmental stresses and there was no evidence of disease or pests.

Tree structure is fair. Overextended branches were noted within the secondary structure and five small diameter (50-100mm) branch failures had occurred within the lower-middle eastern crown.

The remaining crown was free of major structural flaws; good buttress formation was apparent and there was no other substantial history of branch failure. The unions in both the primary and secondary structure show good formation and no signs of instability.

Access to the allotment was not achievable at the time of the Visual Tree Assessment. The form and size of the tree however enable a suitable assessment of its health and structure to be undertaken from Davenport Lane and Davenport Terrace. As access to the stem was not gained, an estimation of the circumference was provided within the initial report findings that suggested the tree was classified as a Regulated Tree under the *Development Act 1993*.

Further information, provided by the City of Unley indicates that the trunk circumference at one metre above ground level is greater than three metres and the tree is actually controlled as a Significant Tree under this Act. The image below was collected by City of Unley staff demonstrating the trunk circumference measurement at one metre above ground level.



- Image right: An image of the tape at one metre above ground level supplied by City of Unley staff. This image demonstrates that the trunk circumference at one metre above natural ground level is approximately 3.05 metres.

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Development Plan Assessment (Significant Trees)

Objectives

- 3. The City of Unley considers the preservation of significant trees in the City of Unley which provide important aesthetic and environmental benefit.**

This tree provides a high contribution to the aesthetic benefit and little to no environmental benefit to the local area.

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, conservation of bio-diversity, provision for fauna, and preservation of original and remnant vegetation.

While indiscriminate and inappropriate significant tree removal should be generally prevented, the preservation of significant trees should occur in balance with achieving appropriate development.

No development activities have been proposed as part of the application for tree removal.

Principles of Development Control

- 4. The trees listed in the "Significant Trees Register" identified in Table Un/7 together with any others controlled by Development Regulations are designated as significant trees. This designation extends to all parts of the root system, trunk, canopy and other parts of each tree, including those parts which have grown since the initial designation of the trees as significant.**

The subject tree is a Significant Tree by virtue of its trunk circumference being greater than three metres at one metre above ground level.

- 5. Development should be designed and undertaken to retain and protect significant trees and advice should be obtained from suitably qualified persons to such retention and protection.**

No development activities involving construction have been proposed as part of the subject application for Significant Tree removal.

- 6. Where a significant tree or significant tree grouping attains any of the following, development should be designed and undertaken to retain and protect such significant trees and to preserve these attributes:**

- a) The tree makes a significant contribution to the character or amenity of the local area.**

The subject tree provides amenity to the subject allotment, the dwelling located within this area and neighbouring dwellings and allotments. This species is not indigenous to this area; however, they are frequently encountered within this council area and therefore is consistent with the character of the area.

- b) The tree forms a moderately notable visual element to the landscape of the local area.**

The tree contributes to the skyline when viewed from both Davenport terrace and to a lesser extent, Young Street. The tree is clearly notable from the length of Davenport Lane also which is a thoroughfare for vehicular access to many properties fronting

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both Davenport Terrace and Young Street. With this view, it is expected that the subject trees removal, should such be approved would be noted and therefore the tree presents as a notable visual element.

- c) **The subject tree does not make a significant contribution to habitat value of an area individually and is not an important link to other vegetation which forms a wildlife corridor.**

As an introduced species that does not present with branch or stem hollows or other nesting sites, the subject tree is not making a significant contribution to habitat values within the local environment.

7. Development should be undertaken with the minimum adverse effect on the health of a significant tree.

Development activities have not been proposed, the proposal is for tree removal only.

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

- (a) **In the case of removal;**

i) The tree is not diseased and nor is its life expectancy short.

The tree has good health and fair structure and therefore has an extended useful life expectancy.

ii) The tree does not represent an unacceptable risk to public and private safety.

The assessment process has involved the International Society of Arboriculture ratified tree risk assessment. The findings of this assessment indicate that the tree represents a low and acceptable risk to public and private safety. Furthermore, plentiful pruning management options are available to maintain the risk in this case.

iii) The tree has not been shown to have or be threatening to cause substantial damage to a substantial building or structure of value and not all other remedial treatments and measures have been determined to be ineffective.

The damage from the recent branch failure does not constitute substantial damage and there is no new written or physical evidence to suggest that the tree is causing damage to the shed. Additionally and as stated above, plentiful pruning management options are available to maintain the potential for branch failure and alleviate risk of damage to the shed.

iv) It is not 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.

Where tree management is considered ‘Development’ under the provisions of the *Development Act 1993*, pruning options remain available and do not appear to have been considered to maintain the tree within its environment and avoid inappropriate tree-damaging acidity.

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Discussion

A visual assessment of one *Corymbia citriodora* – Lemon Scented Gum located at 39A Davenport Terrace, Wayville was undertaken, as concerns were raised regarding the risk the tree poses to the users and structures within the immediate area and as a Development Application for tree removal had been submitted. This assessment will determine if the tree presents a material risk and if it meets the criteria for removal as outlined in the *Development Act 1993*.

The tree has a trunk circumference measurement that exceeds three metres when measured at one metre above ground level. It is therefore classified as a Significant Tree under the current provisions of the *Development Act 1993*.

Overall, the tree presents a notable feature within the local landscape, as one of the tallest specimens within the streetscape it is considered a notable visual element of the area. It also provides a considerable contribution to the amenity of the area due to its good health and vitality. It is not indigenous to the area; however, it is regularly encountered throughout metropolitan Adelaide.

The tree presented good health. This was indicated by normal foliage colour, size, and density. This particular species is terminally foliated, the primary form of the tertiary and secondary branch structure has grown in this manner. There appears to be no evidence of pest or disease attack and the tree did not exhibit any environmental stress indicators.

Tree structure is fair. There was evidence of a five-small diameter (<70mm) branch failures which had occurred in the middle and lower eastern crown. These failures do not substantiate a physiological issue with the tree, more a sequence of events. It is highly likely that the initial failure within the middle crown created the additional wounds as the initial tree part fell. This can be clearly observed by the broken stubs which remain, as they are in almost all cases in line with each other. As the prevailing winds are south-westerly, its far more likely that these failures are a result of high-wind events targeting overextended and exposed branches. Due to the well documented growth habit of *Corymbia citriodora*, this failure pattern should not be a cause for concern.

The remaining crown was free of major structural flaws, there was evidence of good buttress formation and the taper of the trunk and branches was distinctly true to form for this species. The primary and secondary unions display good-fair formation and no signs of instability were noted. With this view, it is unlikely that further branch failures will be experienced.

A risk assessment in accordance with the International Society of Arboriculture was undertaken with the subject tree achieving a Low Risk Rating. This indicates mitigation is not required however, there are remedial treatments which could be implemented to maintain

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the low levels of risk and take advantage of the benefits the tree provides to the immediate area.

Overall, the subject tree presented good-fair condition and achieved a low risk rating. There are available options consistent with Australian Standard AS4373-2007 *Pruning of amenity trees* which are both reasonable and effective and will extend the life expectancy of this tree. The Development Application therefore is not supported by Adelaide Arb Consultants.

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Tree Risk Assessment

The following International Society of Arboriculture TRAQ Risk Assessment was conducted at the time of the tree assessment to assist in the determination of appropriate tree management. This assessment found that the tree represents a low and acceptable risk to public and private safety as follows:

This assessment considers the “likelihood of tree failure” (including tree part failure) and the “likelihood of impact” by that tree part to a person or property within a matrix. These may vary between ‘unlikely’, ‘somewhat likely’, ‘likely’ and ‘very likely’ as shown within the table below:

Likelihood Matrix

Likelihood of failure	Likelihood of Impacting Target			
	Very Low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

The result of the “likelihood matrix” calculation is then considered within a “Risk Rating Matrix” in combination with the “Consequence of Failure” or the tree part impacting an object in the worst-case scenario. The second matrix gives a qualifiable risk rating that may vary between ‘low’, ‘moderate’, ‘high’ and ‘extreme’.

Risk rating matrix

Likelihood of failure & Impact	Consequence of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

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Recommendations

The following management recommendations are provided to ensure low levels of risk remain:

- Maintenance Pruning to be conducted within the entirety of the crown.
- Reduction Pruning to be conducted to the overextended branches within the secondary structure (eastern, western and southern aspects).
- All works to be carried out by qualified Arborists in accordance with Australian Standard AS4373-2007 *Pruning of amenity trees*. Further information detailing the specific pruning may be required, this should be also undertaken by a suitably qualified Arborist (Level 5).
- The tree should be reassessed within the next four years or sooner should the condition of the tree.

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Site Plan



ATTACHMENT D



**arborman®
tree solutions**
PROFESSIONALS IN ARBORICULTURE

Tree Risk Assessment and Management Report

Site: 39A Davenport Terrace, Wayville

Date: Friday, 17 March 2020

ATS5853-039ADavTcTMR

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Appendix A – Tree Assessment Methodology

Appendix B – Tree Assessment Findings

Appendix C – Mapping

Appendix D – Tree Assessment Summary

Report Reference Number: ATS5853-039ADavTcTMR

Report prepared for
Harry Stryker, Development Administration and Planning
City of Unley

Author

Marcus Lodge, Consulting Arborist
Arborman Tree Solutions Pty Ltd

Executive Summary

Arborman Tree Solutions was asked to inspect the Significant Tree at 39A Davenport Terrace, Wayville which is subject to an application for tree removal. The assessment is requested to determine the levels of risk the tree represent to users of the area and infrastructure in the area and to recommend risk management strategies where appropriate.

This tree has achieved a Low Risk Rating due to the Likelihood of a Failure Impacting a target and/or the Consequence of this happening.

The removal of this tree is not consistent with the Objectives and Principles of Development Control within the City of Unley Development Plan and therefore cannot be supported in this regard.

Brief

Arborman Tree Solutions was engaged to undertake a visual tree assessment and risk assessment of the trees located within 39A Davenport Terrace, Wayville and provide guidance to manage the tree population and risk.

Findings of this assessment and recommendations are provided within Appendix B - Tree Assessment Findings as well as a map showing the location of the tree in Appendix C - Mapping.

Documents and Information Provided

The following information was provided for the preparation of this assessment:-

- Email advice on the tree to be assessed.
- Development Application.

Introduction

Trees within 39A Davenport Terrace, Wayville are valuable environmental and amenity assets to the area fostering a pleasing learning environment. Trees like all assets have a useful life expectancy and require ongoing management to ensure they continue to provide value to the community.

This assessment balances risk with legislative requirements to ensure that risk is managed.

Site Location

Figure 1 Site Location - 39A Davenport Terrace, Wayville



Methodology

Tree Management Framework

Arborman Tree Solutions Tree Management Framework© methodology was used to assess tree at 39A Davenport Terrace, Wayville in April 2020. The framework is modelled on AS/NZS ISO 4360-1999 and is shown below in Figure 2. Risk Assessments are conducted by Qualified Arborists certified in the International Society of Arboriculture (ISA) "Tree Risk Assessment" methodology.

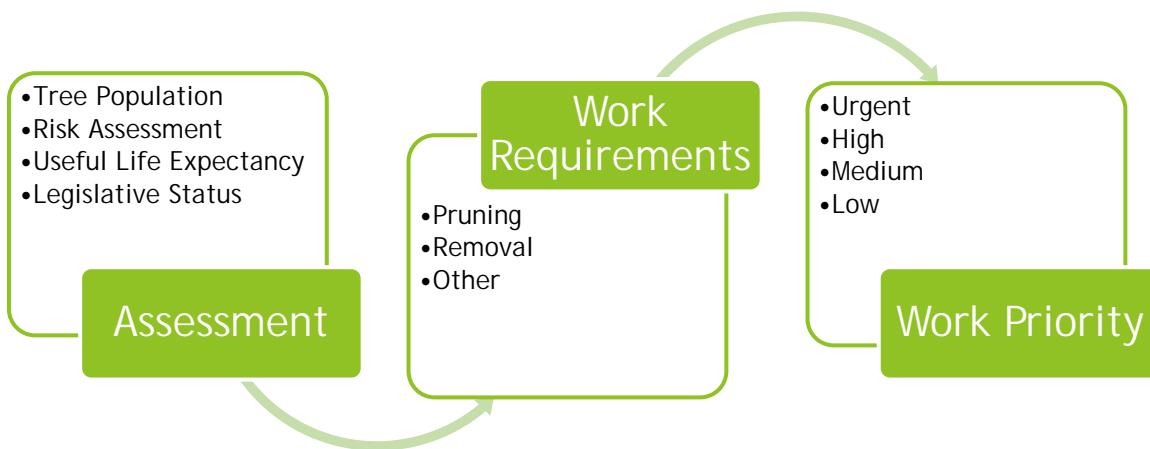


Figure 2 Arborman Tree Solutions Tree Management Framework

The tree population was assessed and recorded using GPS Trimble Technology and Arborman Tree Solutions Assessment Form (See Appendix B - Tree Assessment Findings). Risk was identified using the International Society of Arboriculture (ISA) Tree Risk Assessment methodology. The Useful Life Expectancy of each tree was determined using the Table shown in Appendix A Methodology. Legislative requirements are determined under the Development Act 1993. Work priority was determined based on the Risk Rating and urgency to reduce risk.

Findings

Tree Information

The tree is identified as *Corymbia citriodora* (Lemon Scented Gum) and is in fair overall condition, the condition rating is reduced due to the tree's history of branch failure whilst it retains otherwise good health and structure.

Corymbia citriodora is a tall graceful tree usually 20-30 metres in ornamental plantings, although significantly taller (40 metres or more) in its natural habitat. It prefers medium to sandy loams or well-drained gravels with additional irrigation during the drier seasons. *C. citriodora* is most suited to parks, large gardens and avenues where it is able to grow to its full potential unhindered by the constraints of generally smaller urban blocks. Indigenous to central Queensland *C. citriodora* has become popular throughout many areas of Australia and is common in Adelaide.

Tree Risk

Using the International Society of Arboriculture (ISA) Tree Risk Assessment methodology (see Appendix A – Methodology) the subject tree was identified as having a Low Risk Rating. This methodology considers the Likelihood of Failure and Impact and the Consequences of such an event happening. In this case the concerns have been raised regarding two different targets, people and the infrastructure (sheds and carport) therefore two Risk Assessments have been conducted concerning each of these targets: -

Risk to People

Likelihood of Failure –	Probable	A failure of a size that is could result in damage to a person or infrastructure in the area is expected in the next 36-60 months under normal weather conditions.
Likelihood of Impact –	Low	The likelihood of impacting a person is Low or possibly Very Low due to the infrequent use of the area and the time the area is used when it is occupied.

When combined in the Likelihood of Failure and Impact matrix a rating of **Unlikely** is achieved. The area around the tree is also weather affected and in storm conditions, when a failure is most likely, it is less likely that a person will be in the vicinity of these trees.

Consequence of Failure –	Significant	The consequences of an impact will potentially result in an injury to a person requiring medical attention.
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A Likelihood of Failure and Impact of **Unlikely** and a Consequence of **Significant** when combined in the Risk matrix achieve a **Low Risk Rating**.

Risk to Infrastructure

Likelihood of Failure –	Probable	A failure of a size that is could result in damage to a person or infrastructure in the area is expected in the next 36-60 months under normal weather conditions.
Likelihood of Impact –	Medium	A failure that could cause damage to a structure has up to a 50% likelihood of impacting a target. There are two sheds, a fence and a carport which cover nearly 50% of the area below the tree's crown the target area of the tree.

When combined in the Likelihood of Failure and Impact matrix a rating of **Somewhat-Likely** is achieved.

Consequence of Failure –	Minor	The consequences of an impact will potentially result in moderate monetary damage to a structure i.e. of moderate monetary damage to a shed, fence or carport.
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A Likelihood of Failure and Impact of **Likely** and a Consequence of **Minor** when combined in the Risk matrix achieve a **Low Risk Rating**.

In order to achieve a Risk Rating of High the Likelihood of a Failure and Impact would have to raise to Likely or Very Likely, this would require the Likelihood of Failure to be raised to Imminent and/or the Likelihood of Impact raised to Medium or High either of which would be inappropriate and unreasonable.

Recommendations to manage risk are provided within Appendix B Tree Assessment Findings.

Legislative Status

The subject tree has a trunk circumference greater than three metres and is not subject to any exemption from regulation and therefore it is identified as a Significant Tree as defined in the *Development Act 1993* and the City of Unley Development Plan. Significant Trees should be preserved if they meet the criteria under the local development plan or are rare or endangered. When considered in line with the Objectives and Principles of Development Control in the City of Unley Development Plan, consolidated 19 December 2017, the following assessment is provided.

OBJECTIVES

Objective 3: *The preservation of significant trees in The City of Unley which provide important aesthetic and environmental benefit.*

The subject tree is considered to be high value aesthetic element in the landscape however it has limited environmental benefit. As such it is not considered to provide '*important aesthetic and environmental benefit*'.

Note: Objectives 1 and 2 relate to regulated trees not significant trees and have therefore not been considered here.

PRINCIPLES OF DEVELOPMENT CONTROL

Significant Trees

4 *The trees listed in the "Significant Trees Register" identified in Table Un/9 together with any others controlled by Development Regulations are designated as significant trees. This designation extends to all parts of the root system, trunk, canopy and other parts of each tree, including those parts which have grown since the initial designation of the tree as a significant tree.*
This tree is not listed in the City of Unley "Significant Trees Register".

5 *Development should be designed and undertaken to retain and protect significant trees and advice should be obtained from suitably qualified persons with regard to such retention and protection*
Not Applicable in this case the application is for tree removal.

6 *Where a significant tree or significant tree grouping:*
(a) *makes an important contribution to the character or amenity of the local area, or*
Whilst this tree is visible from a number of the surrounding properties it has limited impact beyond this area and it therefore is not considered to be 'important' in this regard.
(b) *forms a notable visual element to the landscape of the local area, or*
This tree is visible from a number of the surrounding properties and as such could be considered to be a notable visual element.
(c) *contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor*
This tree has limited individual habitat value and is not clearly linked to other vegetation which forms a wildlife corridor.

development should be designed and undertaken to retain and protect such significant trees and to preserve these attributes.

7 *Development should be undertaken with the minimum adverse affect on the health of a significant tree.*
Not Applicable in this case the application is for tree removal.

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*

This tree is not diseased nor does it have a short life expectancy.

(ii) *the tree represents an unacceptable risk to public or private safety; or*

This tree has a Low Risk Rating and as such is not considered to represent an unacceptable level of risk to users of the area or the infrastructure within the area.

(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*

This tree is not causing or threatening to cause substantial damage to a substantial building or structure of value and reasonable remedial treatments and measures that could reduce any perceived threat are available.

(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*

I have not been made aware that any other considerations other than tree removal have or have not been considered.

The above assessment identifies that this tree achieves a Significant Trunk circumference and it achieves attributes that identify it as a tree that should be protected. It does not achieve any criteria that indicate it should be removed.



Conclusion

The subject tree is identified as a Significant Tree and partially achieves character and amenity attributes that indicate its retention and protection is warranted. When considered against the attributes that would support the removal, this tree does not achieve these criteria. The removal of this tree is therefore not consistent with the Objectives and Principles of Development Control within the City of Unley Development Plan and therefore cannot be supported in this regard.

Recommendation

The following is recommended in relation to the management of this tree: -

1. Retain the tree as an asset to both the associated properties and the local area.
 2. Undertake Crown Maintenance consistent with Australian Standard AS4373-2007 *Pruning of amenity trees* to reduce the likelihood of further branch failure.
 3. Assess the tree every 3-5 years to determine if further crown management is required.

Thank you for the opportunity to provide this information, if you have further queries please contact us at your convenience.

Yours sincerely



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Native Vegetation Council Trained Arborist 2019



Glossary

- Useful Life Expectancy:** expected number of the years that the subject specimen will remain alive and sound and/or continues to achieve the relevant *Principles of Development Control*.
- Circumference:** trunk circumference measured at one metre above ground level. This measurement is used to determine the status of the tree in relation to the *Development Act 1993*.
- Tree Damaging Activity** Tree damaging activity includes those activities described within the *Development Act 1993* such as removal, killing, lopping, ringbarking or topping or any other substantial damage such as mechanical or chemical damage, filling or cutting of soil within the TPZ. This can also include forms of pruning above and below the ground.
- Reduction Prune:** Trees recommended for reduction pruning should have branches shortened that are overextended. The purpose of reduction pruning is to reduce the likelihood of branch failure in overextended branches and therefore reducing risk or maintaining low risk.
- Maintenance Prune:** Trees recommended for maintenance pruning require whole tree maintenance and should include the removal of deadwood, diseased branches, broken or damaged branches, rubbing/crossing branches, basal growth and epicormic shoots. Additional pruning of live tissue may be required if the Arborist undertaking the works identifies issues that were not identified in the initial assessment.
- Important:** The following definition of important was described by Commissioner Nolan of the Environment, Resource and Development Court in the case of Savoy Developments Pty Ltd v Town of Gawler [2013] SAERDC 32.
"In my view, for habitat to be raised to the level of 'important' (as sought by Objective 2(d)), it must be beyond that likely to be expected in any mature tree of indigenous origins – that is, it is beyond the normal level that might be expected or that it is so unique or special that it may be considered important. From the evidence before me I do not consider the trees to provide "important habitat for native fauna"."
This definition of important, whilst in this case relating to Habitat Value, has been related when looking at all Objectives that use the term "*Important*".
- Notable:** The *Development Act 1993* and local Development Plan also use the term "notable" when assessing the visual contribution of a tree. The Environment, Resource and Development Court does not appear to have defined the term "notable" as applied in the *Development Act 1993* however, when researching definitions it is clear that this term bears equal or similar weight as the term "important" and as such for a tree to be "notable" it has to have a similar level of attributes to an important tree. When compared to a typical example of the species for a tree to be described as "notable" it would also be considered to be a noteworthy, remarkable, outstanding, momentous, memorable, impressive, extraordinary or an exceptional example of the species or of greater importance in regard to its value as a visual element than other similar sized example of the species.
- Development Act 1993:** the *Development Act 1993* and associated *Development (Regulated Trees) Variation Regulations 2011* includes provisions for the control of Regulated and Significant Trees within the 18 metropolitan Adelaide councils, townships in the Adelaide Hills Council and parts of the Mount Barker Council; these provisions do not apply in areas outside of these councils.
- Significant Tree:** The *Development Act 1993* identifies a Significant Tree as any tree in Metropolitan Adelaide or townships in the Adelaide Hills Council or parts of the Mount Barker Council with a trunk circumference of three metres or more. In the case of trees with multiple trunks, those with trunks with a total circumference of three metres or more and an average circumference 625 mm or more. The circumference is measured at a point one metre above natural ground level.

References

- Australian Standards Risk Management AS/NZS 4360:1999 Standards Australia, Standards New Zealand
- Dunster J.A., Smiley E.T., Metheny N. and Lilly S. 2013. *Tree Risk Assessment Manual*. Champaign, Illinois: International Society of Arboriculture.
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- Australian Standard AS4373–2007 *Pruning of amenity trees*: Standards Australia.
- Keane P.J. Kile G.D. Podger F.D. Brown B.N. 2000: *Diseases and Pathogens of Eucalypts*: CSIRO Publishing, 150 Oxford Street, Collingwood, Victoria 3066 Australia
- Julius A. Kocher W. Liefheit K. Lilly S. et al 2013: *Tree Risk Assessment Qualification*: International Society of Arboriculture, Champaign, Illinois, USA.

Appendix A - Tree Assessment Methodology

Tree Assessment Form (TAF©)

Record	Description
Tree	In botanical science, a tree is a perennial plant which consists of one or multiple trunks which supports branches and leaves. Trees are generally taller than 5 metres and will live for more than ten seasons, with some species that live for hundreds or thousands of seasons.
Genus and Species	Botanical taxonomy of trees uses the binomial system of a genus and species, often there are subspecies and subgenus as well as cultivars. When identifying tree species, identification techniques such as assessing the tree's form, flower, stem, fruit and location are used. Identifying the right species is critical in assessing the tree's legalisation and environmental benefit. All efforts are made to correctly identify each tree to species level, where possible. Genus is the broader group to which the tree belongs e.g. <i>Eucalyptus</i> , <i>Fraxinus</i> and <i>Melaleuca</i> . Species identifies the specific tree within the genus e.g. <i>Eucalyptus camaldulensis</i> , <i>Fraxinus griffithii</i> or <i>Melaleuca styphelioides</i> . Trees will also be assigned the most commonly used Common Name. Common Names are not generally used for identification due to their nonspecific use, i.e. <i>Melia azedarach</i> is commonly known as White Cedar in South Australia but is also called Chinaberry Tree, Pride of India, Bead-tree, Cape Lilac, Syringa Berrytree, Persian Lilac, and Indian Lilac; equally similar common names can refer to trees from completely different Genus e.g. Swamp Oak, Tasmanian Oak and English Oak are from the <i>Casuarina</i> , <i>Eucalyptus</i> and <i>Quercus</i> genus's respectively.
Height	Tree height is estimated by the arborist at the time of assessment. Tree height is observed and recorded in the following ranges; <5m, 5-10m, 10-15m and >20m.
Spread	Tree crown spread is estimated by the arborist at the time of assessment and recorded in the following ranges <5m, 5-10m, 10-15m, 15-20m, >20m.
Health	Tree health is assessed using the Arborman Tree Solutions - Tree Health Assessment Method that is based on international best practice.
Structure	Tree structure is assessed using Arborman Tree Solutions - Tree Structure Assessment Method that is based on international best practice.
Tree Risk Assessment	Tree Risk is assessed using Tree Risk Assessment methodology. The person conducting the assessment has been trained in the International Society of Arboriculture Tree Risk Assessment Qualification (TRAQ), Quantified Tree Risk Assessment (QTRA) and/or VALID Tree Risk Assessment (VALID). Refer to the Methodology within the report for additional information.
Legislative Status	Legislation status is identified through the interpretation of the <i>Development Act 1993</i> , the <i>Natural Resource Management Act 2004</i> , the <i>Native Vegetation Act 1991</i> and/or any other legislation that may apply.
Mitigation	Measures to reduce tree risk, improve tree condition, remove structural flaws, manage other conditions as appropriate may be recommended in the form of pruning and is listed in the Tree Assessment Findings (Appendix B). Tree pruning is recommended in accordance with AS4373-2007 <i>Pruning amenity trees</i> where practicable. Where measures to mitigate risk is not possible and the risk is unacceptable, then tree removal or further investigation is recommended.

Useful Life Expectancy (ULE)

ULE Rating	Definition
Surpassed	The tree has surpassed its Useful Life Expectancy. Trees that achieve a surpassed ULE may do so due to poor health, structure or form. Additionally, trees that are poorly located such as under high voltage powerlines or too close to structures may also achieve a surpassed ULE. Trees that achieve this status will be recommended for removal as there are no reasonable options to retain them.
<10 years	The tree displays either or both Poor Health and/or Structure and is considered to have a short Useful Life Expectancy of less than ten years. Some short-lived species such as <i>Acacia sp.</i> may naturally achieve a short ULE.
>10 years	The tree displays Fair Health or Structure and Good Health or Structure and is considered to have a Useful Life Expectancy of ten years or more. Trees identified as having a ULE of >10, will require mitigation such as pruning, stem injections or soil amelioration to increase their ULE.
>20 years	The tree displays Good Health and Structure and is considered to have an extended Useful Life Expectancy of more than twenty years.

Maturity (Age)

Age Class	Definition
Senescent	The tree has surpassed its optimum growing period and is declining and/or reducing in size. May be considered as a veteran in relation to its ongoing management. Tree will have generally reached greater than 80% of its expected life expectancy.
Mature	A mature tree is one that has reached its expected overall size, although the tree's trunk is still expected to continue growing. Tree maturity is also assessed based on species; as some trees are much longer lived than others. Tree will have generally reached 20-80% of its expected life expectancy.
Semi Mature	A tree which has established but has not yet reached maturity. Normally tree establishment practices such as watering will have ceased. Tree will generally not have reached 20% of its expected life expectancy.
Juvenile	A newly planted tree or one which is not yet established in the landscape. Tree establishment practices such as regular watering will still be in place. Tree will generally be a newly planted specimen up to five years old; this may be species dependant.

Tree Health Assessment (THA©)

Category	Description
Good	Tree displays normal vigour, uniform leaf colour, no or minor dieback (<5%), crown density (>90%). When a tree is deciduous, healthy axillary buds and typical internode length is used to determine its health. A tree with good health would show no sign of disease and no or minor pest infestation was identified. The tree has little to no pest and/or disease infestation.
Fair	Tree displays reduced vigour abnormal leaf colour, a moderate level of dieback (<15%), crown density (>70%) and in deciduous trees, reduced axillary buds and internode length. Minor pest and/or disease infestation potentially impacting on tree health. Trees with fair health have the potential to recover with reasonable remedial treatments.
Poor	Tree displays an advanced state of decline with low or no vigour, chlorotic or dull leaf colour, with high crown dieback (>15%), low crown density (<70%) and/or in deciduous trees, few or small axillary buds and shortened internode length. Pest and or disease infestation is evident and/or widespread. Trees with poor health are highly unlikely to recover with any remedial treatments; these trees have declined beyond the point of reversal.
Dead	The tree has died and has no opportunity for recovery.

Tree Structural Assessment (TSA©)

Category	Description
Good	Little to no branch failure observed within the crown, well-formed unions, no included bark, good branch and trunk taper present, root buttressing and root plate are typical. Trees that are identified as having good health display expected condition for their age, species and location.
Fair	The tree may display one or more of the following a history of minor branch failure, included bark unions may be present however, are stable at this time, acceptable branch and trunk taper present, root buttressing and root plate are typical. Trees with fair structure will generally require reasonable remediation methods to ensure the tree's structure remains viable.
Poor	History of significant branch failure observed in the crown, poorly formed unions, unstable included bark unions present, branch and/or trunk taper is abnormal, root buttressing and/or root plate are atypical.
Failed	The structure of the tree has or is in the process of collapsing.

Tree Form Assessment (TFA©)

Category	Description
Good	Form is typical of the species and has not been altered by structures, the environment or other trees.
Fair	The form has minor impacts from structures, the environment or adjacent trees which has altered its shape. There may be slight phototropic response noted or moderate pruning which has altered the tree's form.
Poor	The tree's form has been substantially impacted by structures, the environment, pruning or other trees. Phototropic response is evident and unlikely to be corrected.
Atypical	Tree form is highly irregular due to structures or other trees impacting its ability to correctly mature. Extreme phototropic response is evident; or the tree has had a substantially failure resulting in its poor condition, or extensive pruning has altered the tree's form irreversibly.

Priority

Category	Description
Low	Identified works within this priority should be carried out within 12 months.
Medium	Identified works within this priority should be carried out within 6 months.
High	Identified works within this priority should be carried out within 3 months.
Urgent	Identified works within this priority should be carried out immediately. Works within this priority rating will be brought to attention of the responsible person at the time of assessment.

Tree Risk Assessment

The risk assessment was conducted using the principles and guidelines of the International Society of Arboriculture - Tree Risk Assessment Qualification (TRAQ).

TRAQ assesses the Tree Risk Rating in three parts that are divided into two stages Likelihood and Consequence; the Likelihood assessment considers two parts Likelihood of Failure and Likelihood of Impact which are combined in a matrix to determine the Likelihood of Impacting a Target. The following categories are used to determine the Likelihood of Impacting a Target for a given tree:-

1. **Likelihood of Failure** – this is the assessment potential for branch failure. The likelihood of failure uses the following categories:-
 - a. Imminent the tree is failing or is about to fail i.e.: >90% chance.
 - b. Probable a failure is likely to occur within the inspection period i.e.: >50% chance.
 - c. Possible a failure may occur within the inspection period i.e.: <50% chance.
 - d. Improbable a failure is unlikely to occur within the inspection period i.e.: <10% chance.

2. **Likelihood of Impact** – this is an assessment of the potential for a failed branch to contact a person, vehicle, property or other target within the target area. The likelihood of failure uses the following categories:-
 - a. High a failure will almost definitely impact a target.
 - b. Medium a failure will probably impact a target.
 - c. Low a failure will possibly impact a target.
 - d. Very Low a failure is unlikely to impact a target.

The results of the Likelihood assessment are placed into the following matrix to determine the **Likelihood of Impacting a Target**.

Likelihood Matrix				
Likelihood of Failure	Likelihood of Impacting Target			
	Very Low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

The Consequence of Failure section of the assessment considers the result of a failure on the target. The following categories are used to determine the Consequences of a failure impacting a Target for a given tree.

3. **Consequence of Failure** – This is an assessment of the consequence of the branch failure on the target. Consequence of Failure includes factors such as size of part, the level of damage or injury, target protection and target value (monetary or otherwise). The following categories are used to determine the Consequences of Failure for a given tree:-
 - a. Severe The consequences of an impact will be severe potentially involving serious injury or death or serious damage to or loss of property or infrastructure.
 - b. Significant The consequences of an impact will be significant potentially involving major injury or damage to property or infrastructure.
 - c. Minor The consequences of an impact will be minor potentially involving minor injury or minimal damage to property or infrastructure.
 - d. Negligible The consequences of an impact will be negligible potentially involving no or inconsequential injury or damage to property or infrastructure.

The **Likelihood of Impact** and **Consequence of Failure** are then placed into the following matrix to determine the **Tree Risk Rating**.

Tree Risk Rating Matrix				
Likelihood of Failure and Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

This Tree Risk Rating is used to qualify the risk so that suitable mitigation strategies can be implemented.

Appendix B - Tree Assessment Findings

Lemon Scented Gum

Inspected:	7 April 2020
Height:	>20 metres
Spread:	>20 metres
Health:	Good
Structure:	Fair
Form:	Fair
Trunk Circumference:	3.06 metres
Useful Life Expectancy:	>10 years



Observations

This tree has a history of medium diameter branch failure throughout the crown.

This tree is on the boundary, the trunk straddles the boundary, and it has the potential to impact both properties.

Legislative Status

Significant

This tree has a trunk circumference greater than three metres and is not subject to any exemption from regulation and therefore it is identified as a Significant Tree as defined in the *Development Act 1993*.

Risk Rating

Low

This tree does not represent an elevated risk. The most likely targets are sheds, parked vehicles and a carport in the neighbouring property. A low to moderate level of damage to the sheds or carport is the most likely consequence.

Recommendation

Crown Maintenance

Maintenance and reduction pruning are recommended for this tree. Whilst this tree has a Low Risk Rating it does have an elevated Likelihood of Failure and as such Crown Maintenance to minimise this is considered to be a reasonable and appropriate management option.

Priority

Low

These works should be completed at the discretion/priority of the tree owners, however to minimise the likelihood of failure it is recommended it be carried out within 12 months.

Appendix C - Mapping



Tree Location

Map 1 of 1
17 April 2020

ATS5853-
039ADavTcTMR

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Appendix D - Tree Assessment Summary

Tree Assessment Summary

Tree No.	Botanic Name	Legislative Status	Risk Rating	Recommendation	Recommendation	Priority
1	<i>Corymbia citriodora</i>	Significant	Low	Maintenance and reduction pruning are recommended for this tree. Whilst this tree has a Low Risk Rating it does have an elevated Likelihood of Failure and as such Crown Maintenance to minimise this is considered to be a reasonable and appropriate management option.	Crown Maintenance	Low

ATTACHMENT E

From: Eleonore Burrows
Sent: Mon, 29 Jun 2020 13:26:57 +0930
To: Harry Stryker
Subject: Development Application No. 090/9/2020/C1 - 39A Davenport Tce, Wayville
Importance: High

Dear Harry,

Thank you for giving us the opportunity to comment on the above Development Application. We concur with Mr Tan's request for removal of the tree and agree with the report of his arborist, Mr Dean Nicole.

Like Mr Tan, 41 Davenport Tce has also been the recipient of damage to existing structures surrounding the lemon scented gum due to fallen branches of significant size. It has been only good fortune to date, that has prevented anyone from being hurt.

While I appreciate the Council's position on the beautification of the area provided by a tree of this stature, perhaps these considerations would be more appropriate in a reserve or landscaped area belonging to the council, where the ongoing maintenance and cost of such a tree belongs to the council rather than its residents.

Kind regards,
Eleonore Burrows