

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Monday 11 November 2019 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.



Gary Brinkworth
ASSESSMENT MANAGER

Dated 01/11/2019

ACKNOWLEDGEMENT

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

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

APOLOGIES:

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED:

SECONDED:

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 15 October 2019, as printed and circulated, be taken as read and signed as a correct record.

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

11 November 2019

A G E N D A

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Any Other Businesssss

- Information report on Demolition of Contributory Items, Significant and Regulated Tree Assessments.

Matters for Council's consideration

ITEM 1**DEVELOPMENT APPLICATION – 090/584/2018/C3 – 7A & 9 GLENFERRIE AVENUE AND 30 & 32 CROSS ROAD, MYRTLE BANK (FULLARTON)**

DEVELOPMENT APPLICATION NUMBER:	090/584/2018/C3
ADDRESS:	7A & 9 Glenferrie Avenue and 30 & 32 Cross Road, Myrtle Bank
DATE OF MEETING:	11 November 2019
AUTHOR:	Brendan Fewster
DEVELOPMENT PROPOSAL:	Construct two storey nursing home additions at 7A and 9 Glenferrie Avenue and vary Development Approval 400/2013/C3 at 30 and 32 Cross Road by undertaking internal alterations. Increasing the total number of nursing home beds across the site to 100.
HERITAGE VALUE:	Stage Heritage Place (not affected by proposal)
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Zone Policy Area 12 – Residential Infill (350) Precinct 12.2
APPLICANT:	P Engelhardt
OWNER:	PHC Properties Pty Ltd and Vivek Padmanabhan and Florence Padmanabhan and PHC Properties No 25 Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 3
REPRESENTATIONS RECEIVED:	YES – (9 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Category 3 application where a representor wishes to be heard
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Built form / scale Streetscape character Amenity and interface Access, traffic and car parking

1. PLANNING BACKGROUND

Development application 400/2013/C3 to '*Demolish dwelling and outbuildings on 30 Cross Rd and demolish all outbuildings and the eastern part of the Ridge Park Nursing Home, whilst maintaining the original stone wall along Cross Road on 32 Cross Road and the construction of a 2 storey nursing home comprising 77 beds, communal facilities and ancillary car parking (basement and at grade), 4m retaining wall along the eastern boundary including fencing on top and 4m retaining wall along the northern boundary and landscaping*' was granted development approval on 10 January 2017.

The above development approval has been implemented and is currently under construction and is nearing completion.

2. DESCRIPTION OF PROPOSAL

The proposal is summarised as follows:

New Additions

- Construction of a new 'wing' on the northern side of the existing facility comprising 17 addition bedrooms, 4 x 1-bed apartments (21 beds in total) and new lounge/sitting, verandah and balcony areas;
- Two storey building additions with single storey elements fronting Glenferrie Avenue;
- A building height, design and form that is complementary to the existing facility; and
- The provision of mini-bus park at ground level adjacent to the main building entrance.

Internal Alterations

- The reconfiguration of existing rooms resulting in a reduction of 3 beds; and:
- New gym, dining, theatre, treatment and lounge areas.

3. SITE DESCRIPTION

The subject land consists of four contiguous allotments with frontages to Cross Road and Glenferrie Avenue in Myrtle Bank and there are no easements, encumbrances or Land Management Agreements affecting the land.

The overall site is irregular in shape and has a total area of approximately 7495m². The frontages to Cross Road and Glenferrie Avenue are 101 metres and 16.66 metres in width respectively.

Currently occupying the land fronting Cross Road is a nursing home development comprising a series of integrated two storey buildings with a basement level for car parking and general servicing. There is a stone wall that extends along a portion of the Cross Road frontage. The land fronting Glenferrie Avenue contains a single storey dwelling in a battle-axe configuration (7A Glenferrie Avenue) and a vacant area on the western side (9 Glenferrie Avenue).

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

Located at 30-32 Cross Road is a State Heritage Place (former dwelling), which now forms part of the nursing home redevelopment approved under application 40/2013. The proposed additions are not located within the setting of the State Heritage Place.

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. LOCALITY DESCRIPTION

Land Use

The locality comprises an established residential area that is adjacent to the grounds of the University of South Australia Waite Campus. Existing development includes predominantly detached and semi-detached dwellings at relatively low densities.

Land Division/Settlement Pattern

The land division pattern in the area is mixed and fragmented as a result of considerable infill development. The size and shape of allotments varies considerably, with several battle-axe and narrow fronted allotment intermixed with original rectangular allotments. The boundary setbacks of buildings also vary throughout the locality.

Dwelling Type / Style and Number of Storeys

There is a mix of dwelling types and styles, with modern and traditional dwellings of up to two storeys prevalent along Cross Road and side streets.

Fencing Styles

Fencing styles and heights vary along Cross Road and typically comprise masonry/brick pillars and walling and brush.

6. STATUTORY REFERRALS

No statutory referrals were undertaken.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

Category 3 notification was undertaken in accordance with the *Development Act 1993* and the *Development Regulations 2008*. During the ten (10) business day notification period, nine (9) representations were received as detailed below.

Map ref	Representor Address	Wishes to be heard
1	18C Glenferrie Avenue, Myrtle Bank	Yes
2	8 Glenferrie Avenue, Myrtle Bank	Yes
3	16 Glenferrie Avenue, Myrtle Bank	No
4	7 Glenferrie Avenue, Myrtle Bank	Yes
5	16A Glenferrie Avenue, Myrtle Bank	No
6	9A – 11 Glenferrie Avenue, Myrtle Bank	Yes
7	5A Glenferrie Avenue, Myrtle Bank	No
8	6 Glenferrie Avenue, Myrtle Bank	Yes
9	12 Glenferrie Avenue, Myrtle Bank	Yes

SUMMARY OF ISSUES RAISED	APPLICANTS RESPONSE
Lack of car parking for visitors and staff	Car parking for the development is within the existing basement. 40 spaces within the car park exceeds the Development Plan requirement
Loss of on-street car parking	Car parking for the development is within the existing basement. 40 spaces within the car park exceeds the Development Plan requirement. The vehicle access from Glenferrie Avenue has been removed from the proposal.
Traffic safety and congestion	The vehicle access from Glenferrie Avenue has been removed from the proposal. All vehicles are required to enter via Cross Road
<i>Disruption from construction vehicles*</i>	These concerns are outside the scope of the application
<i>Rubbish from contractors *</i>	These concerns are outside the scope of the application
<i>Obstruction of driveway *</i>	These concerns are outside the scope of the application

Streetscape Impact	The building is sited and designed to maintain a residential scale and appearance. The building presents to the street as single storey
Building bulk and scale is out of character with the street	The Residential Infill (350) PA supports infill development. The development has been scaled back with a reduction to the upper storey to minimise the building bulk
Noise and amenity impacts	Noise nuisance would not be dissimilar to a residential environment. Roof plant will have acoustic screening and construction work must satisfy EPA noise requirements
Overshadow	Shadow diagrams have been prepared that demonstrate that shadowing impacts would be minor
Loss of privacy	The scaling back of the upper storey has addressed the overlooking concerns
Inaccurate proposal plans	No comment provided
The proposal is a non-complying development	No comment provided

(* denotes non-valid planning considerations)

9. ADMINISTRATION NEGOTIATIONS

Following the public notification of the application, and in response to some concerns raised by nearby residents, the applicant has made several amendments to the proposed development. The amendments are summarised below:

- Removal of the driveway access from Glenferrie Avenue;
- Removal of Apartments 1 and 2 from the upper level resulting in a significant reduction to the building bulk and scale;
- A reduction of verandahs along the western side of the building;
- Increased boundary setbacks, particularly to the upper level; and
- Additional building articulation to the eastern and western elevations.

10. DEVELOPMENT DATA

Site Characteristics	Proposed Additions	Development Plan Provision
Total Site Area	7495m ²	
Frontage	101m Cross Road 16.66m Glenferrie Avenue	
Depth	100m	
Building Characteristics		
Floor Area Ground		
Additional Areas	808m ²	Not specified
Floor Area Level 1		
Additional Areas	527m ²	Not specified
Site Coverage		
Roofed Buildings	60% approx	Not specified
Total Building Height		

Site Characteristics	Proposed Additions	Development Plan Provision
From ground level	9m ridge	7m (2 Storey)
Setbacks		
Ground Floor		
Front boundary (N)	8m	5m
Side boundary ©	3m	1m
Side boundary (W)	2.3m	1m
Rear boundary (S)	Internal	5m
Upper Floor		
Front boundary (N)	30m	7.5m
Side boundary ©	3.5m	3m
Side boundary (W)	3m	3m
Rear boundary (S)	Internal	8m
Car parking and Access		
On-site Car Parking	40 spaces	34 spaces
Materials		
<ul style="list-style-type: none"> • Brick wall cladding (PGH Santarini) • Aluminium frame windows and doors • Glass balustrades • Colorbond roof sheeting (Surfmist) 		

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Zone
<p>Objective 1: A residential zone comprising a range of dwelling types of up to two storeys.</p> <p>Objective 2: Dwellings at low to medium densities including new housing opportunities created through sensitive infill development of individual allotments and amalgamation of allotments and coordinated development particularly in close proximity to centres, public transport stops and public open spaces.</p> <p>Objective 3: The siting and design of development driven by contextual design considerations and environmentally sustainable outcomes.</p> <p>Objective 4: Development that contributes to the desired character of the zone.</p>
Desired Character
<p>The Residential Zone covers various areas of the council including Wayville, Parkside, Fullarton, Malvern and Myrtle Bank. These residential areas consist of a wide range of housing eras and land division patterns. Pockets of pre-1940's character housing are interspersed with homes built since 1950 and mainly comprise conventional detached housing, but also provide examples of other dwelling types including group dwellings, residential flat buildings and supported accommodation. The zone will continue to display a diversity of different building eras with pre-1940's character housing interspersed with sympathetic contemporary dwellings. Design responses may vary but are underpinned by local area context characterised by the rhythm and patterns of sites and buildings, particularly where sites adjoin lower density residential zones.</p> <p>The character of the Residential Zone will gradually evolve as sensitive infill re-development of existing sites occurs, complementing surrounding dwelling types and forms and having particular regard to the design and siting of built form. Whilst the dominant character is expected to be detached low density housing, smaller sites will also encourage other housing types, particularly semi-detached dwellings and small scale group dwellings. Medium density housing comprising residential flat buildings of up to 2 storeys in height is appropriate on larger sites and preferably in close proximity to centres, public transport and public open space</p>

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.

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.

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

Assessment

The subject land is currently occupied by an integrated nursing home development. The proposal is seeking to expand the current facilities onto immediately adjacent land to increase the number of beds from 80 to 100. The site of the new building has frontage to Glenferrie Avenue and contains a single storey dwelling (to be demolished).

The existing nursing home or supported accommodation is a form of residential development that is envisaged within the zone. While Objective 1 of the Residential Zone supports conventional dwellings types, such as detached and semi-detached dwellings, the Desired Character recognises that larger sites (i.e. greater than 5000m²) *“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”* (underlined for emphasis).

Accordingly, the proposal to expand the existing nursing home is considered to contribute to the desired character of the zone from a land use perspective and therefore satisfies Objective 4 of the Residential Zone.

Objective 2 and the Desired Character for the Residential Zone recognise that *“the character of the Residential Zone will gradually evolve as sensitive infill re-development of existing sites occurs, complementing surrounding dwelling types and forms and having particular regard to the design and siting of built form”*.

It is observed that the locality comprises predominantly single storey detached dwellings however there are notable examples of relatively large two storey dwellings and some infill development. Recent infill development is particularly evident toward the western end of Glenferrie Avenue and along Riverdale Road where allotments are smaller and narrower and buildings styles are typically modern.

While the Glenferrie Avenue streetscape has a predominantly single storey character, the objectives and desired character support development up to two storeys provided such development is complementary to the siting and form of surrounding buildings. Following public notification and in response to concerns raised by residents and Council staff, the applicant has amended the design of the proposed building. The amended proposal is considered to respond sympathetically to the local area context in so far as:

- the northern building façade addresses the street with a small gable roof and fenestration;

- the nearest front wall at ground level is setback 8 metres from the road boundary, which is consistent with the adjoining dwelling on the eastern side and provides sufficient area for landscaping;
- the size and scale of the upper storey has been reduced significantly so the built form presents to the street as a single storey building;
- the building would not appear cramped or visually overbearing due to the moderate height and scale and spatial separation to side and rear boundaries; and
- the upper storey would not be readily visible from the street as it would be setback 30 metres from the front boundary.

When balanced against the desired character for the zone and the existing local area context, the proposal is considered to sufficiently meet the Objectives and Desired Character for the Residential Zone.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 1 <i>The following forms of development are envisaged in the zone:</i> Affordable housing Domestic outbuilding in association with a dwelling Domestic structure Dwelling Dwelling addition Home office and dwelling Supported accommodation.</p>	<p>PDC 1 of the zone identifies “supported accommodation”, such as a nursing home as an envisaged form of development. The proposal comprises additions to an existing nursing home that will increase the number of beds and improve the current facilities for residents. The proposal satisfies PDC 1.</p>
<p>PDC 3 <i>Vacant or underutilised land should be developed in an efficient and complementary manner with the pattern of the established residential development but with dwellings at increased densities to provide greater housing choice.</i></p>	<p>The site of the proposed development comprises two existing residential allotments, one of which is currently vacant. PDC 3 encourages the efficient use of land through increased densities to provide greater housing choice.</p> <p>The proposal would expand the existing nursing home in an efficient and coordinated manner by utilising a vacant allotment and replacing an existing battle-axe dwelling that does not make a positive contribution to the prevailing streetscape.</p>
<p>PDC 8 <i>Development should primarily be in the form of street fronting dwelling types and of low to moderate scale, up to 2 stores in building height, where any upper level should be</i> (a) <i>integrated sympathetically into the dwelling and overall building design;</i> (b) <i>articulated along the façades, between floor levels and around rooflines to minimize building bulk and provide appropriate separation and a gradual transition to adjacent sites;</i> © <i>complementary to the contextual design</i></p>	<p>The proposed additions are designed with a simple form and low scale that address the street and ensures the built form does not overwhelm the streetscape. The size and scale of the building has been reduced, with the two storey component positioned some 30 metres from the road boundary. The significant separation from the road would “<i>minimise the building bulk and provide appropriate separation and a gradual transition to adjacent sites</i>”, in accordance with PDC 8.</p>

Relevant Zone Principles of Development Control	Assessment
<i>considerations (site and building patterns and forms) within the locality and contributes to the desired character.</i>	The simple building façades, low profile roof and boundary setbacks would complement the existing building pattern and character within the locality.
PDC 9 <i>Buildings should be designed in accord with the following parameters:</i> <i>Maximum height (from ground level) - 7 metres (2 storeys)</i> <i>Minimum setback from primary street boundary – 5 metres (wall height less than or equal to 4 metres)</i> <i>5 metres plus 1 metre for every 2 metres increase in wall height above 4 metres</i>	<p>While the proposed building height of approximately 9 metres to the ridge of the additions exceeds the maximum height of 7 metres prescribed by PDC 9, the height and scale of the building is acceptable in this instance given that the upper storey is well removed from front and side boundaries.</p> <p>The front boundary setback of 8 metres is also acceptable as it satisfies PDC 9 and would be consistent with the adjoining dwelling on the eastern side.</p>

Policy Area Desired Character

Infill Policy Area 12
Desired Character
<i>This policy area comprises two precincts with low growth residential compatible infill character and allotment sizes of 300 and 350 square metres. The policy area is widely dispersed in pockets across council from Wayville to Parkside, Fullarton, Malvern and Myrtle Bank in the east.</i>
Assessment
The desired character for the policy area envisages infill development that is compatible with the local area context. As considered above, the size, scale and siting of the proposed infill development would not be at odds with the desired character for the zone and policy area.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	Objectives	1, 2
	PDCs	1, 2, 3, 4, 5, 9, 10, 12, 13, 14, 15, 16, 18, 19, 20, 21
Energy Efficiency	Objectives	1, 2
	PDCs	1, 2, 3, 4
Form of Development	Objectives	1, 3, 4, 7
	PDCs	1, 2, 3
Interface Between Land Uses	Objectives	1, 2, 3
	PDCs	1, 2, 3
Landscaping	Objectives	1
	PDCs	1, 2
Public Notification	PDCs	1
Residential Development	Objectives	1, 2, 3, 4, 5
	PDCs	1, 5, 6, 7, 13, 14, 15, 16, 17, 19, 21, 23, 24,

		27, 28, 32, 33, 34, 36, 37, 38, 39, 41, 42, 45, 46, 51, 56, 57, 58, 59, 60
Transportation (Movement of People and Goods)	Objectives	1, 2, 3, 5, 6
	PDCs	1, 3, 5, 9, 10, 12, 13, 14, 16, 18, 19, 20, 21, 22, 24, 30, 31
Waste	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16

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

Relevant Council Wide Provisions	Assessment
Landscaping	
<i>PDC 1 – Landscaping</i>	<p>A comprehensive landscaping scheme has been prepared for the development that includes a variety of trees, shrubs and grasses within designated areas adjacent to the road frontage and side and rear boundaries. The landscaping location, coverage and plant species would sufficiently soften the curtilage of the proposed building provide shading for north-facing windows.</p> <p>The proposed landscaping would enhance the street appearance of the development and make a positive contribution to the internal amenity and safety of patrons. Council Wide PDC 1 is satisfied.</p>
Residential Development	
<i>PDC 13 & 14 – Side and Rear Boundary Setbacks</i>	<p>Council Wide PDC 13 recommends a minimum setback of one metre from side boundaries for single storey walls and 3 metres for two storey walls up to 7 metres in height. While this principle is specific to new dwellings, it is considered an appropriate guide in this instance given the residential nature of the development and the interface with residential properties on both sides. The proposed additions are setback from side boundaries at a minimum of 2.3 metres at ground level and 3 metres at the upper level, which accords with PDC 13.</p> <p>The boundary setbacks would sufficiently minimise any overshadowing or visual intrusion.</p>
<i>PDC 38 & 39 – Overlooking / Privacy</i>	<p>Several of the representations raised concerns with the potential for overlooking from the upper storey of the proposed additions. In response to these concerns, the proposal has been amended with two upper storey apartments removed and screening has been provided to balconies. Side windows have either raised sills or obscure glass to a height of 1.7 metres above the floor level.</p> <p>The proposed window and balcony treatments are considered adequate in maintaining the privacy of neighbouring properties in accordance with Council Wide PDC 38 and 39.</p>

<p>PDC 41 – Overshadowing and Natural Light</p>	<p>Given the two-storey scale of the proposed building it is reasonable to expect that some shadow would be cast over the adjoining properties during winter months.</p> <p>Although the extent of overshadowing would not be significant given the north to south orientation of the land and boundary setbacks, the applicant has provided a series of shadow diagrams for the winter solstice. The shadow diagrams confirm that the rear private open space and main habitable room windows of adjoining residential properties to the east and west would continue to have adequate access to sunlight in accordance with Council Wide PDC 41.</p>
<p>PDC 56 & 57 – Supported Accommodation</p>	<p>The proposed additions will be linked to the existing nursing home facility with additional on-site facilities provided, such as gym, dining, theatre, treatment and lounge areas, for new and existing residents. The proposed facilities have been carefully designed to provide residents and visitors with a safe, secure, convenient and comfortable living environment as required by Council Wide PDC 56 and 57.</p>
<p>Transportation (Movement of People and Goods)</p>	
<p>PDC 13 & 20 – Vehicle Access and Car Parking</p>	<p>The original proposal included a new vehicle access onto Glenferrie Avenue. This access has been removed from the proposal. All vehicles are required to enter the site via the existing driveway access from Cross Road. The additional traffic movements generated by the proposed development would not be significant. This has been confirmed by the applicant's traffic consultant, Phil Weaver & Associates, in which the additional peak hour trip generation has been estimated at 5 trips. The provision of 20 additional beds would therefore have minimal impact on the volume and frequency of vehicle traffic.</p> <p>There is an existing basement car park with 40 parking spaces for staff and visitors. The proposal does not include the provision of any additional on-site car parking. In terms of on-site car parking requirements, <i>Table Un/5 – 'Off Street Vehicle Parking Requirements'</i> prescribes a car parking rate of 1 space per 3 beds for a residential aged care facility. On the basis of the proposed development resulting in a maximum of 100 beds, there is a Development Plan requirement for at least 34 on-site car parking spaces. With 40 existing car parking spaces, there would be adequate car parking available on the site during peak periods.</p> <p>Given the above considerations, the existing facility would continue to provide safe and convenient access and sufficient on-site car parking to meet peak demands. Accordingly, the proposal would not lead to conditions detrimental to the free flow and safety of pedestrian and vehicular traffic on the surrounding road network.</p>

12. DISCUSSION

Concerns have been raised by a number of residents that the proposed pedestrian access gate to Glenferrie Avenue would encourage staff and delivery vehicles to park within Glenferrie Avenue.

Whilst this access could be used by staff and for deliveries, it is considered unlikely to be used frequently due to the substantial distance from the main servicing facilities within the basement and reception areas and because of the narrow width and doorways.

The applicant has also indicated that all service vehicles, visitors and deliveries will be required to enter the facility via Cross Road.

As such, it is considered that any parking generated as a result of the pedestrian gate to Glenferrie Avenue would be minimal and would not unreasonably impact on the car parking conditions within the area.

13. CONCLUSION

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

- The proposal would expand an existing nursing home, which is an envisaged form of development within the Residential Zone;
- The size, scale and appearance of the proposed development would respond sympathetically to the local area context;
- The design and siting of the proposed additions are such that the development would not adversely impact upon the amenity of neighbouring properties, in terms of visual impact, loss of privacy or access to natural light;
- There is sufficient on-site car parking provision and safe and convenient access so as not to lead to conditions detrimental to the free flow and safety of pedestrian and vehicular traffic within the site and on the adjacent road network;
- The proposal incorporates appropriate measures for passive surveillance in order to achieve a safe and pleasant environment for residents and visitors; and
- The proposal includes significant landscaping that would enhance the street appearance and internal amenity of the development and provide a soft interface.

The application is therefore recommended for Development Plan CONSENT.

14. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/584/2018/C3 at 7A & 9 Glenferrie Avenue and 30 & 32 Cross Road, Myrtle Bank to Construct two storey nursing home additions at 7A and 9 Glenferrie Avenue and vary Development Approval 400/2013/C3 at 30 and 32 Cross Road by undertaking internal alterations (increasing the total number of nursing home beds across the site to 100) 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 all landscaping shall be planted in accordance with the approved plan (Overall Landscape Plan prepared by Jensen Plus, Rev B P3319C dated August 2019). The landscaping shall be planted within three (3) months of the occupancy of the development and any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping and replace any plants which may become diseased or die.
3. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
4. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
5. That all upper level floor windows and balconies shall be treated to avoid overlooking prior to occupation by being fitted with either raised sills, permanently fixed non-openable obscure glazed panels or solid privacy screens to a minimum height of 1700mm above floor level with such glazing or screens to be kept in place at all times. Details of privacy treatments shall be provided to the reasonable satisfaction of Council prior to Development Approval.
6. Beds shall be provided within the nursing home complex for no more than 100 people at any one time.
7. The existing crossover to Glenferrie shall be removed and the kerb and channel be reinstated to the reasonable satisfaction of Council and at the cost of the applicant.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

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

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

ITEM 2**DEVELOPMENT APPLICATION – 090/589/2019/C2 – 17 & 19-21 FOSTER STREET, PARKSIDE SA 5063 (PARKSIDE)**

DEVELOPMENT APPLICATION NUMBER:	090/589/2019/C2
ADDRESS:	17 & 19-21 Foster Street, Parkside SA 5063
DATE OF MEETING:	11 November 2019
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Carry out alterations to existing aged care facility and undertake a change of use to 17 Foster St (from detached dwelling to dwelling and aged care facility) including the demolition of swimming pool, sheds, verandah and construction of an aged care addition (comprising of 4 bed rooms, lounge and storage areas)
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 8 - Compact Precinct 8.4 – Parkside (South)
APPLICANT:	Mark Nield
OWNER:	St Louis Nursing Home Pty Ltd and 17 FOSTER PTY LTD
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (6 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Car Parking Impact on existing dwelling at 17 Foster Street Impacts to neighbouring properties

1. PLANNING BACKGROUND

7/1980/DA – Development Approval granted over land addressed as 21 Foster St, Parkside for *'establishment of a lodging house'*.

40/1982/DA – Development Approval granted over land addressed as 21 Foster St, Parkside for *'construction of additions to an existing nursing home'*.

1036/2002/DX – Development Approval granted over land addressed as 19 & 21 Foster St, Parkside to '*Demolish one existing dwelling at 19 Foster Street and construct alterations and additions and alterations to existing Aged Care Facility*'.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to:

- Carry out alterations to existing aged care facility at 19-21 Foster Street, including converting four, two bed (occupant) rooms to single bed (occupant) rooms;
- Change the use of 17 Foster Street from a detached dwelling to a dwelling and aged care facility;
- Retain the existing dwelling and demolish swimming pool, sheds and verandah at 17 Foster Street;
- Construct an addition to the existing aged care facility at the rear of 17 Foster Street.

3. SITE DESCRIPTION

The subject land is comprised of two allotments, being:

- 19-21 Foster St, Parkside (St Louis Nursing Home) on Allotment 67 on Deposited Plan 64057, Volume 5916, Folio 667
- 17 Foster St, Parkside on Allotment 401 on Deposited Plan 1005, Volume 5473, Folio 264

A separate description of the two allotments is provided below:

19-21 Foster St, Parkside

19-21 Foster St contains the St Louis Nursing Home, a 45-bed aged care facility with 24-hour nursing and personal care support. The St Louis Nursing Home is located on an allotment that has a frontage of 54.87 metres to Foster St and an overall site area of 3,358m². The allotment has the benefit of easement over land at 34B Blyth St, Parkside for the purposes of the transmission of electricity by an underground cable.

The building is single storey in height and has one vehicle entrance point located near the western boundary. There are seven (7) parking spaces provided on site.

17 Foster St, Parkside

17 Foster Street contains a single storey detached dwelling with outbuildings and a swimming pool located in the rear yard. The dwelling appears to be a modified Cottage. There is an existing vehicle access point along the western side of the allotment.

The subject allotment has a site area of 1,174.1m² and a frontage of 24.38 metres.

There are no easements or regulated trees affecting this allotment.

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential. The aged care facility is also considered to be residential use as it is a provider of housing, being supported accommodation.

It is noted that the properties addressed as 34B and 36A Blyth Street, Parkside that abut the rear of 19-21 Foster St, are also owned by St Louis and operate as five (5) independent living units.

Land Division/Settlement Pattern

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

Dwelling Type / Style and Number of Storeys

There are a range of dwelling types and styles, with single storey detached dwellings being predominant.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

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

1. 34 Foster St, Parkside (oppose – wishes to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
Traffic generation and lack of onsite parking currently	<p>The maximum number of beds within the facility is not increased. The number of occupants within the facility is not increased. The number of staff members or visitors is not increased. On this basis, the existing car parking shortage is not exacerbated.</p> <p>In considering ERD Court matters, any shortfall in car parking with an existing use is lawful and does not need to be rectified for additional development.</p>
Onsite loading conditions are not adequate, and trucks block the road when unloading	<p>The proposal will not increase traffic movements, including deliveries.</p> <p>Deliveries to the site attempt to be coordinated to avoid peak times however this is not always achievable given the general operating procedures of the delivery business.</p>
2. 28 Foster St, Parkside (oppose – wishes to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
Facility does not have adequate parking for staff or visitors, resulting in crowding on Foster St. More parking needs to be provided on site.	<p>The maximum number of beds within the facility is not increased. The number of occupants within the facility is not increased. The number of staff members or visitors is not increased. On this basis, the existing car parking shortage is not exacerbated.</p> <p>In considering ERD Court matters, any shortfall in car parking with an</p>

	existing use is lawful and does not need to be rectified for additional development.
Facility does not have easy access for deliveries or removal of rubbish. Proper access needs to be provided on site.	<p>The proposal will not increase traffic movements, including deliveries.</p> <p>Deliveries to the site attempt to be coordinated to avoid peak times however this is not always achievable given the general operating procedures of the delivery business.</p> <p>All deliveries, where possible, will be made onsite and in addition, deliveries will be made as quickly as possible to minimise interference.</p>
3. 24 Foster St, Parkside (oppose – does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
Insufficient car parking is currently provided and an increase in size will only exacerbate the issue. An increase in off street parking should be provided.	<p>The maximum number of beds within the facility is not increased. The number of occupants within the facility is not increased. The number of staff members or visitors is not increased. On this basis, the existing car parking shortage is not exacerbated.</p> <p>In considering ERD Court matters, any shortfall in car parking with an existing use is lawful and does not need to be rectified for additional development.</p>
Potential to increase traffic flow	The proposal will not increase traffic movements, including deliveries.
4. 34 Foster St, Parkside (oppose – does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
Traffic generation and lack of carparking resulting in staff and visitors parking on the street. Need to increase onsite parking.	<p>The maximum number of beds within the facility is not increased. The number of occupants within the facility is not increased. The number of staff members or visitors is not increased. On this basis, the existing car parking shortage is not exacerbated.</p> <p>In considering ERD Court matters, any shortfall in car parking with an existing use is lawful and does not need to be rectified for additional development.</p>
Existing loading zone not sufficient resulting in trucks blocking road and driveways. Need to provide an	Deliveries to the site attempt to be coordinated to avoid peak times however this is not always achievable

allocated area for trucks to load/unload onsite.	<p>given the general operating procedures of the delivery business.</p> <p>All deliveries, where possible, will be made onsite and in addition, deliveries will be made as quickly as possible to minimise interference.</p> <p>Council has painted yellow lines on the Road to prohibit parking close to either side of driveways. The proposal will not result in any changes to this arrangement.</p>
5. 30 Foster St, Parkside (oppose – does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
The expansion will require additional external support and therefore more parking in street and more truck deliveries being made. Need to provide adequate staff parking on site and restrict times of delivery vehicles.	<p>The maximum number of beds within the facility is not increased. The number of occupants within the facility is not increased. The number of staff members or visitors is not increased. On this basis, the existing car parking shortage is not exacerbated.</p> <p>In considering ERD Court matters, any shortfall in car parking with an existing use is lawful and does not need to be rectified for additional development.</p> <p>Deliveries to the site attempt to be coordinated to avoid peak times however this is not always achievable given the general operating procedures of the delivery business.</p>
Failure to plan continuous expansion properly has led to lack of integration of total needs of staff parking and deliveries.	Council must limit its assessment to the application before them, without considering what developments may, or may not, come in the future.
6. 34A Foster St, Parkside (oppose – does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
Understand that there is no increase to parking demand however this ignores that there is currently insufficient parking onsite (there should be 15 onsite parks) resulting in inconvenience and nuisance to residents of Foster St.	<p>In considering ERD Court matters, any shortfall in car parking with an existing use is lawful and does not need to be rectified for additional development.</p> <p>Noise within the street can only be managed to a certain extent however the applicant is happy to advise all staff about the neighbours' concerns and request they enter and exit in a quiet and respectful manner.</p>

Likely will be further expansion to the west and therefore would like to know future vision that will include on site parking and maintaining the streetscape character of Foster St.	Council must limit its assessment to the application before them, without considering what developments may, or may not, come in the future.
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(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Aged Care Facility	Development Plan Provision
Total Site Area	4,532.1m ²	500m ²
Frontage	79.25m	15m
Building Characteristics		
Floor Area		
Addition	228m ²	
Total Facility	2,295m ²	
Site Coverage		
Roofed Buildings	57.7% including all existing buildings over site	≤50% of site area
Setbacks		
Aged Care Addition		
Front boundary (north)	35.8m	7.0m (Policy Area)
Side boundary (east)	3m	1.0m (Policy Area)
Side boundary (west)	0m – to join with existing	1.0m (Policy Area)
Rear boundary (south)	2.24m	N/A
Car parking and Access		
On-site Car Parking	Aged Care Facility: As Existing	1 space per 3 beds
	Existing Dwelling: Up to 5 spaces	2 on-site spaces
Covered on-site parking	0	≥1 car parking space
On-street Parking	As existing	0.5 per dwelling
Colours and Materials		
Roof	Colorbond roof cladding to match existing and timber look cladding to gables	
Walls	Combination of brick veneer and split face sandstone to match front of dwelling	
Fencing	1.8m high Colorbond fence to match existing	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape (Built Form) Zone
<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>
<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>
<i>Objective 3: Retention and refurbishment of buildings including the sensitive adaptation of</i>

large and non-residential buildings as appropriate for supported care or small households.

***Objective 4:** 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.*

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 proposed development will have no impact on the existing streetscape character of Foster Street as the additions are to be located to the rear of the existing dwelling. Both the existing aged care facility and dwelling front onto Foster Street and no changes are proposed to these existing buildings that will affect their presentation to the street.

The proposed addition will not result in an increase in bed numbers or staff, but rather allows for four of the existing two bed/occupant rooms to be converted to single bed/occupant rooms. The addition will provide four new single bed/ occupant rooms as well as a lounge, storage and an outdoor area with landscaping. These additions will maintain the residential nature of the site.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 2 - General <i>Development should comprise:</i></p> <ul style="list-style-type: none"> (a) <i>alterations and/or additions to an existing dwelling; and</i> (b) <i>ancillary domestic-scaled structures and outbuildings; and the adaptation of, and extension to, a building to accommodate and care for aged and disabled persons, or for a multiple dwelling or residential flat building; and</i> (c) <i>selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and</i> (d) <i>Replacement of a building or site detracting from the desired character of a precinct with respectful and carefully designed building(s).</i> 	<p>The proposed development satisfied PDC 2(b) as it involves:</p> <ul style="list-style-type: none"> • An extension to a building that currently accommodates aged persons in need of care and support.
<p>PDC 4 – General <i>Alterations and additions to a building should be located primarily to the rear of the building and not be visible from the street or any public place unless involving the dismantling and replacement of discordant building elements so as to better complement the building's original siting, form and key features.</i></p>	<p>The proposed addition satisfies Zone PDC 4 as:</p> <ul style="list-style-type: none"> • it is to be located to the rear of the existing detached dwelling; • it will be connected to the south eastern corner of the existing St Louis Nursing Home; • will have only marginal visibility to the street; • is to replace existing ancillary outbuildings and structures; • it will have no impact on the siting or form of the dwelling within the streetscape.
<p>PDC 5 – General <i>Adaptation, expansion or redevelopment of a building for a community or non-residential use should be:</i></p> <ul style="list-style-type: none"> (a) <i>confined to an existing non-residential building or its site; and</i> (b) <i>of a form and nature readily able to accommodate such a use; and</i> (c) <i>of a small scale and low impact, or serving a local community function, and in any event have minimal impact on abutting or nearby residential occupiers.</i> 	<p>The proposal includes the expansion of an existing aged care facility into an adjoining residential property. The existing dwelling at 17 Foster Street is owned by aged care facility, however is to remain as a privately occupied dwelling.</p> <p>An aged care facility is considered to be a residential use and furthermore the existing street fronting dwelling is to be retained thereby maintaining the residential nature and form of the locality.</p>

Policy Area Desired Character

Policy Area 8 - Compact

Desired Character

This policy area contains five precincts located across the northern parts of City of Unley near the Parklands fringe, from Forestville in the west to Parkside in the east.

The desired character and streetscape attributes to be retained and enhanced for each of these precincts is set out below. The table below identifies in detail the differences between the six precincts in terms of the predominant:

- (a) allotment widths and sizes; and*
- (b) front and side building setbacks including the collective side setbacks.*

The streetscape attributes include the:

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

Development will:

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

Assessment

The subject site is located within the Compact Policy Area of the Residential Streetscape (Built Form) Zone and more specifically within Precinct 8.4 – Parkside (south). The existing dwelling is to be retained to the street and therefore there will be no impact on the existing streetscape in regards to allotment widths and frontages as well as front and side setbacks.

The design of the addition will have little consequence to the streetscape character, however it is noted that:

- it is single storey in height;
- is designed to complement the existing aged care facility;
- will include landscaping, particularly along the common boundaries;

- will have a total building height less than the existing dwelling;
- a fence will be erected between the dwelling and aged care facility.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Crime Prevention	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Design and Appearance	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 13
Energy Efficiency	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3
Form of Development	<i>Objectives</i>	1, 2, 3, 4, 7
	<i>PDCs</i>	1, 2, 3, 12
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Residential Development	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	1, 14, 17, 19, 23, 24, 26, 28, 32, 33, 34, 36, 41, 45, 46, 55, 56, 57

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 17 – Site Coverage	<p>The proposed development will have a total site coverage that exceeds 50% of the site area. It is noted however that:</p> <ul style="list-style-type: none"> • due to the inclusion of 17 Porter Street in the site area, the overall site coverage for the aged care facility has decreased; • the total site coverage of 57% is considered to be within the acceptable limits for residential properties across South Australia (i.e. 60% site coverage is the limit accepted by a majority of traditional residential zones across Adelaide); • supported accommodation at a higher density than traditional residential uses is envisaged development in this Zone; • communal outdoor areas and landscaping have been provided to allow for some permeability of water into the ground as well as providing relief from hard surfaces; • the addition is to be connected to the existing stormwater system and therefore any additional runoff has been considered. <p>Given the above, it is considered that the proposed additional roof area is acceptable.</p>
PDC 45 & 46 – Car Parking	The proposed addition to the Aged Care Facility will not result in an increase in bed numbers. The number of beds is the measurement to which car parking requirements are

Relevant Council Wide Provisions	Assessment
	<p>calculated. Under the current Development Plan, one car park per 3 beds should be provided. As no additional beds are proposed, no additional on-site car parking is required.</p> <p>In regards to the dwelling to be retained on 17 Porter Street, it will lose an outbuilding that is likely used to accommodate two vehicles. There remains however sufficient space to accommodate up to five vehicles on the dwelling site, which satisfies the provisions of Table Un/5 of the Unley Development Plan.</p>
PDC 56 & 57 – Supported Accommodation	<p>The proposed development is for an addition to an existing supported accommodation use. The addition not only includes four new bedrooms but also incorporates storage, a lounge area, a covered outdoor area and landscaping. These facilities will be in addition to those already provided for St Louis Nursing Home but further add to the attractive, convenient and comfortable living conditions for residents.</p>

11. DISCUSSION

Existing Dwelling

In regards to the existing dwelling that is to be retained on 17 Foster Street, it is noted that:

- 5 parking spaces can be located onsite, alongside the dwelling and on the existing driveway;
- Whilst there are no covered vehicle spaces provided, it is considered that there is sufficient space for a carport or garage to be erected that will satisfy the relevant provisions of the Development Plan;
- The dwelling has a site coverage of 33.8% when considering only the land to which the dwelling will be contained within (i.e. not the part of the allotment that is for the aged care facility);
- Private open space is available to the side of the dwelling and equates to 27% of the land to which the dwelling is contained within.

Given this, it is considered that the proposed development does not restrict the existing dwelling from continually being utilised for its primary function.

Rear Boundary Setback

It is advised that the Council Wide Residential Development provisions specifies the minimum rear boundary setback for dwellings as being 5 metres where the building height does not exceed 4 metres on a site greater than 300 square metres in area. The Development Plan however does not specify the minimum rear boundary setback for supported accommodation. Regardless, the rear setback of the St Louis Nursing Home addition is considered to be acceptable as:

- It is consistent with the rear setback of the existing facility;
- Exceeds the minimum Building Code setback requirements;
- The subject rear boundary is adjacent to private open space areas of the adjacent properties, all of which are well landscaped;
- The existing garage and shade structures (to be demolished) are located on the rear boundary and therefore having a setback is an improvement on existing conditions;
- Will allow for the provision of adequate sunlight to the adjacent properties.

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 will have no impact on the built form character of the street;
- The proposed development will not result in an increase to the number of beds and staff;
- The dwelling to be retained to 17 Foster Street continues to be provided with sufficient private open space and onsite vehicle parking options for residential purposes;
- The addition to the aged care facility meets the setback provisions of Policy Area 8;
- The additions will be single storey in height and will be designed to complement the existing aged care facility, therefore will have no undue impact to the visual amenity and access to sunlight for the neighbouring properties.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/589/2019/C2 at 17 & 19-21 Foster Street, Parkside SA 5063 to 'Carry out alterations to existing aged care facility and undertake a change of use to 17 Foster St (from detached dwelling to dwelling and aged care facility) including the demolition of swimming pool, sheds, verandah and construction of an aged care addition (comprising of 4 rooms, lounge and storage areas)', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.
- 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.

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

ITEM 3**DEVELOPMENT APPLICATION – 090/411/2019/C2 – 12 LANOR AVENUE, MILLSWOOD SA 5034 (GOODWOOD)**

DEVELOPMENT APPLICATION NUMBER:	090/411/2019/C2
ADDRESS:	12 Lanor Avenue, Millswood SA 5034
DATE OF MEETING:	11 November 2019
AUTHOR:	Paul Weymouth
DEVELOPMENT PROPOSAL:	Demolish existing dwelling and construct single storey dwelling including basement, veranda and garage on boundary
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	RESIDENTIAL STREETSCAPE (BUILT FORM) ZONE P 9.4
APPLICANT:	Kate Russo
OWNER:	Suanne May Swan
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (4 valid, 1 invalid)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations Recommendation for refusal
RECOMMENDATION:	Refusal
KEY PLANNING ISSUES:	Demolition Streetscape Character

1. PLANNING BACKGROUND

The following approvals are relevant to the subject site:

695/2004/C2 *Demolish existing outbuildings and construct new carport facing Lanor Lane with store and verandah.* - Approved

421/2013/C1 *Erect Front Fence* - Approved

329/1986/BA *Swimming Pool* - Approved

2. DESCRIPTION OF PROPOSAL

The application proposes to demolish the existing 1900s villa style dwelling and construct a new single storey detached dwelling at 12 Lanor Avenue Millswood.

In summary the application includes:

- Demolition of the existing 1900's villa style dwelling and all other structures on the land including swimming pool and front fence.
- Construction of a new single storey contemporary dwelling fronting Lanor Avenue with a double garage fronting Lanor Lane.
- The dwelling is setback 5.4m from Lanor Avenue 1.5m from the eastern and western boundary. The double garage is located on the Lanor Lane property boundary.
- The dwelling incorporates a basement that is wholly contained underground and includes store, gym, cellar and theatre room.
- A replacement front fence with a total height of 1.8m, including rendered masonry base to a height of 1.2m and 600mm high vertical blades.

3. SITE DESCRIPTION

The subject site is generally flat, rectangular shaped allotment with frontage to both Lanor Avenue and Lanor Lane of 17.6m and depth of 46.25 and 46.3m. The allotment has a total area of 822.8m².

There is an existing single storey dwelling on the subject land setback approximately 8m from Lanor Avenue.

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

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. LOCALITY DESCRIPTION

Land Use

The dominant land use within the locality is residential.

Land Division/Settlement Pattern

The land division/settlement pattern is characterised by spacious rectangular allotments typically of the order of 800m² to 1000m² comprising detached dwellings fronting Lanor Avenue. Front setbacks within the locality are typically in the range of 6 to 8m. The streetscape is characterised by avenues of trees and landscaped front gardens.

Dwelling Type / Style and Number of Storeys

The streetscape of this locality is characterised by a predominance of villa style dwellings with a small number of bungalows, a 1950s era dwelling and some reproduction dwellings towards the western end of Lanor Avenue.

Immediately adjacent the site at numbers 10 and 14 are single storey dwellings that display Federation Queen Anne style influences. The Streetscape character is representative of the desired character sought by Policy Area 9.4.

Fencing Styles

Fencing styles are generally mixed however typically comprise low and open style fencing including, hedges, brush as well as pier and beam and timber picket. There is no consistent fencing style.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Council Heritage Advisor who has provided the following detailed advice:

I last provided advice in connection with the proposed development in the advice dated 29 August 2019. Since then there has been some amendments, which I believe include the following:

- *Reconfiguration of the south-western pavilion to a gable roof form with the gable facing west.*
- *Addition of a shading or verandah element in front of the south-western pavilion.*
- *Alterations to the design of the front fence.*

Despite the amendments made, I remain unable to support the proposed development for reasons described below.

Streetscape Character.

The streetscape character of the locality is derived from a predominance of Federation and Queen Anne villas and cottages dating from around 1900 through to the First World War and some Bungalows from the 1920s. While the architectural styles vary, the dwellings are linked by their age and some typical architectural traits including hipped and gabled roof forms, relatively consistent building proportions, wall heights and façade widths, roof forms, volumes and shapes, verandahs, fine grain detailing and use of materials.

Although it should be acknowledged that there has been some replacement development in the locality, there does appear to be a predominance of dwellings from the 1900 to 1920s period and it is the Federation and Queen Ann villas and cottages and Bungalows that are most prominent and contribute most to the streetscape character.

Proposed demolition of the existing dwelling.

The existing dwelling is an early 1900s villa with Federation stylistic influences. The existing dwelling retains its early form and many typical features including tiled roof, gable with timber strapping and rendered chimneys. Front and side setbacks of the dwelling are consistent with the prevailing pattern of development. Despite noting some changes to the façade, my initial impression from the street back in July was that the dwelling was consistent with and made a positive contribution to streetscape character and was consistent with Zone and Policy Area Desired Character.

In any event, I remain of the opinion that the proposed development does not make a comparable or more positive contribution to desired character than the existing dwelling.

Since my initial advice, Douglas Alexander has inspected the place and advised that the changes to the dwelling are substantial and include rendering the front façade, adding rendered embellishments and a concave verandah on the western side. Although I have not inspected the dwelling, based on the information provided and what can be seen from the street, I agree with Douglas Alexander that this appears to be an attempt to make the dwelling look more “Victorian” in style. Douglas advises that, in his view, the rendering is irreversible. Unfortunately, as a consequence, much of the original character of the architecture of the dwelling has been lost.

Following a meeting with the applicants on 29 August 2019 I advised that: “Douglas presented a case for demolition based on the alterations to the dwelling that have undermined its integrity. Based on the information provided, I think it likely that a case for demolition can be substantiated under PDC 6 (b) or possibly, (c).” I remain of this view although the reports provided with the application do not explicitly demonstrate why there is no reasonable prospect of revealing the original character of the dwelling. In this respect, I suspect that works to “restore” the original character would include render removal (if it is possible without damaging the original façade and Douglas doesn’t seem to think so), works to conserve the masonry façade after render removal, removal of the existing verandah, reconstruction of a new verandah in a style to match the original dwelling style, reconfiguration of the roof in the vicinity of the verandah (matching of tiles may be difficult), new windows to replicate the Federation style, timberwork conservation, painting and sundry works including stormwater and paving upgrades and new front fence. The process would be costly and much of the reconstruction would be conjectural because we don’t know exactly what the original dwelling looked like.

Although the argument is not explicit in the reports provided, I therefore think that there is some case for demolition under PDC 6(b).

If the case for demolition under PDC 6(b) is accepted, the replacement dwelling does not need to make a comparable or more positive contribution to desired character.

The replacement dwelling should however suitably reference the contextual conditions of the locality and have regard for the streetscape values and streetscape attributes referenced in relevant policy. In my advice of 29 August 2019, I stated that:

I am unable to say that the proposed development suitably references the contextual conditions of the locality and contribute positively to the desired character, particularly with reference to the Streetscape Value and Streetscape Attributes described in Zone Desired Character and more specifically in Policy Area provisions.

Amongst other things, relevant policy refers to “the consistent and recognizable pattern

of traditional building proportions including wall heights and widths of facades, and roof height, volumes and shapes...” and “the iconic and defining design features including, in particular the detailed composition and use of materials on facades and roofing...”. In addition, it states that “there is a consistent and recognizable pattern of traditional building proportions...” and mentions “verandahs and pitched roofs” as key elements. While the proposed development is a “high quality contemporary design” and doesn’t replicate historic styles, it does not “suitably reference the contextual conditions of the locality”, (Zone PDC 10).

The proposed development.

I remain of the view that the proposed development is a high quality contemporary design that does not replicate historic styles, (Zone PDC 10). Furthermore, the design allows for front garden landscaping commensurate with prevailing character. Proposed materials and finishes are reasonably compatible with the traditional character evident in the streetscape albeit a slightly darker colour for roofing would recede more and achieve better compatibility.

There are however several of the aspects of the design of the proposed replacement dwelling that are inconsistent with relevant policy and, as a consequence, the design does not sufficiently reference the contextual conditions of the locality and contribute positively to the desired character as is sought.

Matters of concern include the following:

- *Insufficient front setback. The proposed dwelling is forward of traditional dwellings adjacent and nearby, affording it more prominence in the streetscape. There appears to be an inconsistency in that the front setbacks on the plans provided appear to be shown to the verandahs of existing dwellings and to the front wall of the proposed dwelling. This is relevant because the south-western pavilion of the proposed dwelling has a large projecting roof eave with wing walls and the south-eastern pavilion has a relatively large portal frame element that wraps around the façade. Both are relatively dominant elements when viewed from the streetscape, diminishing the apparent front setback to the main walls.*
- *Although single storey, there is a scale differential between the proposed dwelling and traditional dwellings nearby. This is predominantly a consequence of the relatively large portal framed pavilion on the eastern side and the elements within the facade. In addition, the street elevation diagram lacks sufficient detail, heights and levels to be confident that the relationship between the proposed dwelling and adjacent dwellings is accurately depicted.*
- *The proposed dwelling appears more bulky than traditional dwellings nearby and does not exhibit a fine grain detail. Hipped and gabled roof forms, layering of façade elements and a high degree of modulation and articulation break down the relative bulk of traditional dwellings. In addition, angled roof forms of historic dwellings increase the sense of space between built form and break down relative bulk. Fine grain detail in traditional dwellings further breaks down bulk and scale and adds visual interest.*
- *The proposed dwelling presents a rectilinear elevation form to the streetscape. Although it is viewed in three dimensions, it still appears bulkier than traditional built forms. The gable roof form of the south-western pavilion is orientated parallel with the street rather than perpendicular to the street, contrasting with traditional dwellings and increasing apparent bulk. The roof pitch is also relatively low.*
- *The wall height of the eastern element of the proposed dwelling is substantial and does not reflect the wall heights of traditional dwellings.*
- *Street frontage width of the proposed dwelling. The proposed dwelling is wider than traditional dwellings, increasing its streetscape impact. This is not necessarily of concern in itself but contributes to the contrast between the proposed dwelling and traditional dwellings and further increases the relative prominence of the proposed dwelling.*

- *There is insufficient information regarding the proposed fence to determine accurately how “open” it might be. Depending upon the size and spacing of metal blades, the fence could appear to be relatively solid.*

While relevant policy does seek buildings that are of a high-quality contemporary design that does not replicate historic styles, it does seek buildings that nonetheless suitably reference the contextual conditions of the locality. In my opinion, the proposed development does not go far enough in suitably referencing the contextual conditions of the locality and the streetscape values and streetscape attributes described in relevant policy and evident in traditional buildings in the locality.

I am therefore unable to support 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 four valid representations and one invalid representation was received as summarised below.

The invalid representation was received from the owner of 18 Lanor avenue, which is from a property located outside of the statutory category 2 consultation area.

1) 5 Lanor Avenue Millswood (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Use of steel fabrication as part of the exterior design contributes to the lack of architectural integrity in relation to the existing houses in Lanor Avenue.	The proposed design proposes a brick and rendered masonry building form with matt colour bond metal roof. These traditional materials are consistent and evident in the street locality which consists of brick and masonry walls.
The front facing exterior wall has no relationship to the style and presentation of the frontage of existing houses in the street	The development plan allows for contemporary new buildings to be of high-quality contemporary design and not replicate historic styles. The proposal has been designed to complement and not compete with adjacent dwellings.
2) 11 Lanor Avenue Millswood (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
The square design is more in keeping with a commercial building character than residential and is not complementary to the existing streetscape character.	The proposed design is for a single storey detached family home within a garden setting. It is not proposing a commercial building or a commercial look. The proposed materials are consistent and in keeping with the varied materials within the street locality.
3) 14 Lanor Avenue Millswood (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
The development will result in overshadowing from the 5.4m high wall situated 1.5m to 1.8m from the boundary	The orientation of the site and the articulated floor plan with varying wall heights minimises overshadowing and ensures any overshadowing occurs for a short time in either the morning or the afternoon
The proposed development requires a minimum side setback of 3m . The collective setback reduced from 9.45	The side setbacks maintain a minimum 5m separation between buildings.

to 5.3 is unfair to our property as the proposed development will only contribute 1.5m.	
The proposal does not meet the desired character and will have a negative impact of the existing streetscape	The proposed design reflects the residential zone requirements for new buildings to be of high-quality contemporary design and not reflect historic styles.
The proposal seeks to demolish a dwelling that fits with the desired character.	As per the report by Douglas Alexander the existing building in its altered state adds little value to the desired character due to its discordant form and potential poor streetscape contribution.
There are inaccuracies and misrepresentations in the plans, for example the 5.4m wall extends beyond the northern wall of our home by 1.1m.	
The photomontage is misleading as it does not show our property and gives the impression of a significant distance between the proposed house and the boundary.	
4) 15 Lanor Avenue Millswood (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>The development will negatively impact on the character and general appearance of the street.</p> <p>Two original properties have been demolished in the past and replaced with villa style housing that suit the streetscape</p> <p>The development does not satisfy the Streetscape Built Form Zone policies</p> <p>12 Lanor is a Queen Anne Villa built circa 1915 and is part of a distinct group including numbers 18,16,14,12,10 on the northern side and 15 and 9 on the southern side.</p> <p>The proposal does not seek to retain or enhance the existing streetscape attributes</p> <p>The proposed design does not reflect the Queen Anne Style in the façade or preserve the prevailing architectural style and characteristic built form</p> <p>The proposal does not present traditional building proportions</p>	<p>The development plan allows for contemporary new buildings to be of high-quality contemporary design and not replicate historic styles. The proposal has been designed to complement and not compete with adjacent dwellings.</p>

<p>The proposal does not preserve the key elements, in particular the detailed composition and use of materials on facades and roofing of the predominate architectural styles.</p> <p>The proposed design is quite hostile to the group of Queen Anne Villas and is located in the centre of the group.</p>	
The street setback is less than 6m	The front setback exceeds the minimum 6m.
The side setbacks at 1.5m does not allow regular spacing between houses.	The proposal maintains the 5m minimum side setbacks
The plan does not reflect the surrounding consistent and recognisable traditional building forms.	The street consists of a number of dwelling types and styles. The design proposes a single storey detached dwelling with no driveway crossover to the street to ensure a low scale dwelling within a garden setting.
The proposed dwelling does not meet the demolition policy in Policy Area 9.	The existing house is not heritage listed and as per the Heritage report is not of great value due to its alterations, condition and quality of design.
My concerns could be overcome by retaining the façade of the existing house and components that would be visible from the street.	The existing house is not heritage listed and as per the Heritage report is not of great value due to its alterations, condition and quality of design.
5) 18 Lanor Avenue Millswood (oppose) (invalid)	
ISSUES RAISED	APPLICANTS RESPONSE
12 Lanor is a Queen Anne Villa built circa 1915 and is part of a distinct group including numbers 18,16,14,12,10 on the northern side and 15 and 9 on the southern side.	
The proposal does not seek to retain or enhance the existing streetscape attributes	
The proposed design does not reflect the Queen Anne Style in the façade or preserve the prevailing architectural style and characteristic built form	
The proposal does not present traditional building proportions	
The proposal does not preserve the key elements, in particular the detailed composition and use of materials on facades and roofing of the predominate architectural styles.	
The proposed design is quite hostile to the group of Queen Anne Villas and is located in the centre of the group.	
My concerns could be overcome by retaining the façade of the existing	

house and components that would be visible from the street.	
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9. ADMINISTRATION NEGOTIATIONS

Administration met with the applicant, together with Council's Consulting Heritage Architect and advised the applicant that the proposed new dwelling does not adequately reference the traditional built form and siting within the locality. Council recommended the applicant substantially amend the proposal to satisfy the Development Plan guidelines, or that should the applicant wish Council to proceed to assessment, a report would be prepared for the Council Assessment Panel for a decision with a recommendation for refusal. The applicant has requested Council to proceed to assess the application in its current form .

10. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	822m ²	
Frontage	17.6m	
Depth	46.25m	
Building Characteristics		
Floor Area		
Ground Floor	304m ²	
Basement	96m ²	
Site Coverage		
Roofed Buildings	413m ² (50)%	≤50% of site area
Total Impervious Areas	67%	≤70% of site
Total Building Height		
From ground level	5.4m	7m
From ground level of the adjoining affected land	5.5m (eastern) 5.5m (western)	
Setbacks		
Ground Floor		
Front boundary ()	5.4m (brick frame) 6.5m (front wall)	7.2m (same as adjacent dwelling)
Side boundary ()	1.5m	3m
Rear boundary ()	Nil to 12.8m	8m
Wall on Boundary		
Location	Northern boundary	
Length	7m	≤9m or ≤50% of the boundary length, whichever is the lesser
Height	4m	≤3m
Private Open Space		
Min Dimension	14.3m x 10m	≥4m minimum
Total Area	230 m ² (28%)	≥20% OR 35m ² OR 20m ²
Car parking and Access		

On-site Car Parking	2	3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Covered on-site parking	2	≥1 car parking space ≥2 car-parking spaces
On-street Parking	2	0.5 per dwelling
Driveway Width	7m (public lane frontage)	3m Single 5m double (excluding public lane)
Garage/Carport Width	7m (public lane frontage)	≤6.5m or ≤30% of site width, whichever is the lesser(excluding public lane)
Garage/ Carport Internal Dimensions	6.4m x 7m	3m x 6m for single 5.8m x 6m for double
Colours and Materials		
Roof	Colourbond dune	
Walls	Brick and painted render	
Fencing	Painted render and steel	

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

11. **ASSESSMENT**

Zone Desired Character and Principles of Development Control

Residential Streetscape (Built Form) Zone
<p><i>Objective 1:</i> Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</p> <p><i>Objective 2:</i> A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</p> <p><i>Objective 3:</i> Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.</p> <p><i>Objective 4:</i> Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.</p>
Desired Character
<p>Streetscape Value</p> <p><i>The Residential Streetscape (Built Form) Zone encompasses much of the living area in inner and western Unley, (excluding the business and commercial corridors and those areas of heritage value). The zone is distinguished by those collective features (termed “streetscape attributes”) making up the variable, but coherent streetscape patterns characterising its various policy areas and precincts. These attributes include the:</i></p> <p><i>(a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and</i></p> <p><i>(b) allotment and road patterns; and</i></p> <p><i>(c) landscape features within the public road verge and also within dwelling sites forward of the building façade; and (d) scale, proportions and form of buildings and key elements.</i></p> <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:

(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;

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

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

Assessment

The Streetscape Character in Lanor Avenue is derived from the predominance of original villa style dwellings interspersed with some bungalows and reproduction dwellings predominantly towards the western end of Lanor.

The eastern end of Lanor Avnue has a particularly strong and distinctive character with all dwellings from 2 to 18 on the northern side of the street being of villa style and all dwellings from 1 to 15 on the southern side of the street being of either villa or bungalow style. Vehicle garaging is typically discrete carports to the side of the dwelling resulting in a typical separation of 4m from one side boundary and 1 to 3m from the other boundary. Spacing between dwellings is typically 5m to 7m.

The subject site is centrally located (at the eastern end of Lanor) in the middle of four Federation Queen Anne style villas located from 8 to 14 Lanor Avenue. The existing dwelling is partially screened from view by the substantial vegetation located within the front yard however it is apparent that the dwelling displays a building form and elements consistent with the desired character.

In this context there is significant planning emphasis placed on the replacement dwelling complementing the siting, form and key elements of dwellings that are present within this streetscape.

The replacement dwelling is a high-quality dwelling with a contemporary appearance however is not considered to display streetscape attributes that enhance the desired character as discussed in more detail later in this report.

Relevant Zone Principles of Development Control	Assessment
<i>1. Development should support and enhance the desired character (as expressed for each of the three policy areas, and the respective precincts).</i>	The proposed development is not considered to enhance the desired character as discussed throughout this report
<i>3 Development should retain and enhance the streetscape contribution of a building by: (a) retaining, refurbishing, and restoring the building; and (b) removing discordant building elements,</i>	The development proposes to demolish the existing dwelling. Refer more detailed discussion under PDC 6 below.

Relevant Zone Principles of Development Control	Assessment
<p><i>detailing, materials and finishes, outbuildings and site works; and</i></p> <p><i>(c) avoiding detrimental impact on the building's essential built form, characteristic elements, detailing and materials as viewed from the street or any public place (ie only the exposed external walls, roofing and chimneys, verandahs, balconies and associated elements, door and window detailing, and original finishes and materials of the street façade); and</i></p> <p><i>(d) altering or adding to the building and carrying out works to its site only in a manner which maintains its streetscape attributes and contribution to the desired character, and responds, positively to the streetscape context of its locality in terms of the:</i></p> <p><i>(i) rhythm of buildings and open spaces (ii) building scale and forms (wall heights and proportions, and roof height, volumes and forms); and</i></p> <p><i>(iii) open fencing and garden character; and</i></p> <p><i>(iv) recessive or low key nature of vehicle garaging and the associated driveway.</i></p>	
<p><i>6. 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><i>(a) is structurally unsafe or so unsound as to be unreasonably economically rehabilitated; or</i></p> <p><i>(b) is so compromised or altered that there is no reasonable prospect of its original character being revealed; or</i></p> <p><i>(c) adds little value to the desired character due to its discordant form and poor streetscape contribution; or</i></p> <p><i>(d) is incongruous with, and makes a poor contribution to the particular character of its streetscape.</i></p>	<p>The applicant has provided a report by Douglas Alexander from Flightpath Architects that notes that dwellings at 8, 10 and 14 Lanor display characteristics of Federation Queen Anne style. The report also indicates that the villa style dwelling at 12 Lanor has been heavily modified to the extent that it is so compromised or altered that there is no reasonable prospect of its original character being revealed 6 (b).</p> <p>Andrew Stevens has advised it is likely that the case for demolition can be substantiated under PDC 6 (b) or possibly, (c) however remains of the view the reports provided with the application do not explicitly demonstrate why there is no reasonable prospect of revealing the original character of the dwelling.</p> <p>In the absence of more detailed information, administration has taken the view that the existing dwelling is heavily compromised and altered to the extent that there is no reasonable prospect of its original character being revealed 6 (b). For the purposes of this assessment, it is therefore not necessary that the replacement dwelling make a comparable or more positive contribution to desired character than the building to be demolished.</p> <p>Administration is of the opinion that the</p>

Relevant Zone Principles of Development Control	Assessment
	existing dwelling does exhibit streetscape attributes that contribute to desired character 6 (c).
<p>10. Buildings should be of a high quality contemporary design and not replicate historic styles. Buildings should nonetheless suitably reference the contextual conditions of the locality and contribute positively to the desired character, particularly in terms of:</p> <p>(a) scale and form of buildings relative to their setbacks as well as the overall size of the site; and</p> <p>(b) characteristic patterns of buildings and spaces (front and side setbacks), and gaps between buildings; and</p> <p>(c) primarily open front fencing and garden character and the strong presence of buildings fronting the street.</p>	<p>The dwelling is considered to partly satisfy PDC 10 in the sense that it is considered to be a high quality contemporary that does not replicate historic style.</p> <p>The dwelling is single storey street fronting format and is well designed to maximise northern light through the use of centrally located courtyards and skillion roofs.</p> <p>Vehicular access is obtained from Lanor Lane so there is no need for vehicle garaging or crossover from Lanor which helps to maintain the open garden character and ensure a strong presence of the dwelling fronting the street.</p> <p>The existing dwellings within the eastern end of Lanor Ave are consistent with the desired character and display building scale and forms typically including</p> <ul style="list-style-type: none"> • Consistent wall heights (typically 3.3 to 3.6m) • Gable ends • Verandas • Pitched and hipped roofs with typical slope 30 to 35 degrees. <p>The southern elevation of the proposed replacement dwelling features an extruded skillion roof form to the south eastern pavilion and projecting roof eave with wing walls to the south western pavilion. Wall heights of the south eastern pavilion are 5.4m high within 5.4m of the street and 1.5m of the eastern boundary. This aspect of the design has the potential to be a dominant and intrusive built form within this streetscape.</p> <p>The building forms and streetscape attributes displayed within the streetscape are not considered to be sufficiently referenced within the dwelling design to satisfy this aspect of PDC 10.</p> <p>The proposed material palette including a mix of brick, render, timber and stone is considered reasonably complementary to the streetscape.</p>

Relevant Zone Principles of Development Control	Assessment
11. <i>In localities of a distinctive and generally coherent character consistent with the pertinent desired character, building facades should be composed in a more traditional manner adopting key building elements, materials and detailing complementing the characteristic architectural styles.</i>	The eastern end of Lanor Avenue is a generally coherent streetscape character. The proposed development is not considered to satisfy PDC 11 for the reasons outlined earlier in this report.
14. <i>A carport or garage should form a relatively minor streetscape element and should:</i> <i>(a) be located to the rear of the dwelling as a freestanding outbuilding; or</i> <i>(b) where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i> <i>(i) incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and</i> <i>(ii) be in the form of a discrete and articulated building element not integrated under the main roof, nor incorporated as part of the front verandah or any other key element of the dwelling design; and</i> <i>(iii) have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and</i> <i>(iv) not be sited on a side boundary, except for minor scale carports, and only where the desired building setback from the other side boundary is achieved.</i>	The garage is well located to have no impact on the Lanor Avenue due to its positioning on the rear boundary with access from Lanor Lane.
15. <i>Vehicle access should be taken from:</i> <i>(a) a rear laneway or secondary street, or a common driveway shared between dwellings, wherever possible; or</i> <i>(b) a driveway from the primary street frontage but only of a single car width for as long as is practicable to minimise the impact on the garden character, and on street trees and the road verge.</i>	Vehicle access is taken from Lanor Lane to satisfy this principle.
16. <i>Fencing of the primary street frontage and the secondary street on corner sites, forward of the front façade of the dwelling, should complement the desired character, and be compatible with the style of the associated dwelling and its open streetscape presence, and comprise:</i> <i>(a) on narrow-fronted dwelling sites of up to 16 metres in street frontage - low and essentially open-style fencing up to 1.2 metres in height, including picket, dowl,</i>	The proposed front fencing has a total height of 1.8m, including rendered masonry base to a height of 1.2m and 600mm high vertical blades. The proposed fence is compatible with the style of dwelling and assists in maintaining an open streetscape presence.

Relevant Zone Principles of Development Control	Assessment
<i>crimped wire or alternatively low hedging; or (b) on dwelling sites in excess of 16 metres in street frontage - low and essentially openstyle fencing as in (a), but may also include masonry pier and plinth fencing with decorative open sections of up to 1.8 metres in total height.</i>	

Policy Area Desired Character and Principles of Development Control

Policy Area 9 - Spacious
Desired Character
<p><i>The streetscape attributes include the:</i></p> <p><i>(a) low scale building development;</i></p> <p><i>(b) spacious road verges and front and side building setbacks from the street;</i></p> <p><i>(c) forms and detailing of the predominant architectural styles (variously Victorian and Turn-of-the-Century double-fronted cottages and villas, and Inter-War era housing, primarily bungalow but also tudor and art deco and complementary styles); and</i></p> <p><i>(d) varied but coherent rhythm of buildings and spaces along its streets.</i></p> <p><i>Development will:</i></p> <p><i>(a) be of a street-front dwelling format, primarily detached dwellings; and</i></p> <p><i>(b) maintain or enhance the streetscape attributes comprising:</i></p> <p><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></p> <p><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></p> <p><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></p>
Assessment
<p>As previously discussed the eastern end of Lanor Avenue exhibits streetscape attributes consistent with the desired character sought for this Zone and Policy Area.</p> <p>Whilst the dwelling is of high-quality contemporary design the development is not considered to satisfy the desired character for the following reasons:</p> <ul style="list-style-type: none"> • The siting of the dwelling displays side and front setbacks that are less than those sought by the desired character • The streetscape presentation of the building to Lanor Avenue with the extruded skillion roof form to the south eastern pavilion and projecting roof eave with wing walls to the south western pavilion and 5.4m wall heights does not reference traditional building forms or proportions • The design does not sufficiently reference the key elements of the architectural styles found within the locality.

Relevant Council Wide Objectives and Principles of Development Control

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

Relevant Council Wide Provisions	Assessment
Residential Development	
<p>5 A dwelling should be setback from allotment boundaries to:</p> <p>(a) contribute to existing streetscape character and be compatible with the desired streetscape character as described for the zone or policy area;</p> <p>(b) reduce the appearance of building bulk by progressively increasing setbacks as height increases;</p> <p>(c) allow for adequate provision for front yard landscaping, driveways, private open space and outdoor utility areas.</p>	<p>The dwelling is proposed to be setback 5.4m (brick frame) and 6.5m (front wall) from Lanor Avenue. The adjacent dwellings to the east and west are setback approximately 7.2 to 7.4m to the verandas.</p> <p>The proposed setback of the brick frame component of the proposed dwelling is 1.5 to 2m forward of the adjacent dwellings and the impact of this reduced setback is exacerbated by the vertical height of the brick frame at 5.4m. This will result in a building form that projects forward and is visually dominant in comparison to adjacent properties.</p>
<p>13 Except where specified in a relevant zone or policy area, dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to minimise massing and overshadowing impacts to adjoining properties and should be in accordance with the following parameters:</p> <p>>4 – 7 minimum side setback 3m (sites >300m)</p>	<p>The side walls of the proposed dwelling typically vary in height between 3m and 5.4m located 1.5 m off the boundary. The Development Plan requires a side setback of 3m for walls greater than 4m in height for this site.</p> <p>There will be some visual impact on adjacent properties as a result of the proximity and mass of the component of the wall exceeding 4m within 1.5m of the adjacent property.</p> <p>Overshadowing impacts are reduced as a result of the north/south orientation of the allotment. Based on the site orientation, single storey nature of the development and a review of overshadowing plans provided by the applicant, overshadowing is not expected to have a material impact on adjacent properties.</p>
<p>33 Buildings should be designed to incorporate well designed roofs that: (a) reinforce the desired character of the locality, as expressed in the relevant zone or policy area;</p> <p>(b) protect reasonable skyline and local views;</p> <p>(c) contribute to the architectural quality of the building;</p> <p>(d) are articulated into smaller roof elements where</p>	<p>The roof design is well articulated and facilitates opportunities for solar collection and maximising northern light into the dwelling.</p> <p>The primary concern is the presentation to Lanor Avenue. The shallow roof pitch and skillion roof form to Lanor Avenue is not considered to reinforce or complement the desired character of the locality which is characterised by hipped roofs and gable ends.</p>

Relevant Council Wide Provisions	Assessment
<p><i>there would otherwise be excessive roof volume and mass, particularly on large buildings;</i></p> <p><i>(e) create minimal glare; (f) facilitate discrete solar energy collection; and provide opportunities for roof top gardens and/or communal open space in higher density developments.</i></p> <p><i>34 Where prevailing roof forms in the locality are consistent with the desired character of the zone or policy area, new roof forms should complement the form and pitch of such roofs. In these circumstances, flat roofs or monopitch roofs may be inappropriate.</i></p>	
<p><i>45 The number of car parking spaces should be provided in accordance with Table Un/5.</i></p>	<p>The development is required to provide three on site carparking spaces including two undercover. The development provides two undercover spaces accessible via Lanor Lane.</p> <p>On balance this is considered sufficient given there is no driveway or crossover proposed from Lanor Avenue and there is provision for two on street parks in front of the dwelling.</p>

11. DISCUSSION

The dwelling is a high-quality contemporary design that displays many positive attributes including:

- A street fronting dwelling to Lanor Avenue with vehicle access via Lanor Lane to maximise the open garden setting to Lanor Avenue
- A roof design that is well articulated and facilitates opportunities for solar collection and maximising northern light into the dwelling.
- A materials palette including a mix of brick, render, timber and stone that is generally complimentary to the desired character
- Front fencing that is compatible with the style of dwelling and assist in maintaining an open streetscape presence.

It is also acknowledged that there is a strong argument that existing dwelling is compromised to the extent that that there is no reasonable prospect of its original character being revealed. Despite this, Administration is of the opinion that the existing dwelling does exhibit streetscape attributes that contribute to desired character.

As part of this planning assessment, significant weight has been placed on the streetscape character at the eastern end of Lanor Avenue. The streetscape at the eastern end of Lanor is intact and predominantly characterised by villa style dwellings.

The building scale and forms typically include:

- Consistent wall heights (typically 3.3 to 3.6m)
- Gable ends
- Verandas
- Pitched and hipped roofs with typical slope 30 to 35 degrees.

The Development Plan does not discourage contemporary building design however in this streetscape context the design must suitably reference the contextual conditions of the locality and contribute positively to the desired character. This has not been achieved. In addition, the skillion roof form and brick frame to a height of 5.4m with 5.4m setback from the street will result in a building form that projects forward and is visually dominant in comparison to adjacent properties.

Given the intact nature of the eastern end of the Lanor Avenue streetscape, the failure to achieve a more compatible built form and satisfy the desired character is considered sufficient to warrant refusal.

12. CONCLUSION

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

- The proposed development does not enhance the desired character of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as required by Objective 1 in the Residential Streetscape Zone
- The proposed development does not respect the streetscape context and contribute positively to the desired character in terms of siting, form and key elements as required by the Desired Character in the Residential Streetscape Zone and Policy Area 9.4.
- The new dwelling does not suitably reference the contextual conditions of the locality in terms of scale and form of buildings relative to tier setbacks as required by Principle 10 in the Residential Streetscape Zone
- The building facade is not composed in a more traditional manner adopting key building elements, and detailing complementing the characteristic architectural styles as required by Principle 11 in the Residential Streetscape Zone.
- The development does not maintain or enhance the streetscape attributes comprising siting, form and key elements as required by the Desired Character in Residential Streetscape Zone
- The dwelling should be setback in line with adjacent dwellings as required by Principle 6 (Residential Development)
- The dwelling should be setback 3m from side boundaries as required by Principle 13 (Residential Development)

The application is therefore recommended for REFUSAL.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/411/2019/C2 at 12 Lanor Avenue, Millswood SA 5034 to 'Demolish existing dwelling and construct single storey dwelling including basement, veranda and garage on boundary', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The development does not enhance the desired character of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as required by Objective 1 in the Residential Streetscape Zone

- The development does not respect the streetscape context and contribute positively to the desired character in terms of siting, form and key elements as required by the Desired Character in the Residential Streetscape Zone and Policy Area 9.4.
- The development does not suitably reference the contextual conditions of the locality in terms of scale and form of buildings relative to tier setbacks as required by Principle 10 in the Residential Streetscape Zone
- The building facade is not composed in a more traditional manner adopting key building elements, and detailing complementing the characteristic architectural styles as required by Principle 11 in the Residential Streetscape Zone.
- The development does not maintain or enhance the streetscape attributes comprising siting, form and key elements as required by the Desired Character in Residential Streetscape Zone
- The dwelling should be setback in line with adjacent dwellings as required by Principle 6 (Residential Development)
- The dwelling should be setback 3m from side boundaries as required by Principle 13 (Residential Development)

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

ITEM 4**DEVELOPMENT APPLICATION – 090/457/2019/C2 – 22 WHISTLER AVENUE, UNLEY PARK SA 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/457/2019/C2
ADDRESS:	22 Whistler Avenue, Unley Park SA 5061
DATE OF MEETING:	12 th November 2019
AUTHOR:	Paul Weymouth
DEVELOPMENT PROPOSAL:	Demolish existing dwelling and construct single storey dwelling including garage, verandahs, in-ground swimming pool and fencing
HERITAGE VALUE:	Non-Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic Conservation Zone Policy Area 7
APPLICANT:	Brianne Mills
OWNER:	Craig Alastair Bruce
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (Three)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Replacement Dwelling Front Setback Significant tree protection

1. PLANNING BACKGROUND

There is no relevant planning background.

2. DESCRIPTION OF PROPOSAL

The application proposes to demolish the existing 1950s era dwelling and construct a new dwelling incorporating a double garage at 22 Whistler Avenue Unley Park.

In summary the application includes:

- A new flat roof contemporary dwelling with a façade featuring extensive use of glazing, western red cedar cladding and framed by a concrete render border. The dwelling is setback from side boundaries by 1m (northern) and 1.5m (southern) and has a total height of 4.15m.
- A double garage constructed to the side of the dwelling with floor level set down 500mm below the dwellings finished floor level and roof level 700mm lower than the dwelling. The garage door and exterior façade of the garage is clad in western red cedar consistent with the main dwelling.

- A swimming pool is proposed to be located within a central courtyard at the rear of the dwelling.
- The construction of a front fence (1.6m to 1.8m in height) featuring a combination of stone cladding and 0.8m high steel blades to provide transparency.

3. SITE DESCRIPTION

The subject site is flat, rectangular shaped allotment with frontage of 22.86m to Whistler Avenue and a depth of 42.67m. The allotment has a total area of 975m².

There is an existing single storey dwelling on the subject land setback approximately 10m from Whistler Avenue.

A significant tree (Algerian Oak) is listed in Council Development Plan identified in Table Un/9 and is centrally located towards the rear of the allotment. The canopy is visible above the existing dwelling when viewed from Whistler Avenue.

Figure 1: Existing dwelling with significant tree at the rear



There are two regulated trees (Dutch Elm) located adjacent the rear boundary on the neighbouring property to the rear (21 Victoria Avenue)

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. LOCALITY DESCRIPTION

Land Use

The dominant land use within the locality is residential.

Land Division/Settlement Pattern

The land division/ settlement pattern is characterised by expansive rectangular allotments typically of the order of 1000m to 2000m comprising detached dwellings fronting Whistler Avenue. Front setbacks within the locality are typically generous in the range of 10 to 12m. The streetscape is characterised by avenues of trees and landscaped front gardens.

Dwelling Type / Style and Number of Storeys

The streetscape character of this locality is mixed with a variety of architectural styles and building forms represented including Bungalow, Tudor as well as late Victorian and federation style dwellings.

Immediately adjacent the site on the southern boundary is a 1960s era two storey dwelling and adjacent the northern boundary is a single storey bungalow style dwelling. There is no consistent character to guide infill development.

Fencing Styles

Fencing styles are generally mixed however typically comprise low and open style fencing including low hedges, brush as well as pier and beam. There is no consistent fencing style.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Council's consulting arborist since there are significant and regulated trees on and adjacent the site who in summary provided the following advice:

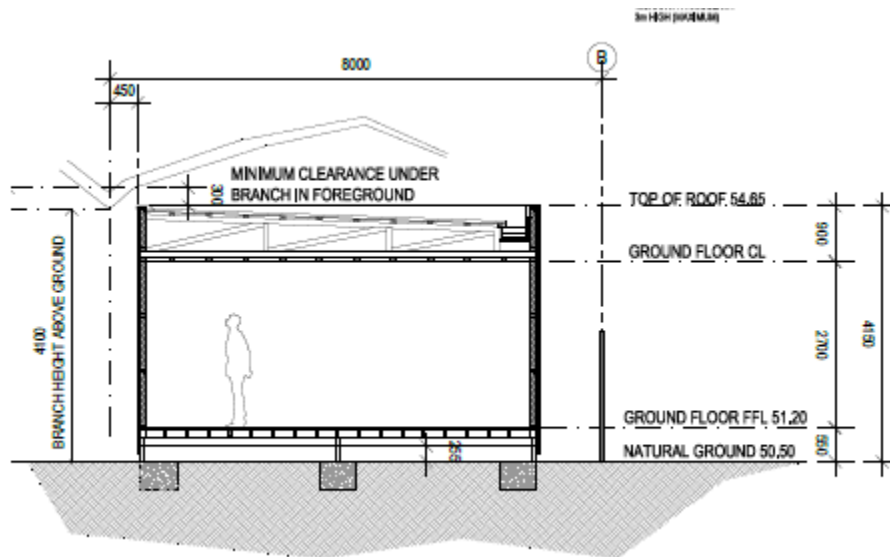
- *The Elm trees (Ulmus x hollandica) identified on the adjacent property appear to be of sufficient distance from the proposed development, and as such the construction of the new dwelling should have little long-term impact on their health and long term retention.*
- *The Algerian Oak however is significantly closer to the proposed development and will be negatively impacted by the new dwelling, swimming pool and associated infrastructure.*
- *Detailed engineered designs and specifications should be provided, clearly showing the size, location and depth of the proposed piers and the finished level of the beams, to allow a determination of the impacts this may have on the tree.*
- *The vertical clearances provided by the branching structure of the tree have not been adequately addressed. To suggest that minor selective pruning may be required is an underestimation of the potential impact the development will cause to the trees overall visual amenity.*
- *The Queensland Box (Lophostemon confertus) located within the streetscape in front of this property is shown to have stem circumferences that require a Structural Root Zone and Tree Protection zone equivalent to circles with a radius of 2.45 metres and 5.04 metres respectively. The new crossover and driveway is shown to be outside of both the SRZ and TPZ and as such should have no detrimental impact on the tree.*
- *The tree is approximately 2.35 metres east of the front boundary with the front boundary being identified as passing through the SRZ. This being the case the strip footing should bridge the area identified as the structural root zone to ensure the long-term health and structural stability of the tree*

(Refer Attachment D)

In response to concern raised by Council arborist in relation to the Algerian Oak the applicant has provided further advice from Arborman Tree Solutions (Peter Oates) dated 15 October 2019 which indicates:

- Alterations to the finished floor level for the guest wing (north western corner) and use of post and beam in this location
- Further clarification in relation to the extent of pruning required and
- Provision of a Tree Protection Plan

Amended plans have also been prepared by the architect to reposition the northern pavilion a further 0.450m to the north to assist in ensuring the protection of the Algerian Oak. This reduces the setback from the northern boundary to 1m. A section has also been prepared of the guest wing to depict the footing layout and clearance between the overhanging limb on the northern side of the tree.



A site meeting with the applicant's arborist and Council arborist was held on 31 October to review the tree protection plans. Council arborist are satisfied the development can proceed subject to imposition of appropriate tree protection conditions including Council arborist to review the final engineering design of the post and beam footings (or similar) for the guest wing and services prior to issue of development approval.

The application was referred to Council Heritage Advisor who in summary provided the following advice:

- *The existing dwelling is a circa 1950s dwelling with a broad gable form and 'Modernist' stylistic influences.*
- *Demolition of the existing dwelling is supportable on the grounds that it is a non-contributory building, not of heritage value in the context of relevant policy and is inconsistent with desired character.*
- *The immediate streetscape character is mixed with several Inter-war dwellings, some with Tudor stylistic influences, some with Bungalow stylistic influences and one with Mediterranean stylistic influences. There are late Victorian and Federation style dwellings as well as c1960s two-storey cream brick dwelling and a c2000s Victorian reproduction dwelling*
- *There is no cohesive character to use as a guide for infill development.*
- *The architectural response of a simple, rectilinear dwelling with 'Modernist' stylistic influences departs in a number of respects from relevant policy however with no cohesive character to guide infill, the particular circumstances of the subject site are such that the proposed dwelling is not discordant in the streetscape.*
- *Furthermore, the proposed dwelling is a high-quality contemporary design and does not replicate historic styles in accordance with Zone PDC 10.*
- *There is an argument that the streetscape prominence of the proposed dwelling is more substantial than desirable and could be improved with a more substantial front setback and side setbacks. Furthermore, the proposed garage is reasonably prominent even though it is at a lower floor level than the main dwelling.*
- *An increase in the front setback, albeit balanced against the desire to retain a significant tree in the rear garden, is recommended along with an increased front setback of the garage which, in turn, would be more compatible with the front setback of the c1910s return-verandah villa adjacent.*

(Refer Attachment E)

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.

24 Whistler Avenue Unley Park	
ISSUES RAISED	APPLICANTS RESPONSE
<p>Oppose the demolition of the side fence between 22 and 24 Whistler</p> <p>Concerned about privacy impacts from the south facing ensuite window</p>	<p>The applicant now proposes 2.1m high fencing on each side boundary to ensure screening to a height of 1.5m above the finished ground level of the proposed dwelling to the south where the window is setback 1.5m</p>
13 Whistler Avenue Unley Park	
ISSUES RAISED	APPLICANTS RESPONSE
<p>The proposed colour bond fence is not in keeping with fences in the street or suburb</p>	<p>The proposed development will retain a portion of the brush fence on the southern side boundary of about 5.6m from the front of the site. The retention of the brush fence will ensure the existing character of the street is maintained.</p> <p>With respect to the northern side boundary fence, the existing timber fence is to be replaced with a colourbond fence (monument) which will taper in height from 2.1m to 1.6m to match the height of the front fence forward of the dwelling. From the northern side the fence will largely be obscured by existing vegetation.</p>
20 Whistler Avenue Unley Park	
ISSUES RAISED	APPLICANTS RESPONSE
<p>Front setback of 8.4m should be 11m</p>	<p>The front setback of the dwelling has largely been dictated by the presence of a significant tree in the rear yard. The front setback is considered acceptable on the basis that:</p> <ul style="list-style-type: none"> • It permits the retention of the significant tree • The building has low scale and height • The compact allotment • The generous front yard, and • A modest dwelling with site coverage of 40%.
<p>Proximity of the new dwelling to southern boundary.</p>	
<p>Concerned that privacy will be impacted if existing timber fence is retained. Recommend that this fence be replaced and increased in height to 2m from the laundry to the rear of the</p>	<p>The applicant now proposes 2.1m high fencing on each side boundary to ensure screening to a height of 1.6m above the finished ground level of the proposed dwelling adjacent the private</p>

property.	open space of the dwelling to the north.
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(* denotes non-valid planning considerations)

As a result of public notification, the following amendments have been made to minimise impacts on the significant tree and address representor concerns.

- Retention of the existing brush fence on the southern boundary
- Increase the height of the southern and northern boundary fences to 2.1m
- Reduce the side setback of the garage and bedrooms by 450mm to avoid a low hanging tree branch
- Increase the width of the pool area and study
- Increase the height of the finished floor level of the guest suite and living area to accommodate a pier and beam footing
- Lowering the ceiling level of the guest suite and living area to 2.7m to retain the same finished roof level as the remainder of the dwelling.

9. ADMINISTRATION NEGOTIATIONS

Administration has discussed increasing the front setback of the dwelling with the applicant however the applicant has been reluctant to do due to the presence of the significant tree at the rear of the dwelling.

10. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	975m ²	1500 (typical)
Frontage	22.86m	30 (typical)
Depth	42.67m	20m
Building Characteristics		
Floor Area		
Ground Floor	427m ²	
Site Coverage		
Roofed Buildings	44%	≤50% of site area
Total Impervious Areas	70%	≤70% of site
Total Building Height		
From ground level	3.9m	7m max
Setbacks		
Ground Floor		
Front boundary ()	8.2m	11m
Side boundary ()	1.05m to 1.5m	1m (<4m in height)
Rear boundary ()	Varys 3m to 9.2m	5m
Private Open Space		
Min Dimension	9.2m x 15m	≥4m minimum
Total Area	310m (32%)	≥20% OR 35m ² OR 20m ²
Car parking and Access – Detached		
On-site Car Parking	5	3
Covered on-site parking	3	2
On-street Parking	2	0.5 per dwelling
Driveway Width	5.3m	5m double
Garage/Carport Width	6.3m (27%)	≤6.5m or ≤30% of site width, whichever is the lesser

Garage/ Carport Internal Dimensions	6m x 10.9m	5.8m x 6m for double
Colours and Materials		
Walls	Rockcote Cerano (smooth concrete look) and Western Red Cedar cladding	
Fencing	Front fencing – stone cladding and steel blades. Southern boundary – colourbond good neighbour	

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Historic (Conservation) Zone
<p><i>Objective 1: Conservation and enhancement of the heritage values and desired character described in the respective policy areas, exhibited in the pattern of settlement and streetscapes of largely intact original built fabric.</i></p> <p><i>Objective 2: A residential zone for dwellings primarily in street-fronting format, together with the use of existing buildings and sites used for non-residential purposes for small scale local businesses and community facilities supporting an appealing, pleasant and convenient living environment.</i></p>
Desired Character
<p><i>...The important defining heritage values and statements of desired character are expressed for each of the zones seven distinctive policy areas. These values stem from the original road layout and settlement patterns. There is a strong consistency and an identifiable pattern in the way buildings, of varying proportions, are sited and massed relative to the site sizes and widths of street frontages. There is also an identifiable rhythm of spaces between buildings and their street setbacks. Dwellings are of a traditional street-fronting format and adopt a strong street “address” with open front gardens and fencing, and with outbuildings and garaging being a recessive or minor streetscape element. There is also a consistency in the built fabric itself with characteristic use of building forms, detailing, materials and colours.....</i></p>
Assessment
<p>The proposed development is for the demolition of an existing non-contributory dwelling that is inconsistent with desired character. The proposed new dwelling is a single storey residential dwelling that maintains the traditional street fronting format, albeit in a contemporary style and maintains an open front garden and low-profile transparent fencing to ensure preservation of streetscape character.</p>


Relevant Zone Principles of Development Control	Assessment
<p><i>PDC 6 Demolition should only be undertaken in the following circumstances.....</i></p> <p><i>(c) demolition of any other building – where it has no heritage value and does not contribute positively to the desired character.</i></p>	<p>The development proposes to demolish of an existing non-contributory dwelling that is inconsistent with desired character.</p>
<p><i>PDC 7 A non-contributory building and its site should be brought into conformity with the desired character, or otherwise consistent with a prevailing, character of the locality at every opportunity through:</i></p>	<p>The proposed demolition of the existing non-contributory dwelling and replacement with a high quality contemporary dwelling assist to bring the site into conformity with the desired character.</p>

Relevant Zone Principles of Development Control	Assessment
<i>(a) demolition and redevelopment of the whole of such buildings on their sites.....</i>	
<i>PDC 8 Development should comprise street fronting dwellings whose setting and form is consistent with the desired character.</i>	The replacement dwelling is a high quality contemporary dwelling that is generally consistent with desired character – refer more detailed discussion in relation to desired character later in this report.
<i>PDC 10 Buildings should be of a high quality contemporary design and not replicate historic styles. Buildings should nonetheless suitably reference the contextual conditions of the locality and contribute positively to the desired character, particularly in terms of:</i> <i>(a) scale and form of buildings relative to their setbacks as well as the overall size of the site; and</i> <i>(b) streetscape setting or the characteristic pattern of buildings and spaces (front and side setbacks), and gaps between buildings; and</i> <i>(c) primarily open front fencing and garden character and the strong presence of dwellings fronting the street.</i>	The replacement dwelling is a high-quality contemporary dwelling that contributes positively to desired character by: <ul style="list-style-type: none"> • Use of high-quality building materials including western red cedar, concrete and glazing • Single storey nature of the dwelling and simple rectangular form • Maintains open landscaped front garden • Primarily open front fencing comprising stone cladding and steel blades.
<i>PDC 13 A carport or garage should form a relatively minor streetscape element and should:</i> <i>(a) be located to the rear of the dwelling as a freestanding outbuilding; or</i> <i>(b) where attached to the dwelling be sited alongside the dwelling and behind the primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i> <i>(i) incorporate lightweight design and materials, or otherwise use of materials complementing the associated dwelling; and</i> <i>(ii) be in the form of a discrete and articulated building element not integrated under the main roof of the dwelling, nor incorporated as part of the front verandah on any other dwelling form where attached alongside the dwelling; and</i> <i>(iii) have a width which is a proportionally minor element relative to the dwelling façade and its primary street frontage; and</i> <i>(iv) not be sited on a side boundary, except for minor scale carports and only where the desired building setback from the other side boundary is achieved.</i>	The new dwelling features a double garage clad in western red cedar. The prominence of the double garage is reduced by <ul style="list-style-type: none"> • The simple flat roof design attached to the side of the dwelling • A reduction in the floor level of the garage by 500mm relative to the main dwelling • A roof level set 700mm lower than the dwelling.
<i>PDC 15 Fencing of the primary street frontage and the secondary street on corner sites, forward of the front façade of the dwelling, should complement the desired character, and be compatible with the style</i>	The development proposes the construction of a front fence (1.6m to 1.8m in height) featuring a combination of stone cladding base and 0.8m high steel blades to provide transparency.

Relevant Zone Principles of Development Control	Assessment
<p><i>of the associated dwelling and its open streetscape presence, and comprise:</i></p> <p><i>(a) on narrow-fronted dwelling sites of up to 16 metres in street frontage - low and essentially open-style fencing up to 1.2 metres in height, including picket, dowel, crimped wire, with or without hedging; or</i></p> <p><i>(b) on dwelling sites in excess of 16 metres street frontage - low and essentially open-style fencing as in (a), but may also include a masonry pier and plinth fence with decorative open sections of up to 1.8 metres in total height, provided that, for contributory items, the fencing should be of a style and height appropriate to that historically associated with the architectural style of that dwelling.</i></p>	<p>The fence is complementary to the dwelling and will enhance streetscape character by maintaining the open landscaped setting.</p>

Policy Area Desired Character

Policy Area 7 – Grand Unley Park Heywood Estate
Desired Character
<p><i>The grand streetscape character is founded on wide streets with avenues of substantial trees and expansive allotments, street frontages and gardens. Intrinsic to the area is an extensive collection of contributory items of a grand scale, being unique Victorian and Turn-of-the-Century villas and mansions, 1930's and 1940's International styles, together with Gentleman's Tudors and Bungalows. These contributory items are individualised by original architectural inspirations. Development will:</i></p> <p><i>(a) conserve contributory items, in particular villas, mansions, bungalows, tudors and latter complementary international architectural styles; and</i></p> <p><i>(b) be of a street-fronting dwelling format, primarily detached dwellings; and</i></p> <p><i>(c) maintain or enhance the predominant streetscapes and regular road allotment patterns with: (i) dwelling sites typically of no less than 30 metres street frontages and with site areas of 1500 square metres (and as much as 3000 square metres); and (ii) generous front setbacks of some 11 metres; and (iii) side setbacks of between 4 metres and 8 metres so as to maintain a total spacing between neighbouring dwelling walls, of some 12 metres; and</i></p> <p><i>(d) maintain and respect the grand built scale and form of contributory items and the character</i></p>
Assessment
<p>The immediate streetscape character within this section of Whistler Avenue is mixed with no cohesive character to use as a guide for infill development. There are an unusually high number of non-contributory items located within the locality of 22 Whistler Avenue with approximately 50% of items non-contributory (refer Fig 2).</p>
<p>Figure 2 : Contributory items within 22 Whistler Avenue locality</p>



22 Whistler Avenue (non-contributory items highlighted in green)

The proposed dwelling is street fronting single storey detached dwelling with a high-quality contemporary appearance that will maintain and respect the grand built scale and form of contributory items within Whistler Avenue.

The proposed setback of the dwelling at 8.2m is less than setbacks in the locality which are typically in the order of 10 to 11m. The setback aligns with the carport of the adjacent dwelling to the south and still maintains an open landscaped setting to the front of the dwelling. Further discussion on setback is detailed below.

Side setbacks are 1.5m to both the northern and southern boundaries. Whilst this does not accord with the setbacks recommended within the desired character the site area and dimension of the subject site are not as generous as the larger sites within this locality. Side setbacks are considered adequate to maintain separation between properties and minimise any impacts from built form.

Relevant Council Wide Objectives and Principles of Development Control

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

Relevant Council Wide Provisions	Assessment
Regulated and Significant trees	
Regulated Trees <i>PDC 1 Development should have minimum adverse effects on regulated trees.</i>	The Elm trees located on the adjacent property to the rear are a sufficient distance from the proposed development that the construction of the new dwelling should have little long term impact on their health and long term retention.
Significant Trees <i>PDC 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.</i>	A significant tree (Algerian Oak) is listed in Council Development Plan identified in Table Un/9 and is centrally located towards the rear of the allotment.

Relevant Council Wide Provisions	Assessment
<p><i>PDC 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</i></p>	<p>Council arborist has expressed concerns that the significant tree will be negatively impacted by the new dwelling, swimming pool and associated infrastructure.</p> <p>In response to concern raised by Council arborist in relation to the Algerian Oak the applicant has provided further advice from Arborman Tree Solutions (Peter Oates) dated 15 October 2019.</p> <p>In addition, a site meeting with the applicant's arborist and Council arborist was held on 31 October to review the tree protection plans. Council arborist are satisfied the development can proceed subject to imposition of appropriate tree protection conditions including Council arborist to review the final engineering design of the post and beam footings (or similar) for the guest wing and services prior to issue of development approval.</p>
Residential Development	
<p><i>PDC 6 Except where specified in a particular zone, policy area or precinct, a dwelling should be setback from the primary street frontage: (a) where adjacent dwellings have reasonably consistent setbacks (difference is less than 2 metres), the same distance as one or the other of the adjacent dwellings.</i></p>	<p>The Desired Character statement for Policy Area 7 recommends a front setback of 11m. Front setbacks within this section of Whistler Avenue are typically in the range of 10 to 12m.</p> <p>Ideally the proposed development would have a greater setback consistent with Policy Area requirements.</p> <p>On balance the proposed setback at 8.2m is considered acceptable for the following reasons;</p> <ul style="list-style-type: none"> • The proposed 8.2m setback aligns with the setback of the carport for the dwelling adjacent the southern boundary. • The site is constrained by the presence of the significant tree centrally located at the rear of the allotment • The proposed dwelling is single storey and will not be prominent in the streetscape • The proposed 8.2m setback provides sufficient space for landscaping in the front yard and adjacent the driveway

Relevant Council Wide Provisions	Assessment
<p><i>PDC 33 Buildings should be designed to incorporate well designed roofs that:</i></p> <p><i>(a) reinforce the desired character of the locality, as expressed in the relevant zone or policy area;</i></p> <p><i>(b) protect reasonable skyline and local views;</i></p> <p><i>(c) contribute to the architectural quality of the building;</i></p> <p><i>(d) are articulated into smaller roof elements where there would otherwise be excessive roof volume and mass, particularly on large buildings;</i></p> <p><i>(e) create minimal glare;</i></p> <p><i>(f) facilitate discrete solar energy collection</i></p> <p><i>PDC 34 Where prevailing roof forms in the locality are consistent with the desired character of the zone or policy area, new roof forms should complement the form and pitch of such roofs. In these circumstances, flat roofs or monopitch roofs may be inappropriate.</i></p>	<p>The prevailing roof forms within this locality are typically pitched roofs (gable and or hipped roofs with variable pitch). As discussed earlier in this report there is no consistent or cohesive character to use as a guide for infill development</p> <p>In this context the proposed dwelling with its flat roof design articulated into smaller elements, simple horizontal rectangular form and high-quality design and materials is considered to maintain and respect the grand built scale and form of contributory items within this locality.</p>
<p><i>50 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><i>(a) located at least 1.5 metres from any adjoining residential property boundary;</i></p> <p><i>(b) 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><i>(c) 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>A swimming pool is proposed to be constructed within a central courtyard and is located to protect the acoustic amenity of adjacent residential properties.</p> <p>A pool pump enclosure is located in the north western corner of the property and is greater than 5m away from the nearest habitable room window in an adjacent property. A condition will be placed on the application requiring the pool pump enclosure to be sound attenuated.</p>

12. CONCLUSION

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

- The development proposes to demolish of an existing non-contributory dwelling that is inconsistent with desired character
- The immediate streetscape character with this section of Whistler Avenue is mixed with 50% of dwellings being non-contributory and no cohesive character to use as a guide for infill development.
- The proposed development with its flat roof design articulated into smaller elements, simple horizontal rectangular form and high-quality design and materials is considered to maintain and respect the grand built scale and form of contributory items within this locality.
- The front setback aligns with the carport of the dwelling to the south and is sufficient to provide a landscaped front garden and ensure the dwelling will not be prominent in the streetscape.
- The proposed tree protection measures are acceptable and will be reinforced with conditions where appropriate.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/457/2019/C2 at 22 Whistler Avenue, Unley Park SA 5061 to demolish existing dwelling and construct single storey dwelling including garage, verandahs, in-ground swimming pool and is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
4. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment.

5. 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.
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#>
7. That final design details of the post and beam footing system (or similar) for the guest wing, and location of services for the dwelling shall be provided to the satisfaction of Council arborist prior to the issue of development approval.
8. The development should be undertaken in accordance with the *Australian Standard 4970-2009 Protection of trees on development sites* as the primary guiding principles when working within a 12.00 metres radius from the centre of the 'significant' Algerian Oak.
9. Any pruning of the significant Algerian Oak should be agreed and undertaken with the supervision of Council's Arborist in attendance. All agreed pruning works should be undertaken by suitably qualified personnel.
10. Protective fencing should be erected in accordance with the Arborman Tree Solutions 'Tree Protection Plan', dated 15 October 2019, and to the satisfaction of Council's Arborist.
11. Protective fencing should be erected in accordance with the recommendations contained within *AS 4970-2009* and should be retained in place for the duration of the development.
12. Appropriate signage should be placed around the edge of the Tree Protection Zone (TPZ) and be visible within the development site. The lettering on the signs should comply with the recommendations contained within Appendix C of *AS 4970-2009*.
13. All demolition should occur from the eastern aspect of the TPZ, with external walls dismantled into the existing dwelling footprint. No demolition machinery or equipment must enter the TPZ. The concrete paving around the base of the Algerian Oak must be removed by hand with a qualified arborist in attendance.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- 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.
- 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.

- 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	Council Arborist Comments	Administration
E	Consultant Architect Referral Comments	Administration

ITEM 5**DEVELOPMENT APPLICATION – 090/449/2019/C2 – 3 FOREST AVENUE, BLACK FOREST SA 5035 (CLARENCE PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/449/2019/C2
ADDRESS:	3 Forest Avenue, Black Forest SA 5035
DATE OF MEETING:	11 November 2019
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Convert garage to studio and loft store (retrospective) and extend existing carport on common boundary
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential B350
APPLICANT:	SA Drafting Service Pty Ltd
OWNER:	Stephan Kern and Danielle Jane Proud
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:	Boundary development Building Scale, Mass and Height

1. PLANNING BACKGROUND

This Development Application is part retrospective following changes that have already been made to the outbuilding. This application does however seek to lower the wall height on boundary to address concerns raised. All works have stopped pending a decision.

Development Application 942/2017/C2 to carry out alterations and construct two storey additions and new carport, granted Planning Consent 18/06/2018, expired 16/06/2019.

Development Application 959/2016/C1 to carry out alterations and construct single storey additions including verandah, granted Planning Consent 16/12/2016, expired 16/12/2017.

2. DESCRIPTION OF PROPOSAL

The proposed development is as follows:

- Covert garage into studio and loft storage on common boundary; and
- Extend existing carport on common boundary

3. SITE DESCRIPTION

The site is rectangular with a northern frontage to Forest Avenue of 16.5m and a depth of 42.7m. The site has an area of 702sqm.

Existing structures on the subject site include a single storey detached dwelling and domestic structures.

There are no Regulated trees growing on the subject or directly adjacent sites.

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Settlement Pattern/ Dwelling Style

The pattern of land division along Forest Avenue in the locality is predominantly rectangular allotments of approximately 16 metres in width, oriented north/south facing Forest Avenue. Dwellings within the locality are predominantly detached, double fronted in width and single storey. The western adjoining dwelling at 5A Forest Avenue is a Local Heritage listed triple fronted bungalow. The site has a double width frontage of approximately 32 metres.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

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

1 Forest Avenue (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Visual impact	We have amended the roof design so that the boundary wall height is now reduced to less than 3.0 metres and the roof form along their boundary is now angled to deliver a more traditional visual appearance.
Intended use	The restoration of the garage into a studio is intended to create an ancillary space that provides additional storage and amenity for their family.

(* denotes non-valid planning considerations)

9. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	702m ²	
Frontage	16.5m	
Depth	42.7m	
Building Characteristics		
Site Coverage		
Roofed Buildings	31.7%	≤50% of site area
Total Impervious Areas	47.5%	≤70% of site
Wall on Boundary		
Location	East	
Length	5.6m	≤9m or ≤50% of the boundary length, whichever is the lesser
Height	2.9m	≤3m

Private Open Space		
Min Dimension	12m	≥4m minimum
Total Area	38% (265sqm)	≥20%
Car parking and Access		
On-site Car Parking	4	2
Covered on-site parking	1	1
Outbuildings		
Wall Height	2.9m (boundary) 3.95m (western side - off boundary)	≤3m
Total Height	4.1m	≤5m
Total Floor Area	22.9m ² (0.3%)	≤80m ² or 10% of the site, whichever is the lesser
Colours and Materials		
Roof	Matt finish Colorbond maxline	
Walls	Brick and matt finish Colorbond maxline	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

RESIDENTIAL B350 ZONE
<i>Objective 1: Provision for a range of dwelling types of up to two storeys compatible in form, scale and design with the existing positive elements of the character of the area.</i>
Desired Character
<i>This Zone is intended to continue as an attractive and established living area with limited infill development. All types of single storey and two-storey housing development in this Zone should ensure that the character and levels of amenity of the locality enjoyed by existing residents is substantially maintained.</i>
Housing Types
<i>Given the extended period over which areas of the Residential B350 Zone developed a wide range of housing types is evident in the Zone. These include single fronted detached dwellings on small allotments to larger villas and bungalows on larger allotments. Residential flat buildings constructed in the 1960's and 1970's are also scattered throughout the Zone. Development should reflect the character and improve the amenity of the immediate area in which it is proposed having particular regard to wall height, roof form, external materials, siting and front and side boundary set-backs.</i>
<i>Allotment sizes vary but are generally between 500 and 700 square metres with sound buildings, thus limiting individual site infill redevelopment opportunities. As such infill development is envisaged through aggregation of larger sites or the replacement of unsound dwellings. Areas formed by the older buildings in the zone, close to railway stations may offer better opportunities for new higher density development.</i>
Streetscape
<i>A wide variety of mature vegetation in private gardens and in street reserves is evident in the Zone. Landscaping associated with development should complement and enhance existing planting thereby improving the established character of the area.</i>

Assessment

As discussed below, it is considered that the development has sufficient regard to wall height, roof form, external materials, siting and front and side boundary set-backs, so that it would appear as a subservient structure within the context.



Relevant Council Wide Objectives and Principles of Development Control


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

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 15 Side and Rear Boundaries <i>Garages, carports, verandahs, pergolas, outbuildings and like structures</i>	<p>The studio building would be located to the rear of and would not be prominently visible when viewed from the street. As discussed below, the building form, scale, mass and height are considered to reasonably comply with relevant quantitative Development Plan guidelines to minimise impacts to the immediately adjoining land at 1 Forest Avenue.</p> <p>The proposed carport also meets the recommended quantitative guidelines and would not adversely impact upon the character and amenity of the area, or the amenity of neighbouring residents.</p>
PDCs 23, 24 & 30 Building Form, Scale, Mass and Height	<p>The building would have a wall height on boundary of 2.9 metres, 100mm less than the maximum Development Plan guideline. The western wall would have a height of 3.95m, 950mm more than the maximum Development Plan guideline. The wall would be internal to the subject site only however, and would not impact upon any adjoining land or the locality.</p> <p>The overall roof height would measure 4.1 metres, 900mm less than the maximum Development Plan guideline. The roof ridge would be setback from boundary by 1.2m, 100mm more than the minimum Development Plan guideline.</p> <p>The front parapet would abut the boundary however, and would measure 4.1 metres in height on boundary for a length of 620mm. The overall length on boundary would measure 5.6 metres, 2.4 metres less than the maximum Development Plan guideline.</p>

Relevant Council Wide Provisions	Assessment
	<p data-bbox="619 253 1401 488">The siting is determined by the existing outbuilding being renovated. It is considered the roof form has been designed to minimise visual impacts to the immediately adjoining land to the east at 1 Forest Avenue. Further it is considered that the outbuilding roof would not be prominently visible when viewed from the alfresco space or pool area at the adjoining 1 Forest Avenue (see below).</p>  <p data-bbox="619 1104 1123 1126">Photo from under alfresco at 1 Forest Ave.</p>  <p data-bbox="619 1753 1401 1821">Roof structure is as previously constructed, to be reduced as part of this application.</p> <p data-bbox="619 1854 1401 1955">The outbuilding would be located to the rear of and would not be prominently visible when viewed from the street (see below).</p>

Relevant Council Wide Provisions	Assessment
	 <p data-bbox="619 835 831 862">Photo from street.</p> <p data-bbox="619 898 1401 1099">The carport extension would be constructed to the rear of the existing carport and have post heights of 2.25m, 750mm less than the maximum Development Plan guideline. The carport would have a total length on boundary of approximately 7.5 metres, 1.5 metres less than the maximum Development Plan guideline.</p>
<p data-bbox="212 1135 403 1162">PDCs 41 & 42</p> <p data-bbox="212 1200 496 1267">Overshadowing and Natural Light</p>	<p data-bbox="619 1135 1366 1234">Given the existing site circumstances, it is considered the development would not significantly worsen the available sunlight access.</p>

11. DISCUSSION

The proposed land use as a studio and storage is considered ancillary to the dwelling and does not support accommodation as a “dwelling”, as there are no kitchen or laundry facilities proposed.

12. CONCLUSION

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

- The proposed development is considered to adequately comply with relevant principles of development control, including with regard to boundary development and building height;
- The proposed development would be sited and designed to adequately minimize negative visual impacts and not significantly worsen the available sunlight access to neighbouring sites and dwellings;
- It is considered that the development is of domestic scale and ancillary to and would facilitate the better use of the existing residential use of the land and buildings;
- The scale and form of the development is not incongruous with the setting of the locality and would not unreasonably impact upon the amenity of the surrounding area.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/449/2019/C2 at 3 Forest Avenue, Black Forest SA 5035 to 'Convert garage to studio and loft store and extend existing carport on common boundary', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

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

ITEM 6**DEVELOPMENT APPLICATION – 090/416/2019/DIV – 52, 52A & 52B FOREST AVENUE
BLACK FOREST 5035 (CLARENCE PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/416/2019/DIV
ADDRESS:	52, 52A & 52B Forest Avenue Black Forest 5035
DATE OF MEETING:	11 November 2019
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Land Division - Torrens Title - Creating three allotments from one existing, and construct 3 new 2 storey detached dwellings including garages on common boundaries
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential B350
APPLICANT:	ODYSSEY BUILDING SERVICES PTY LTD
OWNER:	ODYSSEY BUILDING SERVICES PTY LTD
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:	Overlooking Site area and Setbacks Garaging Visual Impacts

1. DESCRIPTION OF PROPOSAL

The proposed development includes as follows:

- Land Division - Torrens Title - Creating three allotments from one existing; and
- Construct 3 new 2 storey detached dwellings including garages on common boundaries.

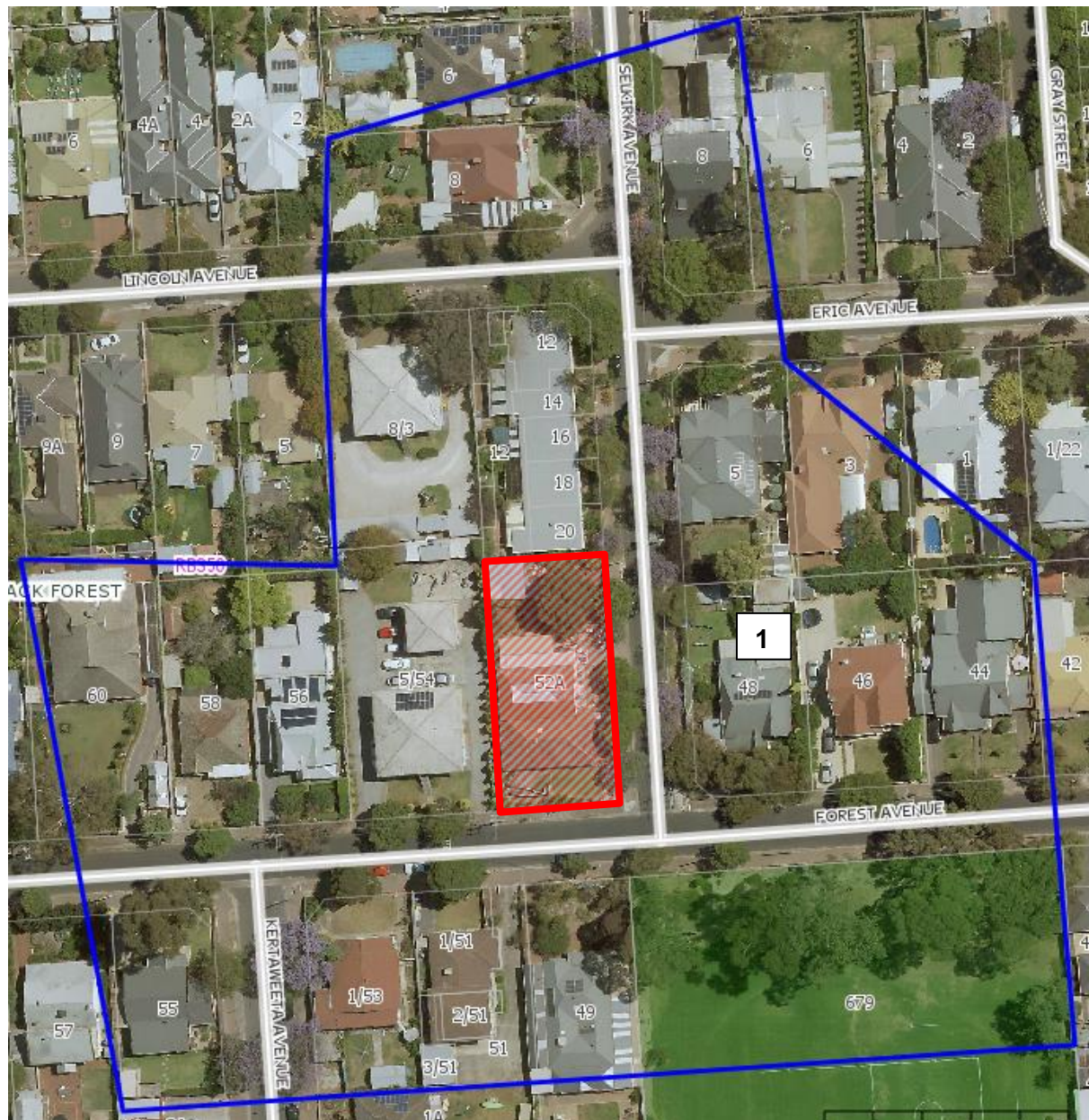
2. SITE DESCRIPTION

The site is rectangular with a southern primary frontage to Forest Avenue of 20.7m, and a side eastern secondary frontage to Selkirk Avenue of 42.7m. The site has an area of 884sqm.

Existing structures on the subject site include a building containing two dwellings and domestic structures.

There are no Regulated trees growing on the subject or directly adjacent sites.

3. LOCALITY PLAN



Subject Site



Locality



Representations

4. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

The pattern of land division along Forest Avenue in the locality is predominantly rectangular allotments varying in width, generally from 15 metres to 20 metres. 54 Forest Avenue has an

allotment width of approximately 25 metres and contains residential flat buildings comprising 10 dwellings. 12-20 Selkirk Avenue have frontages of, on average, 8.5 metres.

The pattern of land division along Selkirk Avenue in the locality is predominantly rectangular allotments with primary frontages facing the other streets, except that north of Lincoln Avenue on the western side, allotments face Selkirk Avenue, and 12-20 Selkirk Avenue have been developed to face Selkirk Avenue.

Historically, allotments generally measured approximately 650 square metres. Past redevelopment of sites with residential flats have decreased site areas per dwelling within the locality to approximately 285 square metres on average. Sites immediately abutting the subject site average 130 square metres per dwelling.

Dwelling Type / Style and Number of Storeys

Dwellings within the locality are of varying architectural styles, including tudor and bungalow styles from the early 1900s, and later residential flat buildings. Dwellings are a mixture of detached, single storey dwellings and residential flat buildings of one and two storeys.

5. STATUTORY REFERRALS

No statutory referrals required.

6. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Councils Assets department. Comments provided are summarised as follows (see attachments for full comments):

- *There are no issues from an assets perspective; provided that*
- *The existing crossover at the corner of Forest Avenue and Selkirk Avenue be turned back to kerb and gutter to Council's specifications.*

The application was referred to Councils Tree department. Comments provided are summarised as follows (see attachments for full comments):

- *The proposed crossover for Dwelling One would be a sufficient distance from the nearby street tree;*
- *The proposed crossover for Dwelling Two which would widen an existing crossover, would be within the structural root zones of two nearby street trees (not regulated), including 0.5m from one tree. It is suggested the existing driveway be utilised as existing;*
- *The proposed crossover for Dwelling Three is existing. There are no concerns from an arboricultural perspective.*

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.

48 Forest Avenue (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Overlooking	<p>Council Wide Residential Principles seek to avoid direct overlooking and recommends measures to minimise overlooking to maintain a reasonable level of privacy.</p> <p>The rear yard of the representor's property is located over 15 metres from the closest upper level window and with direct views blocked by the canopies of the existing trees on both sides of the street.</p> <p>The separation distance and established tree canopy will ensure that the proposed development will not compromise their privacy.</p>
<p>Overshadowing and access to natural light</p> <p>Cross ventilation and natural cooling of buildings</p>	<p>The representors property is located on the eastern side of Selkirk Avenue and the second storey of the nearest dwelling is sited over 15 metres from their property boundary.</p> <p>The proposal will not have any impact in terms of overshadowing in accordance with the above Principles of Development Control.</p>
Site area, street frontage and setbacks	<p>The immediate locality contains mainly single dwellings with many examples of two storey and two residential flat strata and community developments, therefore the plan of division seeks to create three regular shaped allotments that are compatible with the predominate existing allotment pattern.</p> <p>Importantly, each of the proposed allotments are considered to have areas and dimensions that are capable of accommodating a detached dwelling that will be complementary to the form of development within the locality.</p> <p>The proposed dwellings all have a frontage of more than the 9.0 metres sought by Zone Principle 3.</p> <p>The proposed setbacks are consist with the predominant setback of buildings along Forest Avenue and Selkirk Avenue.</p>

<p>Site coverage and Private Open Space.</p>	<p>Principle 16 seeks to ensure that there is sufficient space around the dwellings that is appropriate to the desired character of the area, to provide adequate open space for the benefit and enjoyment of future residents and maintains access to natural light and ventilation.</p> <p>The design of the dwellings and site coverage proposed provides adequate areas of open space to the rear and side of each dwelling for the use and enjoyment of future residents, and which allows for domestic storage, an area for outdoor clothes drying landscaping and storage of household refuse bins.</p> <p>The open space is accessible from the main living area, provides appropriate orientation and has appropriate shape and areas to be functional. The area calculated as private open space does not include driveways and on this basis satisfies the intent of the above Principles of Development Control.</p> <p>On this basis, it is considered that the design of the dwellings and site coverage proposed has allowed for adequate areas of open space to the rear of each dwelling for the residents and allows for domestic storage, outdoor clothes drying area, storage of refuse bins and landscaping.</p>
<p>Visual dominance of garaging, particularly dwelling 3</p>	<p>The dwellings have been designed so that the garages are integrated and subservient to the appearance of the main portions of the dwelling and with a width that is proportionally relative to the dwelling façade and the primary street frontage. The garage of Dwelling 3 has width which is less than 50% the width of the dwelling and is setback 1.5 metres behind the front façade of the dwelling.</p> <p>On this basis it is considered that the proposed size and design of the garages, in particular for Dwelling 3, is in keeping with the intent of the Zone and the Council Wide provisions of the Development Plan and will not dominate or intrude in to the streetscape of Forest and Selkirk Avenues.</p>

(* denotes non-valid planning considerations)

8. ADMINISTRATION NEGOTIATIONS

Following negotiation with Council, amendments were made to the original proposals to increase the dominance of the front single storey dwelling elements and better contribute to the character of the locality.

The applicant is agreeable to a condition of consent to be applied, if deemed necessary, that the upper level Selkirk Avenue windows be glazed with obscure glass to 1.7 metres.

9. DEVELOPMENT DATA

Site Characteristics	Description of Development			Development Plan Provision
	Dw. 1	Dw. 2	Dw.3	
Total Site Area	283m²	309m²	292m²	350m ²
Frontage	9.9m	10.8m	14.1m	9m
Depth	28.6m	28.6	20.8m	20m
Building Characteristics				
Floor Area				
Ground Floor	118m ²	130m ²	111m ²	
Upper Floor	82.6m ²	74.6m ²	77.9m ²	
Site Coverage				
Roofed Buildings	46.8%	45.6%	45.9%	≤50% of site area
Total Impervious	70.7%	69.5%	67.9%	≤70% of site
Total Building Height				
From ground level		7.5m		
From ground level of the adjoining affected land		7.5m		
Setbacks				
Ground Floor				
Front boundary	6.1m	7m	3.8m	6.5 (Forest St.) 3.8m (Selkirk Av.)
Garage	6.47m (370mm behind)	1m (2ndry street)	5.56m (1.76m behind)	5.5m if car space req; 1m behind façade (front) or 1m secondary street
Left side boundary	1m	965mm	1m	1m
Right side boundary	1.34m	2.97m	2.9m	1m
Rear boundary	7.7m	2.62m	4.9m	3m (site ≤300m ²) 5m (site >300m ²)
Upper Floor				
Front boundary	7.72m	8.2m	7.02m	
Left side boundary	2.07m	2.06m	2.36m	2m (site ≤300m ²) 3m (site >300m ²)
Right side boundary	1.4m/ 2m	3.76m	2.17m	2m (site ≤300m ²) 3m (site >300m ²)
Rear boundary	7.76m	4.85m	4.9m	6m (site ≤300m ²) 8m (site >300m ²)
Wall on Boundary				
Location	East	North	North	
Length	6.55m	6.63m	8.26m	≤9m
Height	2.8m	2.8m	2.8m	≤3m
Private Open Space				
Min Dimension	7.7m	4.4m	4.8m	≥4m minimum

Total Area	67m ² (23.7%)	(60m ²) 19.4%	87m ² (29.8%)	35m ² (site ≤300m ²) ≥20% (site >300m ²)
Car parking and Access				
On-site Car Parking	2	2	3	2 per dwelling
Covered on-site	1	2	2	≥1 car parking space
On-street Parking	1	3	1	0.5 per dwelling
Driveway Width	3m	4.8m double	3.2m double	Max. 3m Single Max. 5m double
Garage/Carport Width	3.3m	6.5m (2ndry street)	6m	≤6.5m or ≤30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	3.2m x 5.85m	5.9m x 5.85m	5.9 x 5.7m	3m x 6m for single 5.8m x 6m for double
Colours and Materials				
Roof	Grey Colorbond			
Walls	Red brick			

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

RESIDENTIAL B350 ZONE
<i>Objective 1: Provision for a range of dwelling types of up to two storeys compatible in form, scale and design with the existing positive elements of the character of the area.</i>
Desired Character
<i>This Zone is intended to continue as an attractive and established living area with limited infill development. All types of single storey and two-storey housing development in this Zone should ensure that the character and levels of amenity of the locality enjoyed by existing residents is substantially maintained.</i>
Housing Types
<i>Given the extended period over which areas of the Residential B350 Zone developed a wide range of housing types is evident in the Zone. These include single fronted detached dwellings on small allotments to larger villas and bungalows on larger allotments. Residential flat buildings constructed in the 1960's and 1970's are also scattered throughout the Zone. Development should reflect the character and improve the amenity of the immediate area in which it is proposed having particular regard to wall height, roof form, external materials, siting and front and side boundary set-backs.</i>
<i>Allotment sizes vary but are generally between 500 and 700 square metres with sound buildings, thus limiting individual site infill redevelopment opportunities. As such infill development is envisaged through aggregation of larger sites or the replacement of unsound dwellings. Areas formed by the older buildings in the zone, close to railway stations may offer better opportunities for new higher density development.</i>
Streetscape
<i>A wide variety of mature vegetation in private gardens and in street reserves is evident in the Zone. Landscaping associated with development should complement and enhance existing planting thereby improving the established character of the area.</i>

Assessment

The proposed development would replace an unconventional arrangement of two dwellings, where a dwelling has been constructed in front of and semi-attached to the previous existing dwelling. The existing arrangement is unsatisfactory and does not comply with relevant Development Plan guidelines, including with respect to building siting, private open space and vehicle access and parking.

The proposed development is for three two storey dwellings which, as discussed in greater detail below, are considered to reasonably comply with the city wide residential and zone specific guidelines of the Development Plan.

Relevant Zone Principles of Development Control

Relevant Zone Principles of Development Control	Assessment
PDC1 <i>Development should be primarily for dwellings of up to two storeys compatible in form, scale and design with existing positive elements of the character of the area.</i>	<p>The proposed dwellings would be two storeys. It is considered they have been designed to minimise the impacts of the upper storeys by recessing the upper storey walls within the roof form of the ground floors, and further articulation is provided by varying wall setbacks and providing eaves.</p> <p>It is considered that within the context of the locality, including the adjoining two storey residential flat buildings, that the proposed dwellings adequately comply with this guideline.</p>
PDC2 <i>Dwellings should have a site area of not less than 350 square metres (averaged for three or more dwellings sharing a common access).</i> <i>In the case of hammerhead allotments or allotments incorporating a right of way or shared access for one or two dwellings, the area of the "handle" or right of way is excluded from individual dwelling site areas.</i>	<p>Average dwelling site areas within the locality are approximately 285sqm. The proposed dwelling sites would average 295sqm. Additionally, the 350sqm guideline allows for arrangements having three or more dwellings to include common driveways within the site area averages. The proposal has been designed to not require a common driveway, reducing the required area to adequately provide for dwellings and outdoor space including landscaping.</p> <p>The proposed dwellings would all have primary street frontages of more than the relevant Development Plan guidelines and the site area shortfall would not be readily apparent when viewed from the street.</p> <p>It is considered the proposed development adequately complies with the intent of this guideline.</p>
PDC4 <i>Development should be primarily accommodated by infill between existing sound and attractive dwellings or</i>	<p>The proposed development would replace an unconventional arrangement of two dwellings, where a dwelling has been constructed in front</p>

Relevant Zone Principles of Development Control	Assessment
<i>replacement of incompatible land uses and unsatisfactory dwellings.</i>	<p>of and semi-attached to the previous existing dwelling. This arrangement includes built form, private open space, and vehicle access and parking arrangements that do not satisfactorily comply with relevant Development Plan guidelines.</p> <p>It is considered the proposed development adequately complies with this guideline.</p>

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDCs 2 - 4 Site Dimensions and Configurations	It is considered that the site areas are adequately sufficient for purpose, are consistent with and would make a positive contribution to the locality.
PDCs 5 - 8, & 10 Street Setbacks	<p>It is considered that the proposed front setbacks are reasonably consistent with immediately adjoining dwellings on Forest and Selkirk Avenues. Additionally, it is considered that the recessed upper storeys reduce the bulk of the buildings to a sufficient degree.</p> <p>The garage for dwelling one is setback 370mm behind the front wall, 630mm less than the minimum Development Plan guideline. The setback behind the front of the verandah blade wall however, is 1m, and is therefore considered to reasonably complying with the relevant guideline.</p>
PDCs 13 - 15 Side and Rear Boundaries	The variances from Development Plan guidelines are considered minor and acceptable, relating to boundaries were any impacts would be internal to the development sites.
PDCs 16 - 17 Site Coverage	<p>Site coverage for all dwelling sites comply with relevant Development Plan guidelines.</p> <p>Impervious area for dwelling sites two and three comply with relevant Development Plan guidelines. Impervious areas for</p>

Relevant Council Wide Provisions	Assessment
	<p>dwelling one is approximately 70.7%, 0.7% more than the maximum Development Plan guideline, and considered a minor and acceptable variance.</p> <p>The average impervious area for all dwelling sites would be 69.4%.</p>
<p>PDCs 19 - 20 Private Open Space</p>	<p>The private open space for dwelling two is approximately 19.4%, 0.6% less than the minimum Development Plan guideline, and is considered a minor and acceptable variance.</p> <p>The average private open space for all of the dwelling sites would be 24.3%.</p>
<p>PDCs 29 - 30, 43 - 49 Garaging Prominence</p>	<p>The garaging for dwelling one and two reasonably comply with relevant Development Plan guidelines relating to garaging and driveway width and prominence.</p> <p>The garage for dwelling three measures 6m in width or 43% of the site frontage, 13% more than the maximum Development Plan guideline. It is considered that together with the 7m wide front living room and entry portico, and the upper storey element, the dwelling dominance is adequately maintained. Additionally the garage width is not considered incongruous with secondary street guidelines.</p>
<p>PDCs 38 - 39 Overlooking</p>	<p>It is considered that the combination of high sill heights and obscure glazing would appropriately minimize overlooking and provide for a reasonable level of visual privacy between immediately adjacent properties.</p> <p>Front upper storey windows of all dwellings relate to bedrooms and bathrooms, and when not screened by drawn curtains or blinds, are orientated with outlooks to the associated landscaped front yards and public street realm including numerous mature trees. Separation distances from front widows over the public roads to adjoining property boundaries would all exceed 15m.</p> <p>It is considered that together with the upper floor layout and intended use, window location and outlook, separation distances and existing mature street trees, that overlooking has been appropriately minimised and would provide for a reasonable level of visual privacy between the adjoining properties.</p>
<p>PDCs 41 - 42 Overshadowing and Natural Light</p>	<p>As discussed above, the proposed dwelling setbacks all reasonably comply with Development Plan guidelines. The development sites are located on the north western corner of the intersection of Forest and Selkirk Avenues. The site is located to the south of 20 Selkirk Avenue. The western adjoining two storey residential flat building is located approximately 5m from the common boundary and the space</p>

Relevant Council Wide Provisions	Assessment
	in between is used for vehicular access and parking. It is considered the proposed two storey dwellings would not adversely overshadow or significantly worsen the available sunlight access of adjoining land within the locality.
PDC 43 Access and Car Parking	<p>The proposed crossovers serving dwellings one and three comply with the recommendations of this PDC and would be sufficiently setback from any infrastructure and street trees.</p> <p>The proposed crossover serving dwelling two also complies with this PDC, however, as identified by Council's Arborist, the crossover would be 0.5m from the nearest street tree. To address this, a condition has been included requiring the width of the proposed crossover to be marginally reduced to provide a least a 1.0 metre setback from the nearest tree.</p>

11. DISCUSSION

The siteworks drainage plan provided relates to an early iteration of the proposed land division and dwellings and does not include some amendments relating to the rear ground floor of dwelling three. The proposed site works plan does include sufficient detail however to demonstrate that the proposed dwellings are of a sufficient height above the street water table to facilitate stormwater drainage. Additionally it is demonstrated that site works including cut and fill would not result in unreasonable height difference between abutting land requiring retaining walls or combined fencing heights in excess of relevant quantitative Development Plan guidelines. Any consent would be conditioned that *prior to the issue of full Development Approval, a revised Siteworks and Drainage Plan be submitted to and approved by Council, including amended details of dwelling three as appropriate.*

12. CONCLUSION

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

- The proposed development is considered to adequately comply with relevant city wide, zone and policy area principles of development control, including with regard to site area and coverage, setbacks, overlooking, overshadowing and visual impacts;
- It is considered that the development is of an envisaged form that would contribute to the desired character and would replace two unsatisfactory dwellings;
- The proposed development would be sited and designed to adequately minimize negative visual impacts and not significantly worsen the available sunlight access to neighbouring sites and dwellings;
- The scale and form of the development is not incongruous with the setting of the locality and would not unreasonably impact upon the amenity of the surrounding area.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/416/2019/DIV at 52, 52A & 52B Forest Avenue Black Forest 5035 for 'Land Division - Torrens Title - Creating three allotments from one existing, and construct 3 new 2 storey detached dwellings including garages on common boundaries', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. 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#>
4. That the existing crossover shall be closed and reinstated with kerb and water table in accordance with Council requirements, and at the applicant's expense, prior to occupation of the development.
5. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
6. 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.
7. A minimum clearance of 1.0 metre between driveway crossover(s) and existing street tree(s) be provided.
8. That the construction of the driveway crossovers shall minimise any disruption to the root system of the affected street tree(s) growing adjacent the properties with no severing of roots with a diameter greater than 50 mm.
9. That the upper floor windows, (excluding western and southern elevations for dwellings one, southern and eastern elevations for dwelling two, and eastern elevation as well as the front window on southern elevation for dwelling three) 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.

10. Prior to the issue of full development approval, an amended site works and drainage plan shall be submitted to and approved by Council that accurately details the building envelope and design of dwelling three, as shown on the approved site plan.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

NOTES PERTAINING TO LAND DIVISION CONSENT:

STATE COMMISSION ASSESSMENT PANEL CONDITIONS are as follows:

- The financial requirements of SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0087078).

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

SA Water Corporation further advise that an investigation will be carried out to determine if the water and/or sewer connection/s to your development will be costed as standard or non-standard.
- Payment of \$14506 into the Planning and Development Fund (2 allotment/s @ \$7253/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
- A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certification purposes.

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

ITEM 7**DEVELOPMENT APPLICATION – 090/80/2019/C2 – 5 HACKETT AVENUE, MILLSWOOD 5034 (CLARENCE PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/80/2019/C2
ADDRESS:	5 Hackett Avenue, Millswood 5034
DATE OF MEETING:	11 November 2019
AUTHOR:	Amy Barratt
DEVELOPMENT PROPOSAL:	Demolish existing dwelling, construct new single storey dwelling with garage, alfresco, install inground swimming pool, masonry fencing and remove street tree (Argyle Avenue)
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic Conservation Zone Policy Area 4
APPLICANT:	Craig Need
OWNER:	Bace (SA) Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (One oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representation
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Streetscape Character Site access

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The applicant proposes to demolish the existing non-contributory dwelling and construct a single storey dwelling with associated garage, alfresco, swimming pool and masonry fence.

The application includes relocating a vehicle access point to a location which requires the removal of an established street tree.

3. SITE DESCRIPTION

The subject site is located within the Residential Historic Conservation Zone, Policy Area 4.

The subject site is located on the corner of Hackett Avenue and Argyle Avenue. The site is a regular shaped allotment and includes a corner cut off in the north-western corner of the land. The land has a frontage to Hackett Avenue of 18.28m, a depth to Argyle Avenue of 42.67m

(eastern boundary 45.72m) and an overall site area of 975m².

There are no Regulated trees located on the subject land.

A number of non-regulated street trees are located adjacent the subject land. Two note-worthy trees include;

- a semi-mature Kurrajon *Brachychiton* street tree is located along the Hackett Avenue frontage; and
- a 'veteran' Kangaroo Island Mallee (*Eucalyptus cneorifolia*) street tree is located along the Argyle Avenue frontage.

Existing vehicle access is located centrally along the Argyle Avenue frontage (approximately 17.5m from the southern boundary).

4. LOCALITY PLAN



Subject Site



Locality



Representations

5. LOCALITY DESCRIPTION

Land Use

With the exception of Goodwood Oval located at 1 Curzon Avenue (parallel to the subject land), the predominant land use within the locality is residential.

Land Division/Settlement Pattern

The subject site is located within a pocket of development on the eastern side of Goodwood

Oval that occurred post World War 2.

Post World War 2 dwellings, including the existing dwelling, are identified as non-contributory items within the subject Zone.

Dwelling Type / Style and Number of Storeys

The character of the locality is derived from a predominance of circa late 1940s and 1950s Post World War 2 dwellings in the Austerity and Conventional styles. The dwellings are typically single storey.

Fencing Styles

Fencing forward of the dwelling is minimal, where it occurs, it is predominantly low and open.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

Heritage

The application has been referred to Council's Heritage Advisor on numerous occasions and a summary of the advice is provided below.

September 2018

- *It would be preferable for the design to reflect the traits of the Bungalows and Tudor style dwellings in the broader area however the Georgian Revival style referenced in the subject design is acceptable in my view if other design aspects achieve sufficient consistency with other relevant development plan policy given that the subject site is in a locality where the typical Inter-War design character is not as prevalent as elsewhere in the Policy Area.*

A number of design amendments are recommended:

18 April 2019

- *The roof ridge height remains substantially higher than the 5.6 metres referenced in relevant policy. While the lack of consistency of character in the immediate locality is acknowledged, a reduction in the height and bulk of the roof remains desirable.*
- *The garage roof remains of concern. It is not just that it is under the main roof but also because it extends the apparent street frontage width of the dwelling despite the setback of the garage.*
- *Proposed materials and colours are compatible with prevailing character except the zinalume roof sheeting. A traditional zinc galvanised finish or grey Colorbond colour is recommended.*

20 June 2019

- *Move garage 600mm off southern boundary.*
- *Reduce length of dwelling and possibly northern setback as a consequence (balance needed).*
- *Reduce garage wall height to 3.3 metres instead of 3.6 metres.*
- *Reduce ridge height of roof and possibly increase main pitch to 30 degrees instead of 27.5 degrees and have a lower roof pitch at the rear as a consequence.*
- *Roof material to be corrugated zinc galvanised or colorbond, not zinalume.*

September/October 2019

- *While I was hoping for a more substantial amendment that removed the unusual roof peak, the amendments made are sufficient to address my principal concerns*
- *The applicant has worked hard to improve the scale, form and proportions of the proposed dwelling to the extent that, on balance and in the context of the immediate streetscape character, the proposed development could be supported.*

Arboricultural

In 2017, the applicant submitted a preliminary application included a four-car garage with access via Hackett Avenue, and the dwelling façade presenting to Argyle Avenue. Administration advised the applicant that the four-car garage fronting Hackett Avenue and the long, uninterrupted façade to Argyle Avenue were inconsistent with prevailing streetscape character and relevant policy. The plans were subsequently amended to include garaging to the rear of the dwelling, with access via Argyle Avenue (per Attachment A).

The proposed vehicle access (via Argyle Avenue) conflicts with an existing 'veteran' street tree.

The following comments are provided by Council's Arboricultural Department:

Preliminary Advice March 2018

Hackett Avenue

- *The Hackett Avenue frontage supports one street tree, a semi-mature Kurrajong (Brachychiton species), which is worthy of retention within the landscape and would require a distance of at least 1.5 metres between tree and vehicle crossover.*

Argyle Avenue

- *This frontage supports only one tree worthy of preservation within the landscape and unfortunately this is the tree being considered for removal (see attached image). From a City Assets perspective, the retention of this 'veteran' Kangaroo Island Mallee (Eucalyptus cneorifolia) is very important as the tree present good health, sound structure, excellent form and amenity value within the streetscape. That being said, the tree and crossover could co-exist providing the crossover is constructed 8.0 metres from the southern property boundary which allows a distance of no less than 2.0 metres between the subject tree and crossover.*
- *With respect to the remaining frontage, north of the above mentioned street tree, I informally support the removal of street trees providing reasonable alternatives cannot be achieved.*

Addendum advice for formal application 2019

- *The subject tree is a mature tree, approximately 50 years of age, with good health, excellent form and sound structure. The individual provides the most environmental and visual benefits of all the street trees adjacent this property.*
- *From a natural assets perspective, I do not support the removal of the subject tree as this will have a negative impact upon our continued attempts to increase canopy cover throughout the city.*

Costs associated with removal 2019

- *The costs associated with removing this tree total \$14,815.95 + GST and will be required to be paid in full prior to the tree being removed and/or the vehicle crossover being supported at a Strategic Assets level.*
- *The costs include the removal of the tree and stump, the replacement of the tree and finally the loss of amenity value associated with such a large and mature healthy tree being removed from the urban forest.*

The applicant accepts the associated costs with removing the subject street tree (per email correspondence dated 15 July 2019).

Assets

- No concerns raised. The existing crossover will be required to be closed and returned back to kerb and gutter.

8. PUBLIC NOTIFICATION

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

3 Argyle Avenue Millswood (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
The development is too large for the size of the land and is at odds with the traditional pattern of development.	The proposed development achieves a site coverage of less than 50% of the allotment which is consistent with Council Wide PDC.
Concern with the garage location (being on the boundary and not setback substantially), also concern that the garage is located under the main roof (not desired by the Zone).	<p>The orientation responds to the Zone desired character to achieve consistent front setbacks and large garden areas.</p> <p>The amended plans remove the boundary wall from the proposal and set the southern wall of the garage 600mm from the southern boundary, increasing the separation between the dwelling to the south and the proposed development.</p> <p>The garage is consistent with the Zone provisions in that it is located alongside and behind the main façade and is under a recessed roof form from that over the main dwelling.</p>
The development threatens our perception of open space and available natural light (in particular the north facing windows).	<p>The shadow diagrams indicate that moving the proposed dwelling off the southern boundary has substantially reduced the impact of overshadowing on the adjacent allotment.</p> <p>The shadowing at ground level is almost exclusively located over the driveway of the adjacent allotment and the rear private open space is unaffected.</p>

	There will be no material overshadowing impact on either the private open space or the roof of the dwelling to the south.
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9. ADMINISTRATION NEGOTIATIONS

Council's Heritage Advisor and Council staff have provided advice to the applicant at the preliminary stage, and throughout the assessment of the subject application. The applicant has been responsive to the advice provided and the plans have been amended a number of times in response to Administrations advice, and in response to the representors concerns.

10. DEVELOPMENT DATA

For the purposes of the Development Data Table, Argyle Avenue is referred to as the 'front' property boundary and Hackett Avenue as the secondary street frontage.

Site Characteristics	Dwelling	Development Plan Provision
Total Site Area	975m ²	900m ²
Frontage	18.28m	23m
Depth	42.67m	>23m
Building Characteristics		
Floor Area		
Ground Floor	372.8m ² 74m ² garage	
Site Coverage		
Roofed Buildings	50%	≤50% of site area
Total Impervious Areas	79%	≤70% of site
Total Building Height		
From ground level	3.79m wall height 6.7m maximum roof height	
Setbacks		
Dwelling		
Northern boundary	7.2m	
Eastern boundary	4.476m – 5.906m (1.246 to outbuilding)	
Southern boundary	6.72m	
Western boundary	1.508 – 1.808m verandah treatment 2.9m (dwelling façade)	
Pool		
Southern boundary	10.7m	
Eastern boundary	1.1m	1.5m and 5m
Garage		
Southern boundary	600mm	Garage can be located on a boundary
Eastern boundary	1.746m	
Western boundary	7.5m	
Private Open Space		
Min Dimension	>4m	≥4m minimum
Total Area	15.4%	≥20%
Car parking and Access		

On-site Car Parking	>3	3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Covered on-site parking	>2	≥1 car parking space ≥2 car-parking spaces
On-street Parking	>0.5	0.5 per dwelling
Driveway Width	5m	3m Single 5m double
Garage/Carport Width	6.12m	≤6.5m or ≤30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	6m x 11m	3m x 6m for single 5.8m x 6m for double
Colours and Materials		
Roof	Corrugated galvanised roof sheeting (various pitch)	
Walls	Stone veneer and render, and face brick	
Fencing	2000mm high rendered fence on eastern boundary, remaining boundaries unaltered	

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

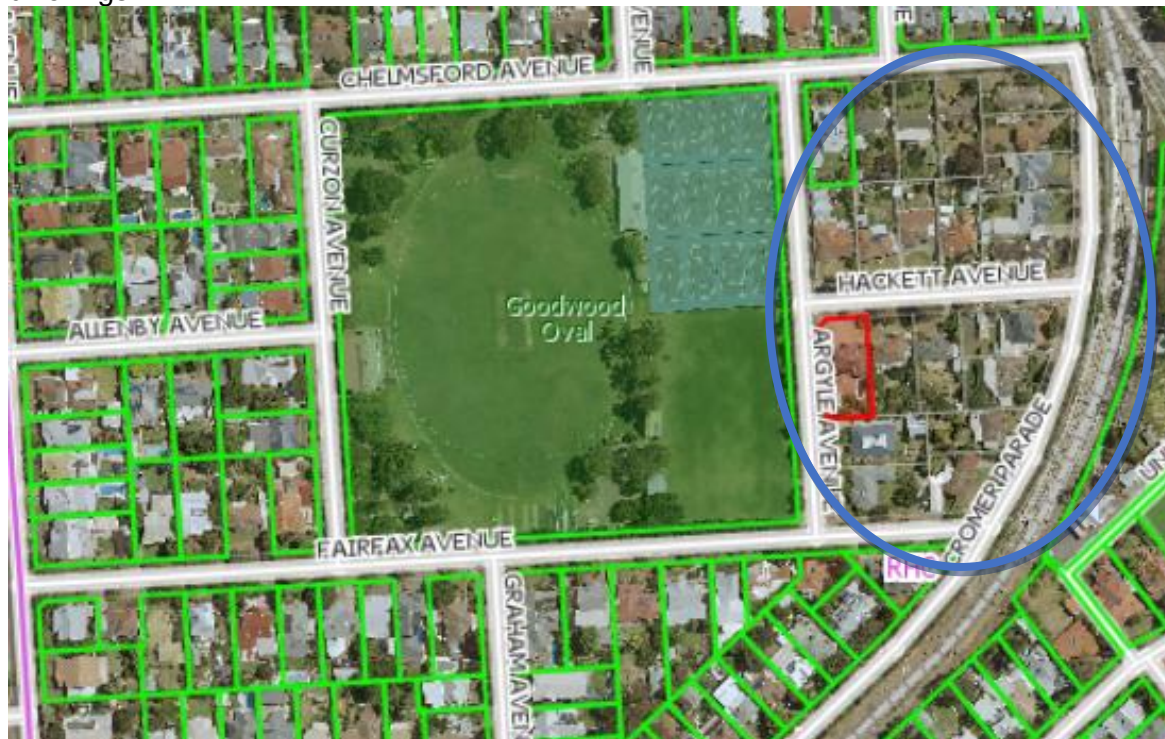
11. ASSESSMENT

Zone Desired Character and Principles of Development Control

<p>Residential Historic Conservation Zone, Policy Area 4 (Spacious Millwood Page Estate)</p> <p><i>Objective 1: Conservation and enhancement of the heritage values and desired character described in the respective policy areas, exhibited in the pattern of settlement and streetscapes of largely intact original built fabric.</i></p> <p><i>Objective 2: A residential zone for dwellings primarily in street-fronting format, together with the use of existing buildings and sites used for non-residential purposes for small-scale local businesses and community facilities supporting an appealing, pleasant and convenient living environment.</i></p> <p><i>Objective 3: Retention, conservation and enhancement of contributory items, and the complementary replacement or redevelopment of non-contributory buildings.</i></p> <p><i>Non-contributory Buildings</i> A building which detracts from the heritage value and desired character of the zone is termed a “non-contributory building”. The demolition and replacement of a non-contributory building with carefully designed infill is supported subject to meeting stringent design parameters to ensure compatible building forms and complementary, rather than inferior reproduction, buildings or building elements.</p>
<p>Desired Character</p> <p><i>The spacious streetscape character is created by the large front gardens and wide tree-lined streets. This estate exhibits a basic grid street layout around the central recreation feature of Goodwood Oval, but with long curvilinear and some truncated streets around the bisecting train lines laid in the 1870's. The extensive, intact, collection of contributory items, of primarily distinctive Inter-War bungalow, art deco, tudor and complementary latter styles contribute to the desired character.</i></p>

Assessment

The Millswood Page Estate includes a collection of Contributory items of primarily distinctive Inter-War styles (bungalow, art décor and Tudor). As can be seen below (circled in blue), the immediate locality departs from this collection and includes a 'pocket' of non-contributory dwellings.



Dwellings within the immediate locality typically demonstrate the following attributes;

- A streetscape character derived of circa late 1940s and 1950s dwellings;
- Typically single storey, brick and tile;
- Eave heights of around 3.0 metres and roof pitches of around 30 degrees or slightly less;
- Reasonably substantial and relatively consistent front setbacks;
- Generally small side setbacks; and
- Single width garages

In addition to the predominance of non-contributory items, the subject site is located on a corner allotment and the applicant proposes to orientate the new dwelling towards Goodwood Oval instead of Hackett Avenue.


Given the discrepancy in existing character, and the re-orientation of the dwelling, it is not appropriate in this instance to apply the quantitative guidelines provided within the Policy Area.

The proposed development is considered to maintain the predominant streetscape and allotment pattern with a generous setback to Hackett Avenue (7.2m) and a graduated setback to Argyle Street typical of the spacing provided to secondary street frontages in the immediate locality (1.5m – 4.1m).

Further, the proposed dwelling design maintains and respects the wall heights, total roof heights and roof pitches of dwellings within the immediate locality, and wider locality.

The overall siting and scale of the proposed dwelling is considered appropriate, and contributes positively to the character of the immediate locality.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 6 Demolition <i>Demolition should only be undertaken in the following circumstances:</i> (c) <i>demolition of any other building – where it has no heritage value and does not contribute positively to the desired character.</i></p>	<p>Demolition of the existing dwelling is supported as the existing dwelling is a non-contributory item and its character is inconsistent with the Desired Character of the Zone.</p> 
<p>PDC 10 <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> (a) <i>scale and form of buildings relative to their setbacks as well as the overall size of the site; and</i> (b) <i>streetscape setting or the characteristic pattern of buildings and spaces (front and side setbacks), and gaps between buildings; and</i> (c) <i>primarily open front fencing and garden character and the strong presence of dwellings fronting the street.</i></p>	<p>While the proposed dwelling references a Georgian Revival style, it is acceptable within the immediate locality which does not reflect the typical and desired Inter-War design character.</p> <p>Other design aspects including setbacks, wall heights, roof pitch, garden character, and materials achieve sufficient consistency with relevant policy and complement the existing character.</p>
<p>PDC 13 Carports and Garages <i>A carport or garage should form a relatively minor streetscape element and should:</i> (a) <i>be located to the rear of the dwelling as a freestanding outbuilding; or</i> (b) <i>where attached to the dwelling be sited alongside the dwelling and behind the primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i> (i) <i>incorporate lightweight design and materials, or otherwise use of</i></p>	<p>While the garage is integrated under the main roof, the proposed garage component forms a discrete and articulated building element.</p> <p>The garage design includes a substantial setback from the road frontage, a lower eave height and presents as a minor streetscape element.</p>

<p>materials complementing the associated dwelling; and</p> <p>(ii) be in the form of a discrete and articulated building element not integrated under the main roof of the dwelling, nor incorporated as part of the front verandah on any other dwelling form where attached alongside the dwelling; and</p> <p>(iii) have a width which is a proportionally minor element 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>PDC 14 Vehicle access should be taken from:</p> <p>(a) a rear laneway or secondary street or a common driveway shared between dwellings, wherever possible; or</p> <p>(b) a driveway from the primary street frontage but only of a single car width for as long as is practicable to minimise the impact on the garden character, and on street trees and the road verge.</p>	<p>The subject site currently enjoys vehicle access which is located centrally along Argyle Avenue.</p>  <p>The location of the existing vehicle access point incumbers the orderly development of the subject site and the relocation of the access point is supported.</p> <p>The proposed crossover location allows for the housing of vehicles on site, in a discrete location. In the proposed location, a 'veteran' street tree requires removal. However, the proposed crossover location is supported by Council Wide objectives and the Residential Historic Conservation Zone Principles of Development Control and Desired Character.</p>

Relevant Council Wide Objectives and Principles of Development Control

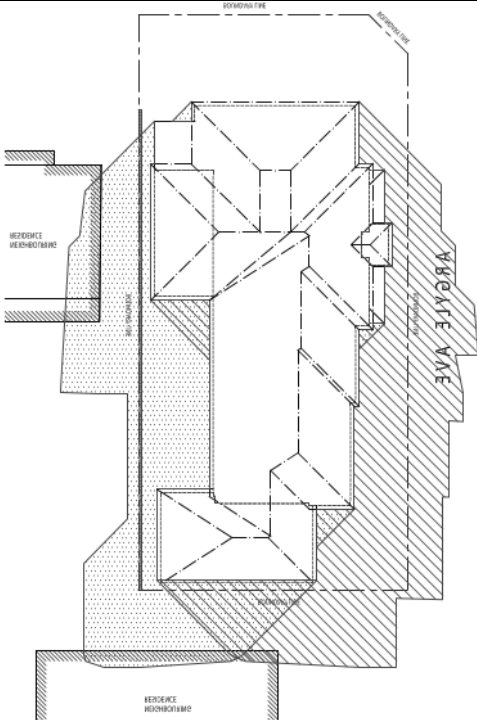
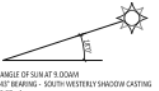
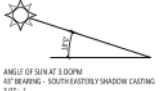

An assessment has been undertaken against the following Council Wide Provisions:

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
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Residential Development	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	1, 2, 3, 4, 5, 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
Waste	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 17 (Site Coverage)	
PDC 8, 10, 15, 29 (Garage)	<p>The proposed garage meets Council Wide provisions as follows;</p> <ul style="list-style-type: none"> • The garage is appropriately setback from the associated dwelling, and road frontage; • The associated solid wall is sited at least 600mm off the boundary; • The garage is more than 1.8m from a habitable room window of an adjacent dwelling; • The garage is visually distinguishable from the main dwelling and is compatible with, but subservient to, the associated dwelling; • The garage width is less than 6.5 metres (and not greater than 30% of the site width)
PDC 41 (Overshadowing)	<ul style="list-style-type: none"> • The southern adjoining property has raised concerns regarding overshadowing from the proposed garage. • It is noted that the garage is single storey height and complies with Council Wide provisions (above), however, the applicant has provided shadow diagrams in response to the representation. • The shadow plans demonstrate that a minimal amount of shadowing will occur after 1pm on the 21st June.

	 <p>9AM - 21st JUNE SHADOW CAST AT ** 1 METER ABOVE GROUND</p>  <p>ANGLE OF SUN AT 9.00AM 45° BEARING - SOUTH-WESTERLY SHADOW CASTING SLOPE: 1</p> <p>3PM - 21st JUNE SHADOW CAST AT ** 1 METER ABOVE GROUND</p>  <p>ANGLE OF SUN AT 3.00PM 45° BEARING - SOUTH-EASTERLY SHADOW CASTING SLOPE: 1</p> <ul style="list-style-type: none"> Overall, the proposed development allows direct winter sunlight access to the adjacent property and minimises overshadowing of the living room windows; private open space and north facing roof areas. 
<p>PDC 50 (Swimming Pool and Spa)</p>	<ul style="list-style-type: none"> The proposed swimming pool and associated spa replace an existing swimming pool. The proposed location is approximately 1.1m from the eastern boundary. To protect the privacy, visual and acoustic amenity of the adjoining residential occupier the relevant PDC recommends a setback of 1.5m from the boundary, and

	<p>that the equipment be located within a sound attenuated enclosure at least 5m from a habitable room window.</p> <ul style="list-style-type: none"> • The applicant acknowledges that the equipment will be stored within a sound attenuated enclosure (and will be conditioned accordingly). • The application includes a proposed 2m high masonry fence located along the eastern boundary which will further aid in protecting the privacy, visual and acoustic amenity of adjoining residential occupiers.
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12. **CONCLUSION**

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

- The proposed development demonstrates a complementary replacement in lieu of the existing non-contributory dwelling;
- The proposed development appropriately reflects the immediate settlement pattern and contributes positively to the streetscape character;
- The proposed development appropriately reflects the contextual conditions including the scale and form of the development, and streetscape setting;
- The proposed garaging component forms a minor streetscape element;
- The proposed development provides appropriate regard to relevant Residential Council Wide Principles of Development Control (including, but not limited to; site coverage, private open space, setbacks and overshadowing)

The application is therefore recommended for Development Plan CONSENT.

13. **RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/80/2019/C2 at 5 Hackett Avenue, Millswood 5034 to 'Demolish existing dwelling, construct new single storey dwelling with garage, alfresco, install inground swimming pool, masonry fencing and remove street tree (Argyle Avenue)', 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 existing crossover shall be closed and reinstated with kerb and water table in accordance with Council requirements, and at the applicant's expense, prior to occupation of the development.
3. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment.
4. 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.
5. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site.

Stormwater shall not be disposed of over a crossing place.

6. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
7. The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site for the City of Unley Driveway Crossover specifications <https://www.unley.sa.gov.au/forms-and-applications#>

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- 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.
- The applicant shall contact Council's Infrastructure Section on 8372 5460 to arrange for the removal of the street tree. The work shall be carried out by Council at full cost to the **applicant**.

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

ITEM 8**DEVELOPMENT APPLICATION – 090/217/2019/C2 – 5 BLACKETT STREET,
GOODWOOD SA 5034 (GOODWOOD)**

DEVELOPMENT APPLICATION NUMBER:	090/217/2019/C2
ADDRESS:	5 Blackett Street, Goodwood
DATE OF MEETING:	11 November 2019
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Construct two storey dwelling including verandah and double garage
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	12 November 2017
ZONE:	(BUILT FORM) ZONE P 8.2
APPLICANT:	I Think Design Studio
OWNER:	Matthew John Rooney and Kleo-Niki Rooney
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	None
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Recommendation for refusal
RECOMMENDATION:	Refusal
KEY PLANNING ISSUES:	Dwelling form Garaging dominance

1. PLANNING BACKGROUND

The site previously contained a double fronted cottage which has since been demolished (DA 920/2018/C2) and the site cleared. Demolition was approved on the grounds that it was considered the dwelling to be both so structurally unsound, and that it had been so compromised and altered, as to be unreasonably economically rehabilitated.

2. DESCRIPTION OF PROPOSAL

The proposed development is to construct a two storey dwelling including verandas and double width garage.

3. SITE DESCRIPTION

The site is a rectangular residential allotment oriented east-west with a western frontage adjoining Blackett Street of 13.7m, a depth of 32.7m, and resulting site area of 448sqm.

The adjacent 5A Blackett Street was previously associated with the subject site, but has since been sold, is separately owned, and is not a part of the current application.

As discussed previously, the site previously contained a double fronted cottage which has since been demolished (DA 920/2018/C2) and the site cleared.

There are two regulated trees growing on the eastern (rear) adjoining land. The trees stems would be located approximately 9m from the proposed development.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

The locality is described as consisting of predominantly east-west orientated allotments facing Blackett Street, with allotments at the northern end fronting Lousia Street. The east-west Blackett Street allotments are typically of similar proportions to the subject site, except for the northern adjoining allotment which has a frontage width to Blackett Street of approximately 7.3m.

The pattern of development in the locality is compact with compact road verges and building setbacks to the street. Side setbacks and space between buildings and side boundaries is also more compact, many with insufficient space for carparking alongside dwellings.

Dwelling Type / Style and Number of Storeys

As discussed above the locality is compact in appearance. Dwellings facing Blackett Street are described as predominantly detached single storey double fronted cottages or similar. On-site covered vehicle parking is predominantly either not present, or provided for by light weight open structures, some alongside and some in front of dwellings.

The Blackett Street locality contains one dwelling which varies from the above predominant description, namely 10 Blackett Street on the opposite and southern end of the street from the subject site (see photo below). This dwelling occupies a site of substantially similar proportions as the subject site. The dwelling is single fronted with a double width garage setback approximately 1m from the front walls, and is not integrated with either the front veranda nor main roof form. The dwelling also has an upper storey element located at the rear of the dwelling, approximately 11m behind the front ground level wall. The dwelling could be described as appearing single storey with relatively low eave heights and a greater front setback than generally on the street. Although the garage does not appear integrated with the dwellings built form, it also does not appear to be minor in scale nor subservient. It is noted the dwelling pre-dates the current planning policy.



Photo of dwelling at 10 Blackett Street, with double garage and upper storey.

Additionally, 15A Louisa Street, which has a secondary frontage on Blackett Street, one allotment north of the subject site, has a double width garage in the south western corner adjacent Blackett Street (see photo below).



Photo of subject site and adjoining 5A Blackett Street from south-west showing double garage at 15A Lousia Street.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Councils consulting Heritage Architect. The following comments were provided:

The subject site is vacant.

The design of the proposed dwelling is inconsistent with several aspects of relevant policy.

Matters of concern include the relatively small front setback, building to the northern boundary, double garage, prominent garage, garage integrated under the main roof, building proportions, frontage width, material and colour selections that are inconsistent with traditional buildings and have a high contrast in colour. Furthermore, the proposal introduces an architectural style described in the documentation as "New Hampton" which does not suitably reference the streetscape attributes mentioned in relevant policy nor the built form character of traditional buildings.

The symmetrical cottages and bungalow in Blackett Street are consistent with desired character and contribute positively to the streetscape character. They are also consistent with the prevailing character of the area more broadly, which extends into Louisa Street. They complement the predominance of traditional buildings dating from around 1900 to the 1920s and referenced in relevant policy.

While the streetscape character of Blackett Street has been diluted by a relatively recent dwelling, an Austerity style dwelling and a number of prominent carports and garages, the impact is not so substantial that the prominence of the traditional buildings is lost. Furthermore, in localities where the built character and streetscape qualities are incoherent or generally in discord with the desired character, PDC 12 and related policy seeks new development that replaces discordant elements and supports desired character.

I am unable to support the proposed development.

I couldn't see any information in the documentation regarding proposed fencing.

8. PUBLIC NOTIFICATION

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

The representation has since been withdrawn.

9. ADMINISTRATION NEGOTIATIONS

Previous negotiation regarding the current proposed new dwelling included advice in April that the proposal does not meet requirements; consideration of amended plans in May; and final advice in May that the application could not be supported and would be recommended for refusal. The applicant instructed in writing on 17/05/2019 that they wished the application to be assessed in it's current form.

Subsequently the application was publicly notified and 1 representation received, but later withdrawn.

The application was prepared to be considered by CAP in July, but at the request of the applicant was put on hold to consider amending the proposal. The proposal has since been amended to split the garage door into two single width doors separated by approximately 450mm.

10. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	448m ² (ex.)	500m ²
Frontage	13.7m (ex.)	15m
Depth	32.7m	
Building Characteristics		
Site Coverage		
Roofed Buildings	46.2%	≤50% of site area
Total Impervious Areas	67.7%	≤70% of site
Setbacks		
Ground Floor		
Front boundary (west)	3.5m 5.5m (garage)	3.5m
Side boundary (north)	3.46m	1m
Side boundary (south)	1m	1m
Rear boundary (east)	8.42m	5m
Upper Floor		

Front boundary (west)	10.9m (7.4 behind, & 2.2m behind roof ridge)	Well behind the primary street façade
Side boundary (north)	3.61m	3m
Side boundary (south)	3.1m	3m
Rear boundary (east)	13m	8m
Private Open Space		
Min Dimension	7m	≥4m minimum
Total Area	32%	≥20%
Car parking and Access		
On-site Car Parking	4	2
Covered on-site parking	2	1
On-street Parking	1	0.5 per dwelling
Driveway Width	5.7m	3m Single 5m double
Garage/Carport Width	6.2m 45%	≤6.5m or ≤30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	6.3m x 5.8m	3m x 6m for single 5.8m x 6m for double
Colours and Materials		
Roof	Charcoal roof tile	Complementary & traditional materials
Walls - Ground fascia	Light grey painted render	
- Ground	Light grey brick	
- Upper	Light grey weatherboard	

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

RESIDENTIAL STREETSCAPE (BUILT FORM) ZONE
<p><i>Objective 1: Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas 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>

- (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.*

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 development does not appear to contribute to enhancing the desired character, including with regard to the siting, scale, proportions, form and key elements of buildings.

Whilst the dwelling is setback from the street the same distance as the original and adjoining dwelling. The proposed dwelling however is only single fronted in width, inconsistent with the predominant traditional double fronted form within the street locality. The double width garage appears disruptive and is not considered a minor element. The width is not considered minor with respect to the garage being double width, proportionately with regard to the width of the single fronted dwelling and site, and is exacerbated by being incorporated under the main roof of the dwelling.

The proposal includes a double width driveway which is both out of character in the locality and inhibits landscaping forwards of the dwelling façade.

The roof pitch is not substantially dissimilar to traditional roof forms in the locality, however

the ground level façade appears incongruous with traditional forms, proportions and with the locality generally. Departures include single fronted dwelling appearance with double width garage, lower wall and eave heights, inclusion of garage in the façade and main roof form, asymmetrical placement of the entryway, and associated roof form proportions and incongruously utilised gable elements.

The upper storey appears disruptive and is not considered a minor element. While the upper storey is setback behind the forwards roof ridge line, the wall height appears to exacerbate the lower than traditional wall height of the ground level elements. The roof form and gable add additional mass and height, and compound the prominence of the upper storey.

Relevant Zone Principles of Development Control	Assessment
<p>PDC9 <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>As discussed above, the upper storey is not considered to appear as inconspicuous when viewed from the street.</p> <p>The proposed upper level design of the dwelling does not comply with this PDC.</p>
<p>PDC11 <i>In localities of a distinctive and generally coherent character consistent with the pertinent desired character, building facades should be composed in a more traditional manner adopting key building elements, materials and detailing complementing the characteristic architectural styles.</i></p>	<p>The façade is not considered to be composed in a consistent nor traditional manner, including with regard to the dwelling being single fronted, integration of a double garage, wall/eave heights, roof form, symmetry and prominence of the single storey aspect.</p> <p>Does not comply with this PDC.</p>
<p>PDC14 <i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <p><i>(a) be located to the rear of the dwelling as a freestanding outbuilding; or</i></p> <p><i>(b) where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i></p>	<p>The garage is not considered to adopt a recessive presence or be a minor building element, including with regard to being double width, being incorporated as an intrinsic element of the dwelling façade and incorporated under the main roof, and is not proportionately minor with regard to the single width dwelling nor site width.</p> <p>Does not comply with this PDC.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>(i) incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and</i></p> <p><i>(ii) be in the form of a discrete and articulated building element not integrated under the main roof, nor incorporated as part of the front verandah or any other key element of the dwelling design; and</i></p> <p><i>(iii) have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and</i></p> <p><i>(iv) not be sited on a side boundary, except for minor scale carports, and only where the desired building setback from the other side boundary is achieved.</i></p>	
<p>PDC15 <i>Vehicle access should be taken from:</i></p> <p><i>(a) a rear laneway or secondary street, or a common driveway shared between dwellings, wherever possible; or</i></p> <p><i>(b) a driveway from the primary street frontage but only of a single car width for as long as is practicable to minimise the impact on the garden character, and on street trees and the road verge.</i></p>	<p>It is considered the double width driveway and crossover would impact on the garden character forwards of the dwelling including on the road verge, and furthermore has not been designed to minimise such impact.</p> <p>Does not comply with this PDC.</p>

Policy Area Desired Character

Policy Area 8 – Compact
Desired Character
<p><i>The streetscape attributes include the:</i></p> <p><i>(a) low scale building development;</i></p> <p><i>(b) compact road verges and building setbacks to the street;</i></p> <p><i>(c) building forms and detailing of the predominant cottages and villas; and</i></p> <p><i>(d) varied but coherent rhythm of buildings and spaces along its streets.</i></p> <p><i>Development will:</i></p> <p><i>(a) be of street-fronting dwelling format, primarily detached dwellings, together with semidetached dwelling and row dwelling types. The conversion or adaptation of a building for a multiple dwelling or residential flat building may also be appropriate; and</i></p>

(b) maintain or enhance the streetscape attributes comprising:

(i) siting - the regular predominant allotment pattern, including the distinctive narrow-fronted sites associated with the various cottage forms produces an intimate streetscape with a compact building siting and low scale built character with generally low and open style fencing and compact front gardens. Street setbacks are generally of some 6 metres and side setbacks are consistently of 1 metre or greater, other than for narrow, single-fronted and attached cottages producing a regular spacing between neighbouring dwellings of generally 3 to 5 metres (refer table below); and

(ii) form - the consistent and recognisable pattern of traditional building proportions including wall heights and widths of facades, and roof height, volumes and shapes associated with the identified architectural styles in (iii) below; and

(iii) key elements - the defining design features, including the verandahs and pitched roofs, use of wall and roofing materials facades of the predominant architectural styles (Victorian and Turn-of-the-Century double-fronted and single-fronted cottages and villas, and complementary Inter-war bungalows as well as attached cottages).

Assessment

As discussed above, the proposed new dwelling is not considered to be composed in a traditional manner, including with regard to double width façade widths, garaging, wall/eave heights, roof form, symmetry and prominence of the single storey aspect. Additionally it is considered the double width driveway and crossover would impact on the garden character forwards of the dwelling including on the road verge

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 1 – Design and appearance	<ul style="list-style-type: none"> As discussed above, within the context of the site and locality, the design and appearance of the building does not sufficiently respect the positive attributes and desired character, including regarding building form, scale, mass and height; building facade and detailing; and roof form and pitch.
PDC 23 - Building Form, Scale, Mass and Height	<ul style="list-style-type: none"> As discussed above, the proposed building form, scale, mass and height is not compatible with development in

	the locality, nor the desired character and built form parameters for the zone and policy area.
PDC 29 - Garage	<ul style="list-style-type: none"> As discussed above, the proposed garage design is too visually dominant, diminishes the dwelling prominence, and is not compatible with the prevailing built form within the zone and locality. The garage would be under the main roof of the dwelling forming the streetscape roof ridge element. The garage would have a width 1.5 times greater than the maximum 30% guideline.

12. CONCLUSION

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

- The dwelling façade composition has insufficient regard to traditional form and key elements of the locality and desired character;
- The double width driveway would impact the garden setting forwards of the dwelling, disrupt the garden streetscape presence, and would be incongruous with the locality and desired character;
- The double width garage would not be a minor streetscape element, would be too visually dominant and would adversely impact the character and amenity of the locality;
- The upper storey would not be inconspicuous and would be incongruous with the locality and desired character.

The application is therefore recommended for REFUSAL.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/217/2019/C2 at 5 Blackett Street, Goodwood SA 5034 to 'Construct two storey dwelling including verandah and double garage', is seriously at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent subject to the following reasons:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The dwelling façade composition has insufficient regard to traditional form and key elements of the locality and desired character;
2. The double width driveway would impact the garden setting forwards of the dwelling, disrupt the garden streetscape presence, and would be incongruous with the locality and desired character;
3. The double width garage would not be a minor streetscape element, would be too visually dominant and would adversely impact the character and amenity of the locality;
4. The upper storey would not be inconspicuous and would be incongruous with the locality and desired character.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Consultant Architect Referral Comments	Administration

ITEM 9**DEVELOPMENT APPLICATION – 090/183/2019/C3 – 21 EDMUND AVENUE, UNLEY SA 5061 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/183/2019/C3
ADDRESS:	21 Edmund Avenue, Unley SA 5061
DATE OF MEETING:	12 November 2019
AUTHOR:	Andrew Raeburn
DEVELOPMENT PROPOSAL:	Redevelopment of existing petrol filling station, including alterations to existing building and signage.
HERITAGE VALUE:	None
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic (Conservation) Policy Area 6 – Spacious Unley and Malvern Trimmer Estate
APPLICANT:	Fitzsimons Group of Companies
OWNER:	P1 Property Pty Ltd
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 3
REPRESENTATIONS RECEIVED:	Yes - 27 oppose
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Deferred item
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Land Use Built Form and Character Interface and Amenity Traffic and Car Parking

1. PLANNING BACKGROUND

The subject application was presented to the Council Assessment Panel meeting held on the 24th of September 2019 and the Panel subsequently resolved to defer a decision on the application to allow the applicant:

- To obtain further traffic engineer's advice to consider the movement of vehicles reversing from 23 Edmund Avenue Unley.
- Review traffic movements on site to improve safety and minimise traffic conflict
- To investigate the retention and reuse of existing control building and canopy.

2. AMENDED PROPOSAL

In response to the Panel's decision to defer, the applicant has submitted the following information:

1. Amended site plan showing
 - a. the southernmost crossover extended further north to a total width of 12.0 metres
 - b. removal of a street tree to allow the wider crossover
 - c. additional sound attenuation details
2. Turn-path analysis demonstrating a 14.9 metre long refuelling vehicle entering and exiting the site without utilising the adjacent right-of-way land
3. Further Traffic Engineer's advice concluding that a vehicle can safely exit 23 Edmund Avenue onto Duthy Street via the right of way
4. Updated acoustic report prepared by Sonus

3. DISCUSSION

Amended plans

In order to address the reasons for deferral, the applicant has chosen to amend the design of the vehicle access by increasing the width of the southernmost crossover on Duthy Street to 12 metres. This necessitates the removal of a street tree.

The proposed crossover amendment would now allow for cars and refuelling vehicles to avoid using the right of way land at no. 23 Edmund Avenue when entering the development site.

The amendment also would improve the separation between vehicles entering the development site and vehicles reversing from no.23 Edmund via the right of way.

Consider the movement of vehicles reversing from 23 Edmund Avenue Unley.

The applicant has provided updated Traffic Engineer's advice that concludes that the verge and adjacent parking lane provide sufficient width *'to permit the driver of a car reversing from the right of way to readily sight oncoming traffic before reversing back across the bicycle lane into the northbound carriageway of Duthy Street.'*

This opinion is also supported by Council's Traffic Engineer (refer to attachment B)

Based on the additional information and comments provided, it is considered that the proposal allows for the safe movement of vehicles into and out of the development site and from no.23 Edmund via the right of way.

Review traffic movements on site to improve safety and minimise traffic conflict

The applicant's updated Traffic Engineer's advice reaffirms their earlier opinion *'that the traffic matters associated with the proposed development are functional, safe and address the requirements of the relevant off-street car parking standards.'* Please refer to attachment A for further details.

This opinion is supported by Council's Traffic Engineer.

Investigate the retention and reuse of existing control building and canopy.

The applicant has investigated the reuse of the existing control building, however, has concluded that *'the building is not weatherproof, is of insufficient size, does not provide adequate security needed for its intended purpose and would require the partial demolition of the existing masonry building on the land that has as much historic integrity as the*

weatherboard building.'

Further, the building must be removed to allow access to the ageing fuel tanks that presently exist on the land in order for my client to remove them and replace with safe and compliant fuel tanks that meet modern day environmental standards.'

Street tree removal:

Council's Arborist has provided the following comments:

Firstly, no arboricultural concerns present with the subject tree, however, if no alternative design solutions exist then tree removal can be supported.

*However, the costs associated with the removal and replacement of any one (1) *Pyrus usseriensis* (Manchurian Pear) within the Duthy Street frontage of this development, total \$4,483.70 + GST and must be paid in full, by the applicant/developer, prior to the subject tree being removed by Council staff.*

This figure aligns with the attached advice provided in April 2018.

The applicant has accepted the cost associated with the removal of the street tree.

Whilst the removal of a street tree is not desirable, it is considered that its removal would improve the operation of the development and allow for the safe movement of vehicles entering the site.

It is considered that the removal of the street tree would support the reasonable and expected redevelopment of the site as a small scale petrol filling station.

4. CONCLUSION

The proposed amendments would provide a larger area for vehicles to manoeuvre when entering the development site and would provide greater separation with the right of way land at no.23 Edmund Avenue and any vehicles exiting the associated garage, thereby maintaining highway safety.

As previously recommended, the proposed development is an appropriate redevelopment of the land and would not compromise the appearance and character of the area, the amenity of neighbouring residents, or highway safety within the area.

5. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/183/2019/C3 at 21 Edmund Avenue, Unley SA 5061 for redevelopment of existing petrol filling station, including alterations to existing building and signage 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 materials, refuse and goods including fuel shall at all times be loaded and unloaded within the confines of the subject land. Fuel delivery vehicles shall only access the site between the hours of 7.00am and 10.00pm on any day, with refuse collection and the delivery of goods to take place between the hours of 9.00am and 7.00pm on a Sunday or public holiday and between 7.00am and 7.00pm on any other day.
3. The operating hours of the service station approved herein shall be between 6.00am and 9.00pm on any day.
4. The landscaping approved herein (Landscaping Plan prepared by Startari dated 14/03/19) shall be planted prior to occupation/operation of the development and any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping and replace any plants which may become diseased or die.
5. No goods, materials or equipment associated with the approved development shall be stored outside of the control building or designated storage areas.
6. All solid waste shall be stored in bins/containers having a close fitting lid. The bins/containers shall be stored within the designated screened bin enclosure. Collection of waste shall be carried out at least once a week by a private contractor and within the approved collection hours.
7. The car parking layout shall satisfy the requirements of *AS/NZS 2890.1-2004 Off-Street Car parking* and *AS/NZS 2890.6-2009 - Off-Street Parking for People with Disabilities*.
8. Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.
9. The advertising displays shall not contain any elements that flash, scroll or move.
10. The internal illumination of the advertising displays shall be limited to a low level in order to minimise the impact on road safety.
11. Any obsolete crossover/s (or portions thereof) shall be replaced with upright kerb and gutter to Council's specifications at the applicant's expense prior to operation of the development.

List of Attachments		Supplied By:
A	Additional Application Documents	Applicant
B	Council's Arborist and Traffic Engineer's comments	Administration
C	September CAP report and attachments	Administration

OTHER BUSINESS

Demolition of Contributory Items, Significant and Regulated Tree Assessments.

At the September Ordinary Council Meeting, the following questions were asked:

Over the last five years:

1. What is the number of contributory dwellings in the Historic Conservation Zone that have been approved for demolition by:
 - (a) the Council Assessment Panel; and
 - (b) under staff delegation?
2. What is the number of character dwellings within the Streetscape (Built Form) Zone that have been approved for demolition by:
 - (a) the Council Assessment Panel; and
 - (b) under staff delegation?
3. What is the number of significant trees that have been approved for removal by:
 - (a) the Council Assessment Panel; and
 - (b) under staff delegation?

Staff provided the following answers:

In the last five years:

1. Demolition of Contributory dwellings:
 - (a) Three contributory dwellings in the Historic Conservation Zone have been approved for demolition by the Council Assessment Panel.
 - (b) Four contributory dwellings in the Historic Conservation Zone have been approved for demolition under staff delegation.
2. Demolition approvals the Streetscape (Built Form) Zone:
 - (a) 32 dwellings in the Streetscape Zone have been approved for demolition by the Council Assessment Panel.
 - (b) 55 dwellings in the Streetscape Zone have been approved for demolition under staff delegation.

Note: Council does not keep records whether the dwellings demolished within the Streetscape Zone were character dwellings.

3. Significant trees approved for removal:
 - (a) 13 significant trees have been approved for removal by the Council Assessment Panel.
 - (b) 56 significant trees have been approved for removal under staff delegation.

Further information was requested relating to Regulated Trees approved for removal over the past 5 years. A total of 167 Regulated Trees have been approved under delegation over this period.

Given this relates to development assessment activities the information is provided for the knowledge of the CAP members.

RECOMMENDATION

That the report be received.