

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

Dear Member

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



Gary Brinkworth
ASSESSMENT MANAGER

Dated 06/03/2020

ACKNOWLEDGEMENT

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

MEMBERS:

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

APOLOGIES:

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED:

SECONDED:

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 18 February 2020, as printed and circulated, be taken as read and signed as a correct record.

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

17 March 2020

A G E N D A

Apologies
Conflict of Interest
Confirmation

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Any Other Business
Matters for Council's consideration

ITEM 1
DEVELOPMENT APPLICATION – 090/817/2019/C2 – 29 OXENBOULD STREET, PARKSIDE SA 5063 (PARKSIDE)

DEVELOPMENT APPLICATION NUMBER:	090/817/2019/C2
ADDRESS:	29 Oxenbould Street, Parkside SA 5063
DATE OF MEETING:	17 March 2020
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Partial demolition of existing rear additions and carry out alterations and construct single storey additions on common boundary, erect deck, front fence and rear garage on common boundary
HERITAGE VALUE:	Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic Conservation Zone Policy Area 2 – Compact Historic Parkside St Ann’s Estate
APPLICANT:	K Clark
OWNER:	T J R Williamson and K V Ringwood
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – two (2) opposed
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Boundary development Site coverage Overlooking

1. PLANNING BACKGROUND

The applicant requested preliminary heritage advice in July 2019.

2. DESCRIPTION OF PROPOSAL

The proposed development includes the following:

- Partial demolition of existing rear additions;
- carry out alterations and construct single storey rear additions on common boundary;

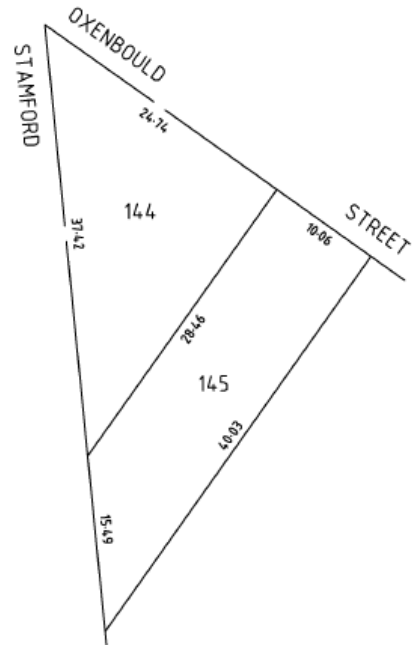
- erect a deck;
- erect front fencing; and
- construct a rear garage outbuilding on common boundary.

3. SITE DESCRIPTION

The site has a north-eastern/south-western orientation with a north-eastern primary frontage to Oxenbould Street of 10.1 metres and a western (rear) diagonal secondary frontage to Stamford Street of 15.5 metres. The site has a regular width of 10.1 metres and an average depth of 34.3 metres, 28.5 metres on the shorter north-western side and 40 metres on the longer south-eastern side. The site has an area of 333sqm.

Existing structures on the subject site include a single storey detached Contributory double-fronted cottage.

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.

Land Division/Settlement Pattern

The pattern of land division along Oxenbould Street in the locality is predominantly rectangular allotments of approximately 11.6 metres in width, oriented north-east/south-west facing the street. This has produced a streetscape pattern of dwellings setback with front gardens, generally 8.5 metres behind the street boundaries. Space between adjoining dwellings is predominantly compact, with limited opportunity for vehicle access or parking alongside dwellings.

The pattern of land division along the western side of Stamford Street in the locality is predominantly rectangular allotments of approximately 13.2 metres in width, oriented facing east. The western side is generally the rear secondary street frontages from Oxenbould Street.

Dwelling Type / Style and Number of Storeys

Dwellings within the locality along Oxenbould are predominantly of double-fronted cottage and villa in architectural style, detached and single storey, with most having vehicle access and storage accessed from the secondary rear frontages.

Dwellings on the western side of Stamford Street are more varied, most are more compact and generally have vehicle minor scaled carports or garages alongside.

Fencing Styles

Fencing styles in the locality varies from the eastern to the western end. The western end closest to the subject site is generally low and open and of woven wire or picket materials. The eastern end further away has more varied styles, moderate heights, and varied materials including brush and some masonry pillar and plinth..

Fencing styles on the western side of Stamford Street is predominantly low and open styled. On the eastern side fencing is generally higher than eye height and of varied but generally non permeable materials including colorbond and timber slats.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

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

I advised that there was scope for a small garage at the rear of the dwelling noting that the rear of the allotment is accessed from Stamford Street. The eastern side of Stamford Street in the immediate locality of the subject site is not historic nor consistent and there are a number of garages and carports.

I recommended that the proposed garage is low in scale and simple in form (gable roof with steep roof pitch or skillion perhaps). Set in from rear boundary to the extent possible. Corrugated steel in a mid to grey or grey-green colorbond would help to minimise visual impact.

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 subject to street tree removal approval. Any disused crossover should be closed and all alterations to the street verge should be to Councils standards and at full cost to the applicant.

The application was referred to Council's Arborist department due to the street tree (shown below). Comments provided are summarised as follows: (see attachments for full comments)

Providing all reasonable design solutions have been explored, removal of the street tree is supported at full cost to the applicant.



8. PUBLIC NOTIFICATION

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

31 Oxenbould Street (opposed)	
ISSUES RAISED	APPLICANTS RESPONSE
Boundary alignment and development.	The allotment sizes within the Parkside St Anne's Estate Policy area are small allotments and every bit of land counts. Currently 29 Oxenbould Street are missing land that they have paid for due to the incorrect placement of a fence. This greatly impacts their ability to extend. The cladding and artwork panels can be re-screwed on to a new fence.

	<p>The 'kink' in the wall on the boundary to the existing house structure is already there and no proposal to amend this has been made. The new addition is proposed to sit on the boundary which starts beyond the shed, therefore out of site from the main focal point of the garden in question.</p> <p>The neighbouring garden shed looks to be approx. 1.5m x 0.8m and could be repositioned.</p> <p>The 2 small plants, pot plants and the 1.5mH immature tree close to the fence could be relocated and would not impact their health.</p> <p>The site plan submitted to council for planning approval shows the certified boundary survey overlaid for neighbours review.</p>
<p>Impacts and security during demolition and construction.</p>	<p>As per standard building practice, temporary fencing is supplied by the builder during the construction phase.</p>
<p>27 Oxenbould Street (opposed)</p>	
<p>ISSUES RAISED</p>	<p>APPLICANTS RESPONSE</p>
<p>Visual dominance and overshadowing from garage outbuilding.</p>	<p>The height has been reduced significantly, the garage setback further from the rear boundary and the roof pitch reduced during the design phase due to lengthy discussions with the SA Power Network.</p> <p>There is a precedence of a large number of properties within close proximity that far exceed the 50% site coverage recommended in the Development Plan.</p> <p>A huge amount of time has been invested in liaising & negotiating with SA Power networks and Unley Councils Heritage Architect and Duty Planner in relation to the height and scale of the garage. All proposed</p>

	<p>structures fall within the necessary guidelines.</p> <p>Changing the garage door from panel lift to roller will not change the required size of the garage due to the angle of entry. Relocating the garage reduces the Private Open Space and leaves the site unable to be developed.</p> <p>In this case the client has a tool of trade vehicle which requires a min. 2.4mH garage access height, hence the need for a minimum pitching height of 2.7m as reflected in the drawings. This is not outside of the planning guidelines and does not exceed the maximum height allowable.</p>
Damage to tree roots by garage outbuilding.	The trees on the adjacent property are not significant or native to Australia and do not appear to have any arterial branches overhanging the boundary.
Boundary alignment.	The site plan submitted to council for planning approval shows the certified boundary survey overlaid for neighbours review.

(* denotes non-valid planning considerations)

9. ADMINISTRATION NEGOTIATIONS

The applicant did not wish to make further amendments and instructed Council to proceed with the application through the Council Assessment Panel.

10. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	333m ²	
Frontage	10.1m	
Depth	28.5 - 40m	
Building Characteristics		
Site Coverage		
Roofed Buildings	61.9%	<input type="checkbox"/> 50% of site area

Total Impervious Areas	80.7%	<input type="checkbox"/> 70% of site <input type="checkbox"/>
Setbacks		
Ground Floor		
Front boundary (NE)	4.42m (no change)	
Side boundary (NW)	Nil (no change)	Nil / 1m
Side boundary (SW)	909 - 944mm (dw) Nil (garage)	Nil / 1m (dw) Nil / 600mm
Secondary Street / Rear boundary (W)	5.2m / 7.95m (dw) 900mm / 1.5m (gar)	5m (dw) 1m (secondary street)
Wall on Boundary		
Location	NW (dwelling) SE (garage)	
Length	5.27m (dwelling) (combined 14.5m , prev. 13.8m) 11.2m (garage)	<input type="checkbox"/> 9m (dwelling) ≤8m / 12m (gar / carport)
Height	3.75m (dwelling) 2.57 / 2.9m (garage)	<input type="checkbox"/> 3m
Private Open Space		
Min Dimension	4.52m	<input type="checkbox"/> 4m minimum
Total Area	17% (56.6m ²)	<input type="checkbox"/> 20%
Car parking and Access		
On-site Car Parking	1	2 per dwelling where less than 4 bedrooms or 250m ² floor area
Covered on-site parking	1	<input type="checkbox"/> 1 car parking space
On-street Parking	2	0.5 per dwelling
Driveway Width	3.49m	3m Single 5m double
Garage/Carport Width	4.91m (31.7%)	<input type="checkbox"/> 6.5m or <input type="checkbox"/> 30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	4.4m x 5.9m	3m x 6m for single 5.8m x 6m for double
Outbuildings		
Wall Height	2.57 / 2.9m	<input type="checkbox"/> 3m
Total Height	3.65m	<input type="checkbox"/> 5m
Total Floor Area	44m ² 13.2%	<input type="checkbox"/> 80m ² or 10% of the site, whichever is the lesser
Colours and Materials		
Roof	Heritage galvanised	
Walls	Red brick to match ex.	
Front Fencing	1.2mH Cream picket	

(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> <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>Objective 4: Sensitive adaptation of contributory items for alternate, small household, living where offering tangible benefit in the retention and refurbishment of such items.</i></p>
Desired Character
<p><i>Heritage Value</i></p> <p><i>The Residential Historic (Conservation) Zone and its 7 policy areas have particular significance to the history of Unley’s settlement. These areas tell a story about life in the late 19th and early 20th Century, and of the features and circumstances of the original European communities in Unley. It is for this reason, as well as the appealing and coherent streetscapes of largely intact original building stock, that these areas merit particular attention and protection.</i></p> <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> <p><i>Contributory Items</i></p> <p><i>A building making a positive contribution to the heritage value and desired character of the respective policy areas is termed a “contributory item”. All contributory items are highly valued and ought not be demolished as this would significantly erode the integrity of the zone. Sensitive designed alterations and additions to a contributory item are appropriate, as are changes removing or making more positive contribution of discordant building features detracting</i></p>

from its contributory value. The adaptation of a contributory item for alternative residential accommodation where this provides for the retention, and ongoing refurbishment, of such items is also appropriate.

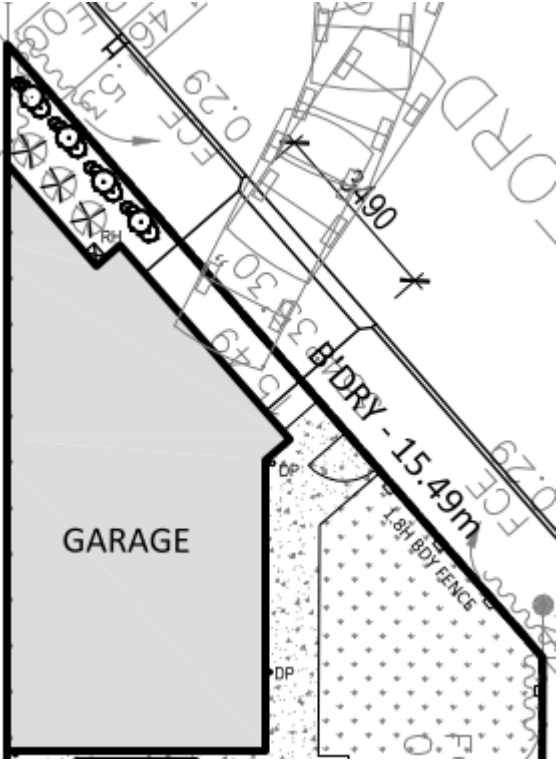
Non-contributory Buildings

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

Assessment

As is discussed elsewhere in this report, the alterations and additions would not be readily visible when viewed from the street. The streetscape contribution of the Contributory building would be maintained. The garage outbuilding would be located at the rear of the site and accessed from the rear secondary street frontage, which is not of historic character. Nonetheless the garage has been designed to present to the street as a minor scaled structure with a form complementary to the associated dwelling. The additions and garage would be constructed of red brick to match the Contributory dwelling and heritage galvanised corrugated iron roofing.

Relevant Zone Principles of Development Control	Assessment
<p>PDC 1 <i>Development should conserve and enhance the desired character as expressed for each of the seven policy areas.</i></p>	<p>As is discussed below, the proposed development would support the desired character of the policy area.</p>
<p>PDC 12 <i>Building walls on side boundaries should be avoided other than:</i></p> <p><i>(a) a party wall of semi-detached dwellings or row dwellings; or</i></p> <p><i>(b) a single storey building, or outbuilding, which is not under the main dwelling roof and is setback from, and designed such that it is a minor, low and subservient element and not part of, the primary street façade, where:</i></p> <p><i>(i) there is only one side boundary wall; and</i></p> <p><i>(ii) the minimum side setback prescribed under the desired</i></p>	<p>The additions have been designed in response to the existing constrained site and boundary alignment, and allows for usable floor area and dimensions, as well as provision of an adequate side setback and accessway along the south-eastern side.</p> <p>The alteration and additions are at the rear of the Contributory building and would not be readily visible from the primary street. As such, the desired gap between adjoining buildings is maintained in the streetscape presentation.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>character is met on the other side boundary; and</i></p> <p><i>(iii) the desired gap between buildings, as set-out in the desired character, is maintained in the streetscape presentation.</i></p>	
<p>PDC13 <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 the primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i></p> <p><i>(i) incorporate lightweight design and materials, or otherwise use of materials complementing 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 of the dwelling, nor incorporated as part of the front verandah on any other dwelling form where attached alongside the dwelling; and</i></p> <p><i>(iii) have a width which is a proportionally minor element 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>The garage outbuilding would be located behind the dwelling as a freestanding outbuilding. The garage entry portal design (see below) provides for the required turning angle from the rear secondary street, whilst minimising the apparent width and volume.</p>  <p>The stepped setback of the garage as shown above, provides for a portal setback of 900mm. The southern most elongated triangle is setback 1.5m providing an area of landscaping, whilst not being an excessive or acute angled area to accumulate litter etc.</p>
<p>PDC15 <i>Fencing of the primary street frontage and the secondary street on corner sites, forward of the front façade of the dwelling, should complement the desired character, and be compatible</i></p>	<p>The proposed front fencing would be 1.2 metres in height, timber picket and painted in a cream finish.</p>

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

Policy Area Desired Character

Policy Area 2 – Compact Parkside St Ann’s Estate
Desired Character
<i>Heritage Value</i>
<p><i>An important appreciation of the heritage value is formed by this village township, the first on the southern edge of the Parklands, proximate and readily accessible to the Unley and CBD facilities and services. The formal subdivision in 1854 created the tightly angled pattern of short and narrow streets.</i></p>
<i>Desired Character</i>
<p><i>While the earliest colonial buildings have not survived, the contributory items erected in the later half of the 19th century to circa 1910 are integral to the predominant and desired character. The compact streetscape character comprises a mix of Victorian and Turn-of-the-Century style single-fronted, attached and double-fronted cottages and villas, and also complementary, later Inter-War styles, together with corner shop variations and institutional buildings.</i></p>
<p><i>Development will:</i></p>

- (a) conserve contributory items, in particular, single and double-fronted and attached cottages and villas and also original school and church buildings; and*
- (b) be of a compact street-fronting dwelling format, primarily of detached dwelling, semidetached dwelling and row dwelling types, except for the adaptation of a contributory item for a multiple dwelling or residential flat building, but retaining remnant and notable community and educational buildings, and uses; and*
- (c) maintain or enhance the predominant streetscapes and allotment patterns associated with the more predominant:
 - (i) dwelling sites typically of 14 metres to 18 metres street frontages and with site areas of 500 square metres; and*
 - (ii) street setbacks of some 4 metres; and*
 - (iii) side setbacks of between 1 metre and 3 metres so as to maintain a total spacing between neighbouring dwelling walls of some 3.5 metres; and**
- (d) maintain or enhance the predominant streetscapes and allotment patterns associated with existing narrow-fronted and attached cottages are on sites typically 8 metres in width and 300 square metres in site area, and having side setbacks and a spacing between dwelling walls of between 0 metres and 1 metre; and*
- (e) maintain and respect important features associated with architectural styles of contributory items having typically:
 - (i) building wall heights in the order of 3.3 metres to 3.5 metres; and*
 - (ii) total roof heights in the order of 5.7 metres; and*
 - (iii) roof pitches in the order of 27 degrees and 35 degrees.**

Assessment

As is discussed elsewhere in this report, the proposed additions to the Contributory dwelling would not be readily visible when viewed from the street. The streetscape contribution of the Contributory double-fronted cottage, as well as the existing pattern of development would be maintained. The garage outbuilding would be located at the rear of the dwelling and accessed from the rear secondary street, consistent with other outbuildings and garaging within the locality.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Residential Development	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 relevant Council-wide provisions that warrant further discussion in regards to the proposed development:

Relevant Zone Principles of Development Control	Assessment
Residential Development	
<p>PDC 14 <i>Dwellings sited on side boundaries (other than on secondary road frontages) should be located and limited in length and height to maintain visual amenity and allow adequate provision of natural light to adjacent properties (habitable room windows and private open space) and should be in accordance with the following parameters:</i></p> <p><i>(a) the same or lesser length and height dimensions of any abutting boundary wall;</i></p> <p><i>(b) setback at least 1 metre behind the main face of the associated dwelling and the nearest adjoining dwelling;</i></p> <p><i>(c) up to 3 metres above ground level and a maximum length of 9 metres (including all other attributable boundary walls) or 50 percent of the boundary length that is not forward of the dwelling, whichever is the lesser amount;</i></p> <p><i>(d) developed along one side boundary only with the other side setback of no less than 1 metre or as prescribed;</i></p>	<p>The rear additions would replace previous additions on boundary, but of an additional length of approximately 700mm. The combined length of the dwelling walls on or immediately adjoining the boundary would be 14.5 metres.</p> <p>In accordance with building code requirements the additional boundary development would be constructed to the established true boundary, whilst the existing dwelling boundary walls are located slightly inside and outside of the true boundary. This necessitates a small step in the boundary wall alignment.</p> <p>The dwelling additions floor level, wall height and roof form have been designed to integrate with the existing dwelling. As such the boundary wall would have a height above natural ground level of 3.75 metres.</p> <p>The additions would be located behind the existing dwelling, to the south-east of the adjoining dwelling at 31 Oxenbould Street, and no closer to any habitable windows.</p> <p>The intent of PDC 14 that development maintain visual amenity and the provision</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>(e) not within 0.9 metres of a habitable room window of an adjacent dwelling.</i></p>	<p>of natural light to adjoining properties is satisfied.</p>
<p>PDC15 <i>Garages, carports, verandahs, pergolas, outbuildings and like structures should be sited and designed to be ancillary to the dwelling and not visually dominate the locality and should:</i></p> <p><i>(a) site any solid wall at least 600 millimetres off the boundary or on the boundary</i></p> <p><i>(b) site boundary walls immediately abutting other adjacent walls and have the same or lesser length and height</i></p> <p><i>(c) have a minimum setback of 1.8 metres for solid walls or a minimum setback of 0.9 metres for an open sided structure to a habitable room window of an adjacent dwelling</i></p> <p><i>(d) have a minimum distance of 3 metres to any other attributable walls on the boundary</i></p> <p><i>(e) be sited clear of easements and the canopy of significant trees, where practicable.</i></p>	<p>As is discussed further below, the garage outbuilding would be sited and designed to be ancillary to the dwelling and not visually dominate the locality.</p> <p>The outbuilding would be sited on the south-eastern boundary, approximately 4 metres to the adjacent dwelling. There are no walls on the same boundary and there are no regulated trees within the proximity.</p>
<p>PDC17 <i>Roofed buildings (excluding verandahs and eaves up to 2 metres in width or garden structures up to 10 square metres in area) should:</i></p> <p><i>(a) cover no more than 50 percent of the area of the site (excluding the area of the handle of a hammerhead allotment, any right of way or any shared driveway access)</i></p> <p><i>(b) together with the impervious areas (private driveways, car parking spaces, paths and outdoor entertainment areas) cover no more than 70 percent of the site.</i></p>	<p>The proposed alterations and additions would not increase the number of bedrooms, but would bring the dwelling closer to modern standards for bathroom and living areas, as well as adding a useable rear veranda space and a covered garage with garden/storage area.</p> <p>Areas for landscaping have been maintained, including forwards of the dwelling and a new landscape strip to the rear street frontage.</p> <p>The site coverage would not exceed that of other similarly constrained sites within the locality. Other relevant guidelines regarding setbacks, stormwater, open space and landscaping are addressed elsewhere in this report.</p>

Relevant Zone Principles of Development Control	Assessment
	The variance from PDC17 guidelines are not incongruous with, nor would it adversely impact upon the existing and desired characteristics of the locality.
<p>PDC20 <i>Private open space should be provided for each dwelling and sited and designed to be:</i></p> <p><i>(a) located adjacent or behind the primary street facing building facade and be exclusive of storage areas, outbuildings, carports, driveways, parking spaces and roofed pergolas and associated structures;</i></p> <p><i>(b) screened from public areas and adjoining properties with fencing of not less than 1.8 metres above finished ground level;</i></p> <p><i>(c) sited to receive direct winter sunlight;</i></p> <p><i>(d) of sufficient area with a minimum of 20 percent of the site area (>300 square metre site area per dwelling) and 35 square metres (≤300 square metres site area per dwelling) within a residential zone and 20 square metres for each site within a non-residential zone;</i></p> <p><i>(e) useable for residents and visitors with a minimum of 4 metres (residential zone) and 3 metres (non-residential zone) in any one direction, a maximum grade of 1:10, and directly accessible from a habitable room.</i></p>	<p>The proposal would provide 17% of the site area for Private Open Space (POS), 3% less than the guideline for allotments over 300 square metres.</p> <p>The POS area would be approximately 4.5 metres wide by 12.5 metres long, and include a covered deck area accessible directly from the kitchen and lounge room, and a garden/lawn area.</p> <p>The POS area of 56.6 square metres is nearly 40% larger than required for sites of 300 square metres or less.</p> <p>The intent of PDC 20 that POS be sufficient for the use of residents and visitors is therefore satisfied.</p>
<p>PDC 30 <i>Outbuildings and like structures should be sited and designed to be ancillary to the dwelling and not visually dominate the locality by having:</i></p> <p><i>(a) a maximum wall height of 3 metres and roof height of 5 metres (sited at least 2 metres from the side boundary) above ground level;</i></p> <p><i>(b) a maximum wall length of 8 metres for solid walls and 12 metres for open-sided structures (including all other</i></p>	<p>The garage would be located on the south-eastern side boundary at the rear of the site. Due to the shape of the site and this being the longest boundary, this appears to be the most practical location, similarly as to the south-eastern adjoining 27 Oxenbould Street, which actually has a greater site area.</p> <p>The outbuilding wall would consist of two elements. The main garage element would have a wall height of 2.9 metres above natural ground level and a length of 7.76</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>boundary walls) or no longer than 50 percent of the boundary length behind the front face of the dwelling, whichever is the lesser amount;</i></p> <p><i>(c) a total floor area not exceeding 80 square metres or 10 percent of the site, whichever is the lesser amount.</i></p>	<p>metres. The additional storage element would have a lesser height of 2.57 metres and additional length of 3.39 metres. The combined length would be 11.2 metres, more than the Development Plan guideline of 8 metres, but it is noted, less than the 12 metres guidelines if the structure were open sided.</p> <p>The additional area provides an ideal location for containing bins and also avoids having an acute angled area to accumulate litter facing Stamford Street. The additional length would be screened from view on the south-eastern adjoining property by the existing tree on the same site.</p> <p>The additional wall length is of a lesser height than the main garage element which would otherwise comply with the relevant guidelines. Given the context of the site and locality, the additional wall would not adversely increase impacts beyond that of a 12 metre long open sided structure.</p> <p>The outbuilding would be constructed of red brick with a low pitched roof of galvanised iron to match the existing dwelling. The maximum roof ridge height would be 3.65 metres.</p> <p>On balance, the proposed outbuilding siting and design is adequately compatible with the existing and desired built form and pattern of development within the locality. The intent of PDC 30 is therefore satisfied.</p>
<p>Overshadowing and Natural Light</p> <p><i>PDC 41 Development should allow direct winter sunlight access to adjacent residential properties and minimise the overshadowing of:</i></p> <p><i>(a) living room windows, wherever practicable;</i></p> <p><i>(b) the majority of private open space areas, communal open space and upper</i></p>	<p>The dwelling additions are located to the south-east of the north-western adjoining dwelling, and setback a minimum 909mm from the south-eastern adjoining side boundary.</p> <p>The outbuilding would be located at the southern most practical point of the subject site. The affected area of the south-east adjoining rear private open space is currently shaded by a tree on the</p>

Relevant Zone Principles of Development Control	Assessment		
<p><i>level balconies that provide the primary open space provision;</i></p> <p><i>(c) roof areas, preferably north facing and suitable for the siting of at least 4 solar panels on any dwelling;</i></p> <p><i>or where such affected areas are already shaded, the additional impact should not significantly worsen the available sunlight access.</i></p>	<p>same site. The additional impact of the garage boundary wall would not unreasonably reduce the available sunlight access.</p> <p>The proposed development would not adversely affect direct winter sunlight access, nor overshadowing of adjoining properties windows, nor the majority of private open space.</p>		
<p>Access and Car Parking</p> <p><i>Car Parking</i></p> <p>PDC45 <i>The number of car parking spaces should be provided in accordance with Table Un/5.</i></p> <p>Table Un/5</p> <p><i>Detached, Semi-detached or Row Dwelling</i></p> <table border="1" data-bbox="280 1144 853 1346"> <tr> <td data-bbox="280 1144 853 1218"><i>(a) less than 4 bedrooms or 250m² floor area</i></td> </tr> <tr> <td data-bbox="280 1218 853 1346"><i>2 on-site spaces – one of which is covered (the second space may be tandem)</i></td> </tr> </table> <p>PDC49 <i>Development and driveway cross-overs that reduce available on-street parking in front of a site to less than 1 space per 2 dwellings should address any shortfall with additional on-site visitor spaces.</i></p>	<i>(a) less than 4 bedrooms or 250m² floor area</i>	<i>2 on-site spaces – one of which is covered (the second space may be tandem)</i>	<p>The site would provide for one covered parking space on the site. The development would also create a new additional on-street space on Stamford Street, and maintain the existing 10.1 metres of on street parking on Oxenbould Street.</p> <p>The on-site carparking would not be less than that of other similarly constrained sites within the locality. The proposal also provides an increase of publicly available carparking generally, in excess of the collective requirements.</p> <p>The variance from PDC45 guidelines are not incongruous with, nor would it adversely impact upon the existing and desired characteristics of the locality.</p>
<i>(a) less than 4 bedrooms or 250m² floor area</i>			
<i>2 on-site spaces – one of which is covered (the second space may be tandem)</i>			

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 scale, form and materials of the development would not be incongruous with the setting and would not adversely impact upon the streetscape character of the associated Contributory dwelling nor the desired character for the locality.

- The proposed development would be sited and designed to adequately minimize negative visual impacts and not have an unreasonable impact on 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 090/817/2019/C2 at 29 Oxenbould Street, Parkside SA for 'Partial demolition of existing rear additions and carry out alterations and construct single storey additions on common boundary, erect deck, front fence and rear garage on common boundary', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. 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.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

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

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

ITEM 2
DEVELOPMENT APPLICATION – 090/792/2019/C2 – 38 AUSTRAL
TERRACE, MALVERN SA 5061 (UNLEY PARK)

DEVELOPMENT APPLICATION NUMBER:	090/792/2019/C2
ADDRESS:	38 Austral Terrace, Malvern SA 5061
DATE OF MEETING:	17 th March 2020
AUTHOR:	Brendan Fewster (Consultant)
DEVELOPMENT PROPOSAL:	Carryout demolition and alterations, construct additions including second storey, garage to common boundary, swimming pool and front fencing
HERITAGE VALUE:	Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic Conservation Policy Area 6 – Spacious Historic Unley and Malvern Trimmer Estate
APPLICANT:	P J Kerr and J L Kerr
OWNER:	P J Kerr
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:	Building appearance, bulk and scale Streetscape character Historic character Amenity impacts Boundary wall

1. PLANNING BACKGROUND

The upper level windows on the north elevation have been amended to include a raised sill height of 1.7 metres above the finished floor level. This would adequately address the privacy concerns raised by the representor.

In response to Council concerns with the visual dominance of the proposed front fence, the fence has been amended to include vertical timber battens (painted black) with 100mm spacing for transparency for the personal access gate and sliding gate for the driveway.

2. DESCRIPTION OF PROPOSAL

The proposal is for demolition works and alterations to an existing dwelling (contributory item) and construction of two storey additions to the rear of the dwelling comprising an upper storey bedroom, ground floor living areas and a garage under the main roof. The additions are designed with a single storey link to the existing dwelling, flat roofs behind parapet walls and materials that include render masonry (Dulux Milton Moon) and Scyon Axon (Dulux White Duck) cladding, feature stone fireplace and aluminium frame windows and doors (black).

Alterations to the dwelling include re-pointing of existing sandstone, new galvanised roof sheeting and painting of timber posts and quoins.

A flat roof garage is to be constructed behind the dwelling and along the eastern side boundary. The boundary wall measures 9 metres in length and approximately 3.5 metres in height.

The existing front boundary brush fence is to be replaced with a new 1.8 metre high brush fence with vertical timber batten gates.

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

3. SITE DESCRIPTION

The subject land is a residential allotment located at 38 Austral Terrace, Malvern. The land is situated between Duthy Street to the east and Cambridge Terrace to the west.

The land is a rectangular shape allotment with a frontage of 15.24 metres and a total site area of 683m². The land has a gentle fall toward the rear boundary in a northerly direction.

Currently occupying the land is a single storey detached dwelling that is identified as a Contributory Item and a garage in the rear yard.

There are no Regulated trees on the site or on adjoining properties.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The locality is entirely residential in land use. Existing development comprises predominantly of detached dwellings at low densities.

Land Division/Settlement Pattern

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

Dwelling Type / Style and Number of Storeys

Existing dwellings include traditional cottages and villas of single storey scale.

Fencing Styles

Fencing is typically low and of varying styles that include solid brick, timber pickets, brush and wire mesh.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No internal referrals were required.

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:

41 Sheffield Street, Malvern (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Privacy impacts from upper storey windows	The upper level windows on the north elevation have been amended to include a raised sill height of 1.7 metres above the finished floor level. This satisfies guideline 39(b).

(* denotes non-valid planning considerations)

Following receipt of the applicant's response and amended plans, the representor advised that they maintain their representation.

9. DEVELOPMENT DATA

Site Characteristics	Dwelling Additions, carport & garage	Development Plan Provision
Total Site Area	683m ²	Existing
Frontage	15.24m	Existing
Depth	44.5m	Existing
Building Characteristics		
Floor Area		
Ground Floor	330m ²	
Site Coverage		
Roofed Buildings	48%	<input type="checkbox"/> 50% of site area
Total Impervious Areas	70% approx.	<input type="checkbox"/> 70% of site
Total Building Height		
From ground level	6.2m approx.	N/A
From ground level of the adjoining affected land	6.2m approx.	N/A
Setbacks		
Ground Floor		
Front boundary (south)	Rear of dwelling	N/A
Side boundary (east)	Garage on boundary	1m
Side boundary (west)	1.3m	1m
Rear boundary (north)	9m	5m

Upper Floor		
Front boundary (south)	21m	Behind primary street facade
Side boundary (east)	2.3m	3m
Side boundary (west)	7.8m	3m
Rear boundary (north)	13.6m	8m
Wall on Boundary		
Location	Eastern boundary	
Length	9.0m	□ 9m or □ 50% □ of the boundary length, whichever is the lesser
Height	3.5m approx.	□ 3m
Private Open Space		
Min Dimension	9m	□ 4m minimum
Total Area	135m ² + (20%)	□ 20%
Car parking and Access		
On-site Car Parking	2 garage spaces 2 visitor spaces	2 per dwelling where less than 4 bedrooms or 250m ² floor area
Colours and Materials		
Roof	Galvanised sheeting to dwelling	
Walls	Rendered masonry (Dulux Milton Moon) & Scyon Axon vertical cladding (Dulux White Duck)	
Fencing	Steel	

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

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

<p>Residential Historic (Conservation) Zone</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>Objective 4: Sensitive adaptation of contributory items for alternate, small household, living where offering tangible benefit in the retention and refurbishment of such items.</i></p>

Desired Character

Heritage Value

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

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

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

Contributory Items

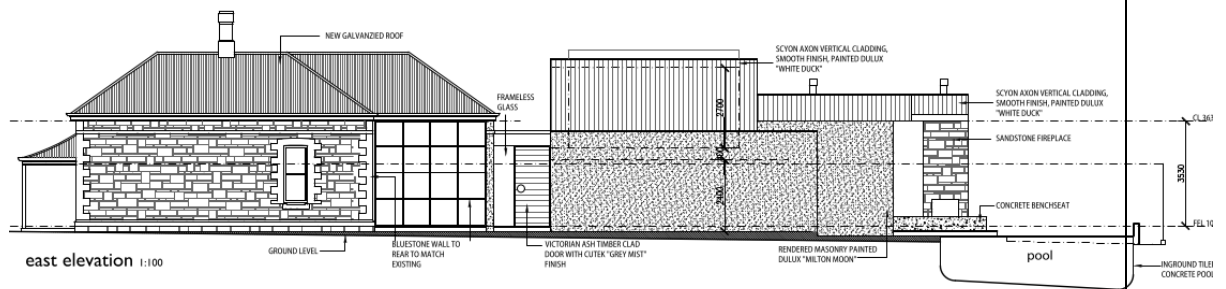
A building making a positive contribution to the heritage value and desired character of the respective policy areas is termed a "contributory item". All contributory items are highly valued and ought not be demolished as this would significantly erode the integrity of the zone. Sensitively designed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

Assessment

The Objectives of the Residential Historic (Conservation) Zone seek to conserve and enhance areas of historic significance, with importance given to the built form and spatial characteristics of the original settlement. Objective 3 and the Desired Character for the zone identify the need for the retention, conservation and enhancement of contributory items as these buildings make a positive contribution to the heritage value of the area.

The proposal comprises a two-storey addition to the rear of an existing contributory item. The proposal will demolish, alter and replace a 'non-original' part of the dwelling with a modern addition that would not be readily visible from the street frontage due to the modest building scale and significant separation distance to the street. Although the building design would not match the historic form and appearance of the existing dwelling, the siting of the addition behind the front façade and the flat roof design, which is no taller than the existing roofline, would ensure the built form has a recessive and inconspicuous appearance within the streetscape. The proposal would

therefore replace a discordant building feature with a sensitively designed addition that would protect the original form and features of the dwelling.



Elevation drawing showing the height and scale of the proposed addition in relation to the existing dwelling and the street

Relevant Zone Principles of Development Control	Assessment
<p>PDC 1 <i>Development should conserve and enhance the desired character as expressed for each of the seven policy areas.</i></p>	<p>The subject land is situated within Policy Area 6 – Spacious Unley and Malvern Trimmer Estate. The Desired Character for this policy area requires new development to “conserve contributory items, in particular symmetrical and asymmetrical villas of Victorian and Turn-of-the-Century era and double-fronted cottages”. As considered above, the modest building scale of the upper storey, which has a floor area of only 30m², and the spatial separation between the new building and the rear of the original dwelling would ensure the setting of the Contributory Item is not disturbed. The proposed alterations to the façade of the dwelling that include re-pointing of sandstone and the painting of quoins and verandah posts would enhance the historic features of the original façade.</p>
<p>PDC 2 <i>Development should comprise:</i> (a) alterations and/or additions to an existing dwelling; and (b) ancillary domestic-scaled structures and outbuildings; and (c) the adaptation of, and extension to, a contributory item to accommodate and care for aged and disabled persons, or for a multiple dwelling or residential flat building; and (d) selected infill of vacant and/or under-utilised land for street-fronting dwelling</p>	<p>The proposed additions, garage, swimming pool and front fence are ancillary and subordinate to the existing dwelling and therefore would not change the existing residential use of the land.</p> <p>PDC 2 of the Residential Historic (Conservation) Zone envisages dwelling alterations, outbuildings and other domestic structures. The proposal is therefore an orderly and desirable form of development within the zone.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>type(s) appropriate to the policy area; and</i></p> <p><i>(e) replacement of a non-contributory building or site detracting from the desired character with respectful and carefully designed building(s).</i></p>	
<p>PDC 3</p> <p><i>Development should retain and enhance a contributory item by:</i></p> <p><i>(a) refurbishing, restoring and improving the original fabric and maintaining its streetscape contribution; and</i></p> <p><i>(b) avoiding works detrimentally impacting on the built form and its characteristic elements, detailing and materials of the front and visible sides as viewed from the street or any public place (ie the exposed external walls; roofing and chimneys; verandahs, balconies and associated elements; door and window detailing; and original finishes and materials) together with any associated original fencing forward of the main building façade; and</i></p> <p><i>(c) removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</i></p> <p><i>(d) altering or adding to the item and carrying out works to its site only in a manner which maintains or enhances its contribution to the desired character, and responds positively to the characteristic elements and streetscape context of its locality, in terms of the:</i></p> <p><i>(i) rhythm of buildings and open spaces (front and side setbacks) of building sites and gaps between neighbouring building sites; and</i></p> <p><i>(ii) building scale and forms (wall heights and proportions, and roof height, volumes and forms); and</i></p> <p><i>(iii) open fencing and garden character; and</i></p> <p><i>(iv) recessive or low key nature of vehicle garaging and the associated driveway.</i></p>	<p>The proposed additions would have minimal impact on the street appearance of the contributory item. The proposed garage that is located on the eastern side of the dwelling would have a recessive appearance and thus would not be readily visible from the street as it is sited 16 metres behind the primary building façade and at least 21 metres from the street boundary.</p> <p>Apart from the proposed garage, the side walls at ground level would follow the existing building line of the dwelling while the upper storey would be contained well within the ground floor footprint.</p> <p>The proposal would also replace a rear lean-to (non-original) that does not contribute positively to the contributory item.</p> <p>The alterations to the front façade include re-pointing and painting and a new galvanised iron roof. The sensitive nature of the proposed works and external materials and finishes would maintain the original fabric of the façade.</p>
<p>PDC 4</p> <p><i>Alterations and additions to a contributory item should be located primarily to the rear of the building and not be visible from the street or any</i></p>	<p>The proposed additions are located to the rear of the dwelling and the low-profile roof design would ensure that the new building is not readily visible from the street. PDC 4 of the zone is therefore satisfied.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>public road unless involving the dismantling and replacement of discordant building elements so as to reinstate or better complement the building's original fabric, form and key features.</i></p>	
<p>PDC 9 <i>Development should present a single storey built scale to the streetscape. Any second storey building elements should be integrated sympathetically into the dwelling design, and be either:</i> <i>(a) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions nor increasing the evident wall heights as viewed from the street; or</i> <i>(b) set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.</i></p>	<p>PDC 9 encourages two storey building elements to be integrated sympathetically into the overall design and appearance of the dwelling. While it is also preferred that upper storeys are incorporated into the roof in order to be inconspicuous within the streetscape, the new upper storey would not have a bulk or mass that intrudes upon the streetscape or neighbouring properties. The original façade of the Contributory Item would be retained, with the upper storey located behind the façade and well setback from side and rear boundaries so as to maintain the visual and spatial amenity of neighbouring properties.</p> <p>Accordingly, the design, siting and overall size of the additions are considered to satisfy PDC 9.</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> <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></p>	<p>The additions and garage are designed with flat roofs. The modern design is clean and simple and is not intended to replicate the historic style of the Contributory Item. The size, scale and siting of the proposed additions and associated buildings is considered to be consistent with the existing development pattern in the locality, which comprises rear additions and outbuildings located in close proximity to side and rear boundaries. A rear yard of reasonable size would also be maintained.</p>
<p>PDC 12 <i>Building walls on side boundaries should be avoided other than:</i> <i>(a) a party wall of semi-detached dwellings or row dwellings; or</i></p>	<p>The proposed garage would be located on the eastern side boundary. The wall on the eastern boundary has a length of 9 metres and a maximum height of 3.5 metres. It is noted that the adjoining</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>(b) a single storey building, or outbuilding, which is not under the main dwelling roof and is setback from, and designed such that it is a minor, low and subservient element and not part of, the primary street façade, where:</i></p> <p><i>(i) there is only one side boundary wall; and</i></p> <p><i>(ii) the minimum side setback prescribed under the desired character is met on the other side boundary; and</i></p> <p><i>(iii) the desired gap between buildings, as set-out in the desired character, is maintained in the streetscape presentation.</i></p>	<p>property owners on this side have not raised any concerns with the length and height of the wall.</p> <p>From an amenity perspective, the impacts upon the eastern neighbour would not be significant for the following reasons:</p> <ul style="list-style-type: none"> • The proposed wall would replace an existing boundary wall (garage) that is 7.8 metres in length (increase of only 1.2 metres); • The main living room windows and private yard areas of the adjoining dwelling are located to the rear and on the opposite side of the property; • The subject land and the adjoining property have a north to south orientation resulting in minimal overshadowing; and • The wall will be constructed of render masonry and finished in a grey colour.
<p>PDC 15</p> <p><i>Fencing of the primary street frontage and the secondary street on corner sites, forward of the front façade of the dwelling, should complement the desired character, and be compatible with the style of the associated dwelling and its open streetscape presence, and comprise:</i></p> <p><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>PDC 15 is generally seeking low and open style fencing along the street frontage so as to complement the desired character. On sites with a frontage greater than 16 metres, fencing of up to 1.8 metres in height is supported provided the fencing is “of a style and height appropriate to that historically associated with the architectural style of that dwelling”.</p> <p>As the frontage is almost 16 metres wide (15.24 metres) and many of the front fences in the immediate locality are 1.8 metres in height, the proposed fencing height would not be at odds with the prevailing streetscape character.</p> <p>In response to Council concerns regarding the solid form and visual dominance of the proposed front fence, the fence has been amended to include vertical timber battens (painted black) for the personal access gate and sliding gate for the driveway. The battens are designed with 100mm spacing for visual transparency. The gaps between the battens would allow filtered</p>

Relevant Zone Principles of Development Control	Assessment
	<p>views of the front façade and passive surveillance of the street.</p> <p>The brush and batten fence style would complement the existing fence styles within the locality.</p> <p>On balance, the proposal is considered to satisfy PDC 15.</p>

Policy Area Desired Character

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

The desired character for the policy area requires new development to “conserve contributory items, in particular symmetrical and asymmetrical villas of Victorian and Turn-of-the-Century era and double-fronted cottages”. As already considered, the modest building height and the siting of the additions to the rear of the dwelling would ensure that the historic features of the contributory item are sufficiently maintained.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	Objectives	1, 2
	PDCs	1, 2, 3, 9, 10, 12, 13, 14, 19, 20, 21
Energy Efficiency	Objectives	1, 2
	PDCs	1, 2, 3, 4
Form of Development	Objectives	1, 3, 4, 7
	PDCs	1, 2, 3
Heritage	Objectives	1, 5
	PDCs	3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Interface Between Land Uses	Objectives	1, 2, 3
	PDCs	1, 2, 3
Landscaping	Objectives	1
	PDCs	1, 2
Public Notification	PDCs	1
Residential Development	Objectives	1, 2, 4
	PDCs	1, 5, 6, 7, 13, 14, 15, 16, 17, 19, 20, 23, 24, 32, 33, 34, 35, 36, 37, 40, 41, 42
Transportation (Movement of People and Goods)	Objectives	1, 2, 3, 5, 6
	PDCs	1, 2, 3, 5, 9, 10, 12, 13, 14, 18, 19, 20, 21, 22, 33

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

Relevant Council Wide Provisions	Assessment
Residential Development	
<i>PDC 13 & 14 – Side and Rear Boundary Setbacks</i>	Council Wide PDC 13 recommends a minimum setback of one metre from side boundaries for single storey walls and three metres for two storey walls up to seven metres in height. The proposal satisfies the side setback requirements with the

Relevant Council Wide Provisions	Assessment
	<p>exception of the garage wall and upper storey on the eastern side.</p> <p>Council Wide PDC 14 provides some allowance for walls on side boundaries provided any associated visual and overshadowing impacts are minimised. From a quantitative perspective, it is noted that PDC 14(c) requires boundary walls to have a maximum height of three metres and a maximum length of nine metres. While the length of the wall is no greater than nine metres, the wall height will exceed this requirement by only 500mm. It is considered that the visual impacts associated with the boundary wall would not be significant given that the new garage will replace an existing building of similar size and that adequate separation from the side windows of the neighbouring dwelling would be maintained.</p> <p>Similarly, the side setback of 2.3 metres to the upper storey would not result in any significant overshadowing or visual impacts given that the main yard areas and habitable room windows of the neighbouring dwelling are located further to the rear and on the opposite side of the dwelling.</p> <p>On balance, the siting and design of the proposed development in relation to the eastern side boundary would not significantly detract from the amenity of neighbouring properties and therefore is considered acceptable.</p>
<i>PDC 16 & 17 – Site Coverage</i>	<p>Council Wide PDC 17 prescribes a total roofed area of 50 percent of the area of the site. The proposed development will result in roofs covering approximately 48 percent of the site, which is acceptable.</p>
<i>PDC 19 & 20 – Private Open Space</i>	<p>At least 135m² of private open space will be maintained for occupants of the dwelling, which equates to 20% of the site area. The layout, orientation and amount of private open space satisfies Council Wide PDC 20 and is considered suitable for clothes drying, entertaining and other domestic activities.</p>
<i>PDC 38 & 39 – Overlooking / Privacy</i>	<p>The owner of 41 Sheffield Street at the rear of the subject land has raised concerns with the potential for overlooking from the upper storey windows of</p>

Relevant Council Wide Provisions	Assessment
	<p>the proposed addition. In response to these concerns, the upper level windows on the north elevation have been amended to include a raised sill height of 1.7 metres above the finished floor level.</p> <p>The proposed measures are considered adequate in maintaining the privacy of neighbouring properties in accordance with Council Wide PDC 38 and 39.</p> <p>A condition of consent has been recommended to reinforce the requirement for either raised sills or obscure glass to a height of at least 1.7 metres above the floor level.</p>
<p><i>PDC 41 – Overshadowing and Natural Light</i></p>	<p>Given the north to south orientation of the subject land and the modest height and size of the upper storey, the shadow cast by the development would not significantly affect the adjoining properties on either side or to the rear.</p> <p>The living room windows and rear yards of neighbouring properties will continue to receive adequate sunlight in accordance with Council Wide PDC 41.</p>
<p>Transportation (Movement of People and Goods)</p>	
<p><i>PDC 13 & 20 – Access and Car Parking</i></p>	<p>The existing crossover will be maintained for vehicle access to the proposed garage. As the existing driveway is quite narrow and the new garage is to be located approximately 21 metres from the street boundary, the proposal includes a car turn-table that would enable vehicles to exit in a forward direction. The existing driveway access and proposed turn-table would provide safe and convenient vehicular access in accordance with Council Wide PDC 13.</p> <p>When assessed against <i>Table Un/5 – Off Street Vehicle Parking Requirements</i>, there is a requirement for at least three car parking spaces, with two spaces to be covered. The proposal would accommodate two covered spaces within the garage and at least one tandem visitor space within the driveway. The on-site car parking provision satisfies Council Wide PDC 20.</p>

11. CONCLUSION

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

- The proposed alterations and additions, swimming pool and fencing are ancillary and subordinate to the existing dwelling and therefore would not change the existing residential use of the land;
- The proposal is an orderly and desirable form of development within the Residential Historic (Conservation) Zone, which envisages alterations and additions to existing dwellings and associated outbuildings;
- The proposed additions have been carefully designed with a low roof profile and a simple modern form that would not replicate nor overwhelm the existing contributory place or the historic dwelling styles within the locality;
- The design and siting of the proposed development would not adversely impact upon the amenity of neighbouring properties, in terms of visual impact, loss of privacy and access to natural light; and
- The size, scale and siting of the proposed addition is consistent with the existing development pattern in the locality.

The application is therefore recommended for Development Plan CONSENT.

12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/792/2019/C2 at 38 Austral Terrace, Malvern SA 5061 to carry out demolition and alterations, construct additions including second storey, garage to common boundary, swimming pool and front fencing is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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

3. That the upper floor windows shall be treated to avoid overlooking prior to occupation by being fitted with either permanently fixed non-openable obscure glazed panels or raised sills to a minimum height of 1700mm above floor level with such measures to be kept in place at all times.

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	Representation	Administration
C	Response to Representation	Applicant
D	Further correspondence between applicant and representor	Administration

ITEM 3**DEVELOPMENT APPLICATION – 090/732/2019/C2 – 35 CLIFTON STREET,
MALVERN SA 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/732/2019/C2
ADDRESS:	35 Clifton Street, Malvern SA 5061
DATE OF MEETING:	17 March 2020
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Demolish existing carport and rear lean-to structures, carry out alterations and construct additions including roof attic, verandah, outbuilding and carport/wall on side boundaries
HERITAGE VALUE:	Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic Conservation Zone Policy Area 6 - Spacious Historic
APPLICANT:	T Vasili
OWNER:	T Vasili
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – one (1) opposed
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Wall on boundary Overlooking

1. PLANNING BACKGROUND

The applicant submitted amended plans to address Council Administration concerns regarding building on boundary and details of the loft design.

The applicant further amended the plans following public notification as detailed below under "Administration negotiations".

2. DESCRIPTION OF PROPOSAL

The proposed development includes the following:

- Demolish existing carport and rear lean-to structures;
- carry out alterations and construct additions including ground floor wall on side boundary and roof attic;
- erect verandah;
- alterations and additions to outbuilding on side boundary, including changes to pool fencing; and
- erect carport including wall on side boundary.

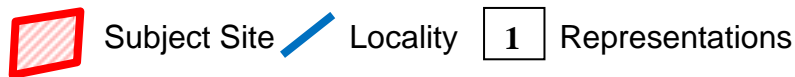
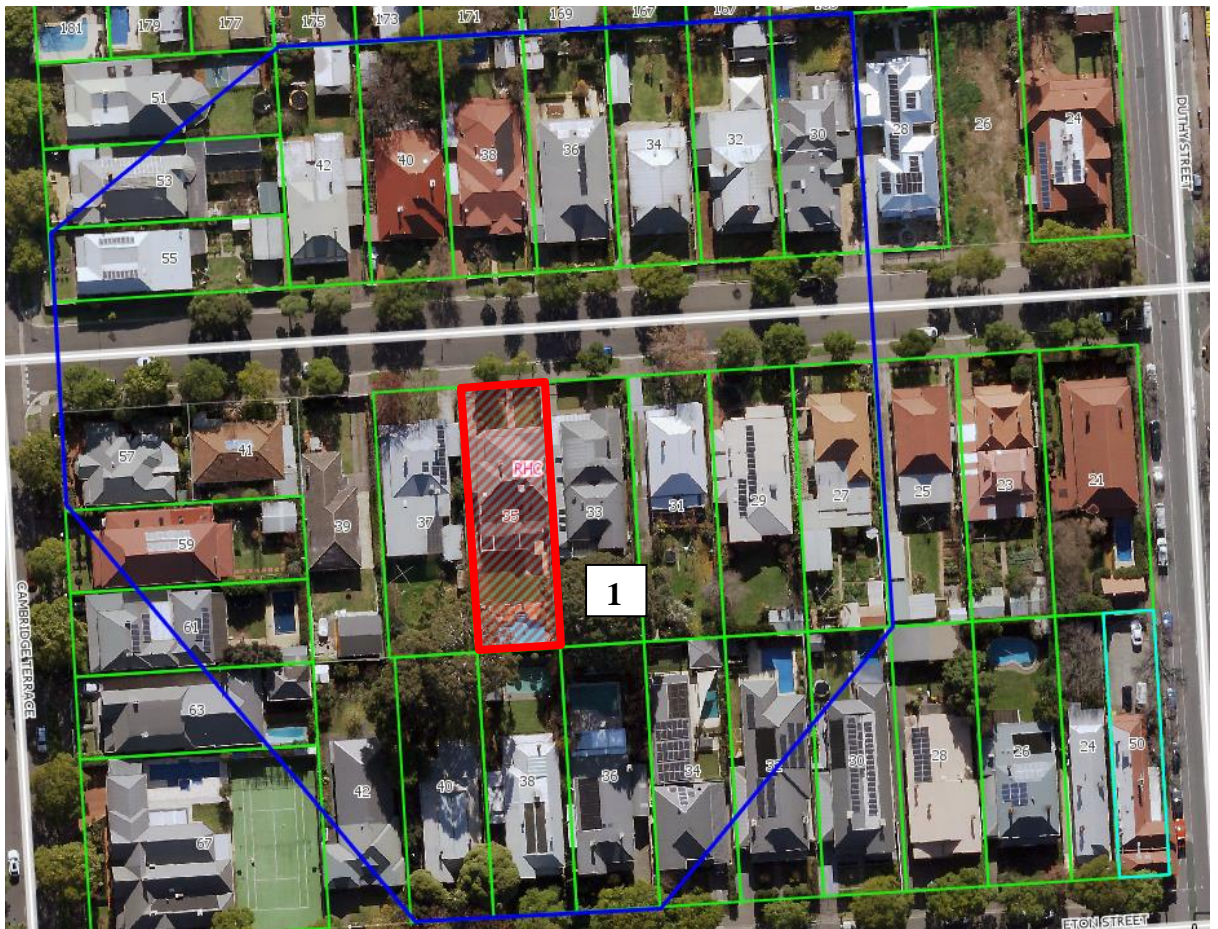
3. SITE DESCRIPTION

The site is rectangular with a northern primary frontage to Clifton Street of 15.2 metres and a depth of 48.8 metres. The site has an area of 755 square metres.

Existing structures on the subject site include a single storey detached dwelling, outbuilding and inground swimming pool.

There is a Significant tree growing in the rear yard on the eastern adjoining land at 33 Clifton Street. The tree is located approximately 9.9 metres from the common boundary dividing the two sites, and approximately 5.5 metres from the southern (rear) boundary.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

The pattern of land division along Clifton Street in the locality is predominantly rectangular allotments of approximately 15.2 metres in width, oriented north/south facing Clifton Street. This has produced a streetscape pattern of dwellings setback with front gardens, and collective space between adjoining buildings of approximately 4 metres when viewed from the street.

Dwelling Type / Style and Number of Storeys

Dwellings within the locality are predominantly single storey and double fronted, with a mixture of traditional architectural styles including cottages, and villas as well as two bungalows. Garages/carports are predominantly minor in scale and

generally either an open carport alongside the dwelling or located at the rear of the dwelling.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

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

- *There is a significant Corymbia citriodora growing in the rear yard of 33 Clifton Street;*
- *The proposed development would not adversely affect the tree;*
- *There are additional large trees located at 40 Eton Street, however these are not regulated trees;*
- *There are no objections from an arboricultural perspective.*

8. PUBLIC NOTIFICATION

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

33 Clifton Street (opposed)	
ISSUES RAISED	APPLICANTS RESPONSE
Boundary wall, visual appeal and access to natural light and ventilation	<p>The representors carport spans approximately 24 metres along the same subject boundary.</p> <p>We have considered Council's development Guidelines and as such reduced the proposed wall on the eastern boundary to 9m in length (in lieu of 9.38m) and the height of wall to 3m (in lieu of 3.5m).</p> <p>Our amendments are a compromise made by our client and now compliant with the Development Plan Guidelines.</p>

Overlooking	The Upper level windows have been positioned to provide a sill height of 1.7m of which is a compliant height and an industry standard. We note the raked ceiling in the Attic will make it almost impossible for someone to gain a downward view into neighbouring properties.
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(* denotes non-valid planning considerations)

9. ADMINISTRATION NEGOTIATIONS

Following public notification, the applicant amended the plans to reduce the extent of boundary development to address concerns of the representor and better meet Council requirements.

10. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	755m ²	
Frontage	15.2m	
Depth	48.8m	
Building Characteristics		
Site Coverage		
Roofed Buildings	51.2%	<input type="checkbox"/> 50% of site area
Total Impervious Areas	76%	<input type="checkbox"/> 70% of site <input type="checkbox"/>
Setbacks		
Ground Floor		
Front boundary (north)	30.9m (carport) (21m behind façade)	
Side boundary (east)	Nil	Nil / 1m
Side boundary (west)	2.78m (dwelling) Nil (carport)	Nil / 1m
Rear boundary (south)	9.9m	5m
Upper Floor loft (within roof)		
Front boundary (north)	(20m)	
Side boundary (east)	(3.4m)	3m
Side boundary (west)	(8.5m)	3m
Rear boundary (south)	(14m)	8m
Wall on Boundary		
Location	East (dwelling) / West (carport)	
Length	9m (dwelling) / 7.98m (carport) / 6.86m (comb. outbuilding)	<input type="checkbox"/> 9m (dwellings) <input type="checkbox"/> 8m (carport outbuilding walls)

Height	3.25m (dwelling) / 3.4m (carport) / 3.3m (outbuilding)	<input type="checkbox"/> 3m
Private Open Space		
Min Dimension	8.7m	<input type="checkbox"/> 4m minimum
Total Area	20.5%	<input type="checkbox"/> 20% OR 35m ² OR 20m ²
Car parking and Access		
On-site Car Parking	7	3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Covered on-site parking	2	<input type="checkbox"/> 2 car-parking spaces
Garage/ Carport Internal Dimensions	6m x 7.6m	3m x 6m for single 5.8m x 6m for double
Colours and Materials		
Roof	Woodland grey	
Walls	White render	

(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> <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>Objective 4: Sensitive adaptation of contributory items for alternate, small household, living where offering tangible benefit in the retention and refurbishment of such items.</i></p>
Desired Character
<p>Heritage Value</p> <p><i>The Residential Historic (Conservation) Zone and its 7 policy areas have particular significance to the history of Unley's settlement. These areas tell a story about life in the late 19th and early 20th Century, and of the features and circumstances of the original European communities in Unley. It is for this reason, as well as the appealing and coherent streetscapes of largely intact original building stock, that these areas merit particular attention and protection.</i></p>

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

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

Contributory Items

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

Non-contributory Buildings

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

Assessment

As is discussed in greater detail elsewhere in this report, the proposed development would maintain and enhance the streetscape contribution of the Contributory building by removing discordant elements and constructing the carport and additions at the rear of the dwelling. The roofing would be replaced with Woodland Grey coloured corrugated iron and the rear additions wall height and roof pitch would be to match the existing.

Relevant Zone Principles of Development Control	Assessment
<p>PDC3 <i>Development should retain and enhance a contributory item by:</i></p> <p><i>(a) refurbishing, restoring and improving the original fabric and maintaining its streetscape contribution; and</i></p>	<p>The existing front gable ended carport is considered a discordant element in that it is located forwards of the dwelling façade, the gable end whilst matching with the dwelling is not a recessive feature, and the</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>(b) avoiding works detrimentally impacting on the built form and its characteristic elements, detailing and materials of the front and visible sides as viewed from the street or any public place (i.e. the exposed external walls; roofing and chimneys; verandahs, balconies and associated elements; door and window detailing; and original finishes and materials) together with any associated original fencing forward of the main building façade; and</i></p> <p><i>(c) removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and</i></p> <p><i>(d) altering or adding to the item and carrying out works to its site only in a manner which maintains or enhances its contribution to the desired character, and responds positively to the characteristic elements and streetscape context of its locality, in terms of the:</i></p> <p><i>(i) rhythm of buildings and open spaces (front and side setbacks) of building sites and gaps between neighbouring building sites; and</i></p> <p><i>(ii) building scale and forms (wall heights and proportions, and roof height, volumes and forms); and</i></p> <p><i>(iii) open fencing and garden character; and</i></p> <p><i>(iv) recessive or low key nature of vehicle garaging and the associated driveway.</i></p>	<p>carport is semi-integrated with the front verandah.</p> <p>The removal of the carport and roofing of the dwelling and new additions in Woodland Grey Corrugated Iron, similar to existing, would retain and enhance the contribution of the dwelling. The additions would maintain the perception of gaps between the building with adjoining buildings when viewed from the street.</p>
<p>PDC4 <i>Alterations and additions to a contributory item should be located primarily to the rear of the building and not be visible from the street or any public road unless involving the dismantling and replacement of discordant building elements so as to reinstate or better complement the</i></p>	<p>The additions would be located at the rear of the contributory building. The replacement carport would be located 21 metres behind the location of the existing carport to be removed. The other additions would not be readily visible when viewed from the street.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>building's original fabric, form and key features.</i></p>	
<p>Boundary Walls</p> <p>PDC12 <i>Building walls on side boundaries should be avoided other than:</i></p> <p><i>(a) a party wall of semi-detached dwellings or row dwellings; or</i></p> <p><i>(b) a single storey building, or outbuilding, which is not under the main dwelling roof and is setback from, and designed such that it is a minor, low and subservient element and not part of, the primary street façade, where:</i></p> <p><i>(i) there is only one side boundary wall; and</i></p> <p><i>(ii) the minimum side setback prescribed under the desired character is met on the other side boundary; and</i></p> <p><i>(iii) the desired gap between buildings, as set-out in the desired character, is maintained in the streetscape presentation.</i></p>	<p>The dwelling additions would include a wall on the eastern side boundary of 9 metres in length. The dwelling additions would be setback from the west side boundary by 2.78 metres, inline with the existing dwelling.</p> <p>The additions would be behind the existing contributory building which is setback approximately 300mm from the northern side boundary. Given the context of the site and locality, the perceivable gap between buildings when viewed from the street would not be adversely affected.</p>
<p>Carports and Garages</p> <p>PDC13 <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 the primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i></p> <p><i>(i) incorporate lightweight design and materials, or otherwise use of</i></p>	<p>The new replacement carport would be attached to the western side of the dwelling additions at the rear and 20.8 metres behind the dwelling façade. The carport would be of a low flat design, and not incorporated as part of the dwelling form. The carport would appear proportionally minor in width when viewed from the street and the proposed additions would not affect the readily perceivable setbacks or gap on the eastern side of the dwelling when viewed from the street.</p> <p>The intent of this PDC has been satisfied.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>materials complementing 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 of the dwelling, nor incorporated as part of the front verandah on any other dwelling form where attached alongside the dwelling; and</i></p> <p><i>(iii) have a width which is a proportionally minor element 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>	

Policy Area Desired Character and Principles of Development Control

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

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

Assessment

As is discussed in greater detail elsewhere in this report, the proposed development would maintain and enhance the streetscape contribution of the Contributory double-fronted cottage by removing discordant elements and improve the appearance of gaps between adjoining buildings. The roofing would be replaced with Woodland Grey coloured corrugated iron and the additions wall height and roof pitch would be to match the existing.

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		
	<i>PDCs</i>	1, 2, 3
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 Zone Principles of Development Control	Assessment
Residential Development	
<p>PDC14 <i>Dwellings sited on side boundaries (other than on secondary road frontages) should be located and limited in length and height to maintain visual amenity and allow adequate provision of natural light to adjacent properties (habitable room windows and private open space) and should be in accordance with the following parameters:</i></p> <p><i>(a) the same or lesser length and height dimensions of any abutting boundary wall;</i></p> <p><i>(b) setback at least 1 metre behind the main face of the associated dwelling and the nearest adjoining dwelling;</i></p> <p><i>(c) up to 3 metres above ground level and a maximum length of 9 metres (including all other attributable boundary walls) or 50 percent of the boundary length that is not forward of the dwelling, whichever is the lesser amount;</i></p> <p><i>(d) developed along one side boundary only with the other side setback of no less than 1 metre or as prescribed;</i></p> <p><i>(e) not within 0.9 metres of a habitable room window of an adjacent dwelling.</i></p>	<p>The dwelling additions would include a wall on the eastern side boundary of 9 metres in length and approximately 3.25 metres in height above ground level (250mm higher than Unley Development Plan guideline). The wall would adjoin the eastern neighbouring driveway and carport and be located more than 900mm from any habitable windows and the Private Open Space area located at the rear of the dwelling at 33 Clifton Street. The wall would replace boundary fencing which includes good-neighbour style fencing and panels on top of less than 50% permeability to the height of the carport roof at 33 Clifton Street.</p> <p>The proposed additions have been designed to adequately maintain visual amenity and the provision of natural light to adjacent properties.</p> <p>Given the context of the site and locality, the intent of this PDC is adequately satisfied.</p>
<p>PDC15 <i>Garages, carports, verandahs, pergolas, outbuildings and like structures should be sited and designed to be ancillary to the dwelling and not visually dominate the locality and should:</i></p> <p><i>(a) site any solid wall at least 600 millimetres off the boundary or on the boundary</i></p> <p><i>(b) site boundary walls immediately abutting other adjacent walls and have the same or lesser length and height</i></p> <p><i>(c) have a minimum setback of 1.8 metres for solid walls or a minimum setback of 0.9 metres for an open sided</i></p>	<p>The carport would replace an existing carport which whilst open sided, is of a greater length on the same boundary. The new carport would include a wall on the western side boundary of 7.98 metres in length and approximately 3.4 metres in height (400mm more than Development Plan guidelines). The outbuilding addition would extend the existing wall on boundary to an overall length of 6.86m. The height of the additional section would be 3.3 metres (400mm more than Development Plan guidelines). Given the context, the variance in height from guidelines is considered acceptable.</p>

<p><i>structure to a habitable room window of an adjacent dwelling</i></p> <p><i>(d) have a minimum distance of 3 metres to any other attributable walls on the boundary</i></p> <p><i>(e) be sited clear of easements and the canopy of significant trees, where practicable.</i></p>	<p>The carport and outbuilding addition would adjoin a small cluster of outbuildings and rainwater storage tanks on the western neighbouring property at 37 Clifton Street. The boundary walls would not be near any habitable room windows on the adjoining dwelling. The distance between the two buildings walls on boundary would be 3.02 metres.</p>
<p>PDC39 <i>To maintain a reasonable level of visual privacy to adjacent residential properties the following measures are sought:</i></p> <p><i>(a) orientate and stagger windows and upper level viewing areas to prevent direct views into adjoining property indoor and outdoor living areas;</i></p> <p><i>(b) obscure viewing by raising window sills or incorporating obscure glass windows to a height at least 1.7 metres above floor level;</i></p> <p><i>(c) use permanently fixed external screening devices such as screens, fences, wing walls, panels, planter boxes or similar measures adequate to restrict 120 degree views;</i></p> <p><i>(d) provide a separation distance of 15 metre radius to windows of habitable rooms in potentially impacted dwellings and 30 metre radius to private open space as described in the Figure below;</i></p> <p><i>(e) incorporate plants capable of providing and seasonally sustaining a privacy screen.</i></p>	<p>The proposed attic dormer windows would have bottom sill heights of 1.7 metres above floor level. Given the sill heights and the context of the site and locality, the development would maintain a reasonable level of visual privacy to adjacent residential properties.</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 would enhance the streetscape contribution of the Contributory building by removing discordant structures and positioning the carport and additions at the rear of the dwelling.
- 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 090/732/2019/C2 at 35 Clifton Street, Malvern SA 5061 to 'Demolish existing carport and rear lean-to structures, carry out alterations and construct additions including roof attic, verandah, outbuilding and carport/wall on side 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. That all external materials and finishes shall be the same as or complementary to the existing dwelling on the site.
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.

RESERVED MATTER

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

A stormwater management plan detailing the total stormwater volume requirements (detention and retention) for the development being in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017.
(2kL retention and 1kL detention)

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.

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 – 090/602/2019/C2 – 5A BLACKETT STREET, GOODWOOD SA 5034 (GOODWOOD)

DEVELOPMENT APPLICATION NUMBER:	090/602/2019/C2
ADDRESS:	5A Blackett Street, Goodwood
DATE OF MEETING:	17 March 2020
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Construct new single storey dwelling including verandahs on common boundaries
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 8.2 - Compact
APPLICANT:	Kylie Steene
OWNER:	Kylie Steene
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – one (1) opposed
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Boundary development

1. PLANNING BACKGROUND

The allotment is existing and previously contained open space and outbuildings associated with the southern adjoining allotment and dwelling at 5 Blackett Street. The dwelling previously at 5 Blackett Street has since been demolished (DA 920/2018/C2). 5 Blackett is separately owned and is not associated with this application.

Since this development application was lodged there have been numerous amendments which are summarised as follows:

- Original proposal Version 1 lodged 16th September;
- Amended proposal Version 2 (6 November) addressing concerns with architectural form, scale, upper floor, boundary development and impact on Regulated tree growing at 14 Elizabeth Street. This amendment substantially changed the form of the proposed dwelling including deleting the proposed upper level;

- Amended proposal Version 2.1 (28 November) further addressing concerns with carport;
- Amended proposal Version 2.2 (10 December) addressing concerns with driveway and landscaping;
- Amended proposal Version 2.3 (19 December) further addressing concerns with front verandah.

Version 2 was found to have a form generally consistent with relevant policy and compatible with streetscape character except for the proposed front verandah/carport and associated driveway and front landscaping. The amendments which followed refined the proposal to its current form.

2. DESCRIPTION OF PROPOSAL

The proposed development includes the following:

- Construct new single storey dwelling including wall and verandahs on boundary; and
- Erect section of side fencing forwards of dwelling façade.

3. SITE DESCRIPTION

The site is rectangular with a western primary frontage to Blakett Street of 7.32 metres and a depth of 32.7 metres. The site has an area of 216 square metres.

The site is vacant.

There is a Regulated tree growing in the rear yard at 14 Elizabeth Street. The tree is located approximately 3.5 metres from the south east corner of the subject site.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

The locality is described as consisting of predominantly east-west orientated allotments facing Blackett Street, with allotments at the northern end fronting Louisa Street. The east-west Blackett Street allotments are of similar proportions with street frontages of approximately 14 metres, with 5A Blackett street as the exception.

The pattern of development in the locality is compact with narrow road verges and modest 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. Spacing between dwellings generally ranges from approximately 1 metre to 3 metres.

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 generally provided by light weight open structures, some alongside and some in front of dwellings.

15A Louisa Street, which has a secondary frontage on Blackett Street, has a double width garage in the south western corner adjacent Blackett Street (see photo below) which adjoining the northern side boundary of the subject site, forwards of the proposed dwelling setback.



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

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

The application was referred to Councils Assets department. Comments provided are summarised as follows:

There are no issues from an assets perspective, subject to approval of removal of street trees.

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

Regulated Tree

The regulated tree situated on the adjoining property to the south east has been identified as having a stem circumference of 2.15 metres. The tree should have a Tree Protection Zone (TPZ) equivalent to a circle with a radius of 8.21 metres that needs to be retained development free.

The new residential dwelling is shown to have minimal encroachment into the trees TPZ with only a small percentage of its south eastern aspect being within the TPZ.

The sealed stormwater system does encroach with the trees TPZ and as such will require excavation to facilitate its installation. To minimise the amount of encroachment there should be no form of excavation within the identified TPZ for this tree.

Protective fencing should be conditioned as part of this approval, which should be shown erected at the edge of the identified TPZ. All protective fencing should be maintained for the duration of the development, and any entry within this area should only occur with the approval of Councils Natural Asset Lead.

Council Street Trees

*Located on the verge area in front of this property are two large Mexican Fan Palms (*Washingtonia robusta*) that have stem circumferences of 1.7 when measured at 1 metre above ground level. The trees present good overall health and structure, being free from noticeable defect.*

However, due to the nature of these trees Council would have no objection to their removal provided the applicant bears all costs associated with their removal and replacement.

The application ("version 2" dated 6 November) was referred to Councils consulting Heritage Architect. Comments provided are summarised as follows: (see attachments for full comments)

The proposed dwelling is consistent with relevant policy and compatible with streetscape character except for the proposed carport. The awning option is too bulky and prominent. The bullnose option tries to replicate historic form in an inappropriate way and the steel arbour is too prominent.

Recommend a straight pitch verandah (with or without return).

Relevant policy, including Zone PDC 14, is clear regarding carports and garages forwards of dwellings.

Following amendments, version 2.3 (19 December) was discussed with Council's consulting Heritage Architect which determined the amended verandah form to be acceptable.

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.

15 Louisa Street (opposed)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>The scale of the gable portion of the common boundary wall is not sympathetic to the open space at the rear of the affected property. Its height and location will greatly reduce the amount of natural light available in that open space.</p> <p>To ameliorate the visual impact of the height, and to maximise exposure to natural light, a hip roof with boxed gutter and parapet wall is suggested. Furthermore, it is preferred the whole of the wall on the common boundary take the same form along its entirety, with the preferred form being of a parapet style.</p>	<p>The gable fits with Council requirements to be sensitive to the locality and streetscape, reinforces appropriate patterns, roof height and pitch, and has been considered by Council along the way.</p>
<p>The proposed lightly coloured brick and grey mortar is not characteristic of the era attempted to be replicated by the proposal. Generally, the finish of similar elevations in this area, of the era of building, is red brick with light mortar.</p> <p>An alternative acceptable to the respondents would be a rendered mortar wall, finished in a light cream colour. This would be aesthetically sympathetic to the existing rear open space of the affected property.</p>	<p>The applicant is happy to change to a red brick wall on the southern side of the build.</p>

<p>The position, scale and orientation of the proposed glass block windows of the boundary wall are too noticeable.</p> <p>An alternative is suggested, either one or a number of skylights, or if there are to be exposed to windows, in whatever form, it is preferred they be of uniform appearance, i.e. not interspersed with any window treatments whatsoever.</p>	<p>The applicant is happy to remove the glass blocks from the design.</p>
<p>It is requested that the boundary wall be of the double brick cavity wall type;</p> <p>that the footing design take into account the differences in ground level which exist between the subject and the affected property including with regard to a garden bed on the affected property which includes approximately 3 or 4 pencil pines planted approximately 300mm off the common boundary; and</p> <p>that prior to the submission of any application for building consent, the respondents be notified of the applicant's intention to do so, in order for the respondents to be consulted regarding, inter-alia, the intended construction types, methods and details associated with the development as it relates to their common boundary.</p>	<p>The applicant assumes that the boundary wall would be double brick cavity, albeit they will be considering options as plans progress through to development stage.</p> <p>The applicant respectfully believes that any footing design would of course take the difference in ground levels into account.</p> <p>The applicant is happy to notify of any intentions.</p>

(* denotes non-valid planning considerations)

9. ADMINISTRATION NEGOTIATIONS

The applicant resolved to change the boundary wall materials to red brick as requested by the representor at 15 Louisa Street and the owner at 13 Louisa Street (who did not make a formal representation). The glass block windows were also removed from the proposal.

Council administration indicated that an amendment of the roof form to hip roof with the boundary wall consisting of a boxed gutter and parapet wall would be supportable. The applicant considered this option, but responded that the current proposal is their preferred form and that they do not wish to make further amendments.

10. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	216m ²	
Frontage	7.32m	
Depth	32.7m	
Building Characteristics		
Site Coverage		
Roofed Buildings	70.9%	<input type="checkbox"/> 50% of site area
Total Impervious Areas	86%	<input type="checkbox"/> 70% of site <input type="checkbox"/>
Setbacks		
Front boundary (west)	5.5m (wall) 4m (verandah)	3.2 - 5.5m locality (6m Policy Area Predominant)
Side boundary (north)	Nil	Nil / 1m
Side boundary (south)	600mm / 900mm	Nil / 1m
Rear boundary (east)	5m (wall) 2m (verandah)	3m (dwelling) Nil / 600mm (verandah)
Wall on Boundary		
Location	North	
Length	22.2m (81.6%)	<input type="checkbox"/> 9m or <input type="checkbox"/> 50% <input type="checkbox"/> of the boundary length behind facade, whichever is the lesser
Height	3.8m	<input type="checkbox"/> 3m
Private Open Space		
Min Dimension	5m	<input type="checkbox"/> 4m minimum
Total Area	36.6m ²	35m ²
Car parking and Access		
On-site Car Parking	1	2 per dwelling where less than 4 bedrooms or 250m ² floor area
Covered on-site parking	0	<input type="checkbox"/> 1 car parking space
On-street Parking	0	0.5 per dwelling
Driveway Width	3m	3m Single
Colours and Materials		
Roof	Heritage galvanised	
Verandah awnings	Monument	
Walls	Light cream sandstone block / brick (Red brick to northern side boundary wall)	
Fencing	Woodland grey colorbond	

(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

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.

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.

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.

Objective 4: Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.

Desired Character

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

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

Streetscape Attributes

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

- (a) siting - open style front fences delineate private property but maintain the presence of the dwelling front and its garden setting. Large and grand residences are on large and wide sites with generous front and side setbacks, whilst compact, narrow-fronted cottages are more tightly set on smaller, narrower, sites. Infill dwellings ought to be of proportions appropriate to their sites and maintain the spatial patterns of traditional settlement; and*

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

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

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

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

Assessment

As is discussed further below, the dwelling has been designed incorporating high quality design and material elements, whilst maintaining consistency with relevant policy including traditional building design and contributing positively to the streetscape and desired character.

The proposed single-fronted design is of a scale and proportion appropriate for the site and in keeping with traditional buildings in the locality. The site has insufficient width to provide for covered off-street parking alongside of or behind the dwelling, as such none has been proposed.

Relevant Zone Principles of Development Control	Assessment
PDC1 <i>Development should support and enhance the desired character (as expressed for each of the three policy areas, and the respective precincts).</i>	As is discussed under the policy area below, the proposed development would support and enhance the desired character of the policy area.
PDC10 <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>	The dwelling streetscape façade includes light sandstone quoining, a low level brick feature to the rendered wall, and slimline contemporary verandah. Given this and as is discussed under the policy area below, the dwelling design, roof form and materials are considered to be of high quality contemporary design, that would suitably reference the contextual

Relevant Zone Principles of Development Control	Assessment
<p><i>(a) scale and form of buildings relative to their setbacks as well as the overall size of the site; and</i></p> <p><i>(b) characteristic patterns of buildings and spaces (front and side setbacks), and gaps between buildings; and</i></p> <p><i>(c) primarily open front fencing and garden character and the strong presence of buildings fronting the street.</i></p>	<p>conditions of the locality and contribute positively to the desired character.</p> <p>A single fronted dwelling is considered appropriate for the site.</p> <p>Given the circumstances of the existing constrained site and the context of the locality, as is discussed in greater detail below, the front and side setbacks are considered appropriate.</p> <p>The proposed single width driveway and landscape design would contribute to the garden character of the street, whilst maintaining a strong built form presence.</p>
<p>PDC13 <i>Building walls on side boundaries should be avoided other than:</i></p> <p><i>(a) a party wall of semi-detached dwellings or row dwellings; or</i></p> <p><i>(b) a single storey building, or outbuilding, which is not under the main dwelling roof and is setback from, and designed such that it is a minor, low and subservient element and not part of, the primary street façade, where:</i></p> <p><i>(i) there is only one side boundary wall, and</i></p> <p><i>(ii) the minimum side setback prescribed under the desired character is met on the other side boundary; and</i></p> <p><i>(iii) the desired gap between buildings, as set out in the desired character, is maintained in the streetscape presentation.</i></p>	<p>As is discussed under the policy area below, the existing site is constrained and as such, the dwelling has been designed to be constructed to abut a neighbouring existing garage outbuilding on the northern side boundary. A side setback of 900mm has been maintained on the southern side of the dwelling as viewed from the street.</p> <p>It is considered the proposed design and siting of the dwelling provides for an adequate compromise of traditional building proportions and gaps between adjoining dwellings, and modern living requirements.</p>

Policy Area Desired Character

Policy Area 8 – Compact
Desired Character
<p><i>The streetscape attributes include the:</i></p> <ul style="list-style-type: none"><i>(a) low scale building development;</i><i>(b) compact road verges and building setbacks to the street;</i><i>(c) building forms and detailing of the predominant cottages and villas; and</i><i>(d) varied but coherent rhythm of buildings and spaces along its streets.</i> <p><i>Development will:</i></p> <ul style="list-style-type: none"><i>(a) be of 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><i>(b) maintain or enhance the streetscape attributes comprising:</i><ul style="list-style-type: none"><i>(i) siting - the regular predominant allotment pattern, including the distinctive narrow-fronted sites associated with the various cottage forms produces an intimate streetscape with a compact building siting and low scale built character with generally low and open style fencing and compact front gardens. Street setbacks are generally of some 6 metres and side setbacks are consistently of 1 metre or greater, other than for narrow, single-fronted and attached cottages producing a regular spacing between neighbouring dwellings of generally 3 to 5 metres (refer table below); and</i><i>(ii) form - the consistent and recognisable pattern of traditional building proportions including wall heights and widths of facades, and roof height, volumes and shapes associated with the identified architectural styles in (iii) below; and</i><i>(iii) key elements - the defining design features, including the verandahs and pitched roofs, use of wall and roofing materials facades of the predominant architectural styles (Victorian and Turn-of-the-Century double-fronted and single-fronted cottages and villas, and complementary Inter-war bungalows as well as attached cottages).</i>
Assessment
<p>The desired character states that development will be of street-fronting dwelling format, primarily detached dwellings, together with semi-detached dwelling and row dwelling types. The proposed new dwelling would comply with this.</p> <p>The proposed new dwelling has been designed with wall heights, façade width and roof height, form and materials, consistent with traditional single-fronted buildings. Whilst the front verandah has been designed in a slim line</p>

contemporary form, the height is consistent with traditional building and a section of relief between the verandah and main roof form has been maintained.

The existing site is constrained, as such the dwelling has been designed to be constructed to abut a neighbouring existing garage outbuilding on the northern side boundary. The proposed design and location would otherwise adequately satisfy the desired front and side setbacks and would not be incongruous within the locality.

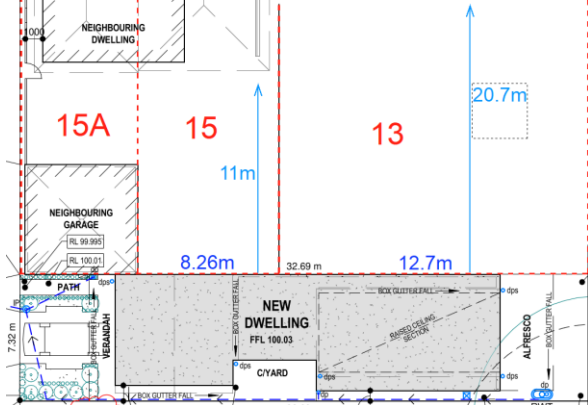
Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Zone Principles of Development Control	Assessment
Residential Development	
<p>PDC14 <i>Dwellings sited on side boundaries (other than on secondary road frontages) should be located and limited in length and height to maintain visual amenity and allow adequate provision of natural light to adjacent properties (habitable room windows and private open space) and should be in accordance with the following parameters:</i></p> <p><i>(a) the same or lesser length and height dimensions of any abutting boundary wall;</i></p> <p><i>(b) setback at least 1 metre behind the main face of the associated dwelling and the nearest adjoining dwelling;</i></p> <p><i>(c) up to 3 metres above ground level and a maximum length of 9 metres</i></p>	<p>As is discussed above, the existing site is constrained and in order to achieve current floor area requirements for a two-bedroom home, whilst maintaining appropriate outdoor space, the dwelling has been designed to be constructed to abut the northern side boundary.</p> <p>The northern side boundary wall would abut the southern rear boundaries of the properties at 15A, 15 and 13 Lousia Street (see below).</p>

Relevant Zone Principles of Development Control	Assessment
<p>(including all other attributable boundary walls) or 50 percent of the boundary length that is not forward of the dwelling, whichever is the lesser amount;</p> <p>(d) developed along one side boundary only with the other side setback of no less than 1 metre or as prescribed;</p> <p>(e) not within 0.9 metres of a habitable room window of an adjacent dwelling.</p>	 <p><i>Detail of extent of boundary development and distance to the rear roof forms.</i></p> <p>Approximately 6.8 metres of the 8.26 metres of shared boundary adjoining 15 Louisa Street as shown above, would consist of the roof gable end measuring 5.56 metres in height at the roof ridge. The boundary wall would be located approximately 11 metres to the south of the rear verandah at 15 Louisa Street, further to any dwelling window.</p> <p>The areas adjoining the shared boundary at 15A and 13 Louisa Street are developed with outbuildings.</p> <p>The wall height on boundary would be 3.8 metres including footings. It is understood this height is a compromise between providing acceptable ceiling heights, traditional proportions and engineering/truss constraints, with minimising height on boundary. Given the context of the site and locality including distances to adjoining dwellings and private open space areas, the variance from the maximum Development Plan height guideline of 3 metres, it is considered the additional height of 800mm would not significantly increase impacts.</p> <p>The southern side site is currently vacant, however the proposed side setbacks would allow for separation from northern windows of any future dwelling at the southern property of more than the 900mm guideline, provided any such windows are also setback the minimum</p>

Relevant Zone Principles of Development Control	Assessment
	<p>building code dimension of 600mm from boundary.</p> <p>Given the circumstances of the site and locality, it is considered the proposed development would adequately maintain visual amenity and provision of natural light to adjacent habitable room windows and private open spaces.</p>
<p>PDC17 <i>Roofed buildings (excluding verandahs and eaves up to 2 metres in width or garden structures up to 10 square metres in area) should:</i></p> <p><i>(a) cover no more than 50 percent of the area of the site (excluding the area of the handle of a hammerhead allotment, any right of way or any shared driveway access)</i></p> <p><i>(b) together with the impervious areas (private driveways, car parking spaces, paths and outdoor entertainment areas) cover no more than 70 percent of the site.</i></p>	<p>Despite the existing constraints of the site, the proposed dwelling design acceptably balances reasonable modern living space for a two-bedroom dwelling with maintaining traditional single storey scale, and providing for private outdoor space and landscaping, including an open front garden.</p> <p>Given the context of the site and locality, it is considered the variances from this PDC area is reasonable and acceptable.</p>
<p>PDC24 <i>Development should be sited and designed to minimize negative visual impacts on existing and potential future land uses that are considered appropriate in the locality.</i></p>	<p>As is discussed above, it is considered the proposed dwelling has been designed to adequately minimize negative visual impacts, including regarding amendments to boundary wall materials, removal of glass block windows, and separation distances and adjoining boundary development.</p>
<p>PDC41 <i>Development should allow direct winter sunlight access to adjacent residential properties and minimise the overshadowing of:</i></p> <p><i>(a) living room windows, wherever practicable;</i></p> <p><i>(b) the majority of private open space areas, communal open space and upper level balconies that provide the primary open space provision;</i></p>	<p>The development would not impact direct winter sunlight nor cause overshadowing to the northern adjoining properties. The dwelling and verandahs are setback appropriately so as to not adversely impact winter sunlight, nor cause adverse overshadowing to the eastern and southern adjoining properties.</p> <p>The proposed development would not significantly worsen the available sunlight access to adjoining properties.</p>

Relevant Zone Principles of Development Control	Assessment		
<p><i>(c) roof areas, preferably north facing and suitable for the siting of at least 4 solar panels on any dwelling;</i></p> <p><i>or where such affected areas are already shaded, the additional impact should not significantly worsen the available sunlight access.</i></p>			
<p>PDC45 <i>The number of car parking spaces should be provided in accordance with Table Un/5.</i></p> <p>Table Un/5</p> <p><i>Detached, Semi-detached or Row Dwelling</i></p> <table border="1" data-bbox="280 904 852 1106"> <tr> <td data-bbox="280 904 852 994"> <p><i>(a) less than 4 bedrooms or 250m² floor area</i></p> </td> </tr> <tr> <td data-bbox="280 994 852 1106"> <p><i>2 on-site spaces – one of which is covered (the second space may be tandem)</i></p> </td> </tr> </table>	<p><i>(a) less than 4 bedrooms or 250m² floor area</i></p>	<p><i>2 on-site spaces – one of which is covered (the second space may be tandem)</i></p>	<p>As discussed above, the site has insufficient width to provide for covered off-street parking alongside or behind a dwelling design with proportions in keeping with desired character and traditional buildings in the locality. Additionally, limited off-street carparking is relatively common within the locality and wider area, especially so for sites of similar proportions.</p> <p>Given the context of the site and locality, the compromise is considered acceptable, including that it facilitates a dwelling design and garden setting better in keeping with the desired character.</p>
<p><i>(a) less than 4 bedrooms or 250m² floor area</i></p>			
<p><i>2 on-site spaces – one of which is covered (the second space may be tandem)</i></p>			

12. CONCLUSION

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

- The proposed dwelling is consistent with relevant policy and compatible with the streetscape character;
- 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; and
- 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 090/602/2019/C2 at 5A Blakett Street, Goodwood SA to/ 'Construct new single storey dwelling including verandahs 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. A Tree Protection Zone of 12.3m shall be maintained from the base of the Regulated tree growing at the adjoining property to the south east. For this purpose, other than as herein granted development approval:
 - No major trenching shall occur within the Tree Protection Zone and no services shall traverse the Tree Protection Zone.
 - The development shall minimise any disruption to the root system of the affected regulated tree, with no severing of roots with a diameter greater than 50 mm without the permission of the Council Lead Arborist.
 - Signage shall be erected indicating that no building materials shall be stored or disposed of within the Tree Protection Zone and vehicles shall not traverse over the area or be stored within the Tree Protection Zone.
 - Nothing shall be attached to the canopy of the trees by any means.
 - It is recommended that the dead wood in the canopy be removed prior to construction and absolutely no live wood is to be removed.
3. Tree protection fencing a minimum radius of 12.3m from the tree shall be installed along the common boundary between 5 and 5A Blakett Street prior to the commencement of any work on site, and shall remain until the completion of all building works.
 - Signage shall be erected indicating that no building materials shall be stored or disposed of within the Tree Protection Zone and vehicles shall not traverse over the area or be stored within the Tree Protection Zone.
4. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

5. The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site for the City of Unley Driveway Crossover specifications <https://www.unley.sa.gov.au/forms-and-applications#>
6. 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.

RESERVED MATTER

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

A stormwater management plan detailing the total stormwater volume requirements (detention and retention) for the development being in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017.
(2kL retention and 1kL detention)

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.
- The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.
- The applicant shall contact Council's Infrastructure Section on 8372 5460 to arrange for the removal of the street tree. The work shall be carried out by Council at full cost to the **applicant**.

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

ITEM 5**DEVELOPMENT APPLICATION – 090/56/2019/C2 – 8 / 35 COMMERCIAL ROAD, HYDE PARK SA 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/56/2019/C2
ADDRESS:	8 / 35 Commercial Road, Hyde Park SA 5061
DATE OF MEETING:	17 March 2020
AUTHOR:	Paul Weymouth/ Chelsea Spangler
DEVELOPMENT PROPOSAL:	Construct a two storey dwelling with garage and remove one Significant Tree (Eucalyptus camaldulensis - River Red Gum)
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Streetscape (Built Form) Zone Policy Area 9 – Spacious Precinct 9.8 – Unley Park (East)
APPLICANT:	Scott Salisbury Homes
OWNER:	Chetan Prafullachandra Pradhan
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	NONE
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Recommendation for refusal; AND Includes removal of a Significant Tree where support for the removal by the Council Arborist has not been received
RECOMMENDATION:	Refusal
KEY PLANNING ISSUES:	Tree damaging activity

1. PLANNING BACKGROUND

090/1132/2008/DIV – Development Approval granted on 22 October 2009 for 'Land Division – Community Title – Create 11 allotments from 1 existing'. (Need some detail here regards land div encumbrance 6 m setback)

The land division was approved with the following condition:

That the proposed land division must be developed in accordance with land division plan numbered (referenced) 16538/2/1 and dated 12 October 2008 and

the draft memorandum of encumbrance including the development guidelines (Annexure A) and Significant Tree Report (Annexure B) attached thereto which are integral parts of this development application except where varied by the following conditions

The memorandum of encumbrance and significant tree report identify building envelope plans and tree protection zones for each allotment. (Refer Attachment C)

090/864/2014/C1 – Development Approval granted on 24 February 2015 to ‘Remove significant tree – *Eucalyptus macrocarpa* (Grey Box)’. It is noted that the neighbour at 7/35 Commercial Road lodged this application due to the highly likely risk of the subject tree failing.

090/56/2019 – The subject application was initially submitted proposing the construction of a ‘Two storey dwelling with double garage’. Council issued a request for further information letter requesting,

- an arborist report;
- clarification regarding overlooking treatments to upper floor windows
- advice that on-site car parking provisions fell short of the Development Plan requirements;
- amended elevation plans that included the natural ground level, and any fencing and retaining walls defined as development.

Following this the applicant provided:

- A Preliminary Tree Assessment report prepared Arborman Tree Solutions (27 July 2018);
- A request that the northern upper storey window be subject to a Council inspection once built,
- Confirmation that the garage will include a rear roller door in order to access the back yard for a third additional on-site car parking space;
- Confirmation that fencing and retaining walls already exist on site and that the subject site did not require any additional retaining works;

Upon review of this information Council advised the applicant that:

- The Arborman Tree Assessment report did not include any information in regard to what impacts the proposed dwelling may pose on the six identified regulated trees. Additionally, it was highlighted that no information regarding encroachment into the TPZ of each tree had been provided
- An overlooking condition will be included as part of any Planning Consent.

An Arboricultural Impact Assessment and Development Impact Report, dated 10 April 2019, was submitted to Council and subsequently referred to the Council Arborist for comment. This report concluded that one Significant Tree was required to be removed due to the proximity of the tree to the dwelling. The Council Arborist response indicated that major encroachment will occur to each of the 6 trees and that the development was contrary to Council Wide Regulated & Significant Trees PDC 5, 7 & 9. The arborist concluded that he does not support the application. (further details can be found under Section 7 of this report).

The applicant was also advised:

- The removal of the Significant Tree was not supported;
- Adherence to the 'Woodlyn Encumbrance Development Guidelines' has not occurred;
- That it was considered that although the subject site was difficult to develop, that the overall size of the proposed dwelling was too large and therefore not conducive to obtaining an outcome that will have minimal impact on the trees;
- That there were several options to move forward, one being to continue with the current design where it will be notified and presented to CAP with a recommendation of refusal and the other, being to amend the proposal in liaison with the Arborist so that all nearby trees can be retained/ reserved.

The applicant undertook some preliminary redesign work which Council was of a positive opinion however the applicant has since decided to continue with the original design. The following additional information was provided along with a request that the application commence public notification:

- Letter prepared by Botten Levinson, dated 25 November 2019;
- Preliminary Footing Construction Report and Floor/ Wall/ Roof Framing Layout, prepared by Residential Commercial Industrial Consulting Engineers;
- Ground Penetration Radar plan.

The description of the application was updated to include the removal of one Significant tree. The final details were referred to the Council arborist again, particular due to the provision of the Ground Penetration Radar plan.

2. DESCRIPTION OF PROPOSAL

The applicant proposes to construct a new two storey dwelling and remove a significant tree on a vacant allotment at 8 / 35 Commercial Road, Hyde Park.

In summary the application includes:

- The removal of the existing Significant Tree (River Red Gum) located adjacent the southern boundary;
- Construction of a new two storey dwelling with a double garage and total floor area of 409m²;
- The dwelling is proposed to be constructed adjacent the western boundary to allow a tree protection zone along the eastern boundary to afford protection to four significant tree and one regulated tree located along the boundary of the adjacent property at 43 Westall Street.

3. SITE DESCRIPTION

The allotment is a rectangular shaped flat allotment of 631m² and the final remaining undeveloped allotment located in the south western corner of the Woodlyn Estate.

The allotment measures 38.8m by 16.49m and has a 7m frontage to a private road that was approved as part of the original land division application in October

2009. The original land division approval was subject to an encumbrance that established building envelope plan and tree protection zones (refer Attachment C).

There is currently one significant tree on the subject site located adjacent the southern boundary and a further five significant/regulated trees located on the adjacent property at 43 Westall Street.

The five significant /regulated trees on 43 Westall Street are positioned immediately adjacent the western boundary of 8/35 Commercial and the tree protection zones from these 5 trees plus the significant tree on the subject site impact on the area of land available for development.

4. LOCALITY PLAN



 Subject Site
 /
 Locality
 1 Representations

5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential.

Land Division/Settlement Pattern

The allotment at 8/35 Commercial Road is one of 15 allotments approved as part of the DA 090/1132/2009 in October 2009 and referred to as the Woodlyn Estate. The subject site is the final undeveloped allotment within the estate. The allotments within the estate are typically 450m² to 600m² and feature large contemporary dwellings that have been constructed over the past 5 to 10 years.

The Woodlyn Estate is unique in the sense that it formally housed the Walford boarding school and playing fields and the original site of the boarding school contained strands of regulated/ significant river red gums along all four boundaries. The regulated/significant trees were protected as part of the land division approval and make a significant environmental and aesthetic contribution to Commercial Road and surrounding properties today.

The land division was approved with four allotments fronting Commercial Road and the remaining allotments accessed via a central driveway (private road). The density within the Woodlyn Estate is higher than the surrounding allotments on Commercial Road and Northgate Street which typically feature allotments of 800m² to 1500m².

Dwelling Type / Style and Number of Storeys

The dwellings with Woodlyn Estate are typically large two storey contemporary dwellings

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

That applicant has provided detailed arboriculture information including the following reports which are summarised below:

- *Arborman Tree Solutions – Preliminary Tree Assessment - 27 July 2018*
- *Arborman Tree Solutions – Arboriculture Impact Assessment and Development Impact Report – 10 April 2019*
- *Arborman Ground Penetrating Radar – 30 November 2018*

Arborman Tree Solutions – Preliminary Tree Assessment dated 27 July 2018 indicates in summary:

- Tree 1 (proposed for removal) is a significant tree and achieves a high retention rating indicating it should be considered for retention in future development
- Trees 2 – 6 (located on 43 Westall) are regulated and/or significant trees with a moderate retention rating indicating they should be considered for retention in a future development. These trees are all owned by a third party and therefore require protection regardless of their status.

Arborman Tree Solutions – Arboriculture Impact Assessment and Development Impact Report dated 10 April 2019 indicates in summary:

- The encroachment within the Tree Protection Zone of Trees 1 to 6 has been calculated at greater than 10% which is classified as a major encroachment as per AS 4970-2009. The proposed encroachment does not encroach upon the Structural Root Zone (SRZ) of Trees 2-6 however does impact the SRZ of Tree 1.
- The calculated encroachment and extensive site changes for Tree 1 will result in this trees' decline. Alternative plans that would protect this tree are not available as the proposed dwelling location is the only area that the dwelling can be located.
- The proposed development can be undertaken with no negative impacts to Tree 2 – 6. Tree 1 will be substantially impacted by the proposal and there are no alternative plans available to retain this tree. Tree 2-6 should be protected in accordance with AS 9470 - 2009 whilst Tree 1 requires removal to accommodate the proposal.

Arborman Ground Penetrating Radar dated 30 November 2018 indicates in summary:

- The majority of the root depth is in 350-850mm depth range. This provides an opportunity to pursue one of the following:
 - Provide a copy of this image and indicate that during construction we will use non-destructive excavation, HydroVac, in the vicinity of the roots to ensure no damage.
 - Design the footing so excavation is not required in the vicinity of the roots identified by the GPR
 - Undertake a non-destructive excavation, HydroVac, in the areas identified on the plan to confirm the presence of roots or otherwise.

The arboriculture information (Arborman reports dated 27 July 2018 and 10 April 2019) was provided to Council consulting arborist (Colin Thornton) who provided a detailed response on 28 May 2019.

In summary Council arborist advises that the proposed development is contrary to the relevant Principles of Development Control within the Unley (City) Development Plan and AS 4970 – 2009 Protection of trees on development sites and as such he does not support the application (Refer Attachment B).

Council arborist also reviewed the ground penetrating radar information and advised that:

The southern tree is still the concern as I don't believe that the tree requires removal to support reasonable development. To this end, reasonable development could be achieved by maintaining a 6.0 metre TPZ from the centre of this mentioned tree and following the same tree protection measures as prescribed for the tree's west of the proposed dwelling.

8. PUBLIC NOTIFICATION

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

9. DEVELOPMENT DATA

Site Characteristics	Two Storey Dwelling	Development Plan Provision
Total Site Area	631m ²	
Frontage	7m (to private road)	
Depth	38.6m	
Building Characteristics		
Floor Area		
Ground Floor	296.8m ²	
Upper Floor	112.9m ² 38% of ground floor	<input type="checkbox"/> 50% of ground floor
Site Coverage		
Roofed Buildings	48%	<input type="checkbox"/> 50% of site area
Total Impervious Areas	52%	<input type="checkbox"/> 70% of site <input type="checkbox"/>
Total Building Height		
From ground level	7.8m	
Setbacks		
Ground Floor		
Front boundary (east)	3.9m (private road)	Dev Plan - n/a; Encumbrance - 4m or 5.5m for carports/garages
Side boundary (east)	1.0m	Dev Plan – 1m; Encumbrance – 1m
Side boundary (north)	0.98m	Dev Plan – 1m; Encumbrance – 1m
Side boundary (west)	5.991m	Dev Plan – 1m; Encumbrance – 2m
Rear boundary (south)	3.6m	Dev Plan – 5m; Encumbrance – 6m
Upper Floor		
Front boundary (east)	4.75m (private road)	Dev Plan - n/a; Encumbrance - 4m
Side boundary (east)	2.745m	Dev Plan – 3m; Encumbrance – 2m
Side boundary (north)	2.48m	Dev Plan – 3m; Encumbrance – 2m

Side boundary (west)	4.976m	Dev Plan – 3m; Encumbrance – 2m
Rear boundary (south)	19.65m	Dev Plan – 5m; Encumbrance – 6m
Private Open Space		
Min Dimension	5.9m x 38m	<input type="checkbox"/> 4m minimum
Total Area	43.6%	<input type="checkbox"/> 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	<input type="checkbox"/> 2 car-parking spaces
On-street Parking	Nil	0.5 per dwelling
Driveway Width	5m	5m double
Garage/Carport Width	6.6m	<input type="checkbox"/> 6.5m or <input type="checkbox"/> 30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	6.6m x 6m	5.8m x 6m for double
Colours and Materials		
Roof	Colourbond custom orb	
Walls	Brick/Stone/Rendered/Cladding	
Fencing	Nil	

(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>
Desired Character
<u>Streetscape Value</u> <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.</i> <i>These attributes include the:</i> <i>(a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and</i> <i>(b) allotment and road patterns; and</i>

- (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.*

Policy Area Desired Character

Policy Area 9 - Spacious
Desired Character
<p><i>The streetscape attributes include the:</i></p> <ul style="list-style-type: none"> (a) <i>low scale building development;</i> (b) <i>spacious road verges and front and side building setbacks from the street;</i> (c) <i>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> (d) <i>varied but coherent rhythm of buildings and spaces along its streets.</i> <p><i>Development will:</i></p> <ul style="list-style-type: none"> (a) <i>be of a street-front dwelling format, primarily detached dwellings; and</i> (b) <i>maintain or enhance the streetscape attributes comprising:</i> <ul style="list-style-type: none"> (i) <i>siting - the regular predominant subdivision and allotment pattern, including the distinctive narrow-fronted sites associated with the various cottage forms (found only in the Unley (North) and Wayville Precincts). This produces a streetscape pattern of buildings and gardens spaces set behind generally open fenced front boundaries. Street setbacks are generally 6 to 8 metres and side setbacks consistently no less than 1 metre and most often greater, other than for narrow fronted cottages. Such patterns produce a regular spacing between neighbouring dwellings of generally between 5 metres and 7 metres (refer table below); and</i>

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

(iii) key elements - the iconic and defining design features including, in particular the detailed composition and use of materials on facades and roofing of the predominant architectural styles identified in the table below.

Precinct	Predominant Architectural Style	Predominant Allotment Size		Predominant Setbacks		
		Area	Width	Street setbacks	Minimum side setbacks	Collective side setbacks†
9.8 Unley Park (East)	as per Precinct 9.1	1,000m ²	21m	8.0m	1.5m	8.0m

Assessment

The subject site is located within the Residential Streetscape Zone Policy Area 9.8. This site is also subject to the Woodlyn Estate encumbrance guidelines which are administered by the developer of Woodlyn. Whilst not a Council matter the development appears generally consistent with these guidelines.

Administration has taken a more flexible approach to the assessment of new dwellings within the Woodlyn Estate as the land division applications was determined prior to the Streetscape Zone coming into final effect. Policies relating to the streetscape are not considered particularly relevant due to the majority of dwellings not having a public road frontage and not within the streetscape context of Commercial Road

The proposed dwelling is a large contemporary two storey dwelling which is generally consistent with the dwellings constructed within Woodlyn Estate. Whilst the double garage and upper storey is the primary component of the dwelling facing the private road this is considered appropriate in the circumstances given the need to design a dwelling to meet the constraints of the site with respect to the location of regulated and significant trees.

Relevant Council Wide Objectives and Principles of Development Control

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

Relevant Council Wide Provisions	Assessment
Residential Development	
<i>1 The design and appearance of buildings and their surrounds should respect the contextual qualities of the locality and be consistent with the desired character for the zone or policy area and therefore should have regard to:</i>	The design and appearance of the proposed dwelling is generally consistent with the setbacks and form of development within the Woodlyn Estate.

Relevant Council Wide Provisions	Assessment
<p>(a) site dimensions and configurations;</p> <p>(b) street and boundary setbacks;</p> <p>(c) site coverage;</p> <p>(d) private and communal open space;</p> <p>(e) building form, scale, mass and height;</p> <p>(f) building orientation to public streets;</p> <p>(g) building facades and detailing;</p> <p>(h) roof form and pitch;</p> <p>(i) fences, walls and landscaping;</p> <p>(j) overlooking and overshadowing;</p> <p>(k) noise;</p> <p>(l) access and car parking;</p> <p>(m) site facilities and storage.</p>	
<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 garage component of the dwelling and upper level is setback 3.9m from the private road. This provides limited room for landscaping however is considered acceptable given the need to maintain adequate separation from the regulated trees adjacent the western boundary</p>
<p>39 To maintain a reasonable level of visual privacy to adjacent residential properties the following measures are sought:</p> <p>(a) orientate and stagger windows and upper level viewing areas to prevent direct views into adjoining property indoor and outdoor living areas;</p> <p>(b) obscure viewing by raising window sills or incorporating obscure glass windows to a height at least 1.7 metres above floor level;</p> <p>(c) use permanently fixed external screening devices such as screens, fences, wing walls, panels, planter boxes or similar measures adequate to restrict 120 degree views;</p>	<p>Overlooking has been minimised through the use of high-level windows on the eastern, southern and western elevations.</p>

Relevant Council Wide Provisions	Assessment
<p><i>(d) provide a separation distance of 15 metre radius to windows of habitable rooms in potentially impacted dwellings and 30 metre radius to private open space as described in the Figure below;</i></p> <p><i>(e) incorporate plants capable of providing and seasonally sustaining a privacy screen</i></p>	
Regulated and Significant Trees	
<p><i>Objective 1: The conservation of regulated trees that provide important aesthetic and/or environmental benefit.</i></p> <p><i>Objective 2: Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:</i></p> <p><i>(a) significantly contributes to the character or visual amenity of the locality;</i></p> <p><i>(b) indigenous to the locality;</i></p> <p><i>(c) a rare or endangered species;</i></p> <p><i>Objective 3: The preservation of significant trees in The City of Unley which provide important aesthetic and environmental benefit. Trees are a highly valued part of the Metropolitan Adelaide and Unley environment and are important for a number of reasons including high aesthetic value, preservation of bio-diversity, provision of habitat for fauna, and preservation of original and remnant vegetation. While indiscriminate and inappropriate significant tree removal should be generally prevented, the preservation of significant trees should occur in balance with achieving appropriate development</i></p>	<p>The subject site is a challenging and unique site given the presence of one significant tree (Tree 1) on the site and 5 regulated/significant trees adjacent the site.</p> <p>The original land division approval sought to retain the regulated/significant trees by ensuring measures were in place to protect the trees including, building envelope plans, tree protection zones and recommendations to use the Trilink footing systems to ensure development could occur without long term impact on the health of the trees.</p> <p>To date the measures that were put in place as part of the original approval have enabled the preservation of regulated/significant trees in balance with achieving appropriate development. The allotment at 8/35 Commercial Road represents the final allotment to be developed and is recognised as being the most challenging given the constraints placed on the allotment by the multiple regulated/significant trees.</p>
<p><i>8 Where a significant tree or significant tree grouping:</i></p> <p><i>(a) makes an important contribution to the character or amenity of the local area, or</i></p> <p><i>(b) forms a notable visual element to the landscape of the local area, or</i></p>	<p>The significant tree (Tree 1) is considered to make an important contribution to character and amenity of the local area and contribute to habitat value and is therefore a tree that is considered to warrant retention.</p>

Relevant Council Wide Provisions	Assessment
<p><i>(c) contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor development should be designed and undertaken to retain and protect such significant trees and to preserve these attributes.</i></p>	
<p><i>Significant trees should be preserved and tree damaging activity should not be undertaken unless:</i></p> <p><i>(a) in the case of tree removal;</i></p> <p><i>(i) the tree is diseased and its life expectancy is short; or</i></p> <p><i>(ii) the tree represents an unacceptable risk to public or private safety; or</i></p> <p><i>(iii) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value and all other reasonable remedial treatments and measures have been determined to be ineffective; or</i></p> <p><i>(iv) it is demonstrated that reasonable alternative development options and design solutions in accord with Council-wide, Zone and Area provisions have been considered to minimise inappropriate tree-damaging activity occurring;</i></p>	<p>There is no suggestion from the applicants or Council employed arborist that the significant tree (Tree 1) is diseased (i), represents an unacceptable risk (ii) or is causing or threatening substantial damage to a building (iii).</p> <p>Botten Levinson have put forward an argument that there are no reasonable remedial treatments available to ensure the longevity of the significant tree (Tree 1). Administration do not consider that reasonable development options have been considered. Refer discussion for more detailed consideration of this issue.</p>

11. DISCUSSION

There are no planning concerns with the design or appearance of the proposed dwelling. The dwelling is compatible in design and appearance with other contemporary dwellings within Woodlyn Estate.

Whilst Council arborist expresses reservations about the level of encroachment within the TPZ for Trees 2 to 6, the 5.9m separation is consistent with the distances of other approved development within the subdivision which have relied upon the Trilink footing system or other similar systems. It is considered that the separation distances proposed from Trees 2 to 6 are likely to be acceptable subject to clarification of construction methodologies and use of an appropriate footing system.

The primary planning concern is the proposed removal of the significant tree (Tree1) near the southern boundary.

Administration has discussed a reduction in the size of the ground floor of the dwelling to enable greater separation from the significant tree (Tree 1). This could be achieved with an increase to the upper level of the dwelling and maintaining current floor areas.

Botten Levinson have put forward a planning argument that the:

'design of the dwelling provides for effectively all living areas and bedroom areas to be established on the ground floor. As such whilst some bedrooms are proposed on the upper level, the design of the dwelling enables single storey living to take place without the need to regularly access the upstairs area. This is an express design requirement to maintain ground floor living without the need for active usage of the upper level.'

'It is a reasonable and appropriate design and is consistent with the expectations of the Development Plan. As such, no other reasonable remedial treatments area available to ensure the longevity of Tree 1.'

The dwelling currently has a ground floor area (including garage) of 296m² and upper level of 112m². If the dwelling was proposed to be positioned a further 4.5m from the southern boundary Council arborist advise that this would be sufficient to allow for the retention of the significant tree (Tree 1).

Based on the current floor plans an increase in the setback from the southern boundary by a further 4.5m and would see a reduction in floor area to the ground floor of approximately 38m². This could potentially be added to the upper floor to ensure there is no loss of total floor area. This enables a potential ground floor area of approximately 250m² to be constructed.

Whilst 250m² in ground floor area may not achieve the express design requirements of the applicant for ground floor living it is considered to allow sufficient floor area to construct a dwelling to satisfy contemporary living requirements.

The proposed removal of the significant tree (Tree 1) also needs to be considered in the context of the measures that were put in place as part of the original approval that have enabled the preservation of regulated/significant trees at 35 Commercial Road in balance with achieving appropriate development.

On balance administration do not consider it has been demonstrated that reasonable alternative development options and design solutions in accord with Council-wide, Zone and Area provisions have been considered to minimise inappropriate tree-damaging activity occurring and refusal is recommended.

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 significant tree makes an important contribution to the character and amenity of the local area, is a notable visual element and contributes to the habitat value of the area;
- the tree is not diseased and its life expectancy is not short;
- the tree does not represent an unacceptable risk to public or private safety;
- the tree is not shown to be causing or threatening to cause substantial damage to a substantial building or structure of value and all other reasonable remedial treatments and measures have been determined to be ineffective;
- it has not is demonstrated that reasonable alternative development options and design solutions in accord with Council-wide, Zone and Area provisions have been considered to minimise inappropriate tree-damaging activity occurring;

The application is therefore recommended for REFUSAL.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/56/2019/C2 at 8 / 35 Commercial Road, Hyde Park SA 5061 to 'Construct a two storey dwelling with garage and remove one Significant Tree (*Eucalyptus camaldulensis* - River Red Gum)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

The development is contrary to Significant Trees PDC 6(a), (b) & (c) and 8(a) for the following reasons:

- The significant tree makes an important contribution to the character or amenity of the local area, and contributes to the habitat value of an area
- the tree is not diseased and its life expectancy is not short;
- the tree does not represent an unacceptable risk to public or private safety
- the tree is not shown to be causing or threatening to cause substantial damage to a substantial building or structure of value and all other reasonable remedial treatments and measures have been determined to be ineffective;
- it has not is demonstrated that reasonable alternative development options and design solutions in accord with Council-wide, Zone and Area provisions have been considered to minimise inappropriate tree-damaging activity occurring;

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Report by Council Arborist	Administration
C	Memorandum of encumbrance and significant tree report (2008)	Administration

DECISION REPORT

REPORT TITLE:

CONFIDENTIAL MOTION:

- FOR ITEM 7– PLANNING APPEAL – ERD COURT ACTION NO ERD-19-177 (DA 789/2018/C1) 27 THORNER STREET UNLEY PARK

ITEM NUMBER:

6

DATE OF MEETING:

17 March 2020

AUTHOR:

ANDREW RAEBURN
ACTING TEAM LEADER

RESPONSIBLE OFFICER:

MEGAN BERGHUIS
GENERAL MANAGER COMMUNITY

COMMUNITY GOAL:

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

PURPOSE

To recommend that Item 7 be considered in confidence at 17 March 2020 Council Assessment Panel Meeting

RECOMMENDATION

MOVED:

SECONDED:

That:

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

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