

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 21 April 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 17 March 2020, as printed and circulated, be taken as read and signed as a correct record.

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

21 April 2020

A G E N D A

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Any Other Business
Matters for Council's consideration

ITEM 1**DEVELOPMENT APPLICATION – 090/801/2019/C2 – 2D NORTHBROOK AVENUE, FORESTVILLE SA 5035 (CLARENCE PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/801/2019/C2
ADDRESS:	2D Northbrook Avenue, Forestville SA 5035
DATE OF MEETING:	21 April 2020
AUTHOR:	Paul Weymouth
DEVELOPMENT PROPOSAL:	Construct two storey dwelling including verandahs and a garage on boundary
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	4 July 2017
ZONE:	Residential (Landscape) Zone PA11.1 (300)
APPLICANT:	Metricon Homes Pty Ltd
OWNER:	J Yun
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (Five, opposed)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Compatibility with streetscape Building bulk / mass Setbacks

1. PLANNING BACKGROUND

DA 771/2017/DIV at 55 - 57 Victoria Street - Land division create four allotments from two existing. This application proposed the creation of two new allotments (total four allotments) and reorientation of the allotments to face Northbrook Avenue.

DA 916/2017/BA at 55- 57 Victoria Street - Demolition of existing dwellings and other structures – This application involved the demolition of two dwelling fronting Victoria Street. The application was building rules only and did not require a planning consent.

DA 456/2019/C2 at 2b Northbrook Avenue, Forestville – Construct single storey dwelling including verandah and garage on the northern boundary. Development approval has been granted.

DA 751/2019/C2 at 2C Northbrook Avenue, Forestville – Construct single storey dwelling including verandah and garage on common boundary. Development approval has been granted.

2. DESCRIPTION OF PROPOSAL

The development application involves the construction of a two-storey dwelling fronting Northbrook Avenue, Forestville with a garage located on the southern boundary of the subject site.

The proposed dwelling is a three-bedroom dwelling with family, dining and sitting areas and a single storey garage. The ground level floor area is 154m² and the upper level is 55m².

3. SITE DESCRIPTION

The allotment is a rectangular shaped allotment on the north western corner of Northbrook Avenue and Victoria Street. The allotment is flat and has a total site area of 346 m².

The allotment has been cleared and is currently vacant. There are no regulated trees on or adjacent the subject site.

On the northern side of Victoria Street, the allotments are typically smaller in the range of 300 – 450 m² and accommodate predominantly single storey cottages.

Northbrook Avenue is a short street with allotments in the range of 350 - 450m².

Dwelling Type / Style and Number of Storeys

Victoria Street is characterised by predominantly single storey dwellings (cottages and villas) except for a two-storey residential flat building at 47 Victoria Street.

Northbrook Avenue is characterised by single storey dwellings of varying styles.

Fencing Styles

There is no predominant fencing style with fencing styles varying between open, picket, brush and solid iron fencing.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

Non-statutory (internal) referrals were undertaken to Councils assets and arboriculture areas.

Assets advised no concerns were raised with the new crossover location. Arboriculture are satisfied with the current design in relation to preservation of the bottlebrush adjacent the proposed crossover.

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 5 representations were received as detailed below.

42 Victoria Street, Forestville (oppose – wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>The design is not in keeping with the local heritage of the area.</p> <p>There are no other multi storey residences in the street apart from blocks of units more than 20 years old</p> <p>The design is not consistent with what the State Planning Commission intends for Victoria St Unley</p>	<p>Within the surrounding locality there is a variance of detached homes with a wide range of housing styles and eras. There are a number of new buildings which are vastly different to the prominent architectural styles of the area. The proposal is a new build that is sympathetic to the surrounding character and showcases form and feature consistent with the streetscape to reduce the scale, bulk and dominance of the building.</p> <p>The proposal is not at variance with the Development Plan requirements within Policy Area 11 (Landscape Policy Area).</p> <p>Key elements have been incorporated within the design which are sympathetic with a 1940s bungalow including:</p> <ul style="list-style-type: none"> • Gable and dutch gables to primary and side frontages • Wrap around verandah to primary and side frontages • Heritage profile to front and side windows • Verandah posts encased in dwarf brick pier with header course.
59 Victoria Street Forrestville (oppose - wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>Concerned about two storey dwelling being constructed adjacent the rear boundary. It will look out of place as we understand the other three properties adjacent our boundary are single storey.</p> <p>The plans are out of character with the majority of properties within this area, the area has been rezoned by the State Planning Commission as a Local Heritage Area as such</p>	<p>Refer comments 42 Victoria Street</p>

<p>the intention must be to retain the character of the area.</p> <p>The second storey is very imposing.</p> <p>There is no indication of the type of fence to be used. The material on the bottom storey is unclear and the second storey appears to be weatherboard</p> <p>The second storey will overshadow our property.</p>	<p>As can be seen from the overshadowing diagrams, our proposal does not impact or overshadow any neighbouring properties.</p>
17 Foster Street Forestville (oppose - does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>The design and finishes are not in character with Victoria Street.</p> <p>The layout appears intended for student accommodation.</p> <p>Two storey is not common to this area.</p>	<p>Refer comments 42 Victoria Street</p>
48 Victoria Street Forestville (oppose - does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>Allowing a second storey will impact on the southern neighbour's ability to utilise solar power.</p> <p>Setbacks do not comply with my understanding of the Unley Development Plan.</p>	<p>Refer comments 42 Victoria Street</p>
1 Northbrook Avenue Forestville (oppose - does not wish to be heard)	
ISSUES RAISED	APPLICANTS RESPONSE
<p>The two storey is not within Council standard policy.</p> <p>Will block skyline.</p> <p>With other dwellings being single storey, Council have back peddled on their policy.</p>	<p>Refer comments 42 Victoria Street</p>

(* denotes non-valid planning considerations)

9. ADMINISTRATION NEGOTIATIONS

Following lodgement of the application, administration raised concerns with the prominence of the second storey. The applicant responded with amended plans that included :

- Introduced a dutch gable to the Northbrook Avenue elevation
- Introduced a gable to the Victoria Street elevation
- Awning windows
- Verandah posts encased in dwarf brick pier

10. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	346m ²	Existing
Frontage	11.55m	Existing
Depth	30.48m	Existing
Building Characteristics		
Floor Area		
Ground Floor	154m ²	
Upper Floor	55m ² 36% of ground floor	□ 50% of ground floor (Residential Streetscape Zone and the Residential Zone only)
Site Coverage		
Roofed Buildings	44%	□ 50% of site area
Total Impervious Areas	34%	□ 70% of site □
Total Building Height		
From ground level	6.8m	7m max
Setbacks		
Ground Floor		
Front boundary ()	5m (3.5m to front)	Approved setback of dwelling to the south is 4.4m. Setbacks in Northbrook typically vary from 2.6m to 6m.
Secondary Street (Victoria Street)	2m	2m
Side boundary (southern)	Nil	Nil to 3m
Rear boundary (western)	7.6m	
Upper Floor		
Front boundary (Northbrook)	8.7m	Same ref as ground floor
Side boundary (Victoria)	3.7m	4m

Side boundary (southern)	2.9m	3m
Rear boundary (western)	7.6m	8m
Wall on Boundary		
Location		
Length	6.5m	<input type="checkbox"/> 9m or <input type="checkbox"/> 50% <input type="checkbox"/> of the boundary length, whichever is the lesser
Height	3.1	<input type="checkbox"/> 3m
Private Open Space		
Min Dimension	10m by 6m	<input type="checkbox"/> 4m minimum
Total Area	142 m ² (44%)	<input type="checkbox"/> 20% OR 35m ² OR 20m ²
Car parking and Access – Detached, Semi & Row dwellings only		
On-site Car Parking	2	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 <input type="checkbox"/> 2 car-parking spaces
On-street Parking	2	0.5 per dwelling
Driveway Width	3m	3m Single 5m double
Garage/Carport Width	3.4m	<input type="checkbox"/> 6.5m or <input type="checkbox"/> 30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	3.2m x 6m	3m x 6m for single 5.8m x 6m for double
Colours and Materials		
Roof	Tiled roof	
Walls	Face brick and Scyon lightweight cladding	
Fencing	None proposed	

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

Residential Streetscape Landscape Zone (11.1)
Objectives
<i>Objective 1: Enhancement of the distinctive and primarily coherent streetscapes by retaining and complementing the built form, setting and surrounding landscape features.</i>
<i>Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</i>
<i>Objective 3: Sensitive in-fill development opportunities where appropriate and complementary to the desired character and streetscape setting or providing</i>

for the improvement of areas of variable character by replacing discordant buildings and their associated landscape patterns.

Desired Character

Development should respect and contribute positively to the streetscape setting, and where appropriate, the collective features of distinctive and primarily coherent streetscapes.

The key considerations are:

(a) siting – sites with generous front and side setbacks to main dwelling buildings and wide road reserves. Building envelopes should reflect this siting, scale and form to maintain the spatial patterns of traditional settlement. Low open style front fences provide transparent streetscape views of landscaped front yards and compatible development.

(b) form – a consistent pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and form is associated with the various architectural styles. Infill dwellings and dwelling additions should maintain traditional scale, proportions and building forms when viewed from the primary streetscape.

(c) key elements – the articulation of the built form, verandahs and pitched roofs, are important key elements in minimising the visual dominance of buildings to the primary streetscape setting. The careful composition of facades to reduce building mass, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements, assist in complementing the desired character. Low open style front fences complement the style and predominant form of dwellings within the street and streetscape views of landscaped front yards.

Assessment

The subject site is located on the corner of Victoria Street and Northbrook Avenue.

The streetscape character in Victoria Street is generally coherent with a relatively consistent pattern of traditional building proportions derived from the predominance of single storey cottage and villa style dwellings with the exception of a two-storey residential flat building at 47 Victoria Street.

This contrasts with Northbrook Avenue where the streetscape character has been heavily altered by development over the last 30 years. This includes three single storey dwellings on the eastern side of Northbrook (1,3 & 5) constructed in a villa style in the mid 1990^s and the land division at 57 Victoria which resulted in the creation of two new allotments (total four allotments) and reorientation of the allotments to face Northbrook Avenue. Two new single storey dwellings have been approved at 2(b) and 2(c) Northbrook. The streetscape character is derived by single storey dwellings with relatively shallow setbacks and pitched/hipped roofs.

In this streetscape context there is considered to be some flexibility with the design of the new dwelling. The dwelling design is influenced by a bungalow style which is not a typical form of dwelling within this locality with the exception of the southern end of Northbrook which is located within an historic conservation zone. The upper level is modest, partially located within the roofline and sufficiently setback to ensure it does not intrude on neighbouring properties.

Whilst the bungalow influence is not typical in this locality, the design features a hipped roof, gable ends and verandah which are all prominent attributes within this streetscape. Given the mixed nature of the streetscape setting the new dwelling is considered to sufficiently complement the siting, form and key elements of dwellings that are present within this streetscape.

Relevant Zone Principles of Development Control	Assessment
<p><i>9 Development should present a single storey built scale to its streetscape. Any second storey building elements should be:</i></p> <p><i>(a) integrated sympathetically into the dwelling design and landscape setting;</i></p> <p><i>(b) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street;</i></p> <p><i>(c) set well behind the primary street façade of the dwelling so as to be inconspicuous from the streetscape.</i></p>	<p>The dwelling proposes a recessed second storey that is partially in roof and setback from Northbrook Avenue 8.7m. The upper storey is modest (55m²) and partially hidden behind a dutch gable (Northbrook) and gable (Victoria).</p> <p>The upper storey is not considered to impose excessive roof volume or bulk on neighbouring properties.</p>
<p><i>10 Buildings and structures should suitably reference the contextual conditions of its locality and contribute positively to the desired character, particularly in terms of its:</i></p> <p><i>(a) building scale and form relative to its setback and the overall size of its site;</i></p> <p><i>(b) streetscape setting or the pattern of buildings and spaces (front and side setbacks), and gaps between buildings;</i></p> <p><i>(c) front fencing being low and visually permeable to emphasise a strong streetscape landscape character.</i></p>	<p>As discussed earlier in this report the contextual conditions of the locality are variable with Victoria Street displaying more consistent attributes than Northbrook Avenue. On balance the new dwelling is considered to sufficiently reference the contextual conditions of the locality.</p> <p>Front fencing is not proposed as part of this application.</p>
<p><i>13 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;</i></p> <p><i>(b) where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i></p>	<p>The garage is located to the side of the dwelling and under the main roof. Whilst not a discrete building element, the garage is located behind the main façade and proportionally minor relative to the dwelling façade.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>(i) incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling;</i></p> <p><i>(ii) be in the form of a discrete and articulated building element not integrated under the main roof, nor incorporated as part of the front verandah or any other key element of the dwelling design;</i></p> <p><i>(iii) have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage;</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

Landscape Policy Area 11

Relevant Policy Area Principles of Development Control	Assessment
<p><i>2 Development should:</i></p> <p><i>(a) be primarily detached dwellings, with sensitive infill development sited and designed so as to be inconspicuous from the streetscape, and maintain the desired character and key streetscape setting features.</i></p> <p><i>(b) conserve the physical attributes and key streetscape setting features comprising:</i></p> <p><i>(i) setting - the regular prevailing subdivision and allotment pattern that produces a characteristic streetscape pattern of allotment frontages, buildings and gardens spaced behind generally open fenced front boundaries. Primary street setbacks are generally 6m to 8m and side setbacks consistently no less than 1m and most often greater.</i></p> <p><i>(ii) form - the characteristic features of consistent scale and proportions of buildings including wall heights</i></p>	<p>As discussed earlier in this report, given the mixed nature of the streetscape setting within Victoria Street and Northbrook Avenue the new dwelling is considered to sufficiently complement the siting, form and key elements of dwellings that are present within these streetscapes.</p>

Relevant Policy Area Principles of Development Control	Assessment
<p><i>and roof designs to the streetscape</i></p> <p><i>(iii) key elements – good articulation of walls and roofs to street facades to reduce the scale, bulk and dominance of buildings to the streetscape.</i></p>	

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
<p><i>Dwellings 6 Except where specified in a particular zone, policy area or precinct, a dwelling should be setback from the primary street frontage: (a) where adjacent dwellings have reasonably consistent setbacks (difference is less than 2 metres), the same distance as one or the other of the adjacent dwellings.</i></p> <p><i>(b) where adjacent setbacks are variable (difference of greater than 2 metres) the average of the setbacks of adjoining buildings.</i></p>	<p>The proposed dwelling is setback 5m to the front wall and 3.5m to the verandah from Northbrook. This is considered acceptable and consistent with the existing and proposed setbacks of dwellings at the northern end of Northbrook.</p> <p>The proposed dwellings at 2(b) and 2(c) Northbrook are approved with a setback of 4.3m and 4.4m respectively. The dwellings directly opposite the site at 1,3 and 5 Northbrook have shallow setbacks that vary from 2.5m to 3.5m.</p>

Relevant Council Wide Provisions	Assessment
<p><i>13 Except where specified in a relevant zone or policy area, dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to minimise massing and overshadowing impacts to adjoining properties and should be in accordance with the following parameters:</i></p> <ul style="list-style-type: none"> • <i>3m minimum side boundary setback</i> • <i>8m minimum rear boundary setback</i> 	<p>The new dwelling has a ground floor setback of 1.1m (excluding garage wall on boundary) , upper level setback of 2.9m and rear boundary setback of 7.6m.</p> <p>The proposed setbacks are considered reasonable given the staggered nature of the side and rear setbacks helps to break up the bulk of the dwelling.</p>
<p><i>14 Dwellings sited on side boundaries (other than on secondary road frontages) should be located and limited in length and height to maintain visual amenity and allow adequate provision of natural light to adjacent properties (habitable room windows and private open space) and should be in accordance with the following parameters:</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>The garage wall on the southern boundary has a length of 6.5m and a height of 3.1m. The wall represents 21% of the boundary length and is limited in height to allow adequate provision of light to adjacent properties.</p>
<p><i>23 Building form, scale, mass and height should be compatible with development in the locality and in particular the desired character and built form parameters for the zone or policy area.</i></p>	<p>The proposed dwelling is two storeys within a locality that is characterised by single storey dwellings.</p> <p>Whilst the building form mass and height will be larger than surrounding dwellings, the recessed second storey is modest, partially in roof and partially screened behind a dutch gable (Northbrook) and gable (Victoria).</p>

Relevant Council Wide Provisions	Assessment
	The upper storey is not considered to impose excessive roof volume or bulk on neighbouring properties.
<p><i>41 Development should allow direct winter sunlight access to adjacent residential properties and minimise the overshadowing of: (a) living room windows, wherever practicable; (b) the majority of private open space areas, communal open space and upper level balconies that provide the primary open space provision; (c) roof areas, preferably north facing and suitable for the siting of at least 4 solar panels on any dwelling; or where such affected areas are already shaded, the additional impact should not significantly worsen the available sunlight access.</i></p>	<p>The proposed development will create some overshadowing impacts on the adjacent property to the south (refer applicants shadow diagrams).</p> <p>To a certain extent this is unavoidable due to the east- west orientation of the allotment. The proposed upper storey is modest and setback from the southern boundary by 2.9m to assist with minimising overshadowing impacts.</p>

12. DISCUSSION

The primary planning issue is whether the new dwelling sufficiently complements the built form, setting and surrounding landscape features of Victoria Street and Northbrook Avenue.

The streetscape character in Victoria Street is generally coherent and characterised by character dwellings (cottages and villas). This contrasts with Northbrook Avenue where the streetscape character has been heavily altered by development over the last 30 years.

In this streetscape context, administration consider there to be some flexibility with the design of the new dwelling. There are aspects of the proposed dwelling that do not fully comply with the Development Plan including the garage under the main roof and setbacks to primary road frontage and side boundaries. These are not considered to be fatal to the application.

The proposed dwelling features a modest upper level and design features including a hipped roof, gable ends and verandah which are all prominent attributes within both streetscapes. On balance the dwelling is considered to sufficiently complement the built form, setting and surrounding landscape features of Victoria Street and Northbrook Avenue.

13. CONCLUSION

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

- The design features a hipped roof, gable ends and verandah which are all prominent attributes within this streetscape.
- The upper level is modest, partially located within the roofline and sufficiently setback to ensure it does not intrude on neighbouring properties
- Existing setbacks to Northbrook are modest and consistent with the setbacks of the proposed dwelling.
- Overshadowing is minimised by the modest upper level and setbacks to the southern boundary.

The application is therefore recommended for Development Plan CONSENT.

14. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/801/2019/C2 at 2D Northbrook Avenue, Forestville SA 5035 to 'Construct two storey dwelling including verandahs and a garage on boundary is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the existing crossover shall be closed and reinstated with kerb and water table in accordance with Council requirements, and at the applicant's expense, prior to occupation of the development.

3. 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. 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.

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

ITEM 2
DEVELOPMENT APPLICATION – 090/24/2020/C2 – 12 GLENROWAN AVENUE, MYRTLE BANK 5064 (FULLARTON)

DEVELOPMENT APPLICATION NUMBER:	090/24/2020/C2
ADDRESS:	12 Glenrowan Avenue, Myrtle Bank 5064
DATE OF MEETING:	21 st April 2020
AUTHOR:	Paul Weymouth
DEVELOPMENT PROPOSAL:	Construct single storey dwelling including verandahs and garage on common boundary
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Zone Policy Area 12.2
APPLICANT:	Construction Services Australia Pty Ltd
OWNER:	H G Li and J X Lau
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:	Built form

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The applicant proposes to construct a single storey detached dwelling with ancillary garaging at 12 Glenrowan Avenue Myrtle Bank.

The proposed dwelling will have a Finished Floor Level of 99.850 which is approximately 0.2m below the top of kerb on Glenrowan Avenue.

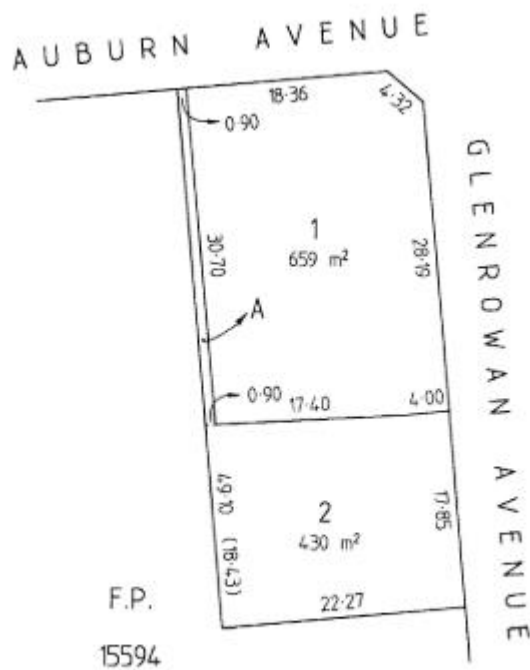
Demolition of the existing dwelling will be addressed as a separate application.

3. SITE DESCRIPTION

The subject site is located within the Residential Zone, Policy Area 12.2.

The site is located on the western side of Glenrowan Avenue, between Auburn Avenue and Glenferrie Avenue. The site is regular in shape having a frontage to Glenrowan Avenue of 17.85m, a depth of 22.27m and an overall site area of 430m².

Pursuant to Certificate of Title Volume 5193 Folio 449 allotment 1 (12 Glenrowan Avenue) is subject to a free and unrestricted right(s) of way over a strip of land 0.90m wide, marked 'A' (refer below). The free and unrestricted right of way is appurtenant to allotment 2 (13 Auburn Avenue).



The site is currently occupied by a single storey detached dwelling with existing vehicle access adjacent the southern boundary. The subject land has a gentle slope of approximately 0.5m from Glenrowan Avenue to the rear of the allotment.

Two mature street trees are located in proximity of the subject land. No alteration to the crossover is proposed as part of the subject application.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

Advice was sought from Councils Assets Project Engineer who advised that:

gravity stormwater discharge systems should always be used in preference to sump pump arrangements, as the flood risk associated with sump pumps are significantly higher (e.g. if there is a power or pump failure during a major rainfall event), which is highly probable.

8. PUBLIC NOTIFICATION

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

13 Auburn Avenue Myrtle Bank (oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Object to the location of the proposed stormwater discharge point. Concerned that it will result in a heightened risk of flooding to properties adjacent 12 Glenrowan and disturbance to the NBN pit. <i>Could be overcome by:</i> Directing the stormwater pipe to the existing dwellings stormwater discharge point on Glenrowan Ave	Land Services SA have advised us that the intended purpose of the easement was to allow for the drainage of stormwater from 12 Glenrowan Avenue. We disagree that there will be a risk of flooding from the carriage of stormwater underneath the easement or interference to the NBN box. We have experienced many problems using a pump to push stormwater out into Glenrowan Avenue
We are concerned about the proposed alteration to land over which we hold a free and unrestricted right of way easement and in particular: <ul style="list-style-type: none">• Restrictions to the right of way whilst the stormwater pipe is being installed• Excavation works could compromise the retaining wall between 13 and 15 Auburn	Following the laying of the stormwater pipe we do not intend to build on the easement land nor do anything that would diminish the free and unrestricted right of way for 13 Auburn Avenue.
We are concerned about our privacy being impacted by a proposed large window directly adjacent our backyard and within 9 metres of our kitchen, dining, family room.	We disagree with the privacy concerns. We have opted to build a single storey dwelling and there is currently a 1.9m colour bond fence which divides the properties and provides adequate privacy.

<p><i>Could be overcome by:</i> Reducing the size of the large kitchen window (or repositioning the kitchen, meals and family to the rear of the house)</p>	
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(* denotes non-valid planning considerations)

9. ADMINISTRATION NEGOTIATIONS

No negotiations have been undertaken.

10. DEVELOPMENT DATA

Site Characteristics	Dwelling and garage	Development Plan Provision
Total Site Area	430m ²	Existing
Frontage	17.85m	Existing
Depth	22.27m	Existing
Building Characteristics		
Floor Area		
Dwelling (alfresco)	160.8m ² (+15m ²)	
Garage	37m ²	
Site Coverage		
Roofed Buildings	46%	<input type="checkbox"/> 50% of site area
Total Impervious Areas	69%	<input type="checkbox"/> 70% of site <input type="checkbox"/>
Total Building Height		
From ground level	5.5m	7m max
Setbacks		
Ground Floor		
Front boundary (E)	5m -5.5m	5m
Side boundary (N)	940mm Garage on boundary	1m
Side boundary (S)	1m	1m
Rear boundary (W)	4m (dwelling) 1.6m (alfresco)	5m
Wall on Boundary		
Location	Southern boundary	
Length	6.23m	<input type="checkbox"/> 9m or <input type="checkbox"/> 50% <input type="checkbox"/> of the boundary length, whichever is the lesser
Height	2.94m	<input type="checkbox"/> 3m
Private Open Space		
Min Dimension	>4m	<input type="checkbox"/> 4m minimum
Total Area	20%	<input type="checkbox"/> 20%
Car parking and Access		

On-site Car Parking	2	2 per dwelling where less than 4 bedrooms or 250m ² floor area 3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Covered on-site parking	2	<input type="checkbox"/> 1 car parking space <input type="checkbox"/> 2 car-parking spaces
On-street Parking	1	0.5 per dwelling
Driveway Width	4.2m	3m Single 5m double
Garage/Carport Width	6.3m	<input type="checkbox"/> 6.5m or <input type="checkbox"/> 30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	5.82m x 5.64m	3m x 6m for single 5.8m x 6m for double

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

11. ASSESSMENT

Zone Desired Character and Principles of Development Control

<p>Residential Zone</p> <p><u>Objective 1:</u> <i>A residential zone comprising a range of dwelling types of up to two storeys</i></p> <p><u>Objective 3:</u> <i>The siting and design of development driven by contextual design considerations and environmentally sustainable outcomes.</i></p> <p><u>Objective 4:</u> <i>Development that contributes to the desired character of the zone.</i></p>
<p>Desired Character</p> <p><i>The zone will continue to display a diversity of different building eras with pre-1940's character housing interspersed with sympathetic contemporary dwellings. Design responses may vary but are underpinned by local area context characterised by the rhythm and patterns of sites and buildings, particularly where sites adjoin lower density residential zones.</i></p> <p><i>The character of the Residential Zone will gradually evolve as sensitive infill re-development of existing sites occurs, complementing surrounding dwelling types and forms and having particular regard to the design and siting of built form. Whilst the dominant character is expected to be detached low density housing, smaller sites will also encourage other housing types, particularly semi-detached dwellings and small scale group dwellings. Medium density housing comprising residential flat buildings of up to 2 storeys in height is appropriate on larger sites and preferably in close proximity to centres, public transport and public open space.</i></p>

New development is to achieve positive environmental outcomes through passive energy design, water sensitive design, urban landscaping and biodiversity.

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

Assessment

The streetscape character in this section of Glenrowan is characterised by a diversity of dwelling styles and eras with shallow street setbacks as dwellings are predominantly orientated towards primary road frontages (Glenferrie and Auburn).

The proposed single storey dwelling is a contemporary dwelling that is consistent with the objectives and will contribute to the desired character within the Residential Zone. The proposed setback of 5 – 5.5m provides sufficient space for landscaping that will also contribute to the amenity of the locality.

Relevant Zone Principles of Development Control	Assessment
<i>7 Development should not be undertaken unless it is consistent with the desired character for the zone.</i>	The proposed dwelling is consistent with the desired character sought by the zone.
<i>8 Development should primarily be in the form of street fronting dwelling types and of low to moderate scale, up to 2 storeys in building height...</i>	The proposed dwelling is a single storey street fronting dwelling.

Policy Area Desired Character and Principles of Development Control

Infill Policy Area 12.2
Desired Character
<i>This policy area comprises two precincts with low growth residential compatible infill character and allotment sizes of 300 and 350 square metres. The policy area is widely dispersed in pockets across council from Wayville to Parkside, Fullarton, Malvern and Myrtle Bank in the east.</i>
Assessment
The proposed dwelling is consistent with the desired character for infill Policy Area 12.2 which seeks compatible residential infill.

Relevant Policy Area Principles of Development Control	Assessment
<i>1 Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	The proposed dwelling is consistent with the desired character which seeks compatible residential infill.
<i>2 In Policy Area 12 a dwelling should have a minimum site area (and in the case of group dwellings and residential flat buildings, an average site area per dwelling inclusive of the common roadway parking areas and open spaces) and a frontage width to a public road not less than that shown in the following table: Precinct 12.2 Myrtle Bank detached dwelling 350m² and 10 m frontage.</i>	The existing allotment meets these requirements with a site area of 430m ² and a frontage of 17.85m.

Relevant Council Wide Objectives and Principles of Development Control

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

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

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

Relevant Council Wide Provisions	Assessment
Residential Development	
<i>13 Except where specified in a relevant zone or policy area, dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to minimise massing and overshadowing impacts to adjoining properties and should be in</i>	<p>The development proposes a garage wall on the southern boundary and a dwelling side setback of 0.94 to the northern boundary. This is marginally less than the minimum setback of 1m and is considered to have no planning impacts.</p> <p>The development proposes a rear setback of 4m instead of the recommended 5m. This is considered a sufficient rear setback given the single storey nature of the dwelling and given that the development achieves the minimum private</p>

Relevant Council Wide Provisions	Assessment
<p><i>accordance with the following parameters:</i></p> <ul style="list-style-type: none"> • <i>1m minimum side boundary setback</i> • <i>5m minimum rear boundary setback</i> 	<p>open space requirement of 20% with minimum POS dimension of 4m.</p>
<p><i>38 Direct overlooking from upper level (above ground floor level) habitable room windows and external balconies, roof patios, terraces and decks to habitable room windows and useable private open space of other dwellings should be minimised through adoption of one or more of the following:</i></p> <p><i>(a) building layout;</i></p> <p><i>(b) location and design of windows, balconies, roof patios and decks;</i></p> <p><i>(c) screening devices;</i></p> <p><i>(d) adequate separation distances;</i></p> <p><i>(e) existing landscaping and supplementary screen tree planting.</i></p>	<p>Concerns have been expressed during the notification process regards the potential for overlooking from north facing kitchen/living room window.</p> <p>Given that the dwelling is single storey the overlooking provisions in the Development Plan do not apply and there are no planning concerns.</p>

12. DISCUSSION

The Development is considered to satisfy the relevant Development Plan provisions for Residential Zone Policy Area 12.2. No material planning issues have been identified during the assessment.

Concerns have been expressed by the owner of 13 Auburn Avenue during the notification process regarding the applicant's intention to dispose stormwater to Auburn Avenue via the 900mm wide strip of land that is subject to a free and unrestricted right of way (Refer Attachment B). The strip of land is marked 'A' on the Certificate of Title and forms part of the allotment at 12 Glenrowan. The strip of land has a fall of approx. 0.5m from 12 Glenrowan to Auburn Avenue (refer photo of easement taken from Auburn Avenue).



Photo from Auburn Avenue.
900mm wide easement adjacent
western boundary of 13 Auburn.

The finished floor level of the proposed dwelling (FFL 99.85) is approximately 0.2m below the top of kerb. The applicant advises that they currently use a pump to dispose of stormwater to Glenrowan Avenue for the existing dwelling (FFL 99.81) and that this has caused problems in the past including blockage and mechanical failure. The applicants advise they intend to discharge the stormwater to Auburn Avenue for the proposed dwelling for the following reasons:

- The incline of the easement from 12 Glenrowan to Auburn Avenue will allow gravity to carry stormwater
- This method will not be subject to mechanical failure
- The water that is discharged into Auburn Avenue will drain naturally towards the larger collecting system on Urrbrae Avenue.

Council Assets Project Engineer supports the installation of gravity fed stormwater disposal.

The laying of a stormwater pipe within the easement is unlikely to have any material impact on the free and unrestricted right of way that benefits 13 Auburn Avenue. The concerns expressed by the owner of 13 Auburn are considered civil in nature and common law will protect the beneficiary of the right of way against any activity or work that would inhibit or constrain reasonable access across the land.

Administration do not consider there is any legal impediment to the applicant disposing stormwater to Auburn Avenue in the manner proposed.

13. CONCLUSION

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

- The proposed dwelling is a single storey street fronting dwelling that is consistent with the desired character sought by the Residential Zone Infill Policy Area 12.2.
- The shortfalls in side and rear setbacks are considered minor departures from the Development Plan that do not have any material impact on private open space or neighbourhood amenity.

The application is therefore recommended for Development Plan CONSENT.

14. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/24/2020/C2 at 12 Glenrowan Avenue, Myrtle Bank 5064 to 'Construct a single storey dwelling including verandahs and 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.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

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

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

ITEM 3**DEVELOPMENT APPLICATION – 090/29/2020/C2 – 7 ETON STREET,
MALVERN 5061 (UNLEY PARK)**

DEVELOPMENT APPLICATION NUMBER:	090/29/2020/C2
ADDRESS:	7 Eton Street, Malvern 5061
DATE OF MEETING:	21 st April 2020
AUTHOR:	Calvin Bacher
DEVELOPMENT PROPOSAL:	Erect verandah and fence, extend existing carport on boundary, replacement of dwelling roof.
HERITAGE VALUE:	Non-Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic (Conservation) Zone Policy Area 6 – Spacious Historic Unley and Malvern Trimmer Estate
APPLICANT:	G L Deacon and S Bridgwood
OWNER:	G L Deacon
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (One, oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Building height, bulk / mass Development on boundary

1. PLANNING BACKGROUND

No relevant Planning Background.

2. DESCRIPTION OF PROPOSAL

The proposal is for dwelling alterations and construction of side and rear verandah over existing paved alfresco area, extension of an existing carport, replacement of existing roof (like for like) and construction of side boundary fence.

3. SITE DESCRIPTION

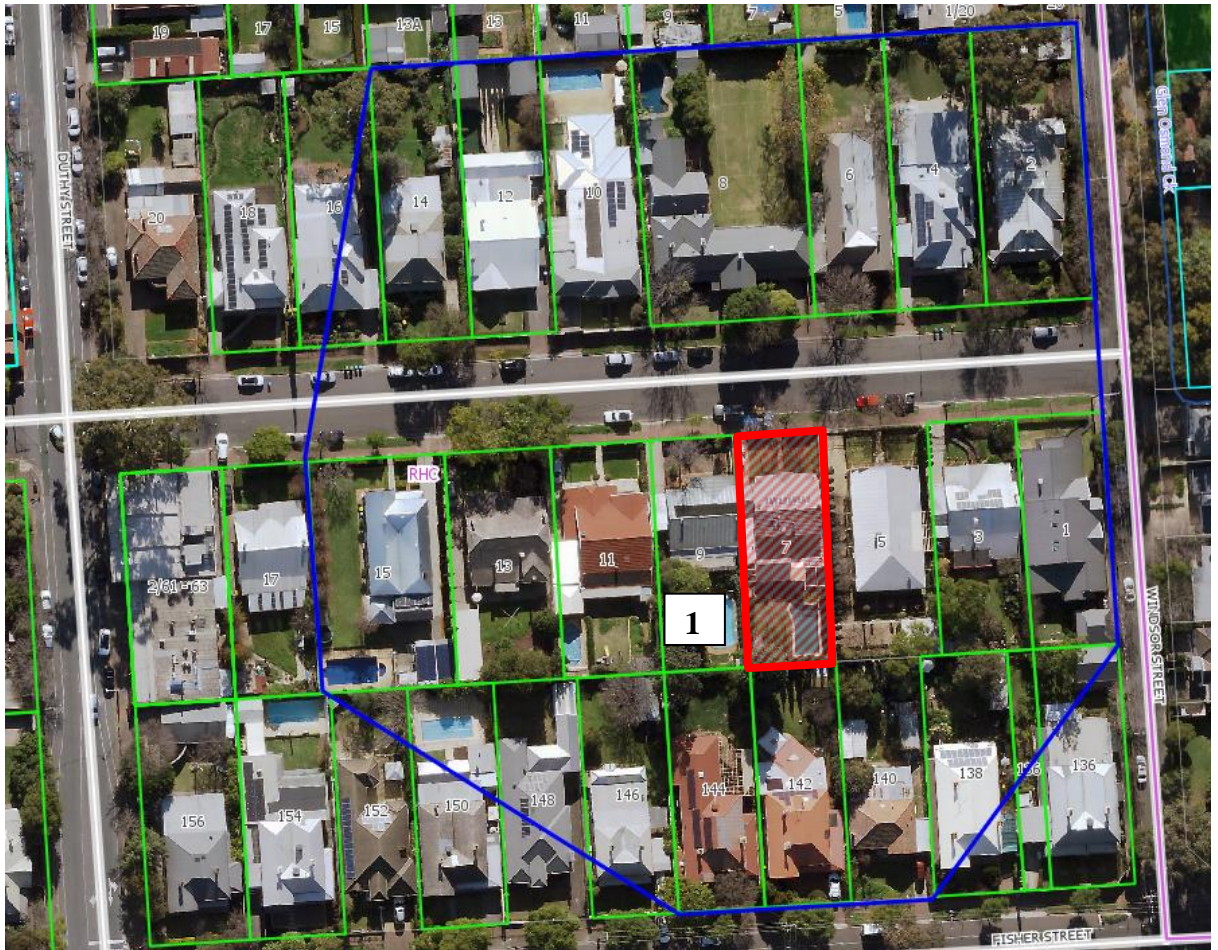
The subject land is a residential allotment located at 7 Eton Street, Malvern. The land is situated between Windsor Street to the east and Duthy Street to the west.

The land is a rectangular shape allotment with a frontage of 15.24 metres, a depth of 40.84 metres, and a total site area of 630sqm.

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

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

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

Allotments are typically rectangular in shape with relatively consistent boundary setbacks and frontages. Consistent side boundary setbacks (approx. 1 metre & 3 metre) with attached carports alongside.

Dwelling Type / Style and Number of Storeys

Detached single storey dwelling of mixed architectural styles.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

8. PUBLIC NOTIFICATION

Category 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.

9 Eton Street, Malvern (Oppose)	
ISSUES RAISED	APPLICANTS RESPONSE
Boundary development	Removal of proposed wall from application and replaced with proposed extension of existing fence. Proposed development to remain on boundary as increased setback would reduce carport width below three metres.
Height of development	Proposed maximum height to remain on skillion roof with the addition of lower skillion roof (600m in width) over screen wall to reduce height on boundary.

(* denotes non-valid planning considerations)

9. ADMINISTRATION NEGOTIATIONS

The proposal was amended following in response to representors concerns as discussed above.

10. DEVELOPMENT DATA

Site Characteristics	Erect verandah and fence, extend existing carport on boundary, replacement of roof.	Development Plan Provision
Total Site Area	630m ²	
Frontage	15.24m	
Depth	40.84m	
Building Characteristics		
Site Coverage		
Roofed Buildings	44.2%	<input type="checkbox"/> 50% of site area
Total Impervious Areas	57.1%	<input type="checkbox"/> 70% of site <input type="checkbox"/>
Total Building Height		
From ground level	3.72m (roof ridge)	
From ground level of the adjoining affected land	3.72m approx.	
Setbacks		
Ground Floor		
Front boundary (north)	N/A	
Side boundary (east)	N/A	
Side boundary (west)	3m (dwelling) Carport & verandah on boundary	
Rear boundary (south)	13.2m	
Wall on Boundary (Carport and Verandah)		
Location	West	
Length	Proposed 12.3m Total 17.5m (50% from façade back)	<input type="checkbox"/> 12m or <input type="checkbox"/> 50% <input type="checkbox"/> of the boundary length, whichever is the lesser
Height	Open-sided structure 3.1m (roof ridge) 2.4m (post height)	<input type="checkbox"/> 3m
Private Open Space		
Min Dimension	8.5m	<input type="checkbox"/> 4m minimum
Total Area	220sqm 34.9% (rear of dwelling)	<input type="checkbox"/> 20% OR 35m ² OR 20m ²
Car parking and Access		

On-site Car Parking	4	2 per dwelling where less than 4 bedrooms or 250m ² floor area 3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Covered on-site parking	2	<input type="checkbox"/> 1 car parking space <input type="checkbox"/> 2 car-parking spaces
Garage/ Carport Internal Dimensions	3m x 7.9m	3m x 6m for single
Colours and Materials		
Roof	Replicate existing (Colorbond Woodland Grey)	
Walls	N/A	
Fencing	Replicate existing	

(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>OBJECTIVES</p> <p>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.</p> <p>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.</p> <p>Objective 3: Retention, conservation and enhancement of contributory items, and the complementary replacement or redevelopment of non-contributory buildings.</p> <p>Objective 4: Sensitive adaptation of contributory items for alternate, small household, living where offering tangible benefit in the retention and refurbishment of such items.</p>
Desired Character
<p>Heritage Value</p> <p>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.</p> <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</p>

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.

Non-contributory Buildings

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

Assessment

The objectives of the Residential Historic (Conservation) Zone seeks 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 seek the redevelopment of non-contributory buildings ensuring compatible building forms and complementary building elements.

The proposal comprises of the construction of a verandah and extension to an existing carport, both part-replacing an existing verandah/carport structure. The proposed roof form of the carport extension is compatible with the existing dwelling’s roof form. Although the roof form of the verandah would not match the historic form of the neighbouring Contributory dwelling, the siting of the proposed development behind the front façade and significantly set back from the front boundary would ensure the built form has a recessive and inconspicuous appearance with the streetscape. The proposal therefore would not have an adverse effect on the streetscape on neighbouring Contributory dwelling.

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 site is situated within Policy Area 6 – Spacious Unley and Malvern Trimmer Estate. The Desired Character for this policy area seeks for development to “maintain or enhance the predominant streetscapes” and “maintain and respect important features of architectural styles of contributory items”</p> <p>As the proposed development is sited significantly behind the dwelling façade and to the rear of the dwelling it is considered that it will have minimal adverse impacts on the predominant</p>

Relevant Zone Principles of Development Control	Assessment
<p>PDC 2 <i>Development should comprise:</i> <i>(a) alterations and/or additions to an existing dwelling; and</i> <i>(b) ancillary domestic-scaled structures and outbuildings; and</i> <i>(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</i> <i>(d) selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and</i> <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>streetscapes and respect important features of contributory items.</p> <p>The proposed verandah and carport are ancillary to the dwelling and envisaged within the zone.</p>
<p>PDC 13 <i>A carport or garage should form a relatively minor streetscape element and should:</i> <i>(a) be located to the rear of the dwelling as a freestanding outbuilding; or</i> <i>(b) where attached to the dwelling be sited alongside the dwelling and behind the primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:</i> <i>(i) incorporate lightweight design and materials, or otherwise use of materials complementing the associated dwelling; and</i> <i>(ii) be in the form of a discrete and articulated building element not integrated under the main roof of the dwelling, nor incorporated as part of the front verandah on any other dwelling form where attached alongside the dwelling; and</i> <i>(iii) have a width which is a proportionally minor element relative to the dwelling façade and its primary street frontage; and</i> <i>(iv) not be sited on a side boundary, except for minor scale carports and only where the desired building</i></p>	<p>The siting of the proposed carport forms a relatively minor streetscape element considering the significant setback from front boundary.</p> <p>The proposed carport extends an existing carport located alongside the primary street façade and:</p> <ul style="list-style-type: none"> • Incorporates lightweight design and materials • Is not integrated under the main roof, and in the form of a discrete building element.

Relevant Zone Principles of Development Control	Assessment
<i>setback from the other side boundary is achieved.</i>	

Policy Area Desired Character and Principles of Development Control

Policy Area 6 – Spacious Unley and Malvern Trimmer Estate
Desired Character
<p>Heritage Value An important appreciation of the heritage value is formed by the comprehensive subdivision by Trimmer (and Grainger) during 1881-1884 of the area originally known as ‘New Parkside’, ‘Malvern’ and ‘Malvern Extension’. This subdivision demonstrates the extensive growth of Unley as a suburban area in the late 19th Century.</p> <p>Desired Character The spacious streetscape character is founded on wide, tree-lined streets, grid street layout (with axial views focussed on the central oval feature in ‘New Parkside’) and generous front gardens. Intrinsic to the area is an extensive, intact collection of contributory items including distinctive Victorian and Turn-of-the-Century villas (asymmetrical and symmetrical), double-fronted cottages and limited complementary, Inter-war era, styles. More affluent, original owners developed some larger, amalgamated allotments in the southern areas establishing grander residences and gardens.</p> <p>Development will:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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
<p>The Desired Character of Policy Area 6 - Spacious Unley and Malvern Trimmer Estate seeks to conserve contributory items, maintain or enhance the predominant streetscapes and continue existing form of development within the policy area.</p> <p>The proposal comprises of the construction of a verandah and extension of an existing carport, both part-replacing an existing verandah/carport structure and the part-replacement of existing roof. The proposal would result in no or minimal changes to the existing form of development. The proposed roof form</p>

of the carport extension is compatible with the existing dwelling's roof form. Although the roof form of the verandah would not match the historic form of the neighbouring Contributory dwelling, the siting of the proposed development behind the front façade and significantly set back from the front boundary would ensure the built form has a recessive and inconspicuous appearance with the streetscape. The proposed replacement of roof materials is limited to the rear (south-facing) side of the dwelling and will match the existing street-facing materials/colour scheme. The proposal therefore would not have an adverse effect on the streetscape on neighbouring Contributory dwelling.

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 9, 11, 19, 20
Energy Efficiency	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3
Form of Development	<i>Objectives</i>	1
	<i>PDCs</i>	2
Public Notification	<i>PDCs</i>	1
Residential Development	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 8, 9, 10, 15, 16, 17, 19, 20, 23, 24, 29, 30, 32, 33, 34, 35, 41, 45, 46, 47, 48
Transportation (Movement of People and Goods)	<i>Objectives</i>	1, 2, 3, 5, 6
	<i>PDCs</i>	1, 2, 3, 5, 6, 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	
PDC 15: Side and Rear Boundaries	<ul style="list-style-type: none"> • Council Wide PDC 15 recommends carports and verandahs to be sited and designed to be ancillary to the dwelling and not visually dominate the locality, be sited 600mm off or on boundary, and to be set back a minimum 0.9 metres for an open-sided structure to a habitable room window of an adjacent dwelling. • The proposal is considered satisfactory as an increase of the setback from boundary for the carport would result in a reduced width of less than 3 metres. Proposed additional verandah is not located within 0.9 metres of a habitable

Relevant Council Wide Provisions	Assessment
	room window of adjacent dwelling. The adverse effects of the reduced set back are considered to be minimal.
PDC 16 & 17: Site Coverage	<ul style="list-style-type: none"> • Council Wide PDC 17 recommends a total roofed area of 50 percent of the area of the site. The proposed development will result in roofs covering approximately 44.2 percent of the site, which satisfies PDC's 16 & 17.
PDC 19 & 20: Private Open Space	<ul style="list-style-type: none"> • Council Wide PDC 20 recommends the provision of 35 square metres for private open space, sited adjacent or behind the primary street facing building façade. The proposed development will result in approximately 220 square metres of private open space being provided to the rear of the site satisfying PDC's 19 & 20.
PDC 23 & 29: Building Form, Scale, Mass and Height	<ul style="list-style-type: none"> • Council Wide PDC 29 recommends that carports reinforce the prominence of the associated dwelling in the streetscape and be compatible with the prevailing built form. The proposed development will result in a compatible and subservient in scale, mass and height, with a visually distinguished roof form separate from the roof form of the associated dwelling. It is considered that the proposed development satisfies PDC's 23 & 29.
PDC 30: Building Form, Scale, Mass and Height	<ul style="list-style-type: none"> • Council Wide PDC 30 recommends a maximum on boundary wall length of 12 metres for open-sided structures. • The proposed development will result in a total length of 17.5m for the open-sided structure. In comparison to the existing structures this is an increase of approximately 1.4 metres. • The proposal would be a minor increase from existing circumstance, and the variance from PDC is minor and would not result in adverse effects to adjoining lands.

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 height, and bulk / mass of the proposed verandah and carport extension satisfy the relevant Council Wide and Residential Historic (Conservation) Zone Principles of Design Control. The length of development on boundary is considered negligible as the increase from existing boundary development is minor and unlikely to increase any adverse effects created by the existing structure.
- The proposed development is considered to preserve/maintain the streetscape and form of development set out by the Residential Historic (Conservation) Zone and Policy Area 6 – Spacious Unley and Malvern Trimmer Estate.
- The proposed development satisfies a majority of the Principles of Design Control of both the Residential Historic (Conservation) Zone and Council Wide Provisions. Proposed aspects that are at variance from the PDC's are considered minor and to not result in adverse effects to adjoining lands.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/29/2020/C2 at 7 Eton Street, Malvern 5061 to 'Erect verandah and fence, extend existing carport on boundary, replacement of dwelling roof', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- 14. 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.
- 15. 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.
- 16. 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**.

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

ITEM 4**DEVELOPMENT APPLICATION – 090/56/2020/C1 – ANNESLEY COLLEGE,
28 ROSE TERRACE, WAYVILLE SA 5034 (GOODWOOD)**

DEVELOPMENT APPLICATION NUMBER:	090/56/2020/C1
ADDRESS:	Annesley College, 28 Rose Terrace, Wayville SA 5034
DATE OF MEETING:	21 April 2020
AUTHOR:	Paul Weymouth
DEVELOPMENT PROPOSAL:	Remove significant tree - Eucalyptus scorparia (Wallangarra White Gum)
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Urban Corridor Boulevard (Greenhill Road) Policy Area 19
APPLICANT:	Annesley College Incorporated
OWNER:	Annesley Junior College
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 1
REPRESENTATIONS RECEIVED:	NO
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Proposed removal of Significant Tree AND Council expert advice in support of the removal has not been received.

1. PLANNING BACKGROUND

No relevant planning background.

2. DESCRIPTION OF PROPOSAL

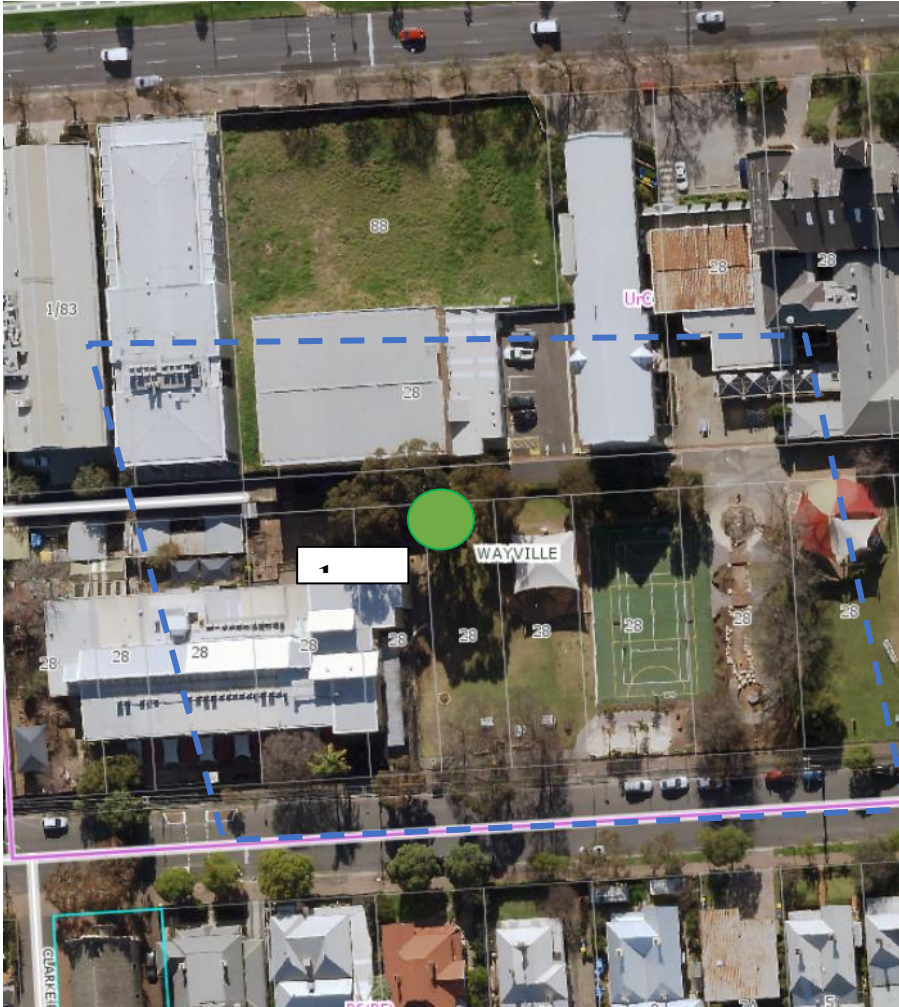
The applicant (Annesley College) is seeking to remove a Significant Tree identified as a Eucalyptus Scoparia (Wallangarra white gum).

3. SITE DESCRIPTION

The subject tree is located within a student garden bed area, that contains vegetable growing beds and a chicken coup. This area is frequently used by all students (ELC and junior) for various classroom activities and for free play.

The subject tree has a circumference of 3.10 metres and a height of approximately 19 metres. The spread of the tree is approximately 22 metres wide.

4. LOCALITY PLAN



5. PUBLIC NOTIFICATION

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

6. VISUAL TREE ASSESSMENT

A visual assessment by a Council employed Landscape Architect was undertaken who advised:

- The significant tree does not make an important contribution to the character or amenity of the local area,
- The significant tree does not form a notable visual element to the landscape of the local area.

From a planning perspective the tree is a tall tree with a broad canopy however is positioned well within the College Grounds. Views from public areas are only possible from Rose Terrace and Greenhill Lane.

The tree is considered to make a contribution to the character and amenity of the local area however the importance of the contribution is lessened by the distance of the tree from publicly accessible areas (45m from Rose Terrace) and the screening provided by surrounding buildings.

7. ARBORICULTURAL ASSESSMENT

An Arboricultural report prepared by Tree Environs dated January 2020 was provided by the applicant with the original application. In summary the report advised as follows:

- In December 2019, a branch failed at 7m above ground on the western side that had a diameter of 150mm. The branch landed in the chicken coup (near where the tree is located) and damaged a section of the chicken coup. The remainder of the tree has several over-extended branches with average taper and few lateral branches.
- A risk assessment has been undertaken using the ISA TRAQ method and the following has been determined:-
 - It is likely that similar branches will fail in the foreseeable future (probable) and in the event of additional branch failures they will land in areas where staff and students are frequently present.
 - There is a medium likelihood of impact on a person in these areas and the branch failure is likely to result in severe consequences.
 - The tree has been pruned in the past to reduce branch leverage and to remove dead branches in an effort to reduce risk. Branch failures are also continuing. On this basis the risk of harm from this tree is determined to be moderate.
 - The tree is considered to pose an unacceptable risk to users of the site and has been recommended to be removed.

Refer Attachment A

A review was undertaken by the Council Arboricultural department who engaged Peter Oates of Adelaide Arb Consultants to undertake a Tree Assessment Report. In summary Peter Oates report dated 5 March 2020 advised as follows:

- The tree is identified as an introduced, exotic tree to the local area (Native to NSW/QLD) and does not display habitat opportunities for indigenous fauna, it does not have significant environmental benefit to biodiversity of flora and fauna. It does however provide considerable amenity to the local area due to its vast and full crown and it is highly visible from the majority of viewing angles from Rose Terrace.

- The tree displayed a wide open and spreading crown which is not entirely irregular for the species, this consisted of three primary stems, which divided between 1-2 metres above ground level. Tree health is good, with foliage density colour and size being typical and there were several examples of occlusion throughout the lower-middle crown.
- There was also a union within the secondary structure which appeared tighter on the southern side however it displayed no signs of instability and was well formed on the northern side.
- Over extended branches were also noted within the primary band secondary structure and there are approved techniques which are consistent with AS4373-2007 *Pruning of amenity trees* to manage this form appropriately without negatively impacting either the structure or health of the tree. One small diameter (50-100mm) branch failure has occurred within the lower western crown and the remaining crown was free of major structural flaws, good buttress was apparent.
- A risk assessment in accordance with the International Society of Arboriculture was undertaken with the subject tree achieving a Low Risk Rating, which indicates mitigation is not required however, there are remedial treatments which could be implemented to maintain the low levels of risk and take advantage of the benefits the tree provides to the immediate area.
- The moderate risk rating achieved by the applicant's Arborist appears to have been achieved as a result of an elevated target frequency which amplified the risk assessment result. There are no attributes within this tree which would indicate that branch or stem failure is likely to occur within the next four-five years. Therefore, the Development Application is not supported.
- Management recommendations were provided to ensure low levels of risk remain including maintenance pruning to be conducted within the entirety of the crown to remove or shorten unstable deadwood and reduction pruning, all to be carried out by qualified arborists and then reassessed within the next four-five years.

Refer Attachment B

Given the contrasting advice received from both arborists, Planning staff have commissioned a further independent report from Dean Nicolle. In summary Dr Nicolls report dated 13 March 2020 advised as follows:

- The tree is in sound health however the Useful Life Expectancy of the tree has been surpassed due to the trees marginally unacceptable and increasing and unmanageable, risk to safety associated with its reduced and deteriorating branch structure
- The removal of the tree is supported, and this recommendation is made on the basis of:
 - the exceeded useful life expectancy of the tree;
 - the reduced and deteriorating branch structure of the tree

- the recent sudden failure of a moderate sized branch associated with the reduced branch structure of the tree;
- The increased and increasing likelihood of sudden branch failure events from the canopy of the tree;
- The amplified consequence of any branch failure events from the canopy of the tree;
- The moderate and marginally unacceptable (and increasing) risk to personal safety represented by the tree;
- The lack of risk-reduction techniques other than tree removal that would stabilise or reduce the risk to safety represented by the tree and the locally exotic status and planted/self seeded origin of the tree.

Refer Attachment C

8. DEVELOPMENT PLAN ASSESSMENT

SIGNIFICANT TREE ASSESSMENT

Council Wide Objective 3 - Significant Trees
<i>The preservation of significant trees in The City of Unley which provide important aesthetic and environmental benefit.</i>
<i>Trees are a highly valued part of the Metropolitan Adelaide and Unley environment and are important for a number of reasons including high aesthetic value, preservation of bio-diversity, provision of habitat for fauna, and preservation of original and remnant vegetation.</i>
<i>While indiscriminate and inappropriate significant tree removal should be generally prevented, the preservation of significant trees should occur in balance with achieving appropriate development.</i>
SIGNIFICANT TREES (delete if not applicable)
Other provisions within the City of Unley Development Plan relating to the assessment of Significant Trees include Principles of Development Control 4, 5, 6, 7, 8, 9, 10, 11, and 12. The planning assessment against the relevant principles is detailed in the table below:

Principles of Development Control	Administration Comments
6	<i>Where a significant tree or significant tree grouping:</i>
(a)	<i>makes an important contribution to the character or amenity of the local area; or</i>
	This tree is well within the college grounds but is nonetheless visible (but not conspicuous) from Rose Terrace due to its moderately large size. The tree is considered to make a contribution to the character and amenity of the local area however the

Principles of Development Control		Administration Comments
		importance of the contribution is lessened by the distance of the tree from publicly accessible areas (45m from Rose Terrace) and the screening provided by surrounding buildings. Administration consider that the tree does not make an important contribution to the character or amenity of the locality.
(b)	<i>forms a notable visual element to the landscape of the local area; or</i>	No (refer reasons outlined in 6(a))
(c)	<i>Contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor.</i>	No Adelaide Arb Consultants advise that the tree is isolated from recognised wildlife corridors and no suitable hollows or nesting sites were observed within the crown
<i>Development should be designed and undertaken to retain and protect such significant trees and to preserve these elements</i>		

Principle 6 is considered a threshold test by the Environment Resources and Development Court.

If the CAP determines that the tree does not meet the criteria outlined in Principle 6 then it is not necessary to go any further and assess the tree against the remaining Principles as the tree does not satisfy the aesthetic and amenity criteria for a significant tree.

In the event that CAP does determine that the tree satisfies Principle 6, then an assessment against Principle 8 is undertaken below.

Principles of Development Control		Administration Comments
8	<i>Significant trees should be preserved and tree-damaging activity should not be undertaken unless:</i>	
(a)	<i>In the case of tree removal:</i>	
(i)	<i>The tree is diseased and its life expectancy is short; or</i>	The tree is not considered to be diseased or have a short life expectancy.

	Principles of Development Control	Administration Comments
		<p>Mr Nicolle does advise however that the Useful Life Expectancy of the tree has been surpassed.</p>
(ii)	<p><i>The tree represents an unacceptable risk to public or private safety; or</i></p>	<p>There is contrasting evidence provided by Tree Environs and Adelaide Arb Consultants in relation to the risk to persons on the site.</p> <p>Mr Nicolle advises that the Useful Life Expectancy of the tree has been surpassed due to the trees marginally unacceptable and increasing, and unmanageable, risk to safety, associated with its reduced and deteriorating branch structure.</p> <p>On the basis of the arboriculture advice provided, Administration consider that the tree represents an unacceptable risk to public or private safety.</p>
(iii)	<p><i>The tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value and all other reasonable remedial treatments and measures have been demonstrated to be ineffective; or</i></p>	<p>No</p>
(iv)	<p><i>It is demonstrated that reasonable alternative development options and design solutions in accord with Council-wide, Zone and Area provisions have been considered to minimise inappropriate tree-damaging activity occurring.</i></p>	<p>Not applicable</p>

10. CONCLUSION

Council's planning assessment has carefully weighed up the evidence from three arborist who have provided advice in relation to the proposed removal of the significant tree on the Annesley College campus. Despite the contrasting advice that has been received the following factors are considered important in reaching a determination:

- Whilst the tree displays attributes that might warrant preservation the contribution to character and amenity is lessened by the location of the tree in a central location on the campus that is partially screened by buildings
- The tree is located in an area that overhangs pedestrian footpaths and is frequently used by students for various class room activities
- The tree has had a recent and significant limb failure.

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 tree does not make an important contribution to the character or amenity of the local area (PDC 6a);
- The tree does not form a notable visual element to the landscape of the local area (PDC 6b);
- The tree does not contribute to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor (PDC 6c);
- The tree represents an unacceptable risk to public or private safety (PDC 8a ii).

The application is therefore recommended for Development Plan CONSENT.

11. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/56/2020/C1 at Annesley College, 28 Rose Terrace, Wayville SA 5034 to 'Remove significant tree - Eucalyptus scorparia (Wallangarra White Gum)', 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. That the removal, of the subject significant tree (Eucalyptus scorparia) shall take place in accordance with the documents and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).

2. Payment of \$282 for Significant Tree removal is required to be paid into the Council's Urban Trees Fund within 30 days of the date of the development approval (an invoice will be attached to the development approval).

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Arboriculture Advice - Adelaide Arb Consultants	Administration
C	Arboriculture Advice - Dean Nicolle.	Administration

ITEM 5
DEVELOPMENT APPLICATION – 090/494/2019/C2 – 11 ADA STREET,
GOODWOOD SA 5034 (GOODWOOD)

DEVELOPMENT APPLICATION NUMBER:	090/494/2019/C2
ADDRESS:	11 Ada Street, Goodwood SA 5034
DATE OF MEETING:	21 April 2020
AUTHOR:	Harry Stryker
DEVELOPMENT PROPOSAL:	Carry out alterations and construct upper storey addition
HERITAGE VALUE:	Non-Contributory
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential Historic Conservation Zone Policy Area 1 Compact Historic Goodwood Estate
APPLICANT:	Southern Home Improvements P/L
OWNER:	Andrew John McAllister and Erin Dolores McAllister
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	(YES – 1 opposed)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Deferred Item
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Built Form/Visual amenity

1. PLANNING BACKGROUND

The subject application was presented to the Council Assessment Panel meeting held on the 18th of February 2020 and the Panel subsequently resolved to defer a decision on the application to allow the applicant to:

- Seek a perspective view to convey how the upper storey is viewed from the street; and
- Provide additional shadow diagrams to assess full impact of the development if there are potential changes to the setback.

2. AMENDED PROPOSAL

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

1. Amended plans consisting of the following changes:
 - Increased front boundary setback;
 - Reposition of the upper storey off the central party wall; and
 - Reconfiguring layout and reduction in floor area.
2. Perspective rendering of proposed development viewed from street.

3. PUBLIC NOTIFICATION & NEGOTIATIONS

Due to the nature of the amendments, the application was renotified and no additional representations were received.

Additionally, prior to renotification of the amended plans, the applicant provided plans to the previous representor who in turn provided the following comments in support of the amendments:

I think your builder has provided you with a very reasonable design which addresses the issues I raised in regarding the addition's relationship to the front of the building.

I can say now that I am no longer concerned that this is in breach of the Historic Conservation Zone Policy, and this new design is certainly not as visually impactful on the appeal of our building.

4. AMENDED DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	306m ²	
Frontage	9.1m	
Depth	34.1m	
Building Characteristics		
Setbacks		
Upper Floor		
Front boundary (west)	14.9m / 18.8m (7.5m / 11.4m behind)	behind ground façade
Side boundary (north)	2.03m / 3.86m	2m (sites ≤300sqm) 3m (sites >300sqm)
Side boundary (south)	935mm / 3.35m	Nil / 2m / 3m
Rear boundary (east)	9.86m	8m
Colours and Materials		
Roof	To match existing	
Walls	To be complimentary to existing	

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

5. DISCUSSION

Amended plans

Whilst the application was being considered at the February CAP meeting, panel members discussed concerns that the upper storey would not be sufficiently inconspicuous when viewed from the street. The representor also clarified their objections including concerns for the structural stability of the party wall and erecting scaffolding on their dwelling roof during construction.

In order to address all of these concerns and minimise overshadowing, the applicant has chosen to amend the design to decrease the streetscape prominence of the upper storey and set the structure off the southern side party wall and boundary.

The upper storey addition floor area has been reduced, the layout rearranged to allow better articulation of the floor plate and roofing, and the front setbacks increased (as shown right).

Previous floorplate indicated in red.

The proposed upper storey addition would now be setback 935mm from the central party wall and southern side boundary to avoid disruption to the adjoining dwelling and reduce overshadowing impacts at the rear. The northern side rear section would be located 3.35 metres from the southern side boundary.

The upper storey would be set back a reasonable distance behind the façade and main roof ridge of the subject associated dwelling, as well as that of the façade of the northern adjoining two storey residential flat building. Given the context of the site and locality, the proposed siting and articulated design, the roof form and street facing walls bulk have been minimised, and the upper storey would be appropriately inconspicuous in the streetscape (see below).

Perspective view

The applicant has provided a perspective view demonstrating how the upper storey would be viewed from the street (see below).





Shadow diagrams

Given the revised siting and setbacks it appears the amended proposal would not result in any adverse overshadowing impacts.

6. CONCLUSION

The proposed amendments have further minimised the streetscape presence of the upper floor additions whilst further minimising impacts of boundary development and overshadowing.

As previously recommended, the scale and form of the proposed development would not be incongruous with the setting and would not unreasonably impact upon the existing nor desired character and amenity of the surrounding area.

The application is therefore recommended for Development Plan CONSENT.

7. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/494/2019/C2 at 11 Ada Street, Goodwood SA 5034 to 'Carry out alterations and construct upper storey addition', 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. That the upper floor windows, (excluding western elevation), be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
4. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Letter from previous Representor	Applicant
C	February CAP report	Administration
D	February CAP attachments	Administration

ITEM 6
DEVELOPMENT APPLICATION – 090/398/2019/C2 – 102 EAST AVENUE,
CLARENCE PARK SA 5034 (CLARENCE PARK)

DEVELOPMENT APPLICATION NUMBER:	090/398/2019/C2
ADDRESS:	102 East Avenue, Clarence Park SA 5034
DATE OF MEETING:	21 April 2020
AUTHOR:	Chelsea Spangler
DEVELOPMENT PROPOSAL:	Construct three, two storey dwellings including garages and verandahs and the removal of one (1) street tree
HERITAGE VALUE:	Nil
DEVELOPMENT PLAN:	19 December 2017
ZONE:	Residential B350
APPLICANT:	Lemon Tree Construction Pty Ltd
OWNER:	Y Guo and Y Zheng
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – (9 oppose)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Deferred Application Unresolved representations
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Dwelling Design inc Building bulk / mass Boundary Setbacks Vehicle Access Street Tree Removal

1. PLANNING BACKGROUND

DA 090/397/2018/DIV – Development Approval granted on 19 October 2018 for '*Land Division – Torrens Title – Create 3 allotments from 1 existing*'.

DA 090/497/2019/BA – Development Approval granted on 21 August 2019 for '*demolition of existing dwelling and garage*'.

The subject application was presented to the Council Assessment Panel meeting held 21 January 2020 where the item was DEFERRED for the following reasons:

- To seek further information from council administration relevant to the retention and/or relocation of the street trees

In response to the Panel's decision to defer the application, the applicant has amended the proposal plans so that:

- The crossover to Dwelling 2 has been altered to a single vehicle width;
- The floor plan of Dwelling 3 has been flipped so that the garage including the garage boundary wall is located along the eastern side of the allotment. The vehicle crossover has also been relocated to the eastern side of the allotment and is setback at least 1.5m from the two adjacent street trees. No street trees are now required to be removed for Dwelling 3.

It is noted that the description of development has been amended to reflect that only one street tree is to be removed.

2. DESCRIPTION OF PROPOSAL

The applicant seeks to:

- Construct three (3) two-storey dwellings, each with a double garage, verandah and porch. Two dwellings will front onto Lorraine Avenue, whilst the other dwelling will front East Avenue;
- Remove one (1) street tree from the verge of Lorraine Avenue to allow for new crossover to Dwelling 2.

3. SITE DESCRIPTION

The subject site is located on a corner allotment with East Avenue to the east and Lorraine Avenue to the north. East Avenue is defined as a major collector road by the Unley Development Plan.

Although the site has been approved for subdivision, the final survey plan has yet to be received by Council. The original allotment however has a site area of 981m², a frontage of 20.11 metres to East Avenue and 48.77 metres to Lorraine Avenue.

The site has been cleared however, two crossovers remain being one to East Avenue, and the other to Lorraine Avenue.

There are no regulated or significant trees on or directly adjacent to the subject site and the land is not affected by any registered easements, encumbrances or Land Management Agreements.

4. LOCALITY PLAN



5. LOCALITY DESCRIPTION

Land Use

The predominant land use within the locality is residential. There is also a cafe approximately 100 metres south of the subject site

Land Division/Settlement Pattern

A relatively diverse allotment pattern is evident as result of several battle-axe developments and blocks of flats.

Dwelling Type / Style and Number of Storeys

Existing development includes detached and semi-detached dwellings, group dwellings and residential flat buildings at low to medium densities. Land to the north and east of the subject land is characterised by predominantly single storey detached dwellings on rectangular allotments. To the south and west, the development pattern is more diverse as there is a variety of dwelling types and heights (up to 2 storeys). The overall amenity of the locality is considered only moderate due to the mixed built form character and traffic volumes along East Avenue.

Fencing Styles

Fencing within the locality is varied, with a mix of materials, colours, heights and styles.

6. STATUTORY REFERRALS

No statutory referrals required.

7. NON-STATUTORY (INTERNAL) REFERRALS

Given the previous deferral decision by the CAP, an on-site meeting was held between Council Administration and the Council Arborist. Following this meeting, the applicant was advised that the Council Arborist was comfortable with:

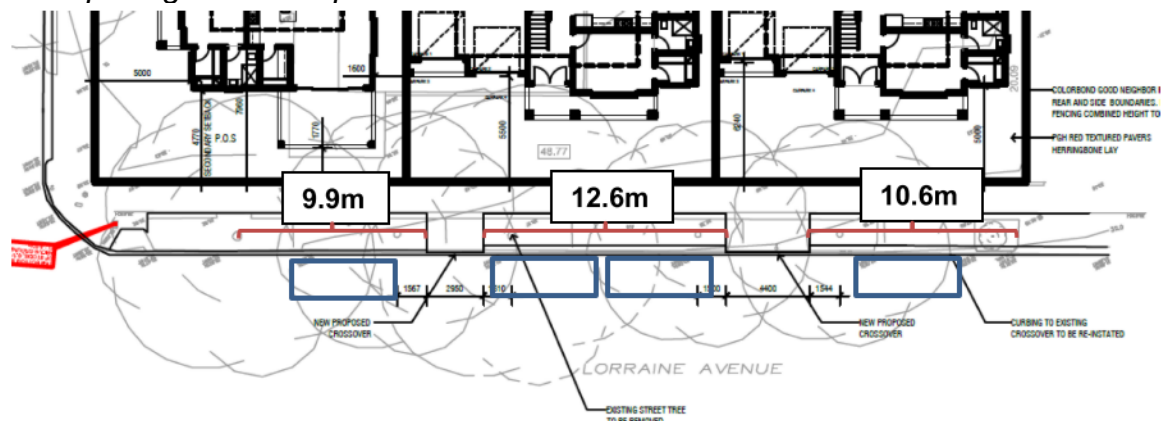
- The removal of tree 3 as there are no alternative design options for Dwelling 2;
- Dwelling 3 being 'flipped' to enable the small street tree to be retained.

In measuring an approximate distance of 7.4m between Trees 4 and 5, it was also considered that a clearance between 1.2m to 1.5m could be achieved between the flipped crossover and the street trees.

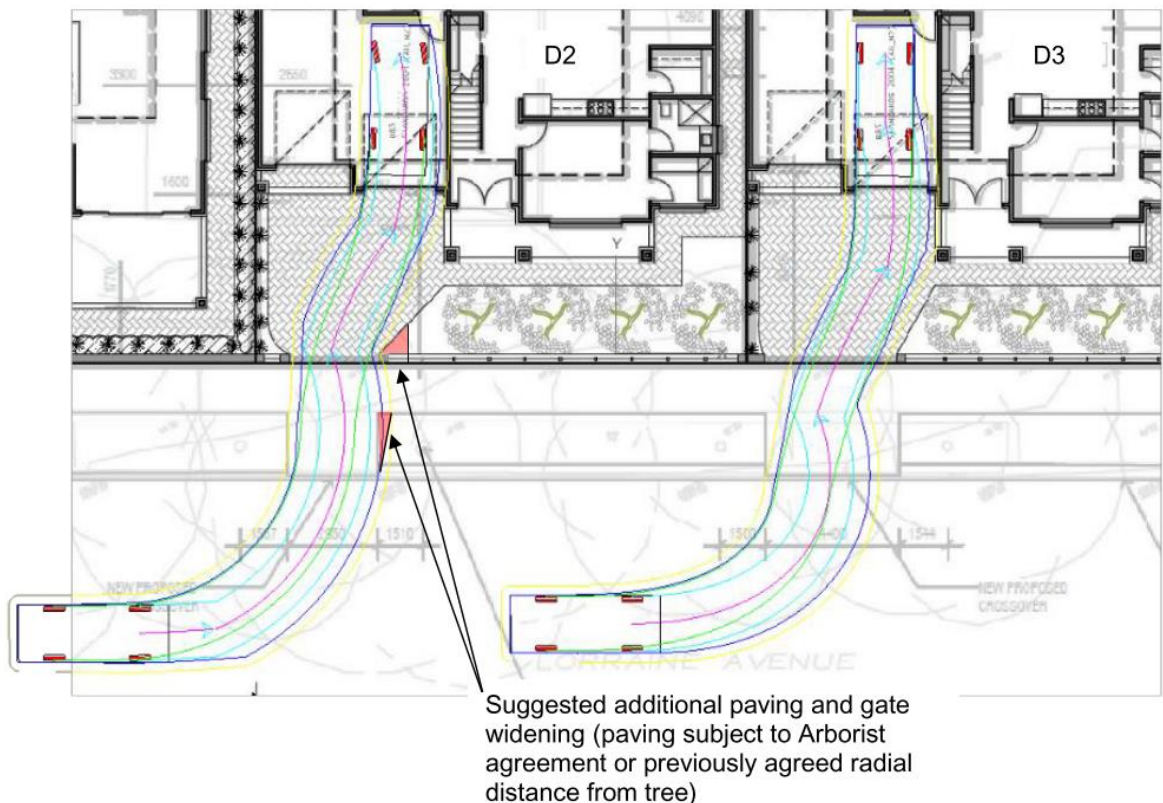
The proposal plans have been amended to reflect the above considerations.

The amended plans have also been referred to Council's Traffic Team, who in turn have updated their original comments, with the following comments being at variance with those original comments:

- *On-street parking - Lorraine Avenue: Lorraine Avenue can currently accommodate five vehicles, whilst with the two new crossovers four vehicles can be accommodated, representing a loss of one space. The spacings between crossovers could have been optimised to provide three 11 m length areas which would accommodate six cars, however it is understood that tree spacing was an important factor.*



- *Manoeuvrability - Manoeuvrability in and out of the garages has been checked with a B85 vehicle, which represents the likely size of passenger vehicles used in a residential property. This indicated the following:*
 - *Access to dwelling 1 is acceptable.*
 - *Access to the western space of dwelling 2 would be difficult due to the narrow crossover and gate, as shown in attachment 1. This could be improved by widening the gate and additional paving as shown in red. It is acknowledged that there is likely not scope to widen the crossover due to trees.*
 - *Access to dwelling 3 is acceptable.*



8. PUBLIC NOTIFICATION

The application was not readvertised following the changes made to the plans as the applicant argued that:

- The changes made to the plans were in response to the CAP deferral;
- There is no change to the nature of the development;
- The changes also respond to representors' concerns regarding the wall on boundary and seeking an increased upper level setback.

Please note however, that Council Administration has provided each representor with a copy of the amended plans.

9. DEVELOPMENT DATA

Site Characteristics	D1	D2	D3	Development Plan Provision
Total Site Area (As Approved)	327m²	327m²	327m²	350m ²
Frontage (As Approved)	20.11m	16.25m	16.25m	9.0m
Depth (As Approved)	16.27m	20.10m	20.09m	20m
Building Characteristics				
Floor Area				
Ground Floor (inc garage, alfresco)	151.08m ²	151.08m ²	151.08m ²	
Upper Floor	57.85m ² (38.3% of ground floor)	57.85m ² (38.3% of ground floor)	57.85m ² (38.3% of ground floor)	
Site Coverage				
Roofed Buildings	46.4%	46.4%	46.4%	<input type="checkbox"/> 50% of site area
Total Impervious Areas	50% (an additional 25% of permeable paving)	50.5% (an additional 23% of permeable paving)		<input type="checkbox"/> 70% of site <input type="checkbox"/>
Total Building Height				
From ground level	7.3m			
From ground level of the adjoining affected land	7.05m (south)	6.74m (south)	7.08m (west)	
Setbacks				
Ground Floor				
Front boundary	4.5m (east)	4.5m (north)	4.5m (north)	Not less than the average of the two adjoining dwellings
Secondary Street / Side boundary	4.77m (north)	0m (east)	0m (east)	2m to a secondary street frontage; OR On boundary or 1.0m (on boundary on one side only)
Side boundary	0m (south)	0.9m (west)	0.9m (west)	On boundary or 1.0m (on boundary on one side only)
Rear boundary	1.6m (west)	5.45m (south)	5.45m (south)	5m (where building height is less than 4m)
Upper Floor				
Front boundary	6.1m (east)	6.1m (north)	6.1m (north)	Not less than the average of the two adjoining dwellings
Secondary Street / Side boundary	7.96m (north)	2.65m (east)	2.65m (east)	4m to a secondary street frontage; OR 3m (where building height is between 4m-7m)

Side boundary	2.6m (south)	4.09m (west)	4.09m (west)	3m (where building height is between 4m-7m)
Rear boundary	3.3m (west)	7.15m (south)	7.15m (south)	8m (where building height is between 4m-7m)
Wall on Boundary				
Location	south	east	east	
Length	5.8m (35.7%)	5.9m (29.4%)	5.9m (29.4%)	<input type="checkbox"/> 9m or <input type="checkbox"/> 50% <input type="checkbox"/> of the boundary length, whichever is the lesser
Height	3.1m (from ground level) Between 2.9m – 3.05m from neighbouring land			<input type="checkbox"/> 3m
Private Open Space				
Min Dimension	4.77m	5.45m	5.45m	<input type="checkbox"/> 4m minimum
Total Area	21.1%	29.7%	29.7%	<input type="checkbox"/> 20%
Car parking and Access				
On-site Car Parking	4	3	3	3 per dwelling where 4 bedrooms or more or floor area 250m ² or more
Covered on-site parking	2	2	2	<input type="checkbox"/> 2 car-parking spaces
On-street Parking	Minimum of 4			0.5 per dwelling
Driveway Width	5.3m-5.8m	4m-5.8m	4m-5.8m	5m double
Garage/Carport Width	6.2m (30.8%)	6.2m (38.2%)		<input type="checkbox"/> 6.5m or <input type="checkbox"/> 30% of site width, whichever is the lesser
Garage Internal Dimensions	5.5m x 6.1m	5.5m x 6.1m	5.5m x 6.1m	5.8m x 6m for double
Colours and Materials				
Roof	Colorbond – Pale Eucalypt			
Walls	Combined Brickwork – Olde Red and Render – Classic Cream			
Fencing	Rendered lightweight fence with metal railing infill			

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

(items **highlighted** have been altered since the original CAP report)

10. ASSESSMENT

Zone Desired Character and Principles of Development Control

RB350 Zone
Objective 1: <i>Provision for a range of dwelling types of up to two storeys compatible in form, scale and design with the existing positive elements of the character of the area.</i>
Desired Character
<i>This Zone is intended to continue as an attractive and established living area with limited infill development. All types of single storey and two-storey housing</i>

development in this Zone should ensure that the character and levels of amenity of the locality enjoyed by existing residents is substantially maintained.

Housing Types

Given the extended period over which areas of the Residential B350 Zone developed a wide range of housing types is evident in the Zone. These include single fronted detached dwellings on small allotments to larger villas and bungalows on larger allotments. Residential flat buildings constructed in the 1960's and 1970's are also scattered throughout the Zone. Development should reflect the character and improve the amenity of the immediate area in which it is proposed having particular regard to wall height, roof form, external materials, siting and front and side boundary set-backs.

Allotment sizes vary but are generally between 500 and 700 square metres with sound buildings, thus limiting individual site infill redevelopment opportunities. As such infill development is envisaged through aggregation of larger sites or the replacement of unsound dwellings. Areas formed by the older buildings in the zone, close to railway stations may offer better opportunities for new higher density development.

Streetscape

A wide variety of mature vegetation in private gardens and in street reserves is evident in the Zone. Landscaping associated with development should complement and enhance existing planting thereby improving the established character of the area.

Assessment

The subject locality reflects that defined by the above desired character description for the RB350 Zone as:

- There is a range of dwelling types within the locality including detached, group dwellings and residential flat buildings;
- The existing dwellings are no more than 2 storeys in height;
- There are a range of dwelling styles including character style bungalows, contemporary styles with brick veneer or concrete render etc;
- This variety of styles has resulted in a mix of wall heights, roof forms, materials and building set-backs
- The land division pattern also supports this variety as the allotment sizes and frontages also greatly vary;
- The locality includes a number of strata/ community title allotments.

The applicant seeks to construct three, two-storey dwellings over three approved Torrens Title allotments. The dwellings will replace one existing dwelling, with two of those dwellings to front Lorraine Avenue and the third to continue to front East Avenue. It is considered that the proposed development is consistent with the desired character of the zone as:

- It proposes three contemporary single fronted, detached dwellings up to two storeys in height;
- It is to be located within an area that is already quite varied in terms of its character and amenity, thereby allowing for further diversity of housing choices;

- The infill development allows for an increase in residential density adjacent to a major collector road with a regular bus route and within 400m of a train station;
- The two dwellings to face Lorraine Avenue will introduce a front garden character visible through an open style fence, where previously this did not exist (as a solid fence existed screening a backyard area).

Relevant Zone Principles of Development Control	Assessment
<p>PDC1 <i>Development should be primarily for dwellings of up to two storeys compatible in form, scale and design with existing positive elements of the character of the area.</i></p>	<p>The locality has a mixed character and diverse allotment pattern that is derived from several existing battle-axe developments and blocks of flats in amongst conventional detached dwellings. While buildings are typically single storey, there are instances of two storey buildings and dwellings with tall gable roofs within the locality.</p> <p>The proposed dwellings will be two storeys in height. The dwellings will have a maximum height of 7.3 metres above the ground level. All the dwellings include a front porch that reflects the gable verandah style of the bungalow dwellings in the locality.</p> <p>Given the variety of wall heights, roof forms, scale and designs within the locality, the contemporary design of the proposed new dwellings further adds to this variety, without detracting from those positive elements.</p>
<p>PDC 4 <i>Development should be primarily accommodated by infill between existing sound and attractive dwellings or replacement of incompatible land uses and unsatisfactory dwellings.</i></p>	<p>As the subject land is a corner allotment, the proposal includes dwellings that front onto both East Avenue and Lorraine Avenue. The new dwellings will also be adjacent to five, two-storey units that also have access to East Avenue and a single storey detached dwelling with access to Lorraine Avenue. The dwellings will provide a good visual buffer between a higher order road and a local street.</p> <p>Furthermore, the proposed infill development is to be sited in a location that is ideal for an increase in residential density as it is:</p> <ul style="list-style-type: none"> • on the corner of East Avenue, a major collector road;

Relevant Zone Principles of Development Control	Assessment
	<ul style="list-style-type: none"> • within 400m of the Clarence Park train station; • within 100m of a local Café (Rise & Grind); • within 200m of a local park (CF Memorial Park) and tennis courts; • within 300m of Cross Road; • Within 400m of the Clarence Park Community Centre.
<p>PDC 6 <i>Development should provide for attractive front garden landscaping, including the planting of at least one tree per dwelling.</i></p>	<p>A detailed landscaping plan has been included as part of the proposal plans. Each allotment is proposed to be provided with several deciduous trees within the front garden.</p>

Relevant Council Wide Objectives and Principles of Development Control

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

City-wide Objectives and Principles of Development Control		
Design and Appearance	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 9, 10, 12, 13, 14, 15, 19, 20, 21, 22
Energy Efficiency	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Form of Development	<i>Objectives</i>	1, 7
	<i>PDCs</i>	1, 2, 3, 12
Landscaping	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
Residential Development	<i>Objectives</i>	1, 3, 4
	<i>PDCs</i>	1, 2, 5, 6, 7, 8, 13, 14, 15, 16, 17, 19, 20, 23, 24, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51
Transportation (Movement of People and Goods)	<i>Objectives</i>	1, 3, 7
	<i>PDCs</i>	1, 2, 3, 12, 13

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

Relevant Council Wide Provisions	Assessment
Residential Development	
PDC 5 & 6 – Public Road Setbacks	<p>The ground floor of each of the proposed dwellings are setback 4.5 metres from their primary frontage. This setback is well in front of the adjacent dwellings to the south, which are setback 7.6m to East Avenue and the dwelling to the west which is setback 10.3 metres to Lorraine Avenue. Although this is a major departure from what is specified by PDC 6, in the context of the subject land the proposed setbacks are considered acceptable as:</p> <ul style="list-style-type: none"> • The subject land is a corner site and corner sites are generally afforded a reduced setback, given the overall building envelope is reduced; • The front setbacks of each dwelling are staggered with the closest wall being 4.5m and then stepped back to the garage with a setback of 5.5m; • The land division plan for three Torrens Title allotments has already been approved with the depth of the approved allotments being only approximately 20 metres; • Matching a front setback to Lorraine Avenue of 10.5 metres is impossible if also wanting to achieve side and rear setbacks, as well as build a reasonably sized dwelling; • The upper floor of each dwelling is setback a further 1.6 metre thereby reducing the appearance of building bulk to the street; • Each dwelling is provided with a generous front garden area as well as sufficient private open space, driveways and verandahs.
DC 13 - Side and Rear Boundaries (Dwellings)	<p>Dwelling 1 does not meet the minimum rear boundary setback requirements. In the context of this application, this departure from the Development Plan is considered acceptable as:</p> <ul style="list-style-type: none"> • The rear boundary of Dwelling 1 is the eastern side boundary for Dwelling 2 as such the siting of the proposed dwelling will only impact upon a new dwelling, not an existing dwelling; • Dwelling 2 has a garage to be located along their eastern side boundary and only has non-habitable room windows (bathroom) on its eastern upper floor façade that will be obscured from Dwelling 1. Dwelling 2 will therefore have limited impacts on their amenity as their living areas are not oriented towards the east;

Relevant Council Wide Provisions	Assessment
	<ul style="list-style-type: none"> • Dwelling 1 is still afforded sufficient private open space located mostly to the side of the dwelling; <p>The ground floor level of the Dwellings 2 and 3 do not meet the minimum side boundary setback for their western boundaries. In the context of this application, this departure from the Development Plan is considered acceptable as:</p> <ul style="list-style-type: none"> • The departure is only minor (100mm); • A 900mm setback to a side boundary is acceptable in regards to the Building Code of Australia and Residential Code development (Schedule 4 of the Development Regulations 2008). <p>The upper floor level of all three dwellings falls short of the minimum side boundary setback requirement as follows:</p> <ul style="list-style-type: none"> • For Dwelling 1 this shortfall is in the order of 400mm to the southern side boundary. • For Dwellings 2 and 3 this shortfall is in the order of 350mm to their respective eastern side boundaries. <p>The upper floor level of all three dwellings also fall short of the minimum rear boundary setback requirement as follows:</p> <ul style="list-style-type: none"> • 3.85m to 4.7m to the western boundary for Dwelling 1; • 850mm to the southern boundary for Dwellings 2 & 3. It is acknowledged that only part of these facades fall short of the boundary setbacks. A majority of the southern façade actually meets the 8 metre setback criteria. <p>The setbacks recommended by the Development Plan are in place to ensure that as the height of a building increases, setbacks are also increased to minimise massing and overshadowing impacts to adjoining properties. It is considered that the buildings have been designed to minimise massing as:</p> <ul style="list-style-type: none"> • The upper floor area of each dwelling is less than 40% of the associated ground floor area; • The materials of the upper floor façade differs' for the ground floor, providing some relief and differentiation between the two levels; • The upper floor sits within the ground level roof form;

Relevant Council Wide Provisions	Assessment
	<ul style="list-style-type: none"> • The upper floor of Dwelling 1 will be adjacent to a paved driveway/ vehicle access area of the southern abutting property; • As one of the proposed dwellings is orientated east-west as opposed to the other dwellings which are orientated north-south, the view of the three dwellings from the southern adjacent property will not be uniform; • The view of the three dwellings from the north or south will show a distance of 5.95m between the upper levels of Dwelling 1 and 2, and a distance of 6.7m between Dwellings 2 and 3; • The western adjacent property has a side view of the Dwelling 3, however this adjacent property will not face Dwelling 3 and has two carports along the common boundary. <p>It has also been demonstrated that the dwellings will result in in no undue overshadowing impacts through the provision of a Shadow Diagram. The Shadow Diagram shows that during the Winter Solstice (i.e. the shortest day of the year, where the longest shadows are cast) that only minor shadowing of the southern property occurs.</p> <p>Given the above and in the context of the subject locality and recognising that the criteria of the Development Plan does not need to be strictly adhered to, the shortfall in setbacks is considered acceptable.</p>
<p>PDC 14 – Dwellings on Side Boundaries</p>	<p>The garages of each dwelling are located along one of their respective side boundaries. The proposed boundary development satisfies the criteria of PDC 14 with the exception of the height of wall, which just exceeds 3 metres when measured from the ground level. It is considered that this small exceedance is acceptable as:</p> <ul style="list-style-type: none"> • Dwelling 2 will abut the rear boundary of Dwelling 1 and therefore there will be no impacts to the existing adjacent properties; • When measured from the ground level of the adjoining properties, the height of the boundary walls for Dwellings 1 and 3 are further reduced to 3.05m and 3.02m respectively; • The boundary wall of Dwelling 1 will be adjacent to a driveway area and will be approximately 4.5 metres from the closest unit at 104 East Avenue;

Relevant Council Wide Provisions	Assessment
	<ul style="list-style-type: none"> The boundary wall of Dwelling 3 will abut Dwelling 2 and not an existing dwelling.
PDC 29 – Building Form, Mass, Scale and Height - Garages	<p>The proposed garages for each of the three dwellings are considered to satisfy the provisions of PDC 29 with the exception of criteria (c). The width of the garage for Dwelling 1 only falls short by the very minor of margins and therefore is considered to be acceptable. The widths of the garages of Dwellings 2 and 3 have a greater shortfall but the shortfall is still only marginal. Given each of the dwellings are required to be provided with 3 carparking spaces, 2 of which need to be covered, it would be difficult to satisfy this provision without failing other criteria of the Development Plan (E.g. length of boundary wall if created a tandem garage).</p>
PDC 38 & 39 - Overlooking	<p>The windows of the upper floors have each been treated to meet measures suggested by PDC 39. The windows where facing into adjacent properties are either obscured to a height of 1.7m or have a sill height of at least 1.7m.</p> <p>Dwelling 2 faces Lorraine Ave and could potentially overlook into the backyard of 100 East Ave. However as there is a public road, two road verges with mature street trees and fencing between the properties, as well as a distance of over 20m from the upper floor of Dwelling 2 to the boundary of 100 East Ave, this is not considered to be direct overlooking.</p>
PDC 41 - Overshadowing	<p>The applicant has previously supplied shadow diagrams to demonstrate the level of overshadowing that will be the result of the proposed development. These diagrams depict shadowing on the 21 June, being the winter solstice. The proposed development would be positioned to the north of the residential flat building at 104 East Avenue; however, given the substantial separation between the residential flat building and the upper levels of the proposed dwellings, there would not be any unreasonable loss of natural light to the residential flats to the south.</p>

11. DISCUSSION

The change to Dwelling 3 has resulted in the following benefits:

- No street trees are required to be removed to accommodate the vehicle crossover to Dwelling 3;
- The garage boundary wall will now be located along the eastern boundary and will not be visible from the western neighbouring property nor along Lorraine Ave;
- The crossover will be located away from existing crossovers of 1, 2A and 2 Lorraine Ave;
- The existing crossover to East Avenue can be closed which will result in more space for the recently planted street tree to grow.

The alteration to the crossover of Dwelling 2 results in the following benefits:

- An increase in on-street parking space;
- Reduction in paved surfaces;
- An increase in potential landscape areas.

12. CONCLUSION

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

- The subject site is ideal for infill development as it will add further variety to the existing diverse pattern of settlement in the immediate locality;
- The setback provisions of the proposed dwellings are generally satisfied and where they are not satisfied they will cause no undue impact to the neighbouring properties;
- The modern building design would not detract from the prevailing streetscape character as the building facades address the road frontages and are well articulated;
- The upper levels of the proposed dwellings has been sited and designed to ensure that any overshadowing of the southern adjacent properties is minimal;
- The proposed garages are not considered to have detrimental impact on the character of the street and do not dominate their associated dwellings;
- Vehicular access is safe and convenient, and each dwelling would be provided with adequate on-site car parking.

The application is therefore recommended for Development Plan CONSENT.

13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/398/2019/C2 at 102 East Avenue, Clarence Park SA 5034 to 'Construct three, two storey dwellings including garages and verandahs and removal of two street trees (Lorraine Avenue)', is not seriously at

variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the two existing crossovers shall be closed and reinstated with kerb and water table in accordance with Council requirements, and at the applicant's expense, prior to occupation of the development.
3. 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 upper floor windows (excluding all north facing elevations and the east facing elevation of Dwelling 1) be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
5. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

RESERVED MATTERS

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:

An updated Siteworks and Drainage Plan, drawn to scale, that reflects the redesign of Dwelling 3.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

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

- 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**.
- 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.
- 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 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	Approved Land Division Plan and Refused Built Form Plan	Administration
E	January CAP Report and Site Plan	Administration