

**CITY OF UNLEY**  
**COUNCIL ASSESSMENT PANEL**

Dear Member

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

**Gary Brinkworth**  
**ASSESSMENT MANAGER**

**Dated 09/01/2020**

**ACKNOWLEDGEMENT**

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

**MEMBERS:**

Ms Shanti Ditter (Presiding Member)  
Mr Rufus Salaman (Deputy Independent Member)  
Mr Roger Freeman  
Mr Alexander (Sandy) Wilkinson  
Ms Jennie Boisvert

**APOLOGIES:** Mr Brenton Burman

**CONFLICT OF INTEREST:**

**CONFIRMATION OF MINUTES:**

MOVED:

SECONDED:

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 10 December 2019, as printed and circulated, be taken as read and signed as a correct record.

**CITY OF UNLEY**  
**COUNCIL ASSESSMENT PANEL**

**21 January 2020**

**A G E N D A**

Apologies  
Conflict of Interest  
Confirmation

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Any Other Business  
Matters for Council's consideration

**ITEM 1****DEVELOPMENT APPLICATION – 090/398/2019/C2 – 102 EAST AVENUE,  
CLARENCE PARK SA 5034 (CLARENCE PARK)**

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

**1. PLANNING BACKGROUND**

DA 090/249/2018/C2 – An application was refused on 16 October 2018 for '*Demolition of existing dwelling and construction of three (3), two storey dwellings with associated garages and the removal of a Council street tree along Lorraine Avenue*'.

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*'.

**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 two (2) street trees from the verge of Lorraine Avenue to allow for new crossovers.

### **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 981m<sup>2</sup>, a frontage of 20.11 metres to East Avenue and 48.77 metres to Lorraine Avenue.

The site has been cleared with two crossovers one to East Avenue, and the other to Lorraine Avenue remaining.

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 battleaxe 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**

The following internal Council departments provided comment in relation to the proposed development:

- Traffic;
- Arboriculture; and
- Assets.

The following responses were received:

### **Traffic**

#### **1. Off-street parking provision**

*Residential Development - Principle of Development Control 45 states that the number of car parking spaces should be provided in accordance with Table Un/5. As each dwelling has four bedrooms, three on-site parking spaces are required. Each dwelling provides a two-vehicle garage and space for one additional vehicle in the driveway, and this is therefore satisfied.*

#### **2. Off-street parking design**

*Residential Development - Principle of Development Control 47 indicates that single-vehicle garages/carports should have minimum internal dimensions of 3m width x 6m length, and double-vehicle garages/carports 5.8m width x 6m length.*

*Although not a typical rectangle garage, the garages are the equivalent of 6.1m width x 5.5m length. This does not meet the requirements of the development plan. A door opens into the garage which would occasionally conflict with a parked car in practice.*

### 3. On-street parking

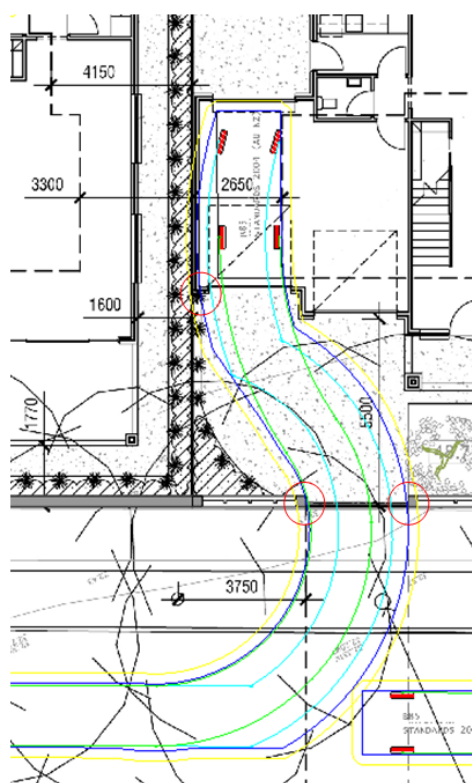
A loss of one on-street parking space on East Avenue would be required to accommodate the new crossover. As the existing crossover on East Avenue is within 10m of Lorraine Avenue, closure of this crossover will not return a car parking space. No loss will be experienced on Lorraine Avenue as it can currently accommodate five vehicles generously, whilst with the new crossover five vehicles can still be accommodated.

### 4. Manoeuvrability

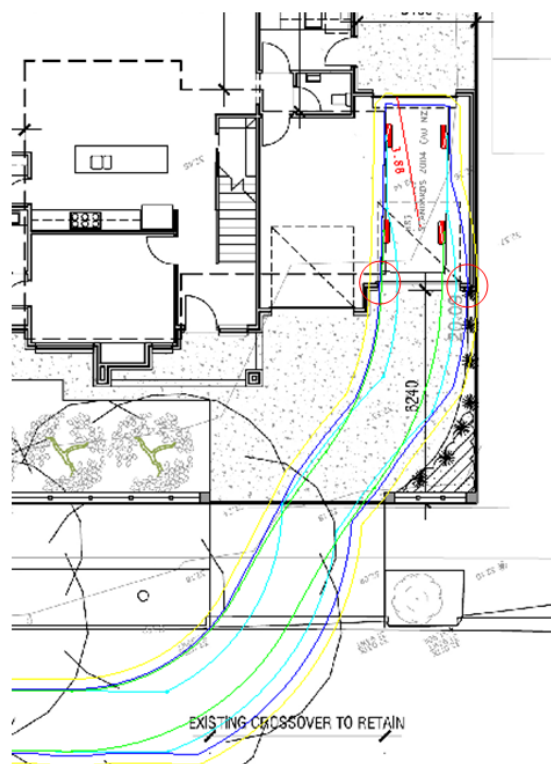
Manoeuvrability in and out of the garages has been checked with a B85 vehicle, which represents the likely size of passenger vehicles used in a residential property. This process indicated the following:

- Access to dwelling 1 is acceptable.
- Access to dwelling 2 would be very difficult due to the location and narrow width of the gate, as shown in attachment 1 with conflict points circled in red. In practice it would likely require five movements to enter the eastern garage space (and similar when reversing out).
- Access to dwelling 3 would be difficult, as shown in attachment 2 with conflict points circled in red. In practice it would likely require at least three movements to enter the western garage space (and similar when reversing out).

ATTACHMENT 1 – ACCESS TO DWELLING 2



ATTACHMENT 2 – ACCESS TO DWELLING 3



The applicant has since amended the driveway and crossovers to allow for easier access and manoeuvrability.

## **5. Sight Distance**

*Adequate sight distance to/from motorists on the frontage road shall be provided. AS2890.1 – Parking facilities – Off-street car parking, Figure 3.2 'Sight distance requirements at access driveways' indicates that for a domestic driveway on a 50km/h and 40km/h road, visibility must be provided to a point 40m and 30m down the road respectively from a point 2.5m back from the kerb face. As the footpaths on east Avenue and Lorraine Avenue are greater than 2.5m wide, sight distance is not inhibited by the development.*

*Adequate sight distance to/from pedestrians on the footpath shall be provided. In order to provide this, AS2890.1 Figure 3.3 'Minimum sight lines for pedestrian safety' specifies a 2x2.5m sight triangle that is to be kept clear of obstructions to visibility. Although these sight triangles are not provided, the fence design proposed would likely allow a motorists to see through to approaching pedestrians, and therefore is not considered a concern.*

### Arboriculture

*For the purpose of my comments, I will identify the street trees related to this development, within Lorraine Avenue, as Trees 1 - 6 heading from the east to the west respectively.*

*All six (6) street trees have attributes worthy of preservation within the streetscape and I do not support the removal of any street trees.*

*Currently, Tree 3 is proposed for removal to support an extensive vehicle crossover servicing a double garage. However, I believe a small 2.95 metre vehicle crossover could adequately service the double garage and preserve Tree 3. This is achieved by the vehicle crossover sitting centrally between Tree 2 and Tree 3, providing each tree a 1.50 metre clearance measured from the centre of the tree trunks.*

*Strangely, Tree 6 has been identified for removal despite an existing vehicle crossover being perfectly placed 1.0 metre from the subject tree. The use of this existing crossover for the proposed plans will comfortably service the proposed double garage without the needless removal of the existing street tree (Tree 6).*

*In conclusion, I do not support the removal of any street trees, however, I do believe the proposed development can proceed without impacting upon the adjacent street trees.*

The above comments were provided to the applicant for consideration and the following is a summary of the response that was received:

- *The removal of trees 3 and 6 will not alter the treed streetscape character of the street and may in fact allow for the planting of trees in the front yards of the dwellings as sought by the Development Plan. One of the criticisms made of the (previous) proposal was that there were no trees proposed to be planted in the front yard. We argued that it was waste of time to plant trees in the front yard with the number of street trees in front of this property.*



- We note that there are six on this side of the street but only 4 on the northern side of the street. We have look at the tree planting in other streets off East Avenue and found that this section in front of the subject land has a disproportionate number of trees most other side street frontages have 2 - 4 trees whereas the site has 6. Why? What is so special about this side of Lorraine Avenue. The large number of street trees prevents the planting of trees in the front yards of each dwelling as sought by the Development Plan as trees don't grow well in the shadow of other large existing trees.

Side street with East Ave	No of trees	
	South side	North side
Lorraine Ave	6	4
Kevin Ave West side	4	2
Kevin Ave East Side	3	2
Langdon Ave	3	3
Lieth Ave	4	2
George St	5	2 East Ave
George St/William Ave	3	2
Francis St/William Ave	4	3
Francis Sr/ Frederick St	3	2
William St/Mills St	5	2

- We note that there is insufficient space between the two trees in front of Dwelling 2 to provide a driveway that facilities safe and convenient access and meets Council's separation distance from both trees. We submit that the most reasonable and sensible outcome is to allow for the removal of Tree 3 and plant a new tree in the East Avenue in the location of the existing driveway at the applicant's expense.
- We further submit that Tree 6 being still a young tree be relocated 1.5 metres further to the west to allow for the widening of the existing crossover to facilities safe and convenient access of vehicle's to Dwelling 3. We note that there are very few situations in the local area were trees are planted between crossovers of adjoining properties. We note that this tree is a Jacaranda can grow to a height of 10 -15 metres and with a similar canopy spread and would require a greater open growing space that currently available due to the established canopy of the adjacent tree to the east. Again my client agrees to the cost of relocating the immature trees 1.5 metres to the west.



### **Assets**

*From an assets perspective I can see no issues with the proposed crossover locations, subject to street tree removal being approved. Also note that the existing crossover on East Ave will be required to be closed and returned back to kerb and gutter at the applicant's expense.*

In regards to assessing the removal of street trees against the Unley Development Plan, there is only one relevant provision which makes any reference to street trees and that is Council Wide Residential Development PDC 43 – Access and Car Parking. This provision states that driveways and crossover should be located and designed to (amongst other requirements) avoid compromising existing street trees. It is recommended that that crossovers should have a 1m clearance to street trees. There is a distance of approximately 5.6m between Trees 2 & 3, and a distance of approximately 9.3m between Trees 3 & 4 (measured off site plan). Trees 3 & 4 are located in front of the subject property (Dwelling 2) with Tree 2 being located close to the eastern side boundary of Dwelling 2. Unless the dwellings were designed so that a driveway and crossover was located centrally to the allotment, a street tree would need to be removed as the 1m would be unable to be achieved. A central driveway would be almost impossible to cater for as the dwelling and garage design would have to be drastically and unrealistically altered.

## 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 nine (9) representations were received as detailed below.

<b>1. 1 Lorraine Ave, Clarence Park (oppose – wishes to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
The proposal does not reflect the intent of the RB350 Zone.	<p>Amended plans have been provided which show the dwellings with an overall height of 7m which is a scale that is compatible in height to the 2 storey flats at 104 East Ave and the single storey gable roof dwelling at 1 Lorraine.</p> <p>The proposed dwellings are two storey in scale which is envisaged by the Desired character and PDC 1.</p>
The bulk, height, density and lack of appropriate setbacks, risks negative amenity impacts for the immediate area.	<p>The built form and two storey response in terms of height and street presentation to the both East Avenue and Lorraine Avenue is appropriate in the context of existing development within the locality.</p> <p>The proposed building setbacks together with the garage boundary wall of 3.2 metres high and a length of 6.0 metres to Dwellings 1 and 3 will not result in a visual impact/ bulk that is unreasonable or over bearing to the neighbouring properties or the streetscape.</p>
The development proposal exhibits sufficient areas of non-compliance with the Unley Development Plan for the development to be considered as being seriously at variance. This includes setbacks, boundary walls, corner sightlines, and garage width.	<p>The garaging has been designed to minimise the dominance of the garages on the street by staggering the setback of the garages by 1.0 metres. The staggering of the garages to provide two single garage doors in lieu of single solid double door together with the width of the 9.0 metre wide front verandah/porch and entry and front bedroom, and the upper storey element, the dwelling dominance to the street is adequately maintained.</p>

No shadow diagrams have been provided.	<p>Shadow diagrams have now been provided based on the winter solstice.</p> <p>The dwelling at 1 Lorraine Ave has a tiled gable roof carport and flat roof carport extending along the common boundary with the subject land. The shadow diagrams show the Dwelling 3 morning shadows fall across the adjoining dwelling's carport structures do not impact on any habitable windows or private open space of the adjoining property.</p>
<b>2. 1/104 East Avenue, Clarence Park (oppose – wishes to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
The southern boundary wall of Dwelling 1 is very intrusive and will overshadow the ground floor of Unit 1, 104 East Ave.	The shadow diagrams provided have been prepared are based on 21 June (the winter solstice) when shadowing is likely to have the greatest impact due to the longer shadows. These diagram show that the proposed dwellings and in particular the garage to Dwelling 1 will have little shadowing impact on habitable rooms of the adjoining flats at 104 East Avenue, as the shadows fall predominately on the driveway.
The upper level of Dwelling 1 is in close proximity to the southern boundary.	<p>The setbacks of the dwellings to the street, side and rear boundaries are considered acceptable on the basis that:</p> <ul style="list-style-type: none"> <li>• The allotments are compact having a shallower depth that the other properties in East Ave and Lorraine Ave;</li> <li>• The upper level is setback within the ground floor building footprint to provide a single storey roof around the entire ground floor perimeter of the dwellings that minimise the extent of vertical wall as viewed from adjoining properties and the street.</li> </ul>
<b>3. 4/104 East Avenue, Clarence Park (oppose – wishes to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>

No shadow diagrams have been provided and no details of the distance from the rear boundary to units 2&3, 104 East Ave.	Shadow diagrams have now been provided based on the winter solstice.
*No fence proposed between 102 & 104 East Ave.	The proposed fencing will be 1.8 metre high 'colorbond' Good Neighbour fences with a concrete plinth/retaining wall of up to 200mm high to the southern and western boundaries. Maximum height will not exceed 2.1 metres.
Our property already looks into a 2-storey property (106A East), we will be completely blocked in.	We note that the residential flat building has an angled orientation and separated from the subject land a 2.25m wide driveway extending the full length of the property up to a flat roof carport in the north-western corner of the property. The ground floor windows of the flats are sited over 5.5 metres from the boundary in view of the 'angled' building orientation.
<b>4. 4/104 East Avenue, Clarence Park (oppose – wishes to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Details regarding window sill heights or overall building heights have not been provided.	The proposal drawings have been updated to confirm that all upper storeys windows, where not facing the street, will have a sill height of greater than 1.7m or glazed with fixed obscure glass to that height, ensuring that the privacy of the adjoining dwellings is maintained.
Will overlook, overshadow and be intrusive to our property. Photos have been provided.	We note that the residential flat building has an angled orientation and separated from the subject land a 2.25m wide driveway extending the full length of the property up to a flat roof carport in the north-western corner of the property. The ground floor windows of the flats are sited over 5.5 metres from the boundary in view of the 'angled' building orientation.



<p>Parking – there is already limited parking due to bus stop, Rise &amp; Grind.</p>	<p><i>Table Un/5 – Off-street Vehicle Parking Requirements</i>, requires the provision of 3 on-site spaces for a 4-bedroom dwelling on a site more than 300sqm. Each dwelling can accommodate 3 vehicles on-site in the form of a double garage and an additional space in the driveway.</p> <p>Although not required by the Development Plan, it is also emphasised that there is the potential for six (6) on-street parking spaces adjacent to the subject site, two (2) in East Ave and four (4) in Lorraine Ave. The new driveway crossovers to East Ave and Lorraine Ave have been positioned to minimise the loss of on -street parking in both East Ave and Lorraine Ave immediately in front of the proposed dwellings.</p>
<p><b>5. 2A Lorraine Ave, Clarence Park (oppose – wishes to be heard)</b></p>	
ISSUES RAISED	APPLICANTS RESPONSE
<p>The proposal does not reflect the intent of the RB350 Zone.</p>	<p>The proposed dwellings are two-storey in scale which is envisaged by the desired character and PDC 1. The proposed dwellings address the road frontages, are well articulated with front verandahs, feature gables, stepped garages, recessed upper levels and pitched roofs. And will each have a different façade treatment using stone, brick and render.</p> <p>The form, scale and appearance of the proposed dwellings would sufficiently maintain the existing streetscape character.</p>
<p>The proposal fails to comply with front and rear boundary setbacks as per PDC 6 &amp; 13.</p>	<p>The setbacks of the dwellings to the street, side and rear boundaries are considered acceptable on the basis that:</p> <ul style="list-style-type: none"> <li>• The allotments are compact having a shallower depth than the other properties in East Ave and Lorraine Ave;</li> </ul>

	<ul style="list-style-type: none"> <li>• The buildings while two storey have a clearly defined and articulated ground floor that is of a scale and height that is compatible with existing dwellings in the locality;</li> <li>• The upper level is setback within the ground floor building footprint to provide a single storey roof around the entire ground floor perimeter of the dwellings that minimise the extent of vertical wall as viewed from adjoining properties and the street;</li> <li>• A generous front yard is provided that will be landscaped in keeping with the pattern of front yards along both streets;</li> <li>• The dwellings have a modest footprint with a site coverage of 49.35% which is less than the maximum desired site coverage of 50%.</li> </ul>
The previous dwelling application was refused and the two main fundamental refusal reasons have not been answered.	No direct response received.
The sum of all the variances as a whole indicates significant non-compliance with the Development Plan. This application should be refused.	The proposed changes to the proposal improve the appearance of the development and having considered the relevant representations and the provisions of the Development Plan, I am of the opinion that the proposal, draws support from the relevant provisions of the Plan, to an extent that it displays sufficient merit to warrant approval.
No shadow diagrams have been provided and front setback measurements have been omitted from the plans.	Shadow diagrams have now been provided based on the winter solstice.
<b>6. 2 Lorraine Ave, Clarence Park (oppose – wishes to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
The proposal does not reflect the intent of the RB350 Zone. Furthermore, the number of non-compliant variations are significant.	The proposed dwellings are two storey in scale which is envisaged by the desired character and PDC 1.

	<p>The proposed dwellings address the road frontages, are well articulated with front verandahs, feature gables, stepped garages, recessed upper levels and pitched roofs. And will each have a different façade treatment using stone, brick and render.</p> <p>The form, scale and appearance of the proposed dwellings would sufficiently maintain the existing streetscape character.</p>
Plans provided (for notification) are inconsistent and are labelled for discussion purposes only. What is the final plan? Also no shadow diagrams have been provided.	<p>Amended plans have been provided included an updated Engineering Plan that is consistent with the latest floor plans.</p> <p>Shadow diagrams have also now been provided.</p>
The proposed dwellings are bulky, with an overall height of 8m on a street corner.	<p>Amended plans have been provided which show the dwellings now with an overall height of 7m which is a scale that is compatible in height to the 2 storey flats at 104 East Ave and the single storey gable roof dwelling at 1 Lorraine.</p> <p>The proposed dwellings are two storey in scale which is envisaged by the Desired character and PDC 1.</p>
The front setbacks are not consistent with the alignment of East and Lorraine Avenue. Also front setback measurements taken from the wall, not the front porch.	<p>The setbacks of the dwellings to the street, side and rear boundaries are considered acceptable on the basis that:</p> <ul style="list-style-type: none"> <li>• The allotments are compact having a shallower depth than the other properties in East Ave and Lorraine Ave;</li> <li>• The buildings while two storey have a clearly defined articulated ground floor that is of a scale and height that is compatible with existing dwellings in the locality;</li> <li>• The upper level is setback within the ground floor building footprint to provide a single storey roof around the entire ground floor perimeter of the dwellings that minimise the</li> </ul>

	<p>extent of vertical wall as viewed from adjoining properties and the street;</p> <ul style="list-style-type: none"> <li>• A generous front yard is provided that will be landscaped in keeping with the pattern of front yards along both streets;</li> <li>• The dwellings have a modest footprint with a site coverage of 49.35% which less than the maximum desired site coverage of 50%.</li> </ul>
<p>The garage wall of Dwelling 3 is 3.2m, which is outside planning guidelines. The garage wall will be fully visible to Lorraine Ave and an eyesore.</p>	<p>The proposed building setbacks together with the garage boundary wall of 3.2 metres high and a length of 6.0 metres to Dwellings 1 and 3 will not result in a visual impact/ bulk that is unreasonable or overbearing to the neighbouring properties or the streetscape.</p>
<p>Upper floor setbacks to the western boundary do not appear to be met. Rear setbacks have also not been met as development did not include the alfresco area. Excessive noise from alfresco may be experienced by neighbours.</p>	<p>The setbacks of the dwellings to the street, side and rear boundaries are considered acceptable on the basis that:</p> <ul style="list-style-type: none"> <li>• The allotments are compact having a shallower depth than the other properties in East Ave and Lorraine Ave;</li> <li>• The buildings while two storey have a clearly defined articulated ground floor that is of a scale and height that is compatible with existing dwellings in the locality;</li> <li>• The upper level is setback within the ground floor building footprint to provide a single storey roof around the entire ground floor perimeter of the dwellings that minimise the extent of vertical wall as viewed from adjoining properties and the street;</li> <li>• A generous front yard is provided that will be landscaped in keeping with the pattern of front yards along both streets;</li> <li>• The dwellings have a modest footprint with a site coverage of 49.35% which less than the</li> </ul>

	maximum desired site coverage of 50%.
<b>7. 3/104 East Ave, Clarence Park (oppose – does not wish to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
The proposed development will potentially create overshadowing and overlooking issues. There is existing screening that creates privacy, removing this will increase possible overlooking.	The proposal drawings have been updated to confirm that all upper storeys windows, where not facing the street, will have a sill height of greater than 1.7 metres or glazed with fixed obscure glass to that height, ensuring that the privacy of the adjoining dwellings is maintained.
Further details regarding setbacks, window placement, scale, vegetation removal and screening should be provided.	Amended plans have been provided.
<b>8. 69 East Ave, Clarence Park (oppose – does not wish to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
The proposed design of the houses are not in keeping with the character of the existing houses in the area. No effort has been made to maintain the streetscape character.	<p>The proposed dwellings address the road frontages, are well articulated with front verandahs, feature gables, stepped garages, recessed upper levels and pitched roofs. And will each have a different façade treatment using stone, brick and render.</p> <p>The form, scale and appearance of the proposed dwellings would sufficiently maintain the existing streetscape character.</p>
There are no two storey houses of this size fronting onto East Avenue or Lorraine Ave.	<p>Amended plans have been provided which show the dwellings with an overall height of 7m which is a scale that is compatible in height to the 2 storey flats at 104 East Ave and the single storey gable roof dwelling at 1 Lorraine.</p> <p>The proposed dwellings are two-storey in scale which is envisaged by the Desired Character and PDC 1.</p>
<b>9. 69 East Ave, Clarence Park (oppose – does not wish to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>



<p>The proposed design of the houses are not in keeping with the character of the existing houses in the area. No effort has been made to maintain the streetscape character.</p>	<p>The proposed dwellings address the road frontages, are well articulated with front verandahs, feature gables, stepped garages, recessed upper levels and pitched roofs. And will each have a different façade treatment using stone, brick and render.</p> <p>The form, scale and appearance of the proposed dwellings would sufficiently maintain the existing streetscape character.</p>
<p>There are no two storey houses of this size fronting onto East Avenue or Lorraine Ave.</p>	<p>The built form and two storey response in terms of height and street presentation to the both East Avenue and Lorraine Avenue is appropriate in the context of existing development within the locality.</p>

(\* denotes non-valid planning considerations)

Please refer to Attachment B & C for copies of representations and the applicant's response to those representations.

## **9. ADMINISTRATION NEGOTIATIONS**

Following the receipt of representations as well as discussions with the Planning Officer, the applicant amended the proposal plans as following:

- Reduction in the overall building height;
- Changes to materials and colours, windows, roof form and pitch;
- Included details of retaining walls and fences;
- Ensured rear upper floor windows are treated for overlooking;
- Included a Shadow Diagram demonstrating the extent of shadow projected to be experienced by adjacent dwellings on 21<sup>st</sup> June;
- Included an updated Engineering Plan that is consistent with the other proposal plans.

## 10. DEVELOPMENT DATA

Site Characteristics	D1	D2	D3	Development Plan Provision
Total Site Area (As Approved)	327m <sup>2</sup>	327m <sup>2</sup>	327m <sup>2</sup>	350m <sup>2</sup>
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 <sup>2</sup>	151.08m <sup>2</sup>	151.08m <sup>2</sup>	
Upper Floor	57.85m <sup>2</sup> (38.3% of ground floor)	57.85m <sup>2</sup> (38.3% of ground floor)	57.85m <sup>2</sup> (38.3% of ground floor)	
Site Coverage				
Roofed Buildings	46.4%	46.4%	46.4%	☐ 50% of site area
Total Impervious Areas	50% (an additional 25% of permeable paving)	50.5% (an additional 23% of permeable paving)		☐ 70% of site ☐
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)	0.9m (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)	0m (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)	4.09m (east)	4m to a secondary street frontage; OR 3m (where building height is between 4m-7m)

Site Characteristics	D1	D2	D3	Development Plan Provision
Side boundary	<b>2.6m</b> (south)	4.09m (west)	<b>2.65m</b> (west)	3m (where building height is between 4m-7m)
Rear boundary	<b>3.3m</b> (west)	<b>7.15m</b> (south)	<b>7.15m</b> (south)	8m (where building height is between 4m-7m)
Wall on Boundary				
Location	south	east	west	
Length	5.8m (35.7%)	5.9m (29.4%)	5.9m (29.4%)	□9m or □50%□of the boundary length, whichever is the lesser
Height	<b>3.1m</b> (from ground level) Between 2.9m – <b>3.05m</b> from neighbouring land			□3m
Private Open Space				
Min Dimension	4.77m	5.45m	5.45m	□4m minimum
Total Area	21.1%	29.7%	29.7%	□20%
Car parking and Access				
On-site Car Parking	4	3	3	3 per dwelling where 4 bedrooms or more or floor area 250m <sup>2</sup> or more
Covered on-site parking	2	2	2	□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 <b>(30.8%)</b>	6.2m <b>(38.2%)</b>		□6.5m or □30% of site width, whichever is the lesser
Garage Internal Dimensions	<b>5.5m</b> x 6.1m	<b>5.5m</b> x 6.1m	<b>5.5m</b> 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)

## 11. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<b>RB350 Zone</b>
<b>Objective 1:</b> <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>
<b>Desired Character</b>
<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><b>PDC1</b>  <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><b>PDC 4</b>  <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"> <li>• on the corner of East Avenue, a major collector road;</li> </ul>



	<ul style="list-style-type: none"> <li>• within 400m of the Clarence Park train station;</li> <li>• within 100m of a local Café (Rise &amp; Grind);</li> <li>• within 200m of a local park (CF Memorial Park) and tennis courts;</li> <li>• within 300m of Cross Road;</li> <li>• Within 400m of the Clarence Park Community Centre.</li> </ul>
<b>PDC 6</b> <i>Development should provide for attractive front garden landscaping, including the planting of at least one tree per dwelling.</i>	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.

### **Relevant Council Wide Objectives and Principles of Development Control**

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

<b>City-wide Objectives and Principles of Development Control</b>		
<b>Design and Appearance</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 9, 10, 12, 13, 14, 15, 19, 20, 21, 22
<b>Energy Efficiency</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
<b>Form of Development</b>	<i>Objectives</i>	1, 7
	<i>PDCs</i>	1, 2, 3, 12
<b>Landscaping</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
<b>Residential Development</b>	<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
<b>Transportation (Movement of People and Goods)</b>	<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
<b>Residential Development</b>	
<b>PDC 5 &amp; 6 – Public Road Setbacks</b>	<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"> <li>• The subject land is a corner site and corner sites are generally afforded a reduced setback, given the overall building envelope is reduced;</li> <li>• 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;</li> <li>• 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;</li> <li>• 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;</li> <li>• The upper floor of each dwelling is setback a further 1.6 metre thereby reducing the appearance of building bulk to the street;</li> <li>• Each dwelling is provided with a generous front garden area as well as sufficient private open space, driveways and verandahs.</li> </ul>
<b>DC 13 - Side and Rear Boundaries (Dwellings)</b>	<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"> <li>• 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;</li> <li>• 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;</li> </ul>

Relevant Council Wide Provisions	Assessment
	<ul style="list-style-type: none"> <li>• Dwelling 1 is still afforded sufficient private open space located mostly to the side of the dwelling;</li> </ul> <p>The ground floor level of the Dwellings 2 and 3 do not meet the minimum side boundary setback for only one of its boundaries. In the context of this application, this departure from the Development Plan is considered acceptable as:</p> <ul style="list-style-type: none"> <li>• The departure is only minor (100mm);</li> <li>• 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).</li> </ul> <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"> <li>• For Dwelling 1 this shortfall is in the order of 400mm to the southern side boundary.</li> <li>• For Dwellings 2 and 3 this shortfall is in the order of 350mm to the eastern and western side boundaries respectively.</li> </ul> <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"> <li>• 3.85m to 4.7m to the western boundary for Dwelling 1;</li> <li>• 850mm to the southern boundary for Dwellings 2 &amp; 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.</li> </ul> <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"> <li>• The upper floor area of each dwelling is less than 40% of the associated ground floor area;</li> <li>• The materials of the upper floor façade differs' for the ground floor, providing some relief and differentiation between the two levels;</li> <li>• The upper floor sits within the ground level roof form;</li> </ul>

Relevant Council Wide Provisions	Assessment
	<ul style="list-style-type: none"> <li>• The upper floor of Dwelling 1 will be adjacent to a paved driveway/ vehicle access area of the southern abutting property;</li> <li>• 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;</li> <li>• 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 8.18m between Dwellings 2 and 3</li> <li>• The western adjacent property has a side view of the Dwelling 3, however this adjacent property will not face Dwelling 3 and has a two carports along the common boundary</li> </ul> <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>
<b>PDC 14 – Dwellings on Side Boundaries</b>	<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"> <li>• Dwelling 2 will abut the rear boundary of Dwelling 1 and therefore there will be no impacts to the existing adjacent properties;</li> <li>• 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;</li> <li>• 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;</li> </ul>

Relevant Council Wide Provisions	Assessment
	<ul style="list-style-type: none"> <li>The boundary wall of Dwelling 3 will also be adjacent to a driveway and verandah/ carport of the western abutting property.</li> </ul>
<b>PDC 29</b> – 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>
<b>PDC 38 &amp; 39</b> - 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>
<b>PDC 41</b> - Overshadowing	<p>The applicant has supplied shadow diagrams to demonstrate the level of overshadowing that will be a 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>



## **12. DISCUSSION**

As detailed in the background section of this report, an application for three, two storey dwellings (DA Ref: 090249/2019/C2) has already been considered by the Panel for this site. The Panel refused that application for the following reasons:

- *The form, scale and design of the proposed dwellings would not be compatible with the existing positive elements of the character of the area, and would therefore be contrary to Principle of Development Control 1 of the Residential B350 Zone;*
- *The proposed 'dwelling 1' would fail to comply with the recommended secondary street frontage setback under Council Wide (Residential) Policy 8 and would result in the building appearing overly dominant within the streetscape.*
- *The proposed dwellings would fail to comply with the recommended front and rear boundary setbacks under Council Wide (Residential) Policy 6 and 13 and would result in the buildings appearing overbearing and visually intrusive when viewed from neighbouring properties.*

The applicant has considered the reasons for refusal and has made a number of changes to the proposal, including:

- The design of the dwellings have been altered so that their overall bulk has been reduced, this includes a reduction in the overall height, separation of the garages;
- The colours and materials of the dwellings have been altered to better compliment the predominant materials and colours of the existing dwellings within the locality;
- The front porch has been redesigned to reference the notable gable verandahs of bungalow dwellings;
- Dwelling 1 has been rotated so that it now fronts onto East Avenue instead of Lorraine Avenue. The private open space of this dwelling is to be primarily located along the side of the dwelling between the building and the secondary frontage. This results in the dwelling meeting the minimum setbacks to the boundary of the secondary frontage;
- The setbacks to the side and rear boundaries have been improved.

A copy of the Approved Land Division Plan as well as the Site Plan and Streetscape Elevation Plan of the refused original built form application can be found in Attachment D.

## **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 subject 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 level of the proposed dwellings have 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.

#### **14. 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 existing crossover to East Avenue 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.

#### **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](http://www.lsc.sa.gov.au).

List of Attachments		Supplied By:
A	<a href="#">Application Documents</a>	Applicant
B	<a href="#">Representations</a>	Administration
C	<a href="#">Response to Representations</a>	Applicant
D	<a href="#">Approved Land Division Plan and Refused Built Form Plan</a>	Administration

**ITEM 2****DEVELOPMENT APPLICATION – 090/631/2019/C2 – 11 LAMBETH WALK,  
KINGS PARK SA 5034 (UNLEY PARK)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/631/2019/C2
<b>ADDRESS:</b>	11 Lambeth Walk, Kings Park SA 5034
<b>DATE OF MEETING:</b>	21 January 2020
<b>AUTHOR:</b>	Harry Stryker
<b>DEVELOPMENT PROPOSAL:</b>	Demolish existing outbuilding and erect new outbuilding (shed/carport)
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential (Built Form) Zone Policy Area 9.3
<b>APPLICANT:</b>	Simon Phillip MacHin
<b>OWNER:</b>	Simon Phillip MacHin and Erin Michelle Hampton
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – 2 opposed
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representations
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Streetscape contribution/visual dominance Street setbacks

**1. PLANNING BACKGROUND**

No relevant Planning Background.

**2. DESCRIPTION OF PROPOSAL**

The proposed development is to:

- Demolish existing outbuilding in the south eastern (rear) corner of the land;  
and
- Erect new replacement outbuilding comprising a shed and carport.

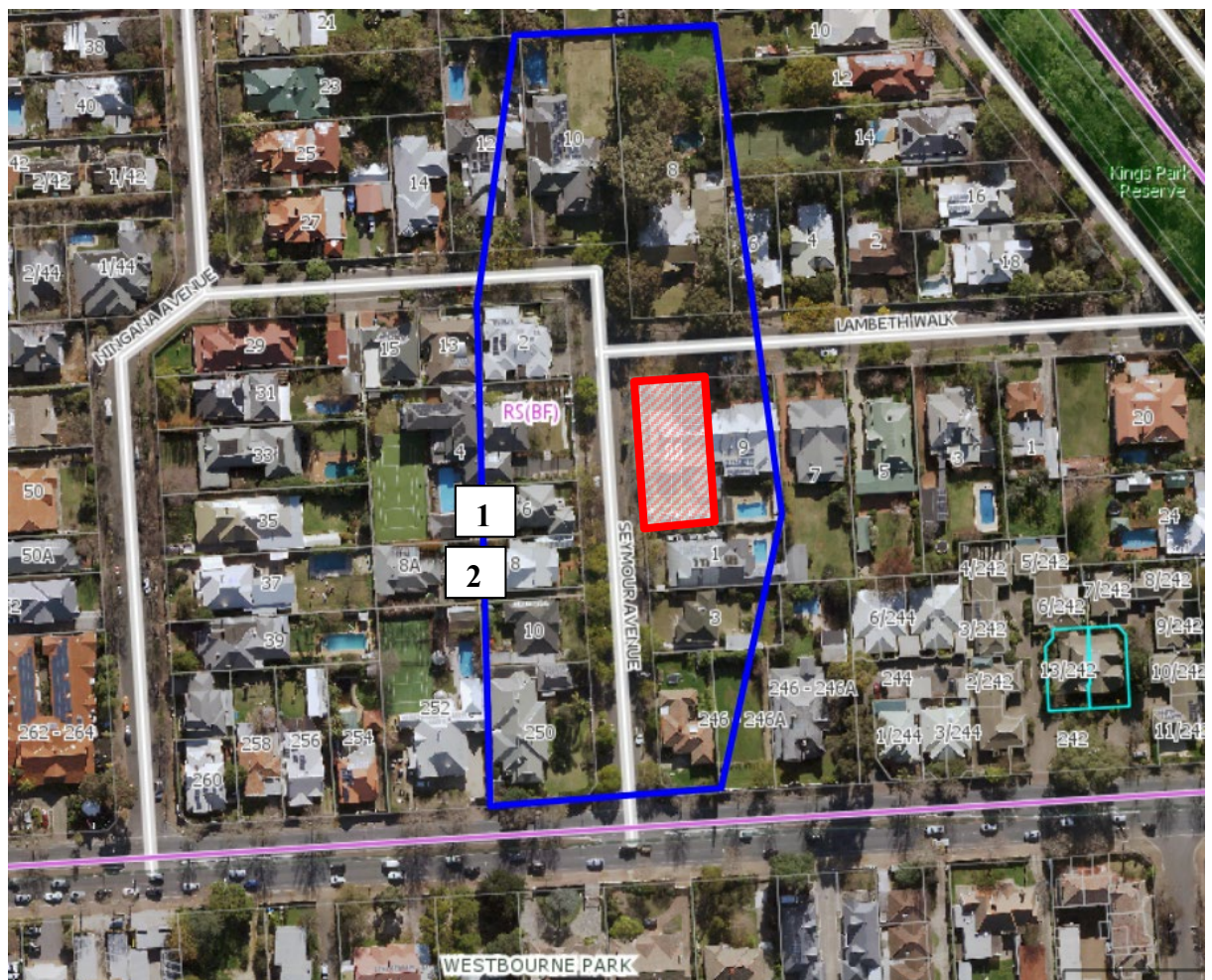
### **3. SITE DESCRIPTION**

The site is rectangular with a northern primary frontage to Lambeth Walk of 20.1 metres, and a western (side) secondary frontage to Seymour Avenue of 42.7 metres. The site has an area of 859 square metres.

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

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

#### 4. LOCALITY PLAN



Subject Site	Locality	1	Representations
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## Locality



## Representations



## **5. LOCALITY DESCRIPTION**

### **Land Use**

The predominant land use within the locality is residential.

### **Land Division/Settlement Pattern**

The pattern of land division along Lambeth Walk and Seymour Avenue in the locality is predominantly rectangular allotments of between approximately 15 and 20 metres in width, oriented north/south facing Lambeth Walk or east/west facing Seymour Avenue.

### **Dwelling Type / Style and Number of Storeys**

Dwellings within the locality are a mixture of architectural styles and are predominantly detached and single storey. Garaging on Lambeth Walk is predominantly minor and subservient in scale while on Seymour Avenue a moderate proportion include double width and/or garages forwards of dwellings.

## **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 two (2) representations were received as detailed below.

<b>6 Seymour Avenue (oppose)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Streetscape contribution Street setback Dominance Materials	We believe our application is consistent with the council development plan and advice offered by the council.
<b>8 Seymour Avenue (oppose)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Appearance Street setback Streetscape contribution	We believe our application is consistent with the council development plan and advice offered by the council.

(\* denotes non-valid planning considerations)

## 9. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	859m <sup>2</sup>	
Frontage	20.1m	
Depth	42.7m	
<b>Building Characteristics</b>		
Site Coverage		
Roofed Buildings	34%	<input type="checkbox"/> 50% of site area
Total Impervious Areas	45%	<input type="checkbox"/> 70% of site <input type="checkbox"/>
Setbacks		
Front boundary (north)	n/a	n/a
Secondary Street / Side boundary (west)	1.4m	1m
Side boundary (east)	600mm	600mm/on boundary
Rear boundary (south)	600mm	600mm/on boundary
Private Open Space		
Min Dimension	9m	<input type="checkbox"/> 4m minimum
Total Area	28%	<input type="checkbox"/> 20%
Outbuildings		
Wall Height	3m	<input type="checkbox"/> 3m
Total Height	3.6m	<input type="checkbox"/> 5m
Total Floor Area	<b>88.2m<sup>2</sup></b> 10.3%	<input type="checkbox"/> 80m <sup>2</sup> or 10% of the site, whichever is the lesser
Colours and Materials		
Roof	Woodland grey	
Walls	Woodland grey	

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

## 10. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<b>RESIDENTIAL STREETSCAPE (BUILT FORM) ZONE</b>
<p><i>Objective 1: Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</i></p> <p><i>Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</i></p> <p><i>Objective 3: Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.</i></p>



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

### **Desired Character**

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

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

### **Streetscape Attributes**

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

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

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

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

### **Assessment**

As discussed against the relevant criteria elsewhere in this report, it is considered the outbuilding would be a relatively minor element and has been designed to maintain the contribution of the dwelling.

<b>Relevant Zone Principles of Development Control</b>	<b>Assessment</b>
<b>PDC1</b> <i>Development should support and enhance the desired character (as expressed for each of the three policy areas, and the respective precincts).</i>	As discussed in greater detail below, the development is considered to adequately comply with this PDC.
<b>PDC2</b> <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 building 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 building or site detracting from the desired character of a precinct with respectful and carefully designed building(s).</i>	The proposed outbuilding would be ancillary to the existing dwelling and is considered to be of domestic scale.
<b>PDC14</b> <i>A carport or garage should form a relatively minor streetscape element and should:</i> <i>(a) be located to the rear of the dwelling as a freestanding outbuilding; or</i> <i>(b) where attached to the dwelling be sited alongside the dwelling and behind its primary street façade and adopt a</i>	The outbuilding would be freestanding, located at the rear of the dwelling and would not be prominently visible when viewed from the primary street. The outbuilding would be of light-weight construction, the carport portion would be open sided, and the roof form is pitched. The outbuilding is not located on any boundary.

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

## **Policy Area Desired Character**

<b>Policy Area 9 – Spacious</b>
<b>Desired Character</b>
<p><i>The streetscape attributes include the:</i></p> <ul style="list-style-type: none"><li><i>(a) low scale building development;</i></li><li><i>(b) spacious road verges and front and side building setbacks from the street;</i></li><li><i>(c) forms and detailing of the predominant architectural styles (variously Victorian and Turn-of-the-Century double-fronted cottages and villas, and Inter-War era housing, primarily bungalow but also tudor and art deco and complementary styles); and</i></li><li><i>(d) varied but coherent rhythm of buildings and spaces along its streets.</i></li></ul> <p><i>Development will:</i></p> <ul style="list-style-type: none"><li><i>(a) be of a street-front dwelling format, primarily detached dwellings; and</i></li><li><i>(b) maintain or enhance the streetscape attributes comprising:</i><ul style="list-style-type: none"><li><i>(i) siting - the regular predominant subdivision and allotment pattern, including the distinctive narrow-fronted sites associated with the various cottage forms (found only in the Unley (North) and Wayville Precincts). This produces a streetscape pattern of buildings and gardens spaces set behind generally open fenced front boundaries. Street setbacks are generally 6 to 8 metres and side setbacks consistently no less than 1 metre and most often greater, other than for narrow fronted cottages. Such patterns produce a regular spacing between neighbouring dwellings of generally between 5 metres and 7 metres (refer table below); and</i></li><li><i>(ii) form - the consistent and recognisable pattern of traditional building proportions, including the wall heights and widths of facades and roof heights, volumes and shapes associated with the architectural styles identified in the table below; and</i></li><li><i>(iii) key elements - the iconic and defining design features including, in particular the detailed composition and use of materials on facades and roofing of the predominant architectural styles identified in the table below.</i></li></ul></li></ul>
<b>Assessment</b>
<p>As discussed against the relevant criteria elsewhere in this report, it is considered the outbuilding maintains the traditional rhythm and built form of the locality.</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:

Outbuildings 8, 9, 10, 12, 15, 29, 30, 47

Relevant Zone Principles of Development Control	Assessment
<b>Residential Development</b>	
<b>Public Road Setbacks</b> <i>Garages, carports and outbuildings</i>	
<b>PDC10</b> <i>A garage, carport or outbuilding should be setback no less than 1 metre from its secondary street frontage.</i>	The outbuilding would be setback from the secondary street frontage by 1.4 metres.
<b>PDC15</b> <i>Garages, carports, verandahs, pergolas, outbuildings and like structures should be sited and designed to be ancillary to the dwelling and not visually dominate the locality and should:</i>  <i>(a) site any solid wall at least 600 millimetres off the boundary or on the boundary</i>  <i>(b) site boundary walls immediately abutting other adjacent walls and have the same or lesser length and height</i>  <i>(c) have a minimum setback of 1.8 metres for solid walls or a minimum setback of 0.9 metres for an open sided structure to a habitable room window of an adjacent dwelling</i>  <i>(d) have a minimum distance of 3 metres to any other attributable walls on the boundary</i>	<p>Outbuildings are envisaged buildings within the zone and policy area. Due to the nature of corner sites outbuildings will generally be visible within the locality, particularly when viewed from the secondary street.</p> <p>Within the locality it is noted there is currently a carport and double garage with loft located forwards of the dwellings directly opposite the proposed carport at 6 &amp; 8 Seymour Avenue.</p> <p>It is considered the outbuilding has been design and would be located to satisfy the relevant design techniques and would be ancillary to the dwelling.</p> <p>Given the above and with regard to the context of the site and locality, it is considered the carport and shed would not visually dominate the locality.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>(e) be sited clear of easements and the canopy of significant trees, where practicable.</i></p>	
<p><b>PDC29</b> <i>Garages and carports facing the street (excluding public lanes) should reinforce the prominence of the associated dwelling in the streetscape, and be compatible with the prevailing built form within the zone and locality, and in any case:</i></p> <p><i>(a) have a roof form that visually distinguishes between the garage/carport and the main dwelling and should not be in the form of an extension to the main roof line of the associated dwelling;</i></p> <p><i>(b) be compatible with, but substantially subservient in scale, mass and height to, the associated dwelling and adjacent dwellings;</i></p> <p><i>(c) have a width of no greater than 30 percent of the site width or a maximum garage or carport width of 6.5 metres, whichever is the lesser amount;</i></p> <p><i>(d) reduce the scale of wide garages by the adoption of one or more of the following design measures:</i></p> <p><i>(i) single width doors horizontally separated by no less than 300 millimetres;</i></p> <p><i>(ii) limiting double width garage openings to no wider than 5 metres;</i></p> <p><i>(iii) increased setback behind the main façade of the associated dwelling or sited and designed to be obscured or partially obscured from the streetscape.</i></p>	<p>The freestanding single width outbuilding is subservient in scale to the dwelling, and the pitched height is complementary in form to the associated dwelling and locality.</p>
<p><b>PDC30</b> <i>Outbuildings and like structures should be sited and designed to be ancillary to the dwelling and not visually dominate the locality by having:</i></p>	<p>The wall and post height would exceed the Development Plan guideline maximum of 3 metres by 48mm. This is considered a minor and acceptable variance.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>(a) a maximum wall height of 3 metres and roof height of 5 metres (sited at least 2 metres from the side boundary) above ground level;</i></p> <p><i>(b) a maximum wall length of 8 metres for solid walls and 12 metres for open-sided structures (including all other boundary walls) or no longer than 50 percent of the boundary length behind the front face of the dwelling, whichever is the lesser amount;</i></p> <p><i>(c) a total floor area not exceeding 80 square metres or 10 percent of the site, whichever is the lesser amount.</i></p>	<p>The outbuilding would replace an existing shed and provide for a carport under an integrated single structure. The total combined floor area would exceed the Development Plan guideline maximum of 80m<sup>2</sup> or 10% of the site, whichever is the lesser, by 8.2m<sup>2</sup> or 0.3%. This is considered a minor and acceptable variance.</p>

## 11. CONCLUSION

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

- It is considered that the outbuilding is of domestic scale and ancillary to and would facilitate the better use of the existing residential use of the land and buildings.
- The outbuilding would be located to the rear of the dwelling and would be sited and designed to adequately satisfy all relevant guidelines relating to maximum building size and minimum setbacks to minimize negative visual impacts.
- The scale and form of the development is not incongruous with the setting of the locality and would not unreasonably impact upon the amenity of the surrounding area.

The application is therefore recommended for Development Plan CONSENT.

## 12. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/631/2019/C2 at 11 Lambeth Walk, Kings Park SA 5034 to 'Demolish existing outbuilding and erect new outbuilding (shed/carport)', 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.

List of Attachments		Supplied By:
A	<a href="#">Application Documents</a>	Applicant
B	<a href="#">Representations</a>	Administration
C	<a href="#">Response to Representations</a>	Applicant



**ITEM 3****DEVELOPMENT APPLICATION – 090/640/2019/C2 – 5 BUSBY AVENUE,  
BLACK FOREST SA 5035 (CLARENCE PARK)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/640/2019/C2
<b>ADDRESS:</b>	5 Busby Avenue, Black Forest SA 5035
<b>DATE OF MEETING:</b>	21 January 2020
<b>AUTHOR:</b>	Harry Stryker
<b>DEVELOPMENT PROPOSAL:</b>	Erect carport forward of dwelling
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential B350
<b>APPLICANT:</b>	Pergolas of Distinction
<b>OWNER:</b>	Stephen Jonathon Parr
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – 4 supportive
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Recommendation for refusal
<b>RECOMMENDATION:</b>	Refusal
<b>KEY PLANNING ISSUES:</b>	Carport forwards of dwelling

**1. PLANNING BACKGROUND**

No relevant Planning Background.

**2. DESCRIPTION OF PROPOSAL**

The proposed development is to erect an open cantilevered carport forwards of the dwelling in the north western (front) corner of the land.

**3. SITE DESCRIPTION**

The site is rectangular with a western primary frontage to Busby Avenue of 15 metres and a depth of 40.8 metres. The site has an area of 613 square metres.

Existing structures on the subject site include a single storey detached dwelling including single garage and outbuildings.

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

#### 4. LOCALITY PLAN



#### 5. LOCALITY DESCRIPTION

The Busby Avenue locality is residential with rectangular allotments facing east/west to the street. Dwellings are predominantly detached, single storey and sited on allotments of approximately 15 metres in width and 600 square metres in area. The southern end of Busby Avenue between Dunrobin Street

has been developed with single and two storey residential buildings. Buildings are setback from the street. Front yards are generally open and landscaped with low and open style front fencing.

## **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 four (4) representations were received as detailed below.

<b>4 Busby Avenue, Black Forest</b> -support (did not wish to be heard)
<b>3 Busby Avenue, Black Forest</b> -support (did not wish to be heard)
<b>7 Busby Avenue, Black Forest</b> -support (did not wish to be heard)
<b>8 Busby Avenue, Black Forest</b> -support (did not wish to be heard)

## **9. ADMINISTRATION NEGOTIATIONS**

27 February 2018, Preliminary Development Application PRE/9/2018 to Erect carport forward of dwelling, Council advised support of a structure forwards of the dwelling would be unlikely.

9 October 2019, Council advised due to open nature of the locality, existing garage, and relevant Development Plan guidelines, a structure forwards of the dwelling cannot be supported, and that should they wish Council to proceed to assessment, the application would go to the Council Assessment Panel for a decision with a recommendation for refusal

21 October 2019, applicant advised they wish the application to be determined by the Council Assessment Panel.

## 10. DEVELOPMENT DATA

Site Characteristics	Description of Development	Development Plan Provision
Total Site Area	613m <sup>2</sup>	
Frontage	15m	
Depth	40.8m	
<b>Building Characteristics</b>		
<b>Outbuildings</b>		
Wall Height	2.4m (post)	□ 3m
Total Height	2.9m	□ 5m
Total Floor Area	20.8m <sup>2</sup>	□ 80m <sup>2</sup> or 10% of the site, whichever is the lesser
Garage/Carport Width	3.3m	□ 6.5m or □ 30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	3.3m x 6.3m	3m x 6m for single
<b>Colours and Materials</b>		
Roof	Colorbond "Surfmist" (white)	
Walls	(open)	
<b>Setbacks</b>		
Front boundary (west)	<b>900mm</b> <b>6.3m forwards of dwelling</b>	Not forwards of dwelling
Side boundary (north)	600mm	600mm/Nil
Side boundary (south)	11.1m	600mm/Nil
Rear boundary (east)	n/a	
<b>Car parking and Access</b>		
On-site Car Parking	Existing	Proposed
	2	2
Covered on-site parking	1	2
		2 per dwelling where less than 4 bedrooms or 250m <sup>2</sup> floor area □ 1 car parking space

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

## 11. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<b>RESIDENTIAL B350 ZONE</b>
<i>Objective 1: Provision for a range of dwelling types of up to two storeys compatible in form, scale and design with the existing positive elements of the character of the area.</i>
<b>Desired Character</b>
<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**

As is discussed in greater detail below, it is considered the proposed carport siting and design does not adequately reflect, nor improve the existing positive elements of the character of the area, including with regard to amenity and front setbacks.

<b>Relevant Zone Principles of Development Control</b>	<b>Assessment</b>
<b><i>PDC1</i></b> <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>	As discussed in more detail below, it is considered the proposed carport would not be compatible in form and design with existing positive elements of the character of the area.

## **Relevant Council Wide Objectives and Principles of Development Control**

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

<b>City-wide Objectives and Principles of Development Control</b>		
<b>Residential Development</b>	<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 regard to the proposed development:

<b>Relevant Zone Principles of Development Control</b>	<b>Assessment</b>
<b>Residential Development</b>	
<b>Design and Appearance</b>	
<p><i><b>PDC1</b> The design and appearance of buildings and their surrounds should respect the contextual qualities of the locality and be consistent with the desired character for the zone or policy area and therefore should have regard to: ...</i></p> <p><i>(b) street and boundary setbacks; ...</i></p>	<p>The carport has been designed with an open cantilevered design, which is considered to assist in minimising its streetscape presence. Due to the proposed location forwards of the dwelling together with a setback of 900mm from the street boundary however, it is considered the carport would be a significantly prominent streetscape element, and would detract from the prominence of dwellings and open landscaped character of the area, which is reinforced by consistent setbacks of buildings from street, and carports/garage being located alongside or behind dwelling facades.</p> <p>As such, the proposal fails to adequately comply with this PDC.</p>
<b>Public Road Setbacks</b> <i>Garages, carports and outbuildings</i>	
<p><i><b>PDC8</b> A garage, carport or outbuilding should be setback from the primary street frontage:</i></p> <p><i>(a) at least 1.0 metres further than the setback of the associated dwelling;</i></p>	<p>The proposed carport would be entirely located forwards of the dwelling.</p> <p>As such, the proposal fails to adequately comply with this PDC.</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>(b) no closer than the front alignment of walls of the associated dwelling if the dwelling incorporates street facing attached verandahs, porticos and similar structures;</i></p> <p><i>(c) at least 5.5 metres where a car parking space is required within the driveway.</i></p>	
<p><b>PDC9</b> <i>A carport only, may be located forward of the dwelling where the existing exceptional site circumstances prevent the practical undertaking of its construction at the rear of the site or behind the front dwelling wall, providing it does not unreasonably diminish the streetscape presence of the dwelling and the following parameters are met:</i></p> <p><i>(a) a single width and permanently open on all sides;</i></p> <p><i>(b) setback no less than half the setback of the nearest adjacent dwelling.</i></p>	<p>The existing dwelling and site circumstances provide for two off-street car parking spaces, one within the garage alongside the dwelling.</p> <p>The carport would be substantially forwards of the associated and adjoining dwellings and as discussed above, would unreasonably diminish the streetscape presence of the dwelling.</p> <p>As such, the proposal fails to adequately comply with this PDC.</p>
<p><b>Side and Rear Boundaries</b>  <i>Garages, carports, verandahs, pergolas, outbuildings and like structures</i></p>	
<p><b>PDC15</b> <i>Garages, carports, verandahs, pergolas, outbuildings and like structures should be sited and designed to be ancillary to the dwelling and not visually dominate the locality and should: ...</i></p>	<p>As discussed above, the prominent location forwards of the dwelling and minimal setback from street would result in the carport being a visually dominant element within the locality.</p> <p>As such, the proposal fails to adequately comply with this PDC.</p>
<p><b>Building Form, Scale, Mass and Height</b>  <i>General</i></p>	
<p><b>PDC24</b> <i>Development should be sited and designed to minimize negative visual impacts on existing and potential future land uses that are considered appropriate in the locality.</i></p>	<p>The proposed carport is not sited to minimize negative visual impacts.</p> <p>As such, the proposal fails to adequately comply with this PDC.</p>
<p><b>Access and Car Parking</b>  <i>Car Parking</i></p>	



Relevant Zone Principles of Development Control	Assessment	
<p><b>PDC45</b> <i>The number of car parking spaces should be provided in accordance with Table Un/5.</i></p> <p><b>Table Un/5</b> <i>Detached, Semi-detached or Row Dwelling</i></p> <table><tr><td><p><i>(a) less than 4 bedrooms or 250m<sup>2</sup> floor area</i></p><p><i>2 on-site spaces – one of which is covered (the second space may be tandem)</i></p></td></tr></table>	<p><i>(a) less than 4 bedrooms or 250m<sup>2</sup> floor area</i></p> <p><i>2 on-site spaces – one of which is covered (the second space may be tandem)</i></p>	<p>As discussed above, the existing dwelling and site circumstances provide for two off-street car parking spaces, one within the garage alongside the dwelling, with internal dimensions consistent with relevant Development Plan guidelines.</p> <p>Additional covered car spaces are not justified.</p>
<p><i>(a) less than 4 bedrooms or 250m<sup>2</sup> floor area</i></p> <p><i>2 on-site spaces – one of which is covered (the second space may be tandem)</i></p>		

## 12. CONCLUSION

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

- The design and appearance of the building is inconsistent with the desired character for the zone and does not have adequate regard to the existing contextual qualities of the locality including siting, front and side setbacks and open landscaped setting, contrary to Council Wide, Residential Development, PDC 1, and Residential B350 Zone, PDC 1;
- The carport would be located forward of the dwelling, and is not setback no less than half the setback of the nearest adjacent dwelling, contrary to Residential B350 Zone, PDCs 8, 9;
- The carport would be unreasonably prominently located and would visually dominate the locality, contrary to Residential B350 Zone, PDC 15;
- The carport has not been sited and designed to minimise negative visual impacts on the locality, contrary to Residential B350 Zone, PDC 24;
- The carport is not required to provide for the required minimum number of covered car parking spaces, contrary to Residential B350 Zone, PDC 9, 45 and Table Un/5.

The application is therefore recommended for REFUSAL.

## 13. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/640/2019/C2 at 5 Busby Avenue, Black Forest SA 5035 to 'Erect carport forward of dwelling', is at variance with the



provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

**Reasons for refusal:**

1. The design and appearance of the building is inconsistent with the desired character for the zone and does not have adequate regard to the existing contextual qualities of the locality including siting, front and side setbacks and open landscaped setting, contrary to Council Wide, Residential Development, PDC 1, and Residential B350 Zone, PDC 1;
2. The carport would be located forward of the dwelling, and is not setback no less than half the setback of the nearest adjacent dwelling, contrary to Residential B350 Zone, PDCs 8, 9;
3. The carport would be unreasonably prominently located and would visually dominate the locality, contrary to Residential B350 Zone, PDC 15;
4. The carport has not been sited and designed to minimise negative visual impacts on the locality, contrary to Residential B350 Zone, PDC 24;
5. The carport is not required to provide for the required minimum number of covered car parking spaces, contrary to Residential B350 Zone, PDC 9, 45 and Table Un/5.

List of Attachments		Supplied By:
A	<a href="#">Application Documents</a>	Applicant
B	<a href="#">Representations</a>	Administration

**ITEM 4****DEVELOPMENT APPLICATION – 090/753/2019/C2 – LANGDON AVENUE, CLARENCE PARK**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/753/2019/C2
<b>ADDRESS:</b>	Langdon Avenue, Clarence Park
<b>DATE OF MEETING:</b>	21 January 2020
<b>AUTHOR:</b>	Chelsea Spangler
<b>DEVELOPMENT PROPOSAL:</b>	Remove significant street tree - Phoenix canariensis (Canary Island Date Palm) (Outside 9A Landon Avenue, Clarence Park)
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	RB350
<b>APPLICANT:</b>	J Ashforth
<b>OWNER:</b>	City Of Unley
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – 4 (2 in support, 2 oppose)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Recommendation for Refusal Unresolved Representations

**1. PLANNING BACKGROUND**

A motion was presented to the Council that two palm trees within Clarence Park be removed. One of these trees was a Canary Island Date Palm adjacent to 9A Langdon Avenue, Clarence Park. As this tree was identified as a Significant Tree, it was noted that the removal would need to be subject to the approval of the required Development Application by the Council Assessment Panel. Both trees were described as causing significant nuisance and distress to nearby residents. This motion was considered at the Full Council meeting held 28 October 2019 and carried. A copy of the meeting agenda (including background report and officer comment) is included as Attachment B.

Given this, the Council's Natural Asset Lead and qualified Arborist, lodged this application with the Planning Department. The arborist includes a memorandum as part of the application documentation that states that from an Arboricultural perspective, the tree presents without notable concerns insofar as health, form and structure.

## **2. DESCRIPTION OF PROPOSAL**

The application is for the removal of a *Phoenix canariensis* (Canary Island Date Palm). The tree is listed within Table Un/9 of the Unley Development Plan and is therefore a Significant Tree.

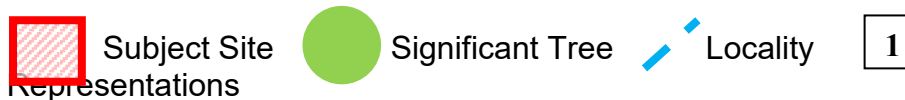
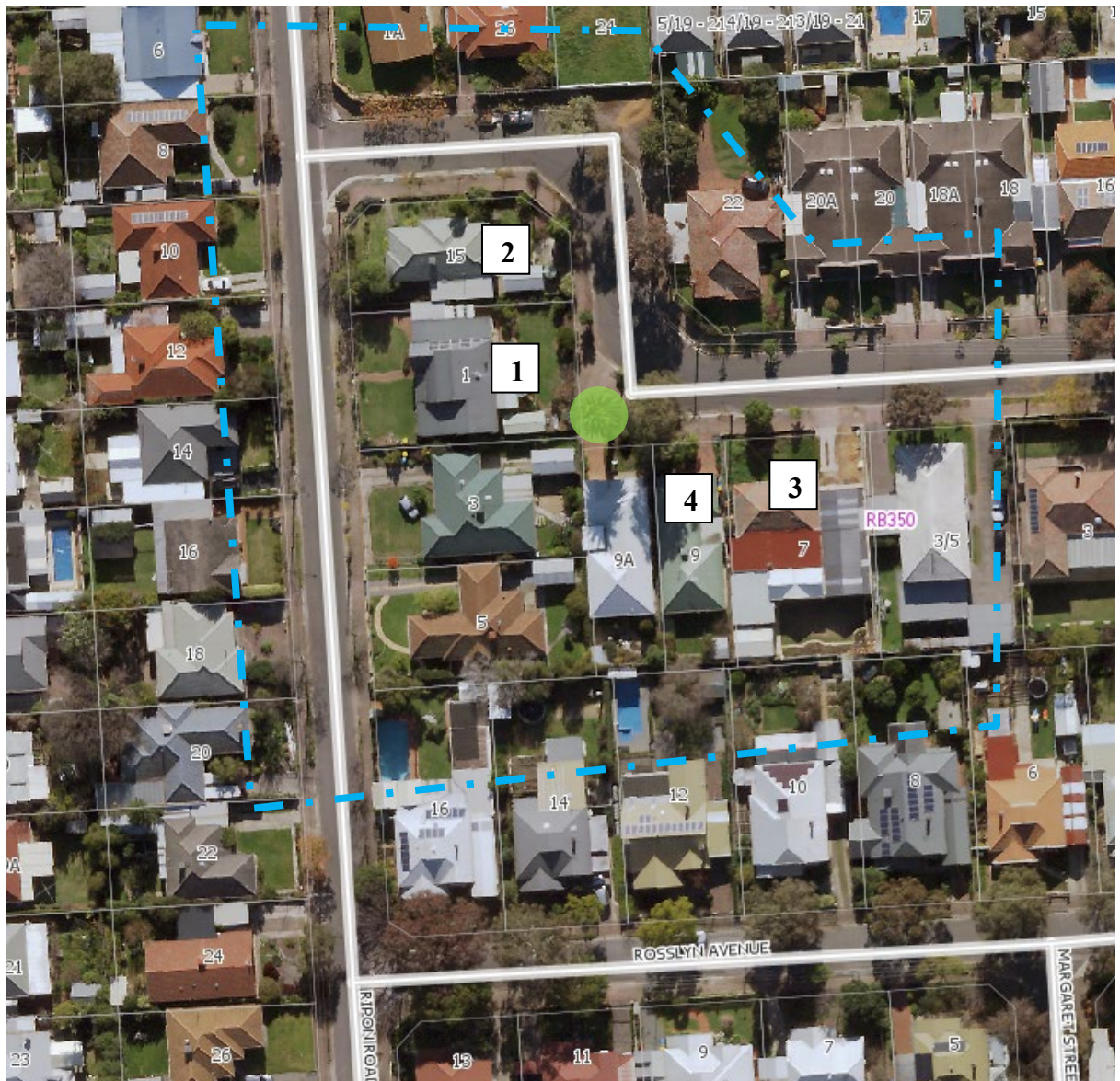
## **3. SITE DESCRIPTION**

The subject tree is located along the southern side of Langdon Avenue, within a landscaped verge on a corner cutoff formed due to the dog leg of Langdon Avenue. The tree is located in front of a property addressed as 9A Langdon Avenue, Clarence Park but can also be described as being located to the rear of a property addressed as 1 Ripon Road, Clarence Park.

The tree is located:

- In close proximity to a stobie pole, fencing, landscaping, paved surfaces and kerbing and guttering;
- Approximately 9 metres away from the dwelling at 9A Langdon Avenue;
- Approximately 7 metres away from an outbuilding at 3 Ripon Road;
- Approximately 9 metres away from an outbuilding at 1 Ripon Road.

#### 4. LOCALITY PLAN



#### 5. PUBLIC NOTIFICATION

The application underwent Category 2 notification in accordance with Schedule 9(25) of the *Development Regulations 2008*. During the ten (10) business day notification period four (4) representations were received as detailed below.

1. 1 Ripon Rd, Clarence Park (support – wishes to be heard)
ISSUES RAISED
The tree harbours vermin – rats, pigeons, starlings. Some residents affected by pigeon invasions and pollution e.g. rainwater tanks, excessive soiling on home and garden. Costly pigeon proofing to homes (see Attachment C for a copy of included photos and invoices)

The tree is not part of tree scape, provides no shade, and is not native. My concerns would be overcome with the replacement of tree with suitable native species.
Falling fronds contain toxic spikes.
Causes health issues (letter from GP supplied)
Support for tree removal from other residents and Jayne Stinson MP
<b>2. 15 Langdon Ave, Clarence Park (support – does not wish to be heard)</b>
<b>ISSUES RAISED</b>
No comments made
<b>3. 7 Langdon Ave, Clarence Park (oppose – does not wish to be heard)</b>
<b>ISSUES RAISED</b>
This is an iconic palm and can be seen from neighbouring street. It is a visually pleasing tree and brings diversity to the area
The palm was only recently trimmed and appears to be healthy and structurally sound, so no reason to remove it
The tree is often visited by native birds and animals (small lizards)
<b>4. 9 Langdon Ave, Clarence Park (oppose – does not wish to be heard)</b>
<b>ISSUES RAISED</b>
Petition was included as part of representation for residents who do not wish for the subject tree to be removed. 5 residents have signed. (Refer to Attachment C for a copy)
Iconic and significant landmark tree in Clarence Park. The end of Langdon Avenue is significantly lacking in mature trees and will reduce the amenity and character of the street.
Pruning only takes place every 5 years or so, hardly a great impost. The tree has just been pruned and maintained and has never looked better. Vermin problem solved
Removing the tree will only move the bats (only there occasionally) and birds to another tree in the immediate area. However, living next door we have had no problem with vermin.
There is no immediate development that the tree effects.

## 6. VISUAL TREE ASSESSMENT

Firstly, the subject tree is identified as a Significant Tree within Table Un/9 of the Unley Development Plan. The tree has been included within this list as it met the following criteria:

- (i) *It makes an important contribution to the character or amenity of the local area;* AND
- (vi) *It is a notable visual element to the landscape of an area.*

Council Administration undertook a site inspection of the subject tree and has noted that:

- The tree is clearly distinguishable from other mature street trees in the locality;
- The tree is clearly visible along Langdon Avenue (mostly when viewed from the north and north-west aspects);
- The tree is also visible from Ripon Road, given its height above the rooftops of the dwellings;



- The tree will also have visibility from the backyards of dwellings located along Lorraine Avenue;
- The tree species is distinct and given its overall height and maturity is notable within the landscape of the local area.





## **7. ARBORICULTURAL ASSESSMENT**

The applicant, being a qualified arborist, supplied a memorandum as part of the application documentation. The following are the comments that specifically relate to Arboricultural matters:

*From an arboricultural perspective, the subject tree presents without notable concerns insofar as health, form and structure. To this end, the subject tree has an extended life expectancy, presents a broadly acceptable risk and is listed within the Unley (City) Development Plan as a 'significant' tree.*

## **8. DEVELOPMENT PLAN ASSESSMENT**

<b>Council Wide Objective 3 - Significant Trees</b>
<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>
<b>SIGNIFICANT TREES</b>
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:

<b>Principles of Development Control</b>	<b>Administration Comments</b>
<b>6</b>	<i>Where a significant tree or significant tree grouping:</i>
<b>(a)</b> <i>makes an important contribution to the character or amenity of the local area; or</i>	YES - Table Un/9 of the Unley Development Plan has listed this tree as being Significant due to it making an important contribution to the character or amenity of the local area.  No comment has been sought from the Council Landscape Architect regarding the contribution of the Significant Palm to character/visual amenity of the locality. It is noted however that the tree is of such height and maturity that it has a clear vista from a number of vantage points within the local area. As such, the tree is considered to contribute to the visual amenity of the local area.



(b)	<i>forms a notable visual element to the landscape of the local area; or</i>	<p>YES – Table Un/9 of the Unley Development Plan has listed this tree as being Significant due to it being a notable visual element to the landscape of the area.</p> <p>Furthermore, the tree is of a height, shape and species that is unique within the local area and therefore makes it rather distinguishable within the landscape. Given this, the tree can be conclusively described as forming a notable visual element within the landscape of the local area.</p>
(c)	<i>Contributes to habitat value of an area individually or provides links to other vegetation which forms a wildlife corridor.</i>	<p>NO – Evidence has been provided that the tree harbours animals (pest species). The tree however was pruned on 26 September 2019 and anecdotally this has resolved the issues regarding pigeons and rats.</p>
	<i>Development should be designed and undertaken to retain and protect such significant trees and to preserve these elements</i>	

The tree is considered to satisfy PDC 6 as a tree worthy of retention as it is considered to make an important contribution to the character and amenity of the locality as well as forming a notable visual element to the landscape of the local area. Therefore, an assessment against PDC 8 has been undertaken, as detailed below.

Principles of Development Control	Administration Comments
8	<i>Significant trees should be preserved, and tree-damaging activity should not be undertaken unless:</i>
(a)	<i>In the case of tree removal:</i>
(i)	<p><i>The tree is diseased, and its life expectancy is short; or</i></p> <p>NO – No evidence has been provided that indicates that the tree is diseased, and its life expectancy is short.</p>
(ii)	<p><i>The tree represents an unacceptable risk to public or private safety; or</i></p> <p>NO - No conclusive arboricultural evidence has been provided to indicate 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</i></p> <p>NO – No evidence has been provided which indicates that the tree is causing or threatening to cause substantial damage to a substantial building or structure of value.</p>

	<i>reasonable remedial treatments and measures have been demonstrated to be ineffective; or</i>	
(iv)	<i>It is demonstrated that reasonable alternative development options and design solutions in accord with Council-wide, Zone and Area provisions have been considered to minimise inappropriate tree-damaging activity occurring.</i>	N/A

## 9. DISCUSSION

Council Administration has undertaken a desktop review of customer requests received regarding the subject tree and can confirm that a number of requests have been made over the years. On 26 September 2019, Council undertook maintenance pruning of the tree. The fronds that formed the lower half of the crown and fruit were removed.

### Council Meeting - Background Report

Within the report presented to Council meeting on 28 October 2019, it was noted that the Langdon Street tree is one of a pair that were listed together. It is presumed that the other tree was the Table Un/9 listed Canary Island Date Palm located within the front yard of 1 Ripon Road, Clarence Park. It is confirmed that the 1 Ripon Rd Palm was removed (seemingly without Development Approval) sometime between January 2014 and February 2015.

The report goes on to suggest that the only reason for the Significant Tree listing was that the two trees were notable as a pair. It is highlighted that the Development Act has provisions for a 'stand of trees' of which both the tree outside 9A Langdon Ave and the on 1 Ripon Rd were not identified as such. They were both listed individually with no reference to the other tree.

It is highlighted that the Council report states that the residents of 9A Langdon Avenue have complained to their Elected Members regarding this tree. Whilst this may be so, during notification of the subject development application the residents of 9A Langdon Avenue verbally advised the Planning Officer that they are strongly opposed to the removal of the tree. They also advised that the issues relating to the tree are no longer experienced since the tree was pruned by Council in September 2019.

### Nuisance issues

It is acknowledged that Palm Trees are known to harbour small animals (particularly birds and rodents) within old leaf bases. However, it has not clear whether the tree is the sole reason for these nuisance animals and that by removing the tree, the nuisance caused by these animals would be eradicated. Furthermore, it appears that the main cause of nuisance is not the tree itself but

rather the pests and the fallen palm fronds. Whilst this is unfortunate, the following measures would reduce or eliminate the concerns relating to fronds and pests:

- Regular maintenance of the tree including the removal of dead fronds and sheaths (a tree maintenance program could be established);
- Use of plastic Tree rings;
- Using heavy duty gloves and protective clothing when picking up any fallen fronds.

It is also highlighted that between the pruning of the tree and the motion being drafted for Full Council (needing to be prepared several weeks prior to the meeting itself) only 1-2 weeks would have passed. It has not been sufficiently demonstrated that the maintenance pruning has had little to no effect on the reduction/ eradication of pests.

Regardless of the above, a tree being a 'nuisance' is not a reason for removal under the Development Plan or Development Act and Regulations. The nuisances which are apparently caused by the tree are posed by the vermin and the fallen poisonous spines of the tree. These nuisances should be able to be appropriately managed without the removal of a Significant Tree from the landscape. Overall, there is no justification in accordance with the Unley Development Plan for the removal of the subject tree and given this, other measures should be investigated to alleviate the nuisance.

## **10. CONCLUSION**

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

- The Significant Canary Island Date Palm is considered to make a contribution to the character or amenity of the local area as per Council Wide Regulated and Significant Trees Objective 3 and Principle of Development Control 6 (a) and therefore should be preserved.
- The significant tree is considered to be a notable visual element to the landscape of the local area as per Council Wide Regulated and Significant Trees Principle of Development Control 6 (b) and therefore should be preserved.
- No evidence has been provided to demonstrate that the tree is diseased and has a short life expectancy therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (i).
- No conclusive evidence has been provided to demonstrate that the tree represents a material or unacceptable risk to public or private safety, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (ii).
- No evidence has been provided to demonstrate that the tree is causing or threatening to cause substantial damage to a building or structure of value, therefore removal cannot be justified under Council Wide

Regulated and Significant Trees Principles of Development Control 8 (a) (iii).

- The tree does not demonstrate any of the criteria for removal under Council Wide Regulated and Significant Trees Principles of Development Control 6 and 8 and therefore the tree should not be removed or damaged.

The application is therefore recommended for Development Plan REFUSAL.

## **11. RECOMMENDATION**

MOVED:

SECONDED:

That pursuant to Section 33 of the Development Act, 1993, Development Approval be **REFUSED** to Development Application 090/753/2019/C2 at Langdon Avenue, Clarence Park to 'Remove significant street tree - Phoenix canariensis (Canary Island Date Palm) (Outside 9A Landon Avenue, Clarence Park)', for the following reasons:

- The significant tree provides important aesthetic and environmental benefit, and therefore should be retained in accordance with Regulated and Significant Trees Objective 3;
- The significant tree makes an important contribution to the character or amenity of the local area, and forms a notable visual element to the landscape of the local area, and therefore should be retained in accordance with Regulated and Significant Trees PDC 6;
- No evidence has been provided to demonstrate that the significant tree is diseased, and its life expectancy is short, nor represents an unacceptable risk to public or private safety, nor is causing or threatening to cause substantial damage to a substantial building or structure of value, contrary to Regulated and Significant Trees PDC 8.

List of Attachments		Supplied By:
A	<a href="#">Application Documents</a>	Applicant
B	<a href="#">Full Council Meeting Agenda</a>	Administration
C	<a href="#">Representations</a>	Administration

**ITEM 5****DEVELOPMENT APPLICATION – 090/557/2019/C2 – 29 WOOD STREET,  
MILLSWOOD SA 5034 (UNLEY PARK)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/557/2019/C2
<b>ADDRESS:</b>	29 Wood Street, Millswood SA 5034
<b>DATE OF MEETING:</b>	21 January 2020
<b>AUTHOR:</b>	Amy Barratt
<b>DEVELOPMENT PROPOSAL:</b>	Extend garage on boundary (Commercial Road frontage)
<b>HERITAGE VALUE:</b>	Local Heritage
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential Streetscape Built Form Zone, Policy Area 9.5
<b>APPLICANT:</b>	John Dal Santo
<b>OWNER:</b>	Despina Kristoris
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	NONE
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Recommendation for refusal
<b>RECOMMENDATION:</b>	Refusal
<b>KEY PLANNING ISSUES:</b>	Building bulk / mass Streetscape Character

**1. PLANNING BACKGROUND**

No relevant Planning Background.

**2. DESCRIPTION OF PROPOSAL**

An existing garage is located on the eastern boundary of the subject land, with vehicle access via Commercial Road. The applicant proposes to extend the garage along the eastern boundary towards the Commercial Road frontage. The proposed garage will have a setback of 1m from Commercial Road.

### 3. SITE DESCRIPTION

The subject land is located within the Residential Streetscape Built Form Zone, Policy Area 9.5. The site is located on the eastern side of Wood Street between Jasper Street and Commercial Road. The land is regular in shape, having a primary frontage to Wood Street of 45.72m and a secondary frontage to Commercial Road of 45.72m. The overall site area exceeds 2000m<sup>2</sup>.

The land is occupied by a Local Heritage Place (1914 Edwardian/Federation) with later additions, including a single storey addition, swimming pool, garage and tennis court.

A Development Plan listed Significant Tree is located within the north-western corner of the allotment (Algerian Oak).

### 4. LOCALITY PLAN



## **5. LOCALITY DESCRIPTION**

### **Land Use**

The predominant land use within the locality is residential.

### **Land Division/Settlement Pattern**

The subject land is located within Policy Area 9.5 which demonstrates a predominant allotment size >1000m<sup>2</sup> and includes large frontages (>21m). The properties fronting Wood Street reflect this allotment pattern and includes large spacious allotments.

The proposed development will front Commercial Road which is primarily located within Policy Area 4 and includes smaller allotment sizes (600m<sup>2</sup>) and frontage widths (around 15m).

### **Fencing Styles**

Fencing within the immediate locality is predominantly high and solid (brush or masonry).

## **6. STATUTORY REFERRALS**

No statutory referrals required.

## **7. NON-STATUTORY (INTERNAL) REFERRALS**

The application was referred to Council's Heritage Advisor who provides the following comment:

*While carefully designed to complement the existing garage, the proposed garage extension is too prominent in the streetscape and detracts from streetscape character and the relative prominence of historic buildings. I am therefore unable to support the proposal.*

## **8. PUBLIC NOTIFICATION**

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

## **9. ADMINISTRATION NEGOTIATIONS**

Upon receipt of the subject application, Administration advised the applicant that the proposed garage extension was not supported.

Should the applicant wish to proceed knowing that it was not supported by Administration, a contextual design report was required to accompany the

application and a minimum setback of 1m to the secondary street frontage was required.

The applicant provided the 'locality plan' and 'streetscape' (refer Attachment A), and amended plans which included a setback of 1m to Commercial Road (previously nil setback).

## 10. DEVELOPMENT DATA

Site Characteristics	Garage	Development Plan Provision
Total Site Area	2090.3m <sup>2</sup>	1000m <sup>2</sup>
Frontage	45.72m	21m
Depth	45.72m	
<b>Building Characteristics</b>		
<b>Setbacks</b>		
<b>Existing Garage</b>		
Eastern boundary	Abutting boundary	
Southern boundary	6.5m	
<b>Proposed extended Garage</b>		
Eastern boundary	Abutting boundary	
Southern boundary	1m	1m
<b>Wall on Boundary</b>		
Location	Eastern boundary	
Existing Length	12.1m	
Proposed Length	5.5m	
Total Length	<b>17.6m</b>	8m
Height	<b>4m</b>	3m
<b>Colours and Materials</b>		
Walls	Red brick (to match existing) Black doors (existing)	
Fencing	Good neighbour Colorbond 1.8m high	

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

## 11. ASSESSMENT

### Zone Desired Character and Principles of Development Control

Residential Streetscape Built Form Zone
<p><b>Objective 1:</b></p> <p><i>Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.</i></p>
Desired Character
<p><b>Streetscape Value</b></p>



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

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

### **Streetscape Attributes**

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

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

Garaging within the immediate locality is generally recessive and forms a minor element within the streetscape.

The proposed garage is located within close proximity of the secondary street frontage and protrudes substantially forward of the adjoining dwelling to the east.

The proposed garage location does not complement the existing pattern of development and will form an incongruous feature within the streetscape.

Relevant Zone Principles of Development Control	Assessment
<b>Carports and Garages 14</b> <i>A carport or garage should form a relatively minor streetscape element and should:</i> <i>(a) be located to the rear of the dwelling as a freestanding outbuilding; or</i> <i>(b) where attached to the dwelling be sited alongside the dwelling and behind its primary street façade and adopt a recessive building presence.</i>	<p>While the proposed garage is located to the rear of the associated dwelling as a freestanding outbuilding, it does not form a relatively minor streetscape element for the following reasons;</p> <ul style="list-style-type: none"> <li>• The structure is 4 metres in height with a minimal setback to the secondary street</li> <li>• The garage is of double width and protrudes substantially forward of the adjoining dwelling</li> <li>• The structure will be highly visible and form a prominent element in the streetscape, detracting from the streetscape character</li> </ul>

### **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		
<b>Design and Appearance</b>	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23
<b>Heritage</b>	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>PDCs</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
<b>Residential Development</b>	<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
<b>Residential Development</b>	
<b>PDC 29</b>	<p>Not satisfied.</p> <p>Given the location, height and width of the proposed garage it does not;</p> <ul style="list-style-type: none"> <li>• present as a subservient structure in relation to the associated and adjacent dwelling; and</li> <li>• have a width no greater than 6.5 metres</li> </ul>

<b>PDC 30 &amp; 47</b>	<p>Not satisfied.</p> <p>The related PDC seeks development that is sited and designed to be ancillary to the dwelling and not visually dominate the locality. It recommends a wall length of 8m for solid walls, a maximum wall height of 3m and a total floor area not exceeding 80m<sup>2</sup>. The proposed development includes a total boundary length of &gt;17m, a height of 4m and a floor area of 126m<sup>2</sup>.</p> <p>Using the minimum internal dimensions for garaging, the existing garage could accommodate covered vehicle storage for more than two vehicles (up to four), and there is adequate space in front of the garage for two uncovered vehicle spaces.</p>
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## **12. CONCLUSION**

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

- The proposed garage does not form a minor element within the streetscape, and will form an incongruous feature;
- The proposed garage will not present as a subservient structure in relation to the associated and adjacent dwelling and will visually dominate the locality.

The application is therefore recommended for REFUSAL.

## **13. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/557/2019/C2 at 29 Wood Street, Millswood SA 5034 to 'Extend garage on boundary (Commercial Road frontage)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The siting and form of the proposed garage does not enhance the desired character of the area, contrary to Residential Streetscape (Built Form) Zone, Objective 1 and Desired Character;
- The proposed garage does not form a relatively minor streetscape element and will thereby harm the character and appearance of the area, contrary to Residential Streetscape (Built Form Zone), PDC 3 and 14;
- The proposed garage does not reinforce the prominence of the associated dwelling and is not compatible with the prevailing built form within the locality, contrary to Residential Development, PDC 29 and 30

List of Attachments		Supplied By:
A	<a href="#">Application Documents</a>	Applicant

**ITEM 6****DEVELOPMENT APPLICATION – 090/691/2019/C1 – 4 THORNBUR STREET, UNLEY PARK SA 5061 (UNLEY PARK)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/691/2019/C1
<b>ADDRESS:</b>	4 Thornber Street, Unley Park SA 5061
<b>DATE OF MEETING:</b>	21 January 2020
<b>AUTHOR:</b>	Harry Stryker
<b>DEVELOPMENT PROPOSAL:</b>	Remove significant tree - <i>Agonis flexuosa</i> (Willow Myrtle)
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential (Built Form) Zone Policy Area 9.8
<b>APPLICANT:</b>	M Elliott
<b>OWNER:</b>	K Smith
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 1
<b>REPRESENTATIONS RECEIVED:</b>	Not Applicable
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Recommendation for Refusal

**1. DESCRIPTION OF PROPOSAL**

The applicant is seeking development approval to remove a Significant tree identified as an *Agonis flexuosa* (Willow Myrtle).

**2. SITE DESCRIPTION**

The subject tree is growing in the south eastern (front) corner of the subject site. The tree is located approximately 3.5 metres from the dwelling that is also located on the subject site, and approximately 4 metres from a dwelling located on the adjoining property at 2 Thornber Street.

The site is rectangular with a southern primary frontage to Thornber Street of 22.5 metres, a site area of 1720 square metres.

### 3. LOCALITY PLAN



### 4. PUBLIC NOTIFICATION

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

## 5. **ARBORICULTURAL ASSESSMENT**

The application was accompanied by a tree report prepared by Mark Elliott of The Adelaide Tree Surgery, who is a qualified arboricultural consult (Diploma Arboriculture). The key report findings and recommendations are summarised as follows:

- The Willow Myrtle Tree is a large mature tree that is causing damage to the neighboring dwelling and there is concern with the trees structural integrity which is often a common occurrence for this species of tree.
- The main union is starting to pull apart. This is the leader on the eastern side of the crown.
- Unfortunately, there are no suitable remedial options available to remediate this type of defect and when this occurs it does reduce the useful life expectancy of a tree.
- In regards to the damage that the tree is causing to neighboring dwelling, I believe this has been left a lengthy period of time and there are no suitable remedial options available to repair this situation.
- The Willow Myrtle Tree is a large tree but due to the large number of mature large trees which are located throughout the local area, this Willow Myrtle does not provide a large amount of amenity to the local area.
- The tree is approximately 8 metres tall and is only visible from neighbouring properties.
- Based on the findings within this report, I am recommending that the tree is approved to be removed.

Council's independent consulting arborist, Colin Thornton, has conducted a visual assessment of the tree and reviewed the report provided by the applicant.

Comments are as follows:

### **THE TREE**

*The subject tree is a mature Willow Myrtle with a trunk circumference greater than 3 metres when measured at 1.0 metre above natural ground level. The tree is situated on the side property boundary and in close proximity to the car port structure on the adjacent property. The tree displays good health and form with slightly compromised structure which is a typical species trait having minor included bark in the branching structure, and a small cavity in the main stem union.*

*The tree typically develops multiple stems from 1.6 metres. The cavity in the main stem unions displays good reaction wood with new tissue apparent on the outside of the cavity. The leader on the south eastern*

most leader supports two primary branches held in an east/west orientation. The eastern most primary branch is in contact with the gutter supported on the car port causing minor deflection.

#### **ADVICE PROVIDED WITH APPLICATION**

The applicants provided arboricultural report identifies that the tree fails to fulfil any of the criteria to deem it to be a significant tree with attributes worthy of retention, and is causative of damage to the adjoining property. The applicant's arborist also suggests that the tree could be considered to be a risk to users of the property due to defects within its main branching structure.

The tree was shown to exhibit a form and structure that is inherent to this species and would not, in itself, suggest that the tree poses an increased level of risk. The tree currently displays good health and vigour which would suggest that it has a life expectancy greater than 10 years. Furthermore the applicant's arborist has failed to supply an assessment of the risks associated with this tree, in support of their conclusion that the tree represents an unacceptable level of risk. The Quantified risk assessment undertaken as part of this assessment and report places the tree within the broadly acceptable category of risk.

#### **CONCLUSION**

The subject tree presents good health, form and structure. The tree fails to fulfil any of the criteria for the removal of significant trees and as such, I do not support this application.

## **6. DEVELOPMENT PLAN ASSESSMENT**

### **SIGNIFICANT TREE ASSESSMENT**

<b>Council Wide Objective 3 - Significant Trees</b>	
<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>	

	<b>Principles of Development Control</b>	<b>Applicants Arborist Comments</b>	<b>Administration Arborist Comments</b>
<b>6</b>	<i>Where a significant tree or significant tree grouping:</i>		
<b>(a)</b>	<i>makes an important contribution to the character or amenity of the local area; or</i>	The Willow Myrtle Tree is a large tree but due to the large number of mature	Yes; the tree is a large mature specimen that is visible within the streetscape setting



		large trees which are located throughout the local area, this Willow Myrtle does not provide a large amount of amenity to the local area. The tree is approximately 8 meters tall and is only visible from neighbouring properties.	creating relief to the adjacent built form. To this end, the subject tree makes an important contribution to the amenity of the local area.
(b)	<i>forms a notable visual element to the landscape of the local area; or</i>		Yes; the subject tree is notable within the streetscape environment and forms a key part of the landscape within the Thornber Street streetscape.
(c)	<i>Contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor.</i>	(No specific comments provided)	Yes; the tree is a specimen that provides rooting and feeding opportunities for native fauna.
<i>Development should be designed and undertaken to retain and protect such significant trees and to preserve these elements</i>			

The tree is considered to adequately satisfy PDC 6 as a tree worthy of retention as it is considered to make an important contribution to the character and amenity of the locality as well as forming a notable visual element to the landscape of the local area. Therefore, an assessment against PDC 8 has been undertaken, as detailed below.

<b>Principles of Development Control</b>		<b>Applicants Arborist Comments</b>	<b>Administration Arborist Comments</b>
<b>8</b>	<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>	Yes - I believe the life expectancy of this Willow Myrtle is limited /reduced due to the poor union and also if any remedial works were undertaken to prevent this tree from continuing to cause damage to the	NO - the tree displays good health, having no indications to suggest the tree was diseased or would have a short useful life expectancy.

		<p>neighbouring property, it will be detrimental to the tree.</p> <p>The only available option to prevent damage to the dwelling is to remove the entire leader that is causing damage which would remove a considerable amount of foliage or cut into the leader to create some clearance and this also would be detrimental to the tree's health and condition.</p>	
(ii)	<i>The tree represents an unacceptable risk to public or private safety; or</i>	Yes - the tree does pose an unacceptable risk to private and public safety due to the identification of the poor union within the main union of the Willow Myrtle.	NO - the tree is identified as being within the broadly acceptable level of risk.
(iii)	<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>	Yes - the tree is causing damage to the neighbouring property. Unfortunately, I don't believe there are any suitable remedial options available to prevent further damage without being detrimental to the trees health and condition.	NO - The tree is causing minor distortion to the gutter on the adjacent carport to the east, which could not be considered to be substantial damage to a substantial building or structure of value.
(iv)	<i>It is demonstrated that reasonable alternative development options and design solutions in accord with Council-wide, Zone and Area provisions have been considered to minimise inappropriate tree-</i>	N/A	

	<i>damaging activity occurring.</i>	
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## 7. **DISCUSSION**

The included branch union is considered typical of the species and does not necessarily adversely impact the health or life expectancy of the tree. It appears that the compromised branch is resting against the gutter of the verandah at the adjoining dwelling (2 Thornber Street) and has been for some years. It is considered the damage being caused is minor in nature. Furthermore, it is considered that the verandah is not a substantial building or structure of value.

## 8. **CONCLUSION**

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

- The significant tree provides important aesthetic and environmental benefit, and therefore should be retained in accordance with Regulated and Significant Trees Objective 3;
- The significant tree makes an important contribution to the amenity of the local area, and forms a notable visual element to the landscape of the local area, and contributes to habitat value of the area, and therefore should be retained in accordance with Regulated and Significant Trees PDC 6;
- No conclusive evidence has been provided to demonstrate that the significant tree is diseased, and its life expectancy is short, nor represents an unacceptable risk to public or private safety, nor is causing or threatening to cause substantial damage to a substantial building or structure of value with all other reasonable remedial treatments and measures being determined to be ineffective, contrary to Regulated and Significant Trees PDC 8.

The application is therefore recommended for Development Plan REFUSAL.

## 9. **RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/691/2019/C1 at 4 Thornber Street, Unley Park to 'Remove significant tree - *Agonis flexuosa* (Willow Myrtle)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

## DEVELOPMENT PLAN CONSENT REASONS OF DECISION:

1. The significant tree provides important aesthetic and environmental benefit, and therefore should be retained in accordance with Regulated and Significant Trees Objective 3;
2. The significant tree makes an important contribution to the amenity of the local area, and forms a notable visual element to the landscape of the local area, and contributes to habitat value of the area, and therefore should be retained in accordance with Regulated and Significant Trees PDC 6;
3. No conclusive evidence has been provided to demonstrate that the significant tree is diseased, and its life expectancy is short, nor represents an unacceptable risk to public or private safety, nor is causing or threatening to cause substantial damage to a substantial building or structure of value with all other reasonable remedial treatments and measures being determined to be ineffective, contrary to Regulated and Significant Trees PDC 8.

List of Attachments		Supplied By:
A	<a href="#">Application Documents</a>	Applicant
B	<a href="#">Council Arborist Referral Comments</a>	Administration

**ITEM 7**  
**DEVELOPMENT APPLICATION – 090/715/2019/C1 – 114 LEICESTER STREET, PARKSIDE SA 5063 (UNLEY)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/715/2019/C1
<b>ADDRESS:</b>	114 Leicester Street, Parkside SA 5063
<b>DATE OF MEETING:</b>	21 January 2020
<b>AUTHOR:</b>	Harry Stryker
<b>DEVELOPMENT PROPOSAL:</b>	Remove significant tree - <i>Eucalyptus cladocalyx</i> (Sugar Gum)
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential (Built Form) Zone Policy Area 8.3
<b>APPLICANT:</b>	S Harrison
<b>OWNER:</b>	S R Harrison
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 1
<b>REPRESENTATIONS RECEIVED:</b>	N/A
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Recommendation for Refusal

**1. DESCRIPTION OF PROPOSAL**

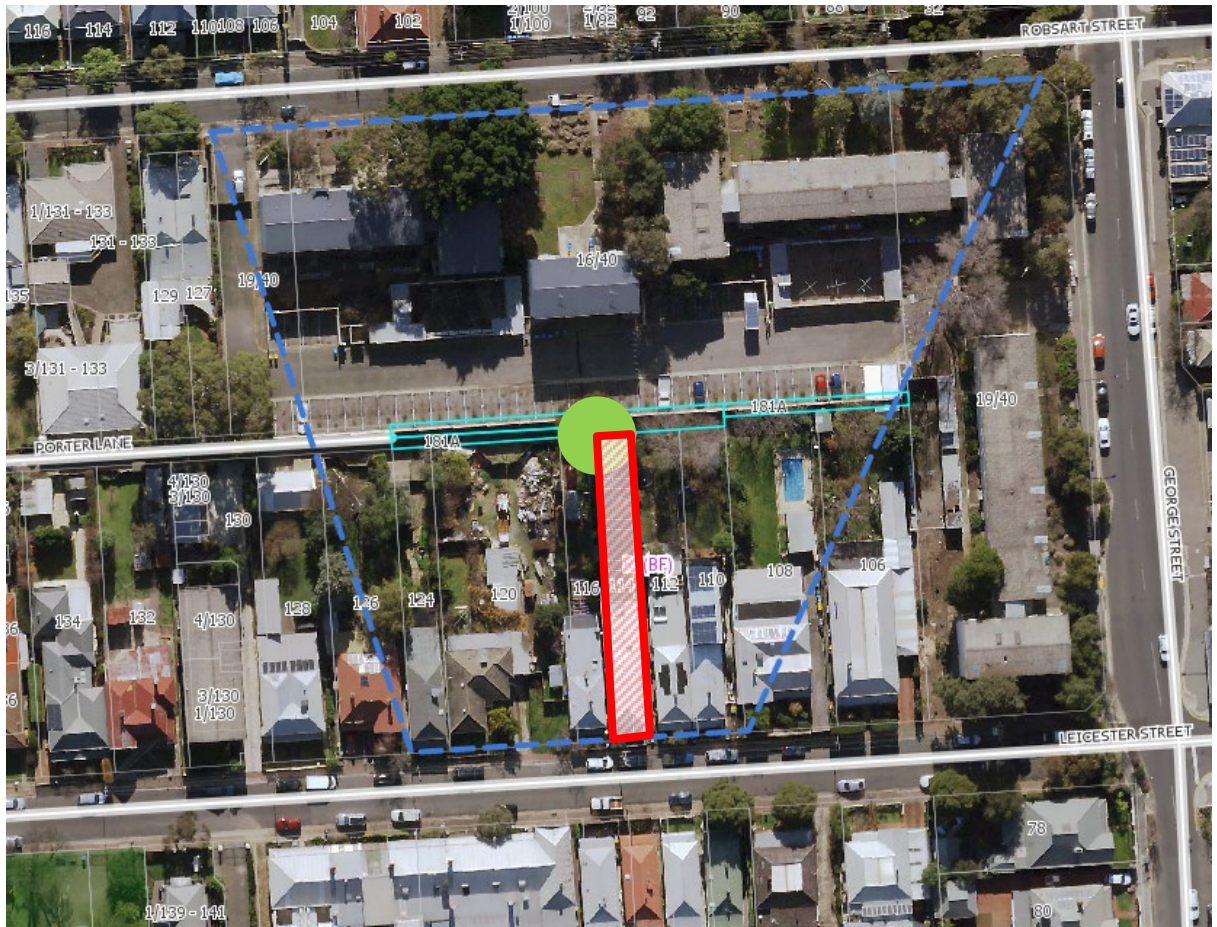
The applicant is seeking development approval to remove a Significant tree identified as a *Eucalyptus cladocalyx* (Sugar Gum).

**2. SITE DESCRIPTION**

The subject tree is growing in the rear yard of the residential property addressed as 114 Leicester Street, Parkside. The tree stem is located approximately 1.2 metres from the northern (rear) boundary and 1.5 metres from the western (side) boundary. A single storey detached dwelling and freestanding carport outbuilding are also located on the property. The tree is located in close proximity to the carport and approximately 24 metres from the dwelling.

The site is rectangular with a southern primary frontage to Leicester Street of 6.1 metres and a depth of 50 metres. The site has an area of 304sqm.

### 3. LOCALITY PLAN



## Subject Site



## Significant Tree



## Locality

#### 4. PUBLIC NOTIFICATION

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

## 5. ARBORICULTURAL ASSESSMENT

The application was accompanied by a tree report prepared by Bob Shultz, who is a qualified arboricultural consultant (Diploma Horticulture, Certificate 4 Arboriculture). The key report findings and recommendations are summarised as follows:

- The tree is in a very poor condition due to decay, included bark, extensive longicorn borer activity and a large cavity in the base of the trunk with evidence of the presence of fungi;
- The tree has an extreme 60 degree lean over the laneway to the north;
- The tree is considered to be a very high risk to safety given the extensive lean, compromised main stem, and proximity to laneway and adjoining residential flat carparking area;

- The tree is considered to be causing the adjoining carport to break apart and prevent the operation of the roller door leaving the property unsecured to the rear laneway;
- The tree is considered to contribute positively to the amenity of the locality and the habitat value to the area;
- Maintenance pruning would not be effective.

Council's arborist has conducted a visual assessment of the tree and reviewed the report provided by the applicant as above.

Comments are as follows:

### ***THE TREE***

*The subject tree is a mature Sugar Gum with a trunk circumference of 3.32 metres when measured at 1.0 metre above natural ground level. The tree is situated at the rear of the property being close to the side western and rear northern boundaries and in close proximity to the existing garage/carport structure. The tree displays good health and fair form. The tree has a long standing basal wound on its north western aspect, which is currently displaying excellent woundwood and reaction wood formation.*

### ***ADVICE PROVIDED WITH APPLICATION***

*The applicants provided arboricultural report identifies that the tree has numerous issues with regard to its health and structure, suggesting that the tree has fungal and borer activity and poses a very high level of risk to the adjacent properties.*

*The applicant's arborist also states that the tree is causing damage to the adjacent carport and lifting the block pavers that service this structure.*

### ***DISCUSSION***

*In considering this application, presented by the applicant's arborist, the specimen presents structure and form that is very typical of the species, and does not have any form of present in either the stem or the branches. The tree displays no evidence of included bark in the stem or branch structure, and the borer activity identified within the applicant's arborist report is only present in the exposed heartwood in the basal wound.*

*Furthermore, I do not concur with the risk assessment suggested by the applicant's arborist. The risk assessment over estimates the probability of failure, which in the absence of any major defects, would be place it within the lower level of probability. When considering this the tree would be placed within the broadly acceptable category of risk.*

## CONCLUSION

*The subject tree presents good health, form and structure. The tree fails to fulfil any of the criteria for the removal of significant trees and as such, I do not support this application.*

## 6. DEVELOPMENT PLAN ASSESSMENT

### SIGNIFICANT TREE ASSESSMENT

<b>Council Wide Objective 3 - Significant Trees</b>
<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>
<b>Assessment</b>
The subject tree is a notable part of the Leicester Street streetscape environment and provides visual softening and amenity within the area. The tree is both mature and native and this ensures a level of environmental value to the community.

<b>Principles of Development Control</b>		<b>Administration Comments</b>
<b>6</b>	<i>Where a significant tree or significant tree grouping:</i>	
<b>(a)</b>	<i>makes an important contribution to the character or amenity of the local area; or</i>	<b>Yes;</b> the tree is a large mature specimen that is highly visible within the streetscape setting creating relief to the adjacent built form. To this end, the subject tree makes a very important contribution to the amenity of the local area.
<b>(b)</b>	<i>forms a notable visual element to the landscape of the local area; or</i>	<b>Yes;</b> the subject tree is notable within the streetscape environment and forms a key part of the landscape within the Leicester Street streetscape.
<b>(c)</b>	<i>Contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor.</i>	<b>Yes;</b> the tree is a specimen native to South Australia that provides rooting and feeding opportunities for native fauna, and is a species that is known to provide strong links with habitat in Metropolitan Adelaide.



	<i>Development should be designed and undertaken to retain and protect such significant trees and to preserve these elements</i>
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The tree is considered to satisfy PDC 6 as a tree worthy of retention as it is considered to make an important contribution to the character and amenity of the locality as well as forming a notable visual element to the landscape of the local area. Therefore an assessment against PDC 8 has been undertaken, as detailed below.

<b>Principles of Development Control</b>		<b>Administration Comments</b>
<b>8</b>	<i>Significant trees should be preserved and tree-damaging activity should not be undertaken unless:</i>	
<b>(a)</b>	<i>In the case of tree removal:</i>	
<b>(i)</b>	<i>The tree is diseased and its life expectancy is short; or</i>	<b>No;</b> the tree presents good health and has a life expectancy greater than ten years. There was no evidence to suggest that the tree had any form of disease or decay
<b>(ii)</b>	<i>The tree represents an unacceptable risk to public or private safety; or</i>	<b>No;</b> in undertaking a 'Quantified Tree Risk Assessment' upon the subject tree it was determined that the tree presents a 'Broadly Acceptable' level of risk.
<b>(iii)</b>	<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>	<b>No;</b> The tree is causing the block pavers to lift adjacent to its eastern aspect and the door of the adjacent carport does not fully close. However, these are not considered to be structures of value.
<b>(iv)</b>	<i>It is demonstrated that reasonable alternative development options and design solutions in accord with Council-wide, Zone and Area provisions have been considered to minimise inappropriate tree-damaging activity occurring.</i>	Not Applicable.

## **8. CONCLUSION**

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

- The significant tree provides important aesthetic and environmental benefit, and therefore should be retained in accordance with Regulated and Significant Trees Objective 3;
- The significant tree makes an important contribution to the amenity of the local area, and forms a notable visual element to the landscape of the local area, and contributes to habitat value of the area, and therefore should be retained in accordance with Regulated and Significant Trees PDC 6;
- No conclusive evidence has been provided to demonstrate that the significant tree is diseased and its life expectancy is short, nor represents an unacceptable risk to public or private safety, nor is causing or threatening to cause substantial damage to a substantial building or structure of value with all other reasonable remedial treatments and measures being determined to be ineffective, contrary to Regulated and Significant Trees PDC 8.

It is therefore recommended that the application be REFUSED.

## **9. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/715/2019/C1 at 114 Leicester Street, Parkside to 'Remove significant tree - *Eucalyptus cladocalyx* (Sugar Gum)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

### **DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

1. The significant tree provides important aesthetic and environmental benefit, and therefore should be retained in accordance with Regulated and Significant Trees Objective 3;
2. The significant tree makes an important contribution to the amenity of the local area, and forms a notable visual element to the landscape of the local area, and contributes to habitat value of the area, and therefore should be retained in accordance with Regulated and Significant Trees PDC 6;
3. No conclusive evidence has been provided to demonstrate that the significant tree is diseased, and its life expectancy is short, nor represents an unacceptable risk to public or private safety, nor is causing or threatening to cause substantial damage to a substantial building or structure of value with all other reasonable remedial treatments and

measures being determined to be ineffective, contrary to Regulated and Significant Trees PDC 8.

List of Attachments		Supplied By:
A	<a href="#">Application Documents</a>	Applicant
B	<a href="#">Council Arborist Referral Comments</a>	Administration

## **DECISION REPORT**

**REPORT TITLE:** CONFIDENTIALITY MOTION FOR ITEM 9  
PLANNING APPEAL – ERD COURT ACTION NO  
ERD-19-202  
(DA 411/2019/C2) 12 LANOR AVENUE,  
MILLSWOOD

**ITEM NUMBER:** 8

**DATE OF MEETING:** 21 JANUARY 2020

**AUTHOR:** PAUL WEYMOUTH

**JOB TITLE:** PLANNING OFFICER

**RESPONSIBLE OFFICER:** MEGAN BERGHUIS

**JOB TITLE:** GENERAL MANAGER COMMUNITY

**COMMUNITY GOAL:** GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, cooperation with other levels of government and social equity.

**ATTACHMENTS:** NIL

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## **PURPOSE**

To recommend that Item 9 be considered in confidence at the 21 January 2020 Council Assessment Panel meeting.

## **RECOMMENDATION**

MOVED:

SECONDED:

That:

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

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