

CONFIDENTIAL

ITEM 10

DEVELOPMENT APPLICATION – 090/643/2011/C2 – 9 STAUNTON AVENUE, FULLARTON 5063 (FULLARTON)

Economic Development & Planning
Donny Michel – 19 February 2013
Community Direction 3 – Natural and Built
Environment

Community Goal 3.1

Ensure that Urban Development and
Infrastructure meet the changing needs of the
community whilst maintaining the City's
heritage, amenity and character.

BACKGROUND

In June 2012, the Development Assessment Panel (DAP) was presented with an application to erect a front fence. The application was a retrospective one.

The Panel refused the application for the following reason:

That the proposed development was contrary to Unley (City) Zone Objectives and Principles of Development Control 3 and 15 and Council Wide Principles of Development Control 72 in that the proposed development:

- *Does not enhance the Contributory items contribution to the desired character;*
- *Does not respond positively to the characteristic elements and streetscape context of the locality in terms of open fencing and garden character; and*
- *Is of a style and height that is not appropriate to that historically associated with the architectural style of the dwelling.*

The applicant appealed this decision to the Environment Resources & Development Court (ERD Court).

The compulsory Court Conference involving all parties was held on 3 September 2012.

DISCUSSION

In an attempt to reach a compromise on the appeal, the applicant has made an offer which includes the following changes to the design of the fence:

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- Reducing the sandstone pillars from 2.2m to 2m;
- Increasing the pedestrian gate from 1.2m to 1.5m wide; and
- Increasing the length of 300mm scallop in the existing fence to the 1.5m height from around 7m to 9.5m.

In this instance administration considers the changes acceptable for the following reasons:

- By extending the scalloped section of the fence and extending the pedestrian gate, the fence is now lower and more consistent with adjoining fences in the immediate locality;
- The fence creates more of an open streetscape presence;
- The changes provides greater visibility of the dwelling and the garden;
- Whilst the sandstone pillars has been reduced it will still maintain the details to match the verandah piers of the dwelling;
- The original application was supported by Council's Heritage Advisor last time and the amendments are considered to further enhance the presentation of the fence in the locality.

On balance the changes are considered adequate to address the reason for the DAP's refusal.

CONCLUSION

The administration considers the changes made by the applicant to reasonably satisfy the zone provisions.

Therefore administration considers the amended plans warrant support and a recommendation has been prepared on this basis and if agreed, will be conveyed to the Environment, Resources and Development Court. Should the Panel not wish to pursue the amended proposition then an alternative resolution has been prepared.

RECOMMENDATION

MOVED:

SECONDED:

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that regarding Development Application 090/643/2011/C2 at 9 Staunton Avenue, Fullarton that the Development Assessment Panel concedes the appeals subject to the following conditions:
 1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.

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2. That person making use of this consent shall ensure that the proposed work is carried out within 3 months of the operative date of this consent.

Or

- C. That the report be received; and
- D. That the Environment Resources and Development Court be advised that the Development Assessment Panel reaffirms its decision of 18 June 2012 as the compromise proposal does not adequately address the ground for refusal.

List of Attachments		Supplied By:
A	Compromised Plans	The Applicant
B	Report presented to June 2012 DAP Meeting and Plan	Administration

(A)

Cecilia Tang
9 Staunton Avenue
Fullarton SA 5063
0408760366
cecilia.tang@hotmail.com

25 Jan 2012

Paul Weymouth and Amy Nicholls
Unley City Council

RE: Development Application – 090/643/2011/C2
9 Staunton Avenue Fence Upgrade

Dear Mr. Weymouth and Ms. Nicholls,

In regards to the Fence development at 9 Staunton Avenue and its appeal situation, we would like to seek further compromise from Council prior to continuing to the Environment and Resources Court hearing on the 21st February. We understand that the next Development Assessment Panel meeting is on the 19th of February and would like to take this opportunity to put forward amended plans for the fence, please see attached. We hope that this will gain a favourable recommendation from you and your heritage advisor for the next Development Assessment Panel meeting.

Revisions include:

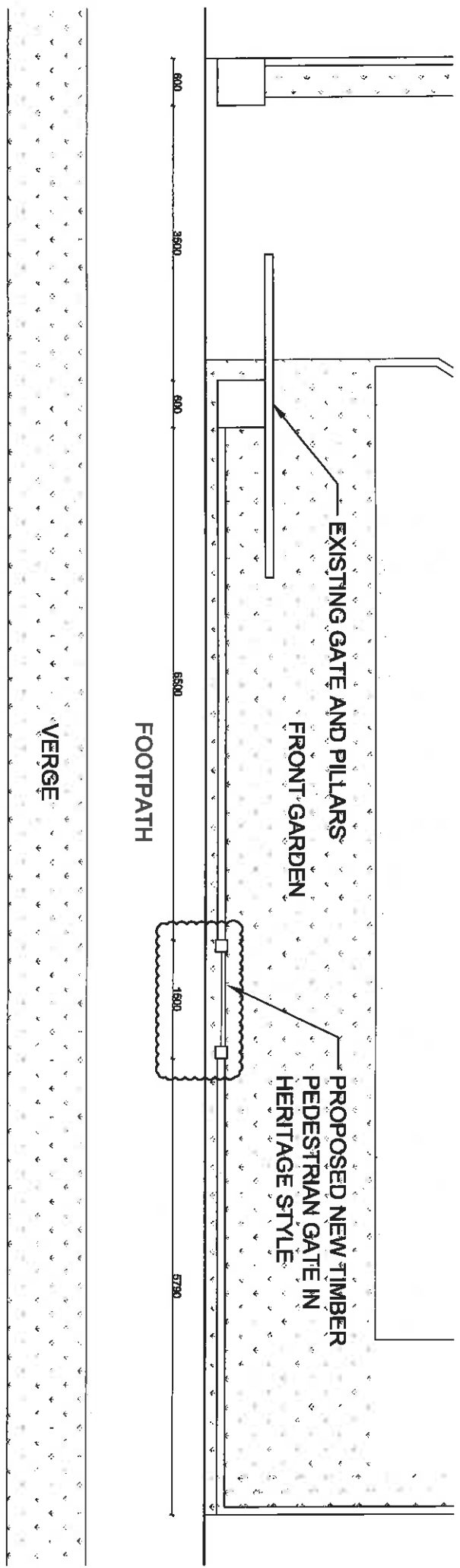
- The sandstone pillars will be reduced in height, where the rendered brick section will be taken off. However, we will replace the capping for aesthetic reasons. This means that at the highest section, the pillars will still be 2000mm high, however, this is in keeping with the horizontal line taken from our neighbouring side fence (south side) where it is 1800mm high. Due to the contours of the street, this is necessarily higher.
- Fence scalloped to 1350mm at the centre where a new pedestrian gate is installed to allow more views into the property. The scalloped section of fence has been extended to reduce at least a 5m of the fence to 1500mm high. Overall, 9m of the fence has been reduced to less than 1800mm high.
- The pedestrian gate opening has been increased from 1200mm wide to 1500mm wide.

We hope that this will be satisfactory to gain Council approval prior to the hearing and look forward to your reply. Please don't hesitate to call if you have any questions.

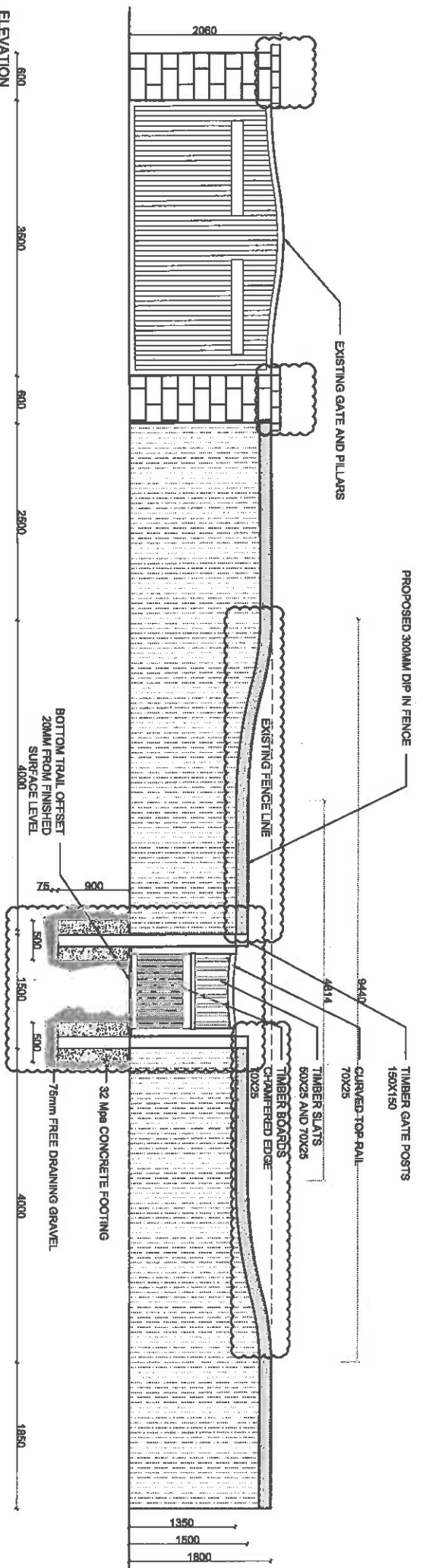
Thank you and regards,

Cecilia Tang and Wilson Tang

A



SITE PLAN
SCALE 1:50@A3



ELEVATION
SCALE 1:50@A3

FENCE ALTERATIONS
9 STAUNTON AVENUE, FULLARTON

Revised 25 Jan 2013

PROPOSED FENCE ALTERATIONS

BOTTOM TRAIL OFFSET
20MM FROM FINISHED
SURFACE LEVEL
4000

800
75

32 MPA CONCRETE FOOTING
75mm FREE DRAINING GRAVEL

1350
1500
1800

EXISTING GATE AND PILLARS

PROPOSED 300MM DIP IN FENCE

EXISTING FENCE LINE

9840
4014

TIMBER GATE POSTS
150X150

CURVED TOP RAIL
70X25

TIMBER SLATS
50X25 AND 70X25
TIMBER BOARDS
CHAMFERED EDGE
10X25

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DEVELOPMENT APPLICATION – 090/643/2011/C2 – 9 STAUNTON AVENUE,
FULLARTON 5063 (FULLARTON)

Corporate Services
Amy Nicholls – 18 June 2012
Community Direction 3 – Natural and Built Environment

Community Goal 3.1
Ensure that Urban Development and Infrastructure meet the changing needs of the community whilst maintaining the City's heritage, amenity and character.

DEVELOPMENT PROPOSAL:	Erect front fence (RETROSPECTIVE)
DEVELOPMENT PLAN:	September 2011
ZONE:	CONSERVATION ZONE AREA 3
APPLICANT:	W Tang
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	Two (one object, one support)
DAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representation Recommendation for refusal

PROPOSAL

It is acknowledged that an existing brush front fence with masonry pillars has been constructed at 9 Staunton Avenue Fullarton without receiving Development Approval.

The applicant seeks approval for a brush front fence with masonry pillars (NB brush section to be altered as part of this Development Application).

Site Description

The subject land is located on the eastern side of Staunton Avenue Fullarton, between Cheltenham Street and Fisher Street.

The site is regular in shape with a frontage to Staunton Avenue of 18.288m, a depth of 50.84m and a total site area of 929.77m².

The land is located within the Residential Historic Conservation Zone, Policy Area 3 – Spacious Fullarton Roseberry Estate. It is currently occupied by a single storey

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Development Application – 090/643/2011/C2 – 9 Staunton Avenue, Fullarton 5063 (Fullarton) - Continued

Contributory dwelling (Inter War style) with associated vehicle access on the northern side of the allotment.

Location Plan for 9 Staunton Avenue Fullarton



Subject Site 

Locality 

PROCESSING

Referrals

Statutory Referrals

No statutory referrals required.

Non-Statutory Referrals (Internal Council Referrals)

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The application was referred to Council’s Heritage Adviser for comment since the proposal involves development within the Residential Historic Conservation Zone (Contributory Item).

In summary, the Heritage Adviser advises that;

- *Typical Inter War era fencing is characterized by low masonry walling up to 600mm high, which matches the front wall of the house, often with squat widely spaced pillars matching front verandah piers and infills of geometric wrought iron;*
- *The face brick and masonry pillars have been well detailed to match the verandah piers of the dwelling but in conjunction with the fence are considered to be too imposing;*
- *A compromise to lower the brush fence by scalloping it to the centre and installing an open style timber pedestrian gate allows for greater visibility of the dwelling and more consistency with the existing brush fences in Staunton Avenue;*
- *Ideally, to fully meet the provisions of the Development Plan in relation to fencing in Residential Historic Conservation Zones, the masonry pillars should be substantially lowered to approximately 1600mm and the brush fence reduced to 1400mm. This in my view would require demolition and reconstruction of the entire fence.*

(Refer Attachment D)

Public Notification

Category 2 notification was undertaken in accordance with Council Wide Principle 221 and Part 1 of Table Un/6 of the Development Plan since it involves solid fence exceeding 2.1m in height. Representations were received from:

1. 11 Staunton Avenue Fullarton (Object)
2. 14 Staunton Avenue Fullarton (Support)

Representations

The representations received in response to Category 2 notification and a summary of the Applicant’s response is provided below.

Issues Raised	Applicant’s Response
11 Staunton Avenue Fullarton	
The height of the vehicle gate, columns and fencing does not comply with the Unley Council guidelines	<p>The height of the brush fence is to suit the side fence between 11 Staunton Avenue and our property. To maintain the zone’s characteristic open style the fence will scallop to a lower height as discussed with the Council’s Heritage Advisor.</p> <p>The reproduction of the verandah pillars as gate pillars and accompanying timber</p>

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	gate have acceptable heritage character attributes that compliment our buildings features.
The vehicle gate is ugly and not in keeping with the Heritage style of the homes in the street	The gate style can be seen on a few other properties within the Conservation Zone, while contemporary we believe that the colour and material compliments our house façade.
The materials of the fence do not comply with the guidelines for the street heritage zoning	We have maintained the use of brush fencing in keeping with its previous style and that of our neighbours at 1, 3 and 7 Staunton Avenue

(* Note – not a relevant planning consideration)

Administration Negotiations

Several meetings were held with the applicants in an attempt to reach a compromise that would allow for modification of the existing fence to meet the Residential Historic Conservation Zone provisions

Through discussions, the applicants claimed that, following discussions with their contractors, the piers or fence could not be substantially altered but require complete rebuilding. The planting of vegetation in front of the fence was explored however was deemed by Administration to be an unrealistic option given the limited space (150mm).

A compromise was reached between the Council's Consulting Heritage Advisor and the applicant to lower the brush fence by scalloping it to the centre and installing an open style timber pedestrian gate.

DEVELOPMENT PLAN ASSESSMENT

Quantitative Development Data

Site Characteristics	Front Fence	Development Plan Provision
Total Site Area	929.77m ²	900m ²
Frontage	18.288m	18m
Depth	50.84m	20m
Building Characteristics		
Length		
Total	18.288m	-
Pillar & Vehicle Gate	4.7m	-
Fence	12.53m	-
Pedestrian Gate	1.26m	-
Height		

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Pillar & Vehicle Gate	2.2m & 1.95m	Low and essentially open
Fence	1.5m -1.8m	
Pedestrian Gate	1.35m	
Material		
Pillar and Vehicle Gate	Masonry (sandstone face & rendered) & Timber	A style and height appropriate to that historically associated with the architectural style of that dwelling.
Fence	Brush	
Pedestrian Gate	Timber	

Qualitative Assessment

Detailed assessment is provided below in respect of:

- Conformity of the proposal with the Desired Character and Objectives for the Zone;
- Building appearance and neighbourhood character

Land Use

The land use within the immediate locality is predominantly residential consistent with the use sought from the zone.

Land Division/Settlement Pattern

The settlement pattern on the eastern and western side of Staunton Avenue demonstrates allotments of consistent width and depth with the exception of number 14, 13 and 1 Staunton Avenue (having smaller allotments and hammerhead configuration).

Dwelling Type and Number of Storeys

The predominant dwelling type is single storey, detached, Inter War era bungalows.

Fencing Styles

- The predominant fencing type within the immediate locality is low and open and consists of a variety of materials including masonry, timber picket and wire;
- Good neighbour and brush fencing is found on the secondary street frontage of dwellings fronting Cheltenham Street (26 and 30) and Fisher Street (93 and 95);
- Brush front fencing is found on the eastern side of Staunton Avenue at number 1, 5 and 7 Staunton Avenue ranging in height from approximately 1200mm to 1800mm;
- High pillars are evident at one allotment only, number 5 Staunton Avenue.

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**Development Application – 090/643/2011/C2 – 9 Staunton Avenue, Fullarton
5063 (Fullarton) - Continued**

Zone Objectives and Descriptions

Residential Historic Conservation Zone

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

Objective 3: Retention, conservation and enhancement of contributory items, and the complementary replacement or redevelopment of non-contributory buildings.

Contributory Items

Principles of Development Control 3 - Development should retain and enhance a contributory item by:

- a) refurbishing, restoring and improving the original fabric and maintaining the streetscape contribution; and
- b) avoiding works detrimentally impacting on the built form and its characteristic elements, detailing and materials of the front and visible sides as viewed from the street or any public place (i.e. the exposed external walls; roofing and chimneys; verandahs, balconies and associated elements; door and window detailing; and original finishes and materials) together with any associated original fencing toward the main building façade; and
- c) removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and
- d) altering or adding to the item and carrying out works to its site only in a manner which maintains or enhances its contribution to the desired character, and responds positively to the characteristic elements and streetscape context of its locality, in terms of the :
 - a. rhythm of buildings and open spaces (front and side setbacks) of building sites and gaps between neighbouring building sites; and
 - b. building scale and forms (wall heights and proportions, and roof height, volumes and forms); and
 - c. open fencing and garden character; and
 - d. recessive or low key nature of vehicle garaging and associated driveway.

Fencing

Principles of Development Control 15 – Fencing of the primary street frontage and the secondary street on corner sites, forward of the front façade of the dwelling, should compliment the desired character, and be compatible with the style of the associated dwelling and its open streetscape presence, and comprise:

- a) on narrow-fronted dwelling site of up to 16 metres in street frontage – low and essentially open-style fencing up to 1.2 metres in height, including picket, dowel, crimped wire, with or without hedging; or

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5063 (Fullarton) - Continued**

b) *on dwelling sites in excess of 16 metres street frontage – low and essentially open-style fencing as in a) but may also include a masonry pier and plinth fence with decorative open sections of up to 1.8 metres in total height,*

provided that, for contributory items, the fencing should be of a style and height appropriate to that historically associated with the architectural style of that dwelling.

The proposed fence is located on the Primary Street frontage of the subject site, which is greater than 16 meters in width. The proposed fence is solid; predominantly brush with timber gates and masonry pillars. The height ranges from 1.35m at the central pedestrian gate to 2.2m (top of pillars). The brush fence decreases from 1.8m high at the extremities to 1.5m at the pedestrian gate.

While the pillars have been well detailed to match the verandah piers of the Contributory dwelling the height of the pillars, in conjunction with the solid high fencing, are not considered to be a style and height appropriate to that historically associated with the architectural style of the dwelling and its open streetscape presence.

It is Administrations opinion that the proposed works do not enhance the Contributory items contribution to the desired character, and does not respond positively to the characteristic elements and streetscape context of its locality in terms of open fencing and garden character.

Building Appearance and Neighbourhood Character (CW PC 64 – 73, Zone PDC 1, 3)

Performance Criteria 72 relating to fences and walls abutting streets is considered relevant in this instance.

The proposed front fence does not satisfy the relevant Design Technique (72.1) which states that front fences are no more than 1.2 meters in height if solid. Nor does it satisfy the relevant Performance Criteria as it is not compatible with the associated dwelling, or with the existing predominant attractive fences in the locality. Further, it does not enable adequate visibility of buildings from and to the street to enhance safety and surveillance.

It is acknowledged that there are three examples of brush, front fencing, on the eastern side of Staunton Avenue. It is Administrations view that the three examples do not form a predominant fence type within the immediate locality and do not contribute positively to the Desired Character of the Residential Historic Conservation Zone (Policy Area 3).

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**Development Application – 090/643/2011/C2 – 9 Staunton Avenue, Fullarton
5063 (Fullarton) - Continued**

CONCLUSION

In summary, the application is at variance to the Development Plan as the proposed development;

- Does not enhance the Contributory items contribution to the desired character;
- Does not respond positively to the characteristic elements and streetscape context of the locality in terms of open fencing and garden character; and
- Is of a style and height that is not appropriate to that historically associated with the architectural style of the dwelling;

The application is therefore recommended for REFUSAL.

RECOMMENDATION

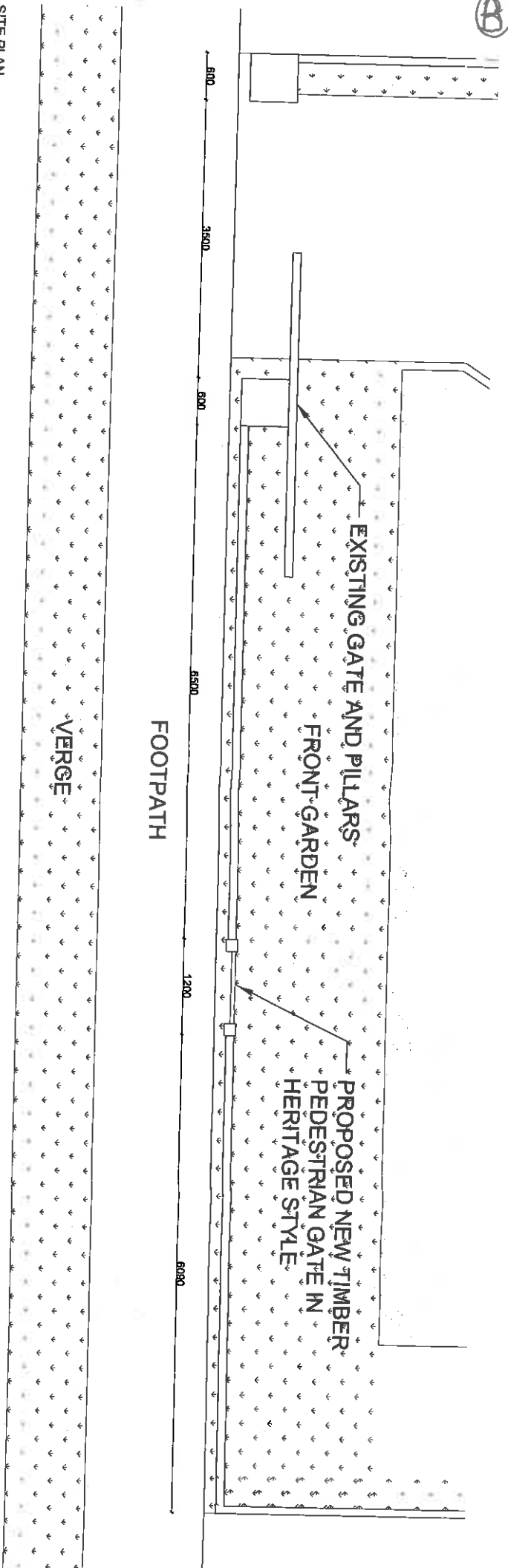
MOVED:

SECONDED:

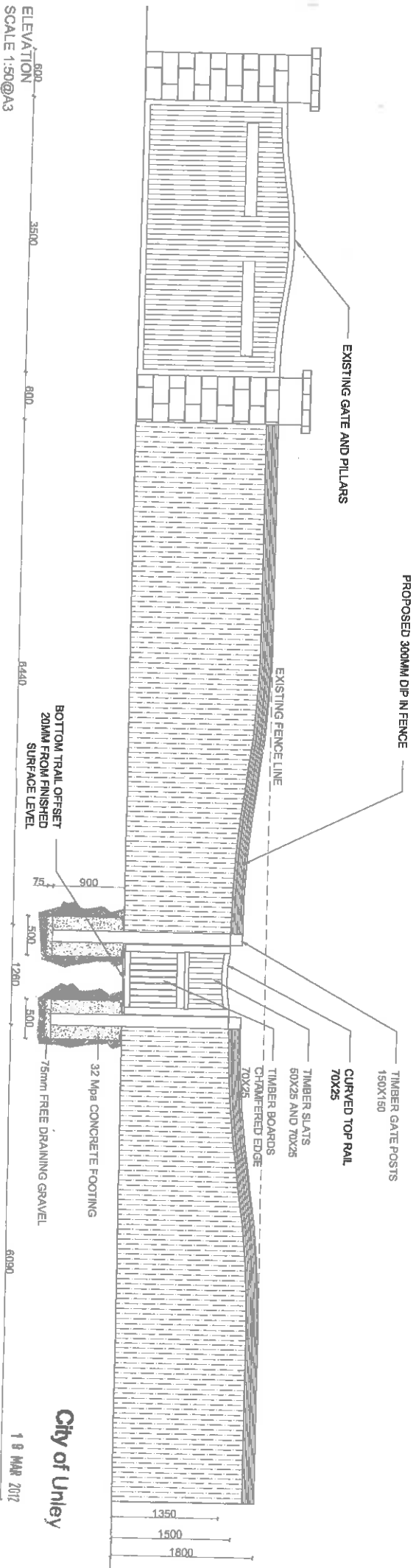
That Development Application 090/643/2011/C2 at 9 Staunton Avenue, Fullarton 5063 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent on the grounds that the proposed development is contrary to the Unley (City) Development Plan Zone Objectives and Principles of Development Control 3 and 15 and Council Wide Principles of Development Control 72 in that the proposed development:

- Does not enhance the Contributory items contribution to the desired character;
- Does not respond positively to the characteristic elements and streetscape context of the locality in terms of open fencing and garden character; and
- Is of a style and height that is not appropriate to that historically associated with the architectural style of the dwelling.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Representors
C	Response to Representations	Applicant
D	Heritage Advice	Heritage Advisor



SITE PLAN
SCALE 1:50@A3



ELEVATION
SCALE 1:50@A3

FENCE ALTERATIONS
9 STAUNTON AVENUE, FULLARTON

PROPOSED FENCE ALTERATIONS

City of Unley

18 MAR 2012

Received