

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

Dear Member

I write to advise of the Special Council Assessment Panel Meeting to be held on Tuesday 20 October 2020 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.



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

**Dated 09/10/2020**

**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.

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**20 October 2020**

**MEMBERS:**

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

**APOLOGIES:**

**CONFLICT OF INTEREST:**

**CONFIRMATION OF MINUTES:**

MOVED:

SECONDED:

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 29 September 2020, as printed and circulated, be taken as read and signed as a correct record.

## AGENDA

Apologies  
Conflict of Interest  
Confirmation

<b>Item No</b>	<b>Development Application</b>	<b>Page</b>
1.	44 Park St Hyde Park – 224/2020/C2	4-59
2.	69 Unley Road Parkside – 461/2020/C2	60-73
3.	53 Austral Tce Malvern – 268/2020/C2	74-105
4.	11 Park St Hyde Park – 472/2020/C2	106-138
<b>Item No</b>	<b>APPEALS - Move into Confidence</b>	<b>139-140</b>
5.	5A Blakett St Goodwood – 602/2019/C2 – ERD-20-75	<b>141-166</b>
6.	70 Cheltenham St Malvern – 228/2020/C2 – ERD-20-129	<b>167-224</b>
7.	43 Rose Tce Wayville – 391/2020/C2 – ERD-20-138	<b>225-245</b>
8.	293 Fullarton Road Parkside – 835/2019/C2 – ERD-20-139	<b>246-313</b>
	<b>APPEALS - Remain in Confidence</b>	<b>314-317</b>

Any Other Business  
Matters for Council's consideration

**ITEM 1****DEVELOPMENT APPLICATION – 090/224/2020/C2 – 44 PARK STREET,  
HYDE PARK SA 5061 (UNLEY)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/224/2020/C2
<b>ADDRESS:</b>	44 Park Street, Hyde Park SA 5061
<b>DATE OF MEETING:</b>	20 October 2020
<b>AUTHOR:</b>	Paul Weymouth
<b>DEVELOPMENT PROPOSAL:</b>	Demolish existing dwelling and construct two storey dwelling including verandah, front fencing, in-ground swimming pool and garage on common boundaries
<b>HERITAGE VALUE:</b>	Non-Contributory
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	(BUILT FORM) ZONE P 8.5
<b>APPLICANT:</b>	THINK ARCHITECTS PTY LTD
<b>OWNER:</b>	D J Price and K M Price
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (Two, oppose)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representations
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Demolition and form of replacement building

**1. PLANNING BACKGROUND**

During the assessment of the application staff requested the following additional information and amendments to the proposal:

- A design context report
- A colour scheme that relates more closely to traditional dwellings
- An increase in the front setback to 7.48m
- Details of finished floor levels

The applicant has provided the following information and changes as summarised below:

- Provision of a design context report
- Provision of a more traditional colour scheme including sandstone and red brick.



- Provision of a civil plan with finished floor levels and stormwater details.

No change was made to the front setback.

## 2. DESCRIPTION OF PROPOSAL

In summary, the development application entails:

- Demolition of an existing single storey villa and outbuildings
- Construction of a new two storey dwelling containing four (4) bedrooms with three bathrooms, laundry, living room, kitchen and dining areas to the rear.

## 3. SITE DESCRIPTION

The subject site is a flat rectangular allotment located on the corner of Park Street and Russel Street. The allotment has a frontage to Park Street of 17m and a frontage to Russell Street of 36.5m with a total site area of 620m<sup>2</sup>.

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

## 4. LOCALITY PLAN



 Subject Site
  Locality
  1 Representations

## **5. LOCALITY DESCRIPTION**

### **Land Use**

The predominant land use within the locality is residential.

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

Allotments within this locality are typically small to medium rectangular shaped allotments that vary between 300m<sup>2</sup> and 700m<sup>2</sup>.

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

Dwellings are typically single storey detached dwellings (cottages and villas) although there are examples of two storey development within the locality including two storey units at 40 Park Street and two storey contemporary dwellings at 51 and 53 Park Street.

### **Fencing Styles**

Fencing styles are mixed in the locality including solid masonry, pier and plinth, brush and timber picket.

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

Council's heritage advisor has provided the following comments:

*The subject dwelling is a late Victorian villa. It has undergone substantial change over time and its early appearance has been compromised to the extent that its contribution to streetscape character is low.*

*I agree that demolition is supportable under Zone PDC 6(b) and (c).*

*The proposed dwelling is a high-quality contemporary design that in most respects suitably references the contextual conditions of the locality (Zone PDC 10).*

*It is however recommended that the front setback of the proposed dwelling be increased by around a metre to maintain the prominence of the adjacent local heritage place and achieve better consistency with the pattern of development in the locality.*

*The side setback on the eastern side of the proposed dwelling is consistent with relevant policy. The side setback on the western side is relatively small but acceptable given the corner location and the dwelling design.*

*In general, the form and scale of the proposed dwelling and the proposed materials are reasonably consistent with relevant policy and compatible with streetscape character.*

*Although the frontage width of the proposed dwelling is wider than the frontage widths of traditional dwellings nearby, the design is sufficiently compatible with traditional built form in other respects for the broader frontage width and relatively small western side setback to be acceptable.*

*The flat roof components at the rear of the dwelling contrast with the traditional hipped and gabled roof forms nearby but are acceptable because they do not impact on the Park Street streetscape and have only minor impact on the Russell Street streetscape and in some respects, reflect the rear lean-to of traditional building forms.*

*The upper storey component of the proposed dwelling is inconspicuous in the Park Street streetscape but has some prominence in the Russell Street streetscape. The visual impact in the Russell Street streetscape is considered to be acceptable in this instance because of the corner location of the dwelling which limits impact on the central section of Russell Street where historic character is most consistent and the relatively modest scale of the upper storey component.*

*The proposed garage is located at the rear of the dwelling and accessed from the secondary frontage (Russell Street). Given its relatively substantial setback from Russell Street, the streetscape impact of the garage is considered acceptable.*

*The proposed contrasting colours with a relatively dominant black/white colour scheme is inconsistent with traditional character. A colour scheme that relates more closely to the softer tones and colours of traditional dwellings is recommended.*

*The proposed front fence is consistent with relevant policy.*

In response the applicant has amended the plans to provide colours of a more traditional nature and provided a civil plan with finished floor levels and stormwater details.

## **7. PUBLIC NOTIFICATION**

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

<b>5 Netherby Avenue (oppose)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
<p>No straight two storey allowed in that area, had been told when I did my planning application at 53 Opey Avenue, Hyde Park, that's why we pushed the upper level wall far away from the garage wall.</p>	<p>The proposal achieves PDC 9(b). The two storey component of the dwelling has been setback some 14.4m from the street frontage so that it is a discrete and inconspicuous built form element</p>
<b>42 Park Street (oppose)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
<p>Generally supportive of the proposal however I do have some concerns over elements of the proposal that will impact me.</p> <p>The garage wall to be constructed on the boundary will be quite imposing on my garden and destroy the continuity and symmetry of my fence line. I would prefer the garage wall is moved off the boundary, limited to 3m in height and painted woodland grey to match the fencing.</p> <p>I would prefer the existing fence is retained, failing that I would like details of the new fence discussed with me prior to approval being granted.</p>	<p>Our client has discussed the plans with Ms Dunne and agreed that the garage wall on the boundary will remain and the wall finished in colour Woodland Grey, with fence panels and new trellis in the colour of Ms Dunne's choice.</p> <p>The proposed fence heights, colours and types have been nominated on the proposal plans. An arrangement with the builder can be determined to knock down and replace the fencing at either the start or end of the project and have it removed and replaced in 2-3 days.</p> <p>This timing can be discussed with Ms Dunne as required under the Fencing Act 1975. In any case, this is not a matter to be concerned with now and is separate to the planning assessment.</p>
<p>I am concerned that the rear windows of bedrooms 3 and 4 will allow overlooking of a significant portion of my rear yard.</p>	<p>Windows to bedroom 3 and 4 have a 900mm steel surround to block views to the neighbouring property to the east (42 Park Street). They are designed to only look into the pool area of the subject site.</p> <p>Views from the upper level windows to the north are considered acceptable because:</p> <ul style="list-style-type: none"> <li>• The proposed garage will block direct views as it is located on the boundary</li> <li>• The existing dwelling to the north does not have any private open space within view of the windows and there are limited windows</li> </ul>

	facing the boundary (which would be obscured with the proposed garage wall in any case).
<p>I would like clarification of the location of :</p> <ul style="list-style-type: none"> <li>- External air-conditioning equipment</li> <li>- Pool filtration and pump equipment</li> <li>- Type of fireplace proposed and location of flue.</li> </ul>	<p>The pool equipment is proposed to be located within the western courtyard as shown on the amended plans.</p> <p>A gas fire place is proposed with compliant flue system as required under the Building Code of Australia. It is likely cowling to roof mounted on top of 2nd level (will not be seen from ground level) nor will it be smelt.</p>
<p>I expect that the existing dwelling contains asbestos and would like confirmation that this will be dealt with safely.</p>	<p>The applicant is unsure of levels of asbestos within the existing building as this testing has not yet been undertaken. All demolition will be carried out by the builder in accordance with AS2601 2001 and WHS Act 2012 including the safe removal of asbestos by qualified demolition contractors. In any case, this is not a matter to be concerned with now and is separate to the planning assessment.</p>

(\* denotes non-valid planning considerations)

## 8. DEVELOPMENT DATA

Site Characteristics	Description of Development	of	Development Provision	Plan
Total Site Area	620m <sup>2</sup>		500m <sup>2</sup>	
Frontage	17m		15m	
Depth	36.5m		20m	
<b>Building Characteristics</b>				
Floor Area				
Ground Floor	332m <sup>2</sup> (inc garage and alfresco)			
Upper Floor	80m <sup>2</sup> 24% of ground floor		<input type="checkbox"/> 50% of ground floor	
Site Coverage				
Roofed Buildings	53%		<input type="checkbox"/> 50% of site area	
Total Impervious Areas	70%		<input type="checkbox"/> 70% of site <input type="checkbox"/>	
From ground level	7m		<input type="checkbox"/> 7m	
Setbacks				
Ground Floor				
Front boundary	6.48m		5m	

Secondary Street	1.29m	1m
Side boundary (eastern)	Nil – 1180m	Nil to 1m
Rear boundary	<b>Nil</b>	5m
<b>Upper Floor</b>		
Front boundary	14.3m	5m
Side boundary (eastern)	4.03m	3m
Side boundary (western)	4.34m	3m
Rear boundary	12.6m	8m
<b>Wall on Boundary (outbuilding)</b>		
Location		
Length eastern	6.7m	<input type="checkbox"/> 8m
northern	<b>11.6m</b>	
Height	<b>3.6m</b>	<input type="checkbox"/> 3m
<b>Private Open Space</b>		
Min Dimension	(6.7 x 11m)	<input type="checkbox"/> 4m minimum
Total Area	120m <sup>2</sup> (19%)	<input type="checkbox"/> 20%
<b>Car parking and Access</b>		
On-site Car Parking	5	2 per dwelling where less than 4 bedrooms or 250m <sup>2</sup> floor area 3 per dwelling where 4 bedrooms or more or floor area 250m <sup>2</sup> or more
Covered on-site parking	4	<input type="checkbox"/> 1 car parking space <input type="checkbox"/> 2 car-parking spaces
On-street Parking	3	0.5 per dwelling
Driveway Width	4m	3m Single 5m double
Garage/Carport Width	6.7m	<input type="checkbox"/> 6.5m or <input type="checkbox"/> 30% of site width, whichever is the lesser
Garage/ Carport Internal Dimensions	6.2m x 10.9m	3m x 6m for single 5.8m x 6m for double
<b>Colours and Materials</b>		
Roof	Colourbond Matt Basalt	
Walls	Feature stone/red brick/textured concrete finish	
Fencing	Powder coated aluminium (night sky)	

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

## 9. ASSESSMENT

### Zone Desired Character and Principles of Development Control

**Objective 1:** *Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.*

**Objective 2:** *A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.*

**Objective 3:** *Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.*

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

#### **Desired Character**

##### **Streetscape Value**

*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**

The proposed replacement dwelling is considered to be consistent with the Objectives and Desired Character and will make a positive contribution to the Streetscape. The new dwelling is considered a high-quality well-designed building and presents as a single storey dwelling to Park Street with similar scale, form and general appearance to the villas and cottages within this locality.

<b>Relevant Zone Principles of Development Control</b>	<b>Assessment</b>
<p><i>1. Development should support and enhance the desired character (as expressed for each of the three policy areas, and the respective precincts).</i></p>	<p>The proposed new dwelling is considered to support the Desired Character as it has a form and scale that respects the streetscape context.</p>
<p><i>6. Demolition of the whole of a building should only be undertaken – where the replacement building(s) makes a comparable or more positive contribution to the desired character than the building to be demolished, or alternatively where the building to be demolished:</i>  <i>(a) is structurally unsafe or so unsound as to be unreasonably economically rehabilitated; or</i>  <i>(b) is so compromised or altered that there is no reasonable prospect of its original character being revealed; or</i>  <i>(c) adds little value to the desired character due to its discordant form and poor streetscape contribution; or</i>  <i>(d) is incongruous with, and makes a poor contribution to the particular character of its streetscape.</i></p>	<p>With reference to the Heritage Advisors comments, given that 6(b) and (c) are satisfied there is no requirement to determine whether the replacement building makes a comparable or more positive contribution than the building to be demolished.</p>
<p><i>9 Development should present a single storey-built scale to the streetscape. Any second storey building elements should be integrated sympathetically into the dwelling design, and be either:</i>  <i>(a) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street; or</i></p>	<p>The proposed new dwelling presents a single storey dwelling to the street with the upper level set behind the ridgeline of the single storey component of the dwelling so that it is largely inconspicuous from Park Street.</p> <p>The upper storey will be visible from the secondary street (Russell Street) however the central location and flat roof nature will assist to minimize the mass of the upper level.</p>



<p><i>(b) set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.</i></p>	
<p><i>10. Buildings should be of a high quality contemporary design and not replicate historic styles. Buildings should nonetheless suitably reference the contextual conditions of the locality and contribute positively to the desired character, particularly in terms of:</i></p> <p><i>(a) scale and form of buildings relative to their setbacks as well as the overall size of the site; and</i></p> <p><i>(b) characteristic patterns of buildings and spaces (front and side setbacks), and gaps between buildings; and</i></p> <p><i>(c) primarily open front fencing and garden character and the strong presence of buildings fronting the street.</i></p>	<p>The scale and form of the dwelling fronting Park Street is designed to suitably reference the contextual conditions of the existing villas and cottages within Park Street. The location of the garaging to the rear of the dwelling with access from Russel Street also assists to maintain the pattern of gaps between buildings and maximise opportunities for a landscape front yard.</p>
<p><i>11. In localities of a distinctive and generally coherent character consistent with the pertinent desired character, building facades should be composed in a more traditional manner adopting key building elements, materials and detailing complementing the characteristic architectural styles.</i></p>	<p>The proposed replacement dwelling incorporates traditional building elements found within this locality including:</p> <ul style="list-style-type: none"> <li>• 3.6m wall heights</li> <li>• 30 degree pitched roof</li> <li>• front verandah, and</li> <li>• sandstone façade detailing.</li> </ul>
<p><i>16. Fencing of the primary street frontage and the secondary street on corner sites, forward of the front façade of the dwelling, should complement the desired character, and be compatible with the style of the associated dwelling and its open streetscape presence, and comprise:</i></p> <p><i>(a) on narrow-fronted dwelling sites of up to 16 metres in street frontage - low and essentially open-style fencing up to 1.2 metres in height, including picket, dowel, crimped wire or alternatively low hedging; or</i></p> <p><i>(b) on dwelling sites in excess of 16 metres in street frontage - low and essentially openstyle fencing as in (a), but may also include masonry pier and plinth fencing with decorative open sections of up to 1.8 metres in total height.</i></p>	<p>The proposed front fence complies with Council requirement 16(a) in that it is a 1.2m high open style pier fence with vertical aluminium fin insert .</p>

## **Policy Area Desired Character and Principles of Development Control**

<b>Policy Area 8.5</b>						
<b>Desired Character</b>						
<p><i>Development will:</i></p> <p><i>(a) be of street-fronting dwelling format, primarily detached dwellings, together with semidetached dwelling and row dwelling types. The conversion or adaptation of a building for a multiple dwelling or residential flat building may also be appropriate; and</i></p> <p><i>(b) maintain or enhance the streetscape attributes comprising:</i></p> <p><i>(i) siting - the regular predominant allotment pattern, including the distinctive narrowfronted sites associated with the various cottage forms produces an intimate streetscape with a compact building siting and low scale built character with generally low and open style fencing and compact front gardens. Street setbacks are generally of some 6 metres and side setbacks are consistently of 1 metre or greater, other than for narrow, single-fronted and attached cottages producing a regular spacing between neighbouring dwellings of generally 3 to 5 metres (refer table below); and</i></p> <p><i>(ii) form - the consistent and recognisable pattern of traditional building proportions including wall heights and widths of facades, and roof height, volumes and shapes associated with the identified architectural styles in (iii) below; and</i></p> <p><i>(iii) key elements - the defining design features, including the verandahs and pitched roofs, use of wall and roofing materials facades of the predominant architectural styles (Victorian and Turn-of-the-Century double-fronted and single-fronted cottages and villas, and complementary Inter-war bungalows as well as attached cottages).</i></p>						
8.5 Unley (West) and Hyde Park	500m <sup>2</sup>	15m	5.0m	1.0m	4.0m	
<b>Assessment</b>						
<p>The form, scale and appearance of the proposed dwelling is considered to satisfy the Desired Character for the following reasons:</p> <ul style="list-style-type: none"> <li>• Wall heights to Park Street are 3.6m consistent with other cottages and villas dwellings within this locality.</li> <li>• The hipped roof has a roof pitch of 30 degrees consistent with dwellings within this locality.</li> <li>• The design includes a feature horizontal canopy across the front of the dwelling (in lieu of a traditional verandah form).</li> <li>• Total roof height fronting Park Street is 6.1m similar to the roof height of existing single storey dwellings in this locality.</li> <li>• Garaging is discrete and located to the rear of the dwelling with access from Russell Street</li> <li>• Front setback to the main wall is 7.3m consistent with dwellings within this locality.</li> </ul>						

## Relevant Council Wide Objectives and Principles of Development Control

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

Relevant Council Wide Provisions	Assessment
<b>Residential Development</b>	
<p><i>6 Except where specified in a particular zone, policy area or precinct, a dwelling should be setback from the primary street frontage:</i></p> <p><i>(a) where adjacent dwellings have reasonably consistent setbacks (difference is less than 2 metres), the same distance as one or the other of the adjacent dwellings. When <math>b - a \leq 2</math>, set-back of new dwelling = a or b</i></p> <p><i>(b) where adjacent setbacks are variable (difference of greater than 2 metres) the average of the setbacks of adjoining buildings. When <math>b - a &gt; 2</math>, set-back of new dwelling <math>\geq (a + b) \div 2</math></i></p>	<p>Council's Heritage Architect has raised concerns with the front setback and recommended that the setback of the new dwelling be increased by around a metre to maintain the prominence of the adjacent local heritage place and achieve better consistency with the pattern of development in the locality.</p> <p>Policy Area 8.5 indicates predominant setbacks are 5m whilst PDC 6 recommends that the dwelling be setback the same distance as the adjacent dwellings. The adjacent dwelling to the east is setback 7.4m (main wall) and approx. 4m (bay window) and the proposed dwelling is setback 6.4m. The applicant has declined the opportunity to increase the setback of the proposed dwelling.</p> <p>On balance the proposed setback at 6.4m is considered acceptable as:</p> <ul style="list-style-type: none"> <li>• setbacks of other cottages and villas within this location (i.e 46 and 48 Park St) vary between 5 to 6.5m approximately</li> <li>• the setback of the adjacent villa varies between 4m and 7.4m</li> <li>• The predominate setback described in the Desired Character is 5m.</li> </ul> <p style="text-align: center;">-</p>
<p><i>30 Outbuildings and like structures should be sited and designed to be ancillary to the dwelling and not visually dominate the locality by having:</i></p> <p><i>(a) a maximum wall height of 3 metres and roof height of 5 metres (sited at least 2 metres from the side boundary) above ground level;</i></p> <p><i>(b) a maximum wall length of 8 metres for solid walls and 12 metres for open-</i></p>	<p>The garage wall is sited on the northern and eastern boundary with wall length of 11.6m and 6.7m respectively and height of 3.6m.</p> <p>The extent of boundary wall along the northern boundary will reduce as a result of the proposed development as there are currently outbuildings along the full length of the northern boundary that will be demolished.</p>

Relevant Council Wide Provisions	Assessment
<p><i>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 applicant has discussed the extent and height of the eastern garage wall with the neighbour. No changes are proposed to height or length however the applicant has agreed that the wall will be finished in colour (woodland grey) with new fence panels and trellis installed.</p> <p>Whilst the northern wall exceeds the length (11.6m instead of 8m) and the eastern boundary wall exceeds the height (3.6m instead of 3m) both departures are not considered to have undue planning impacts and are considered acceptable.</p>
<p><i>38 Direct overlooking from upper level (above ground floor level) habitable room windows and external balconies, roof patios, terraces and decks to habitable room windows and useable private open space of other dwellings should be minimised through adoption of one or more of the following:</i></p> <p><i>(a) building layout;</i></p> <p><i>(b) location and design of windows, balconies, roof patios and decks;</i></p> <p><i>(c) screening devices;</i></p> <p><i>(d) adequate separation distances;</i></p> <p><i>(e) existing landscaping and supplementary screen tree planting.</i></p> <p><i>39 To maintain a reasonable level of visual privacy to adjacent residential properties the following measures are sought:</i></p> <p><i>(a) orientate and stagger windows and upper level viewing areas to prevent direct views into adjoining property indoor and outdoor living areas;</i></p> <p><i>(b) obscure viewing by raising window sills or incorporating obscure glass windows to a height at least 1.7 metres above floor level;</i></p> <p><i>(c) use permanently fixed external screening devices such as screens, fences, wing walls, panels, planter boxes or similar measures adequate to restrict 120 degree views;</i></p>	<p>Measures will be required to prevent overlooking from upper level bedroom 3 and 4 into the property adjacent the eastern boundary.</p> <p>The applicant has proposed the windows to bedroom 3 and 4 have a 900mm steel surround to block views to the neighbouring property to the east (42 Park Street). They are designed to only look into the pool area of the subject site.</p> <p>These measures are considered acceptable and will be reinforced with a condition.</p>

Relevant Council Wide Provisions	Assessment
<p><i>(d) provide a separation distance of 15 metre radius to windows of habitable rooms in potentially impacted dwellings and 30 metre radius to private open space as described in the Figure below; (e) incorporate plants capable of providing and seasonally sustaining a privacy screen</i></p>	

## 10. CONCLUSION

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

- The proposed development is considered to be generally consistent with the Objectives and Desired Character for this Residential Streetscape Built Form Zone.
- The form, scale and appearance of the proposed dwelling fronting Park Street is considered to satisfy the Desired Character featuring wall heights of 3.6m, a hipped roof has a roof pitch of 30 degree, a feature horizontal canopy and discrete garaging to the rear of the dwelling.
- The new dwelling presents as a single storey dwelling to Park Street with upper level that is setback sufficiently so that it is reasonably inconspicuous in the streetscape and does not intrude excessively on neighbouring spacious conditions.
- The front setback is adequate to maintain streetscape character.

The application is therefore recommended for Development Plan CONSENT.

## 11. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/224/2020/C2 at 44 Park Street, Hyde Park SA 5061 to 'Demolish existing dwelling and construct two storey dwelling including verandah, front fencing, in-ground swimming pool and garage on common boundaries' is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

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

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.

2. That the upper floor windows to bedroom 3 and 4 be treated to avoid overlooking prior to occupation by being fitted 900mm steel surround to block views to the neighbouring property to the east (42 Park Street). Further details to be provided to the satisfaction of Council prior to issue of development approval.
3. That waste water from the swimming pool shall be discharged to the sewer, and not be allowed to flow onto adjoining properties or the street water table under any circumstances.
4. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure located at least 5 metres from any habitable room window on any adjoining property prior to the operation of said equipment.
5. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
6. The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site for the City of Unley Driveway Crossover specifications <https://www.unley.sa.gov.au/forms-and-applications#>
7. That the existing crossover shall be closed and reinstated with kerb and water table in accordance with Council requirements, and at the applicant's expense, prior to occupation of the development.
8. A stormwater management plan detailing the total stormwater volume requirements (detention and retention) for the development being in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. (2.5kL retention and 2kL detention)
9. That the changes to driveway crossovers shall minimise any disruption to the root system of Council street trees growing in the verge adjoining the property, with no severing of roots with a diameter greater than 50 mm.

## NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).
- Noise generated from ancillary pool and/or spa equipment must not exceed the maximum noise level recommended by the EPA. For this purpose, noise generated from ancillary pool / spa equipment shall not exceed 52 db(a) between 7am and 10pm and 45 db(a) between 10pm and 7am on any day, measured from a habitable room window or private open space of an adjoining dwelling.

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

## ATTACHMENT A



**SWIMMING POOL DETAILS:**

NOTE: WINDOWS TO POOL AREA TO BE RESTRICTED TO OPEN A MAXIMUM OF 100MM IN ACCORDANCE WITH NCC-P2.5.3.

GLASS DOORS TO POOL ENCLOSURE TO HAVE 'DORMA' (TS72) SELF CLOSING HARDWARE FITTED INCLUDING SELF LATCHING DEVICE AND ALL LATCHING DEVICES TO BE A MINIMUM 1500MM ABOVE FLOOR LEVEL.

**SA 4.2.2 SIGNAGE**

A FIRST AID AND CARDIOPULMONARY RESUSCITATION SIGN MUST:  
 (I) BE ATTACHED TO THE SAFETY BARRIER OF THE SWIMMING POOL, OR DISPLAYED NEAR THE SWIMMING POOL; AND  
 (II) BE AT LEAST 300 MM BY 300 MM IN SIZE; AND  
 (III) BE MADE OF DURABLE AND WEATHERPROOF MATERIAL; AND  
 (IV) SHOW INFORMATION ABOUT THE PROCEDURES FOR PROVIDING FIRST AID, INCLUDING PERFORMING CARDIOPULMONARY RESUSCITATION.

PROVIDE FLOOD GULLY TRAP TO POOL CONNECTED IN SEWER RUN.

WATER RETICULATION AND FILTRATION SYSTEM TO COMPLY WITH AS1926.3 AND TO HAVE AT LEAST 2 PUMP INTAKES NOT LESS THAN 800MM APART. CIRCULATION PUMP TO BE CONTROLLED BY A TIMER SWITCH - BCA P2.6.1/P2.6.2

POOL HEATING METHOD SHALL COMPLY WITH BCA-P2.6.1/P2.6.2 WATER HEATING VIA RECLAIMED ENERGY OR SOLAR HEATING WITH OUT THE USE OF ELECTRIC RESISTANCE HEATING OR GAS HEATER /HEAT PUMP WITH COVER AND SET TO TIME SWITCH

\*SWIMMING POOL FENCE AND GATES TO COMPLY WITH AS1926.1 AND THAT GLASS USED IN SWIMMING POOL BARRIERS COMPLY WITH AS1288- REFER TO ATTACHMENT -MADRID SPIGOT AND 12MM TOUGHENED GLASS OR BUILDER TO PROVIDE ALTERNATIVE PRODUCT WITH ACCREDITED CODE MARK CERTIFICATION OR REPORT FROM REGISTERED TESTING AUTHORITY

**CONSTRUCTION MATERIALS:**

- POWER PANEL CONSTRUCTION TO UPPER LEVEL
- BRICK VENEER CONSTRUCTION TO LOWER LEVEL
- COLORBOND CUSTOM ORB ON 30° FALL
- CHARCOAL ALUMINIUM WINDOWS & DOORS
- COLORBOND FEATURE PRODUCTS THROUGHOUT
- CONCRETE PAVING AND DRIVEWAY TO FRONT AND PERIMETER

**SITE DRAINAGE:**

NOTE: REFER TO ENGINEERS DETAILS AND DOCUMENTATION FOR ALL SITEWORKS, DRAINAGE AND ALL LEVEL DESIGN

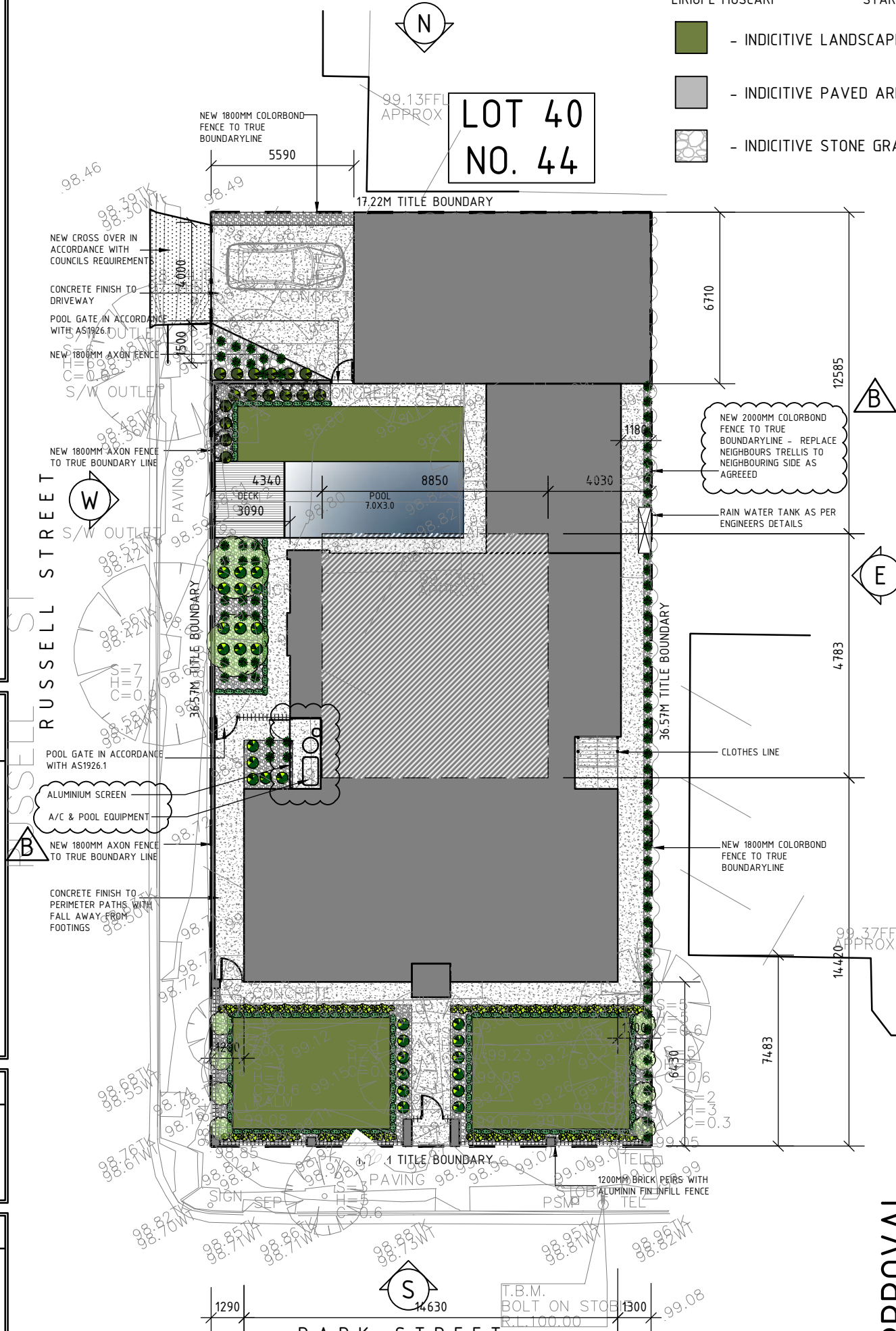
**RAIN WATER TANK:**

THE REQUIRED RAINWATER TANK (MIN 1000 LITRES) COLLECTING A MINIMUM OF 50 M2 OF ROOF CATCHMENT AREA AND PLUMBED TO A WATER CLOSET, WATER HEATER OR LAUNDRY COLD WATER OUTLETS. THE TANK MUST ALSO BE FITTED WITH MOSQUITO PROOF, NON DE-GRADABLE SCREENS, FORMED FORM NOT LESS THAN .315MM DIAMETER MATERIAL AND HAVE A MINIMUM OF 6 X 7 OPENINGS PER CM2. IN THE EVENT THAT THE TANK IS TO BE SUPPORTED ON A STAND THE STAND SHALL BE DESIGNED TO BE ABLE TO ACCOMMODATE THE IMPOSED DEAD LOADS, WIND LOADS AND WHERE APPLICABLE THE EARTHQUAKE LOADS AS REQUIRED BY CLAUSE 3.11.2 OF THE NCC (APPLICABLE AS OF JULY 1ST 2006 NCC-SA 2.1

**INDICATIVE LANDSCAPING SCHEDULE**

TREES	COMMON NAMES	HEIGHT
	PYRUS CALLERYANA 'CHANDICLEER'	5.0 - 6.0m
SHRUBS		
	CROWEA EXCELATA	PINK CROWEA 1.0m
	CAMELIA SASANQUA	SASANQUA CAMELIA 2.0 - 2.5m
	ABELIA GRANDIFLORA NANA	DWARF ABELIA
	LAVANDULA DENTATA	FRENCH LAVANDER 1.0m
	CHOISYA TERNATA	MEXICAN ORANGE BLOSSOM 0.8 - 1.0m
	BUXUS JAPONICA	JAPANESE BOXED HEDGE 0.4 - 1.5m
STRAP LEAF PLANTS		
	PHORMIUM RUBRA	DWARF PURPLE NZ FLAZ 0.5 - 0.8m
	DIANELLA TASMANICA	FLAX LILYDIANELLA TASMANICA 0.5 - 0.8m
	LIRIOPE MUSCARI	MAUVE LIRIOPE
GROUND COVERS AND GRASSES		
	SCAEOVOLA 'MAUVE'	MAUVE FAN FLOWER
	VIOLA HEDERACEA	NATIVE VIOLET
	LIRIOPE MUSCARI	STAR JASMINE

- INDICITIVE LANDSCAPED AREA
- INDICITIVE PAVED AREA
- INDICITIVE STONE GRAVEL AREA



**AREAS:**

L/LIVING	222.48	M <sup>2</sup>
U/LIVING	77.95	M <sup>2</sup>
GARAGE	78.03	M <sup>2</sup>
ALFRESCO	34.99	M <sup>2</sup>
PORCH	1.99	M <sup>2</sup>
TOTAL	415.44	M <sup>2</sup>
BLOCK	629.00	M <sup>2</sup>
POS	110.00	M <sup>2</sup>

**PRELIMINARY**  
 DATED: 18/03/2020

**REVISIONS**

DATE	REV	DESCRIPTION	BY
-	-	-	-
04/09/20	B	REPRESENTATION	AC

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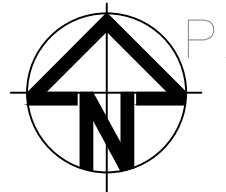
CLIENT NAME: DAVID PRICE  
 ADDRESS: 44 PARK STREET  
 SUBURB: HYDE PARK  
 COUNCIL ZONE: CITY OF UNLEY

DATE: 16/03/2020 SHEET NO: DDA 01 OF 09  
 PROJECT: 14.1.2019 TYPE: RESIDENTIAL  
 PAGE SIZE: A3 SCALE: 1:200 DESIGNED BY: ADAM CAVUOTO DRAWN: AC

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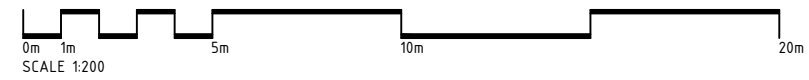
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**SITE PLAN**

SCALE 1:200





- GENERAL NOTES:**
- 1) FIXTURE LOCATION SHOWN INDICATIVE ONLY. EXACT POSITION TO BE CONFIRMED ON SITE AND CO-ORDINATED WITH NOMINATED FIXTURE SPECIFICATIONS.
- PLEASE NOTE: ALL KITCHEN & WET AREA LAYOUTS SHOWN ON THESE PLANS ARE INDICATIVE ONLY. REFER TO SELECTED JOINERY MANUFACTURER'S PLANS FOR CORRECT LAYOUTS AND PLUMBING POSITIONS AND CO-ORDINATE ACCORDINGLY.
- \* REMOVABLE DOOR HINGES FITTED IN ACCORDANCE WITH NCC VOLUME TWO- PART 3.8.3.3
  - SC STEEL COLUMN. REFER TO ENGINEER'S DRAWINGS FOR SIZE
  - V SELECTED VANITY BOWL
  - P SELECTED CISTERN
  - HP SELECTED HOT PLATE
  - MV MICROWAVE BUILT IN
  - OHC OVERHEAD CUPBOARDS
  - WO WALL OVEN
  - FR/FZ FRIDGE/FREEZER
  - DWP DISHWASHER PROVISION
  - RHO RANGEHOOD OVER
  - CM COFFEE MACHINE BUILT IN
  - TR SELECTED LAUNDRY TROUGH
  - WM WASHING MACHINE PROVISION
  - TH TOWEL HOLDER
  - TL TOWEL LADDER
  - RH ROLL HOLDER
  - M MIXER TAP
  - SHC SHOWER HEAD ( CEILING )
  - SHW SHOWER HEAD ( WALL )
  - MC MIRRORED CABINET
  - M TOUGHENED MIRROR
  - TRH TOILET ROLL HOLDER
  - FT FLOOR TRAP

**PRELIMINARY**  
DATED: 18/03/2020

REVISIONS			
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**PROPOSED RESIDENCE**

CLIENT NAME:  
**DAVID PRICE**

ADDRESS:  
**44 PARK STREET**

SUBURB:  
**HYDE PARK**

COUNCIL ZONE:  
**CITY OF UNLEY**

DATE:  
**16/03/2020**

SHEET NO:  
**DDA 02 OF 09**

PROJECT:  
**14.1.2019**

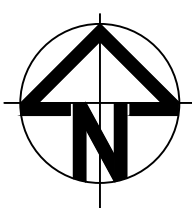
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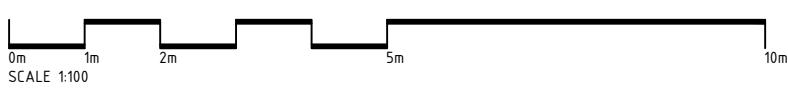
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**GROUND FLOOR PLAN**

SCALE 1:100






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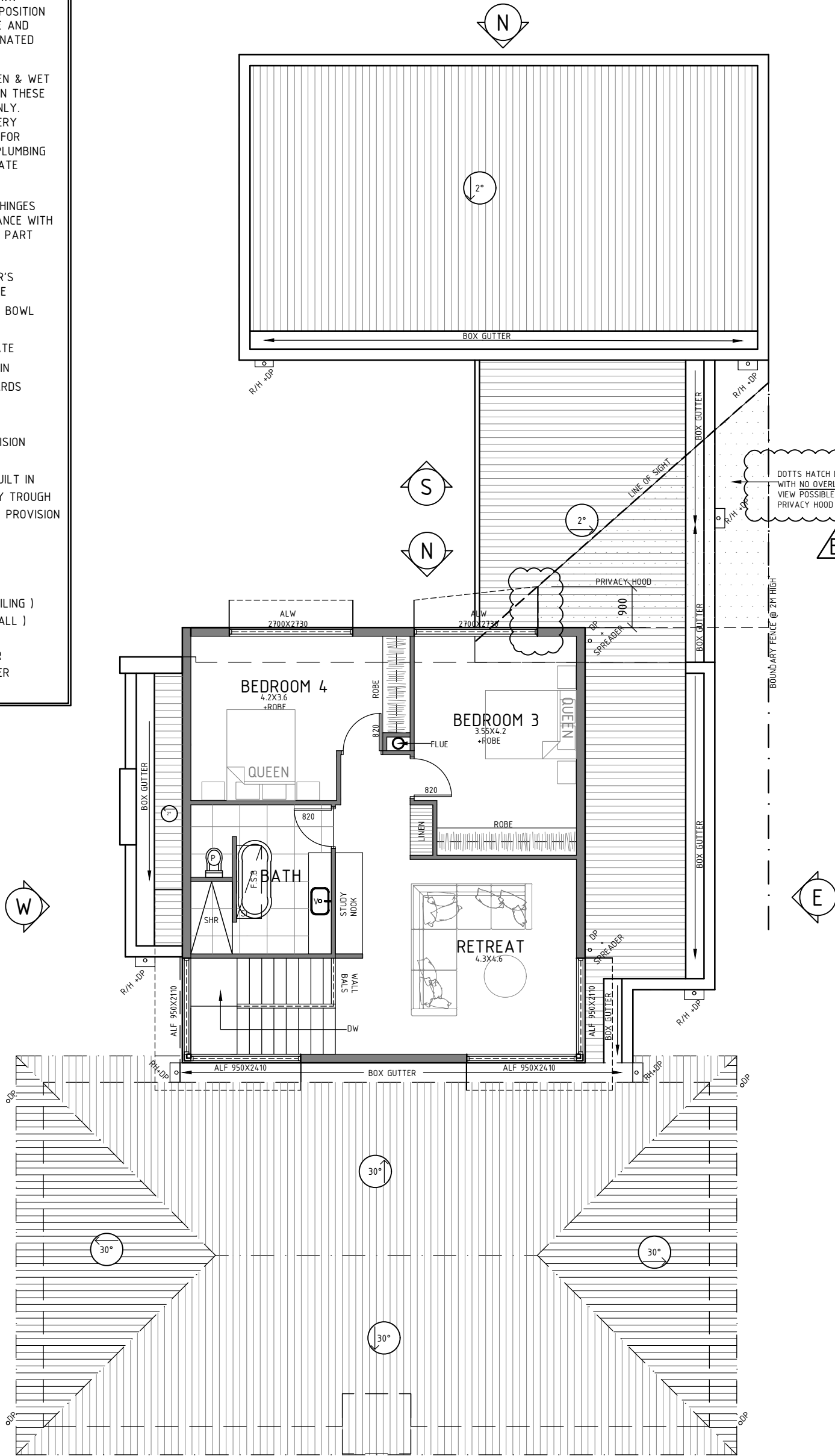
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**LEGEND:**

-  RWHS SELECTED 'FIELDERS' OR EQUAL RAINWATER HEAD, COLORBOND FINISH. - OVER FLOW PROV
- DP 90MM ROUND PVC DOWNPIPES
- B/G 1 400 WIDE x200 DEEP COLORBOND BOX GUTTERS, WITH 1:100 GRADED FALL. ARROWS INDICATE DIRECTION OF FALL.
- SUMP COLORBOND SUMP WITH DRAINAGE AND OVERFLOW PROVISION
- R/C RIDGE CAPPING AS REQUIRED
- C- P/C COLORBOND PARAPET CAPPING IN ACCORDANCE WITH PART 3.5.4.8 OF THE NCC
- CS- P/C COLORBOND OVER EXPOSED STEEL PARAPET CAPPING
- AL- P/C ALUCOBOND PARAPET CAPPING
-  30° CUSTOM ORB OR SIMILAR SHEETING AT 30° ROOF PITCH. ARROW INDICATES DIRECTION OF FALL. BMT .48MM
-  2° TRIMDEK OR SIMILAR SHEETING AT 2° ROOF PITCH. ARROW INDICATES DIRECTION OF FALL. BMT .60MM
- PROVIDE FLASHINGS, SEAL AND ADEQUATELY FLASH ALL PENETRATIONS, JUNCTIONS AND JOINTS.
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- WHERE EXHAUST FANS ARE VENTILATED TO ROOF SPACE, ROOF SPACE TO BE VENTILATED AS PER NCC 3.8.7.4



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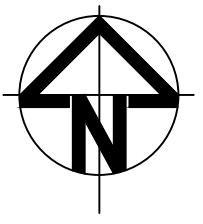
**PROPOSED RESIDENCE**

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ADDRESS: <b>44 PARK STREET</b>	
SUBURB: <b>HYDE PARK</b>	
COUNCIL ZONE: <b>CITY OF UNLEY</b>	
DATE: <b>16/03/2020</b>	SHEET NO: <b>DDA 03 OF 09</b>
PROJECT: <b>14.1.2019</b>	TYPE: <b>RESIDENTIAL</b>
PAGE SIZE: <b>A3</b>	SCALE: <b>1:100</b>
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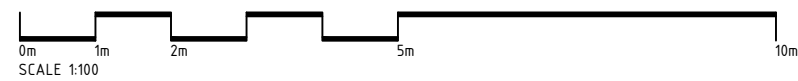
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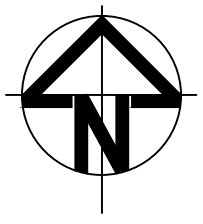
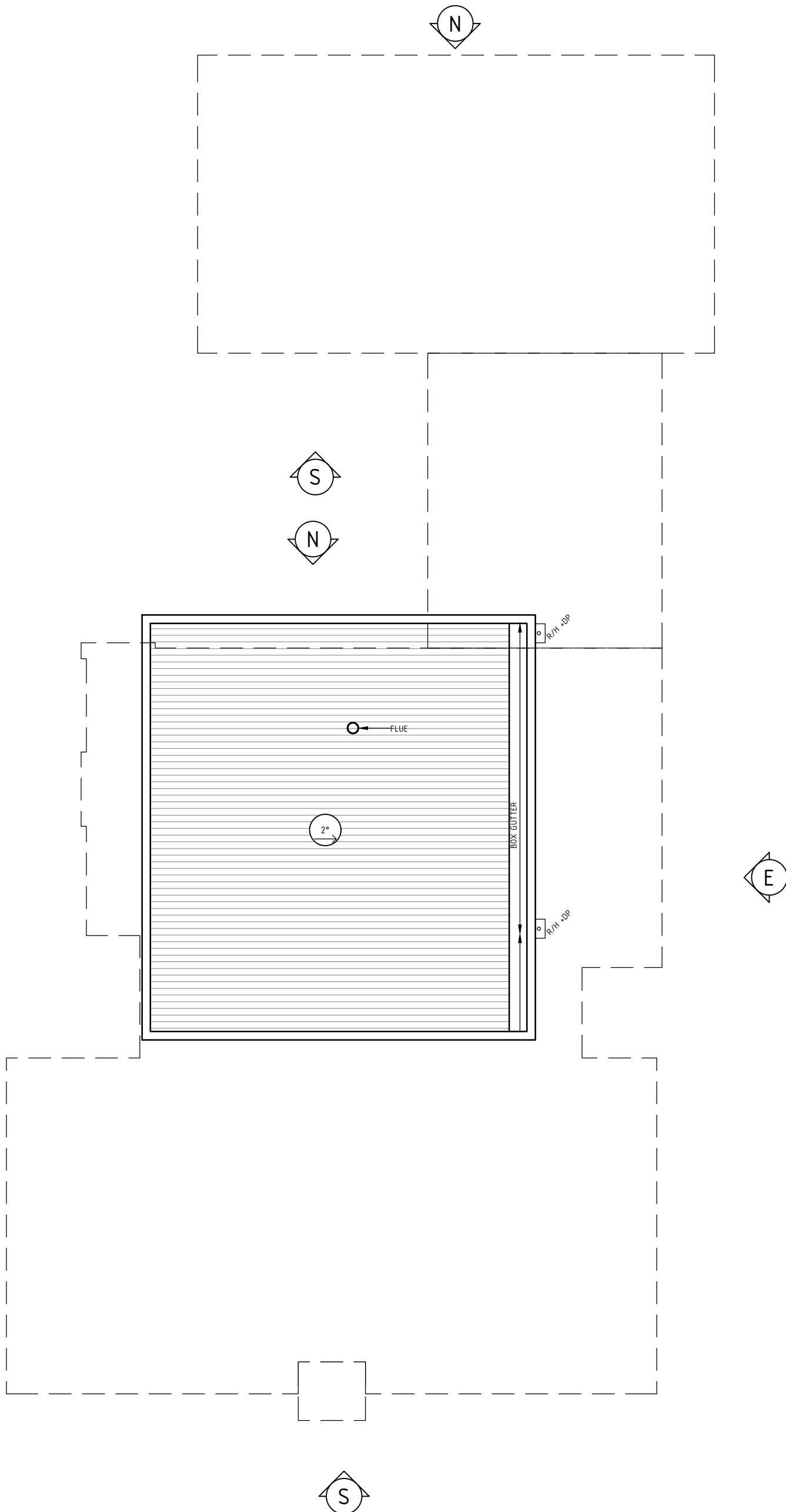
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**FIRST FLOOR PLAN**

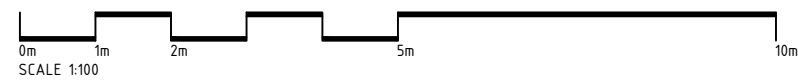
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



**ROOF PLAN**

SCALE 1:100



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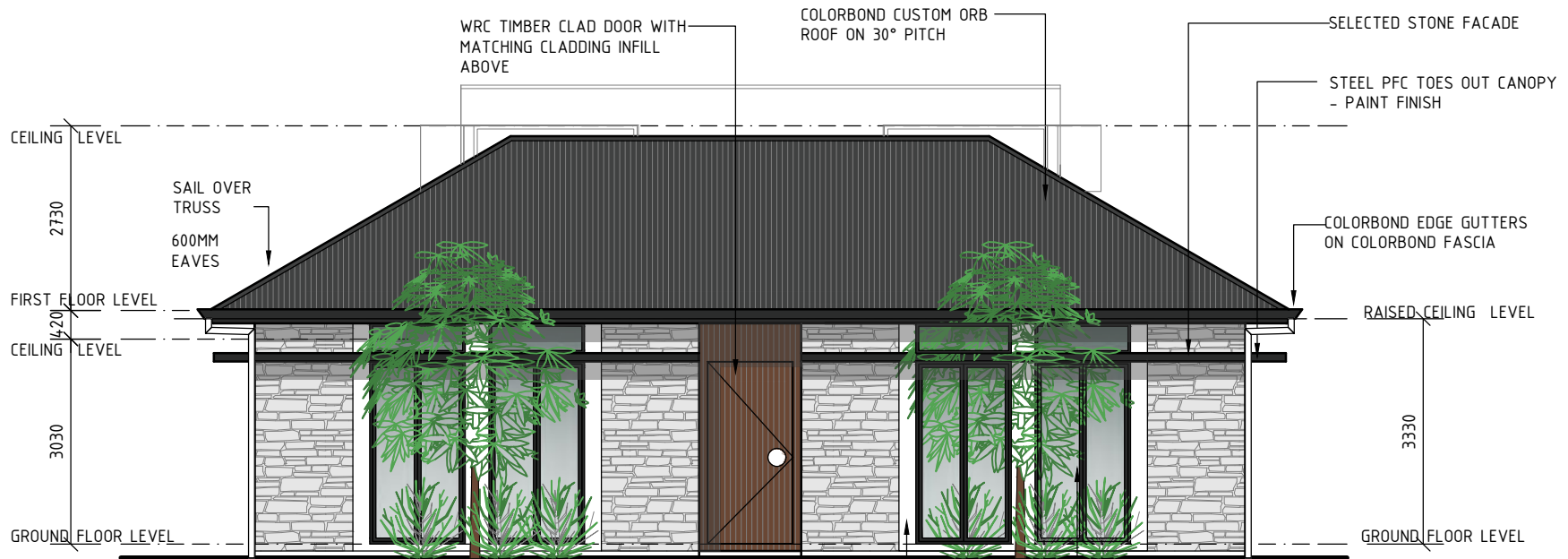
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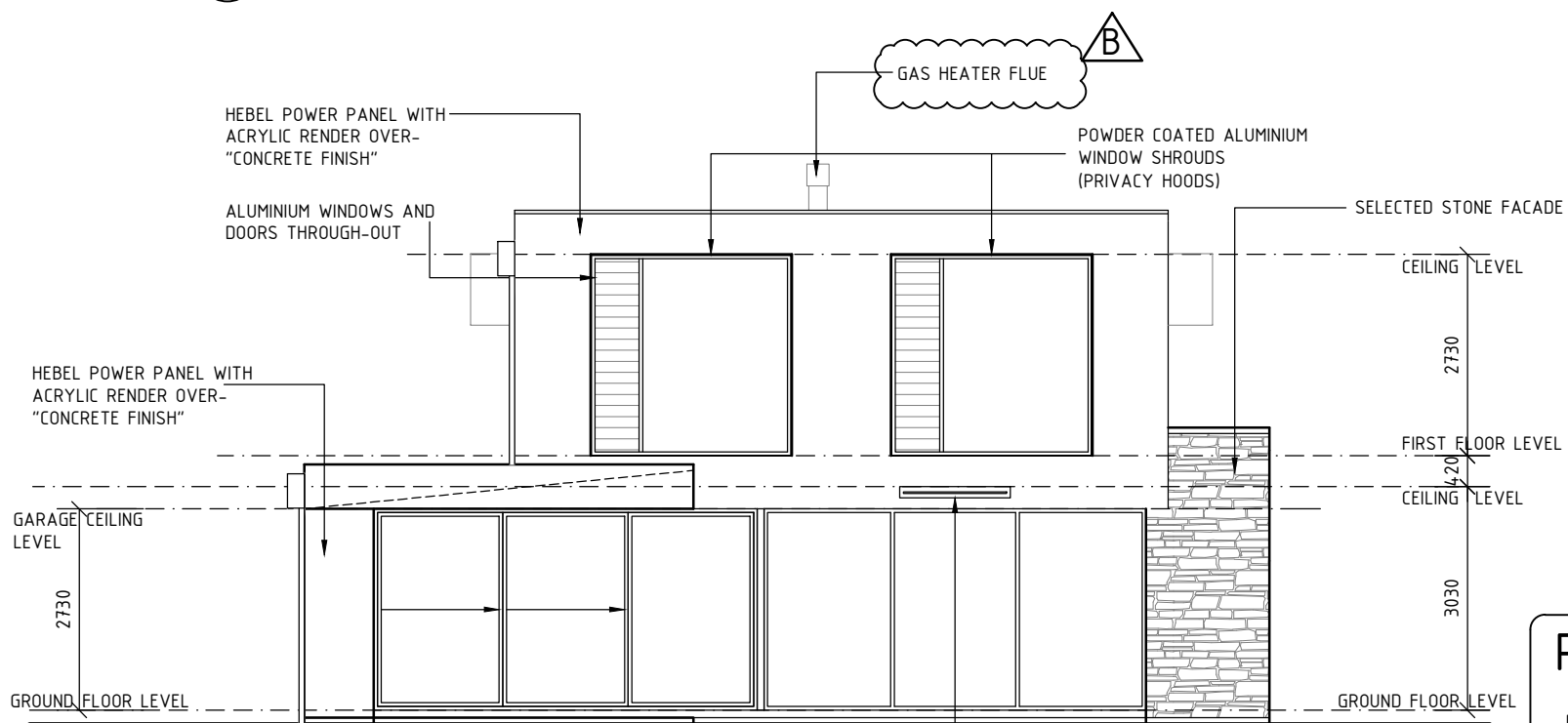
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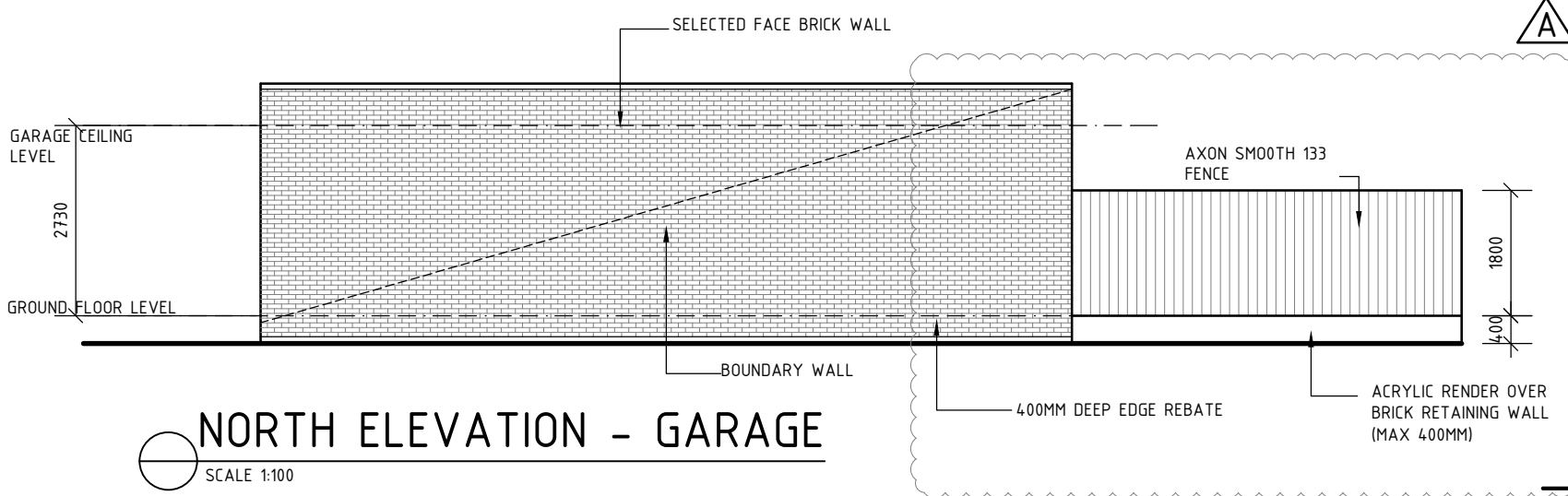
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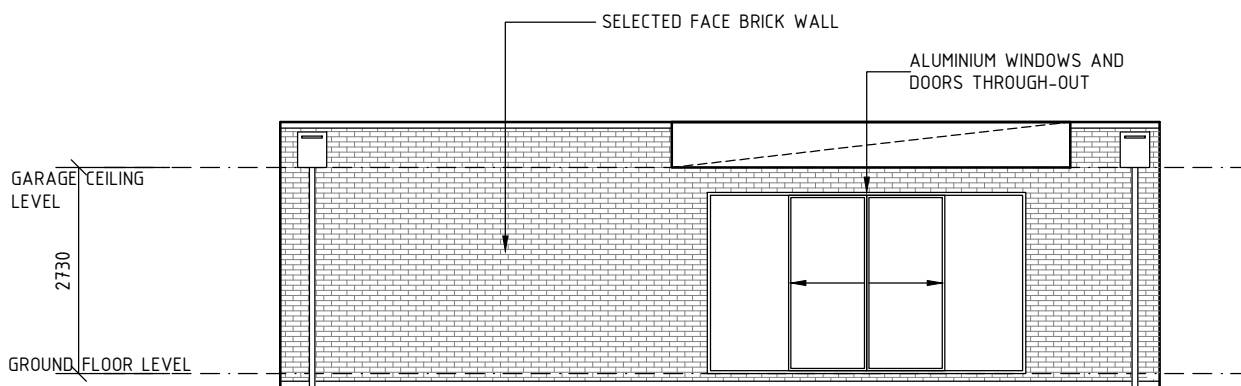
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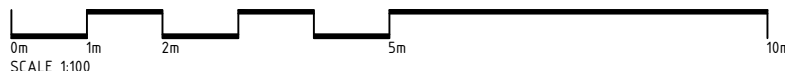
**NORTH ELEVATION - GARAGE**

SCALE 1:100



**SOUTH ELEVATION - GARAGE**

SCALE 1:100



**PRELIMINARY**

DATED: 18/03/2020

**REVISIONS**

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**PROPOSED RESIDENCE**

CLIENT NAME: <b>DAVID PRICE</b>	
ADDRESS: <b>44 PARK STREET</b>	
SUBURB: <b>HYDE PARK</b>	
COUNCIL ZONE: <b>CITY OF UNLEY</b>	
DATE: <b>16/03/2020</b>	SHEET NO: <b>DDA 05 OF 09</b>
PROJECT: <b>14.1.2019</b>	TYPE: <b>RESIDENTIAL</b>
PAGE SIZE: <b>A3</b>	SCALE: <b>1:100</b>
DESIGNED BY: <b>ADAM CAVUOTO</b>	DRAWN: <b>AC</b>

- ALL DIMENSIONS AND LEVELS TO BE CONFIRMED PRIOR TO COMMENCING ANY WORK.

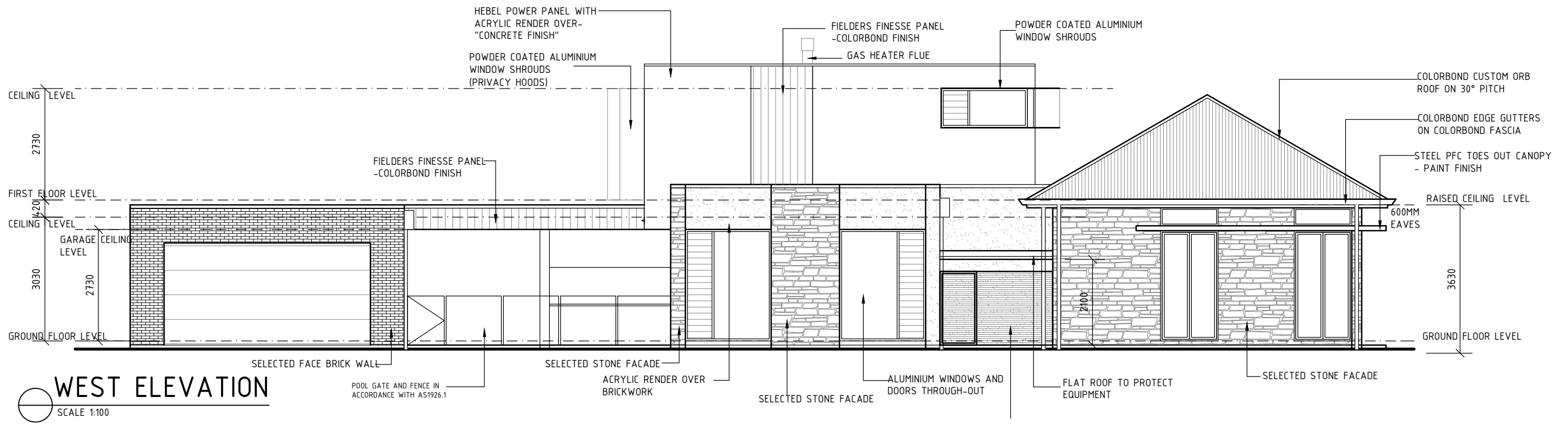
- FIGURED DIMENSIONS TAKE PREFERENCE OVER SCALED DIMENSIONS

- DISCREPANCY SHALL BE REPORTED TO THINK ARCHITECTS IMMEDIATELY.

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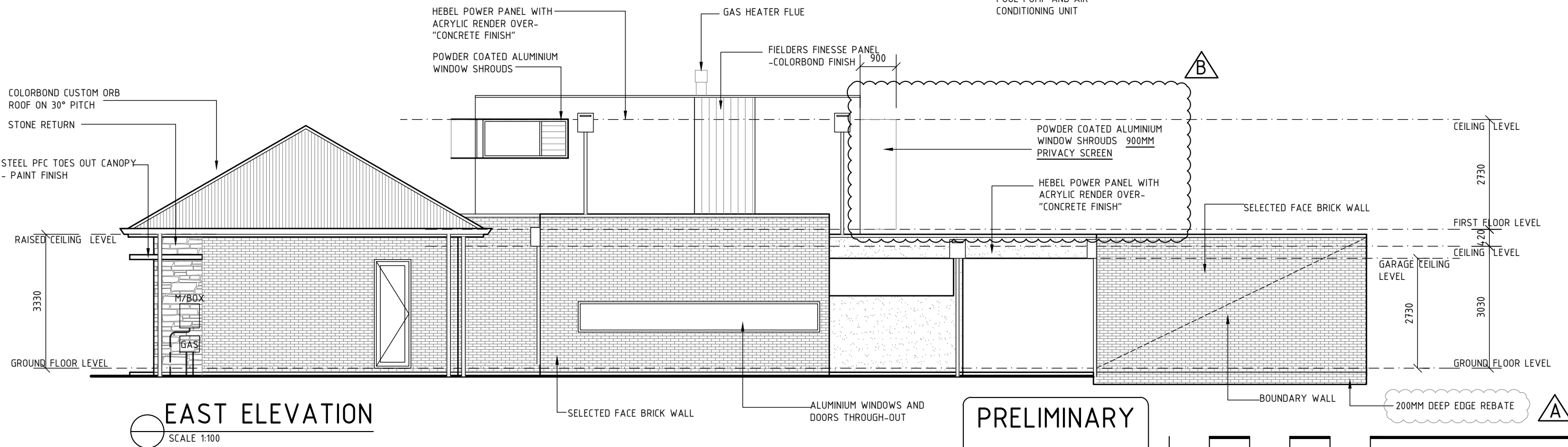
**FOR PLANNING APPROVAL**





**WEST ELEVATION**

SCALE 1:100



**EAST ELEVATION**

SCALE 1:100

**PRELIMINARY**

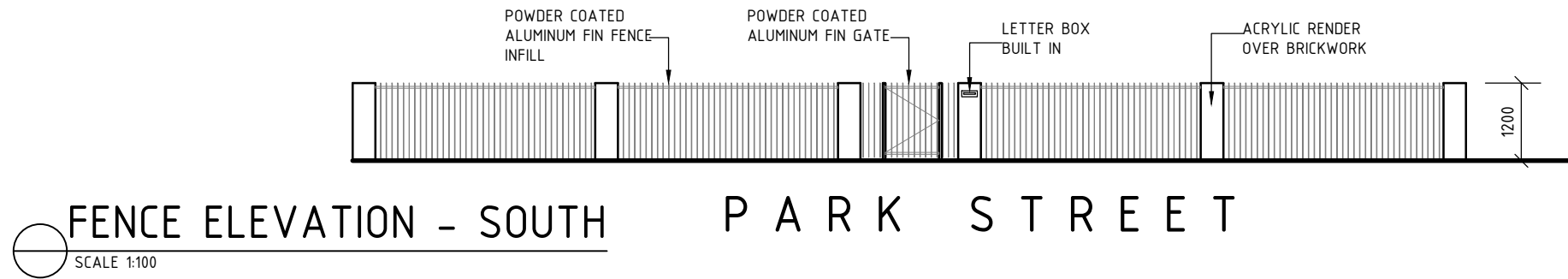
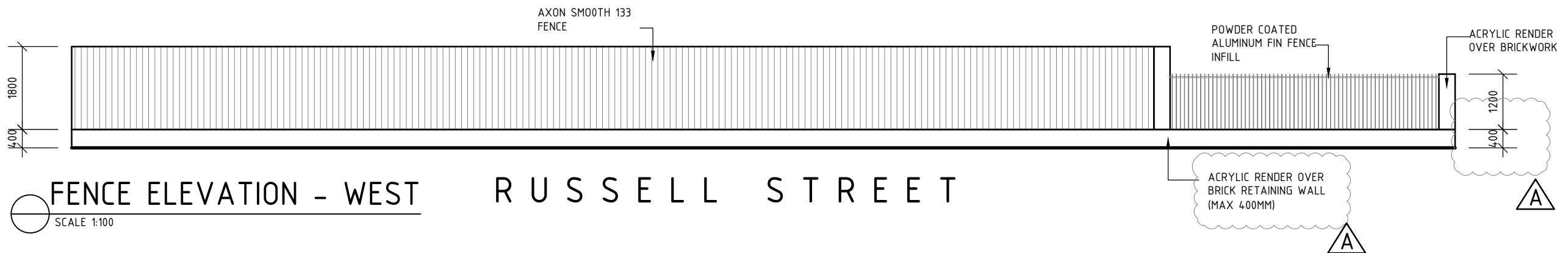
DATED: 18/03/2020

REVISIONS					PROPOSED RESIDENCE				
DATE	REV	DESCRIPTION	BY	BY	DATE	REV	DESCRIPTION	BY	BY
22/06/20	A	RETAINING		AC					
04/09/20	B	REPRESENTATION RFI		AC					

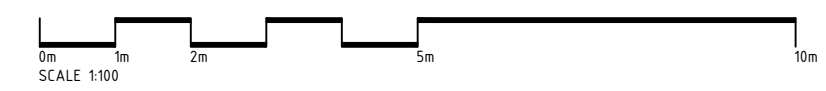
CLIENT NAME: <b>DAVID PRICE</b>		DATE: 16/03/2020	SHEET NO: DDA 06 OF 09
ADDRESS: 44 PARK STREET		PROJECT: 14.1.2019	TYPE: RESIDENTIAL
SUBURB: HYDE PARK		COUNCIL ZONE: CITY OF UNLEY	

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PRELIMINARY  
DATED: 18/03/2020



REVISIONS				PROPOSED RESIDENCE				COUNCIL ZONE:	PAGE SIZE:	SCALE:	DESIGNED BY:	DRAWN:	35 Portrush Road, Payneham SA, 5070 P. 08 7078 4070 E. hello@thinkarchitects.com.au W. www.thinkarchitects.com.au
DATE	REV	DESCRIPTION	BY	BY	DATE	REV	DESCRIPTION	BY	BY	DATE:	SHEET NO:	- ALL DIMENSIONS AND LEVELS TO BE CONFIRMED PRIOR TO COMMENCING ANY WORK. - FIGURED DIMENSIONS TAKE PREFERENCE OVER SCALED DIMENSIONS - DISCREPANCY SHALL BE REPORTED TO THINK ARCHITECTS IMMEDIATELY. THINK ARCHITECTS PTY LTD 2020 © COPYRIGHT	
22/06/20	A	RETAINING		AC						16/03/2020	DDA 07 OF 09		
W:\PRIVATE-2019\14.1.2019_PRICE-HYDE PARK\DDA\14.1.2019_PRICE-HYDE PARK-DDA.DWG				CLIENT NAME: DAVID PRICE ADDRESS: 44 PARK STREET SUBURB: HYDE PARK				CITY OF UNLEY	A3	1:100	ADAM CAVUOTO		AC



**DEMOLITION NOTES:**

ALL EXISTING STRUCTURES SHOWN HATCHED TO BE REMOVED.

ALL EXISTING VEGETATION AND TREES TO BE REMOVED UNLESS DEEMED SIGNIFICANT. (NIL ON SITE)

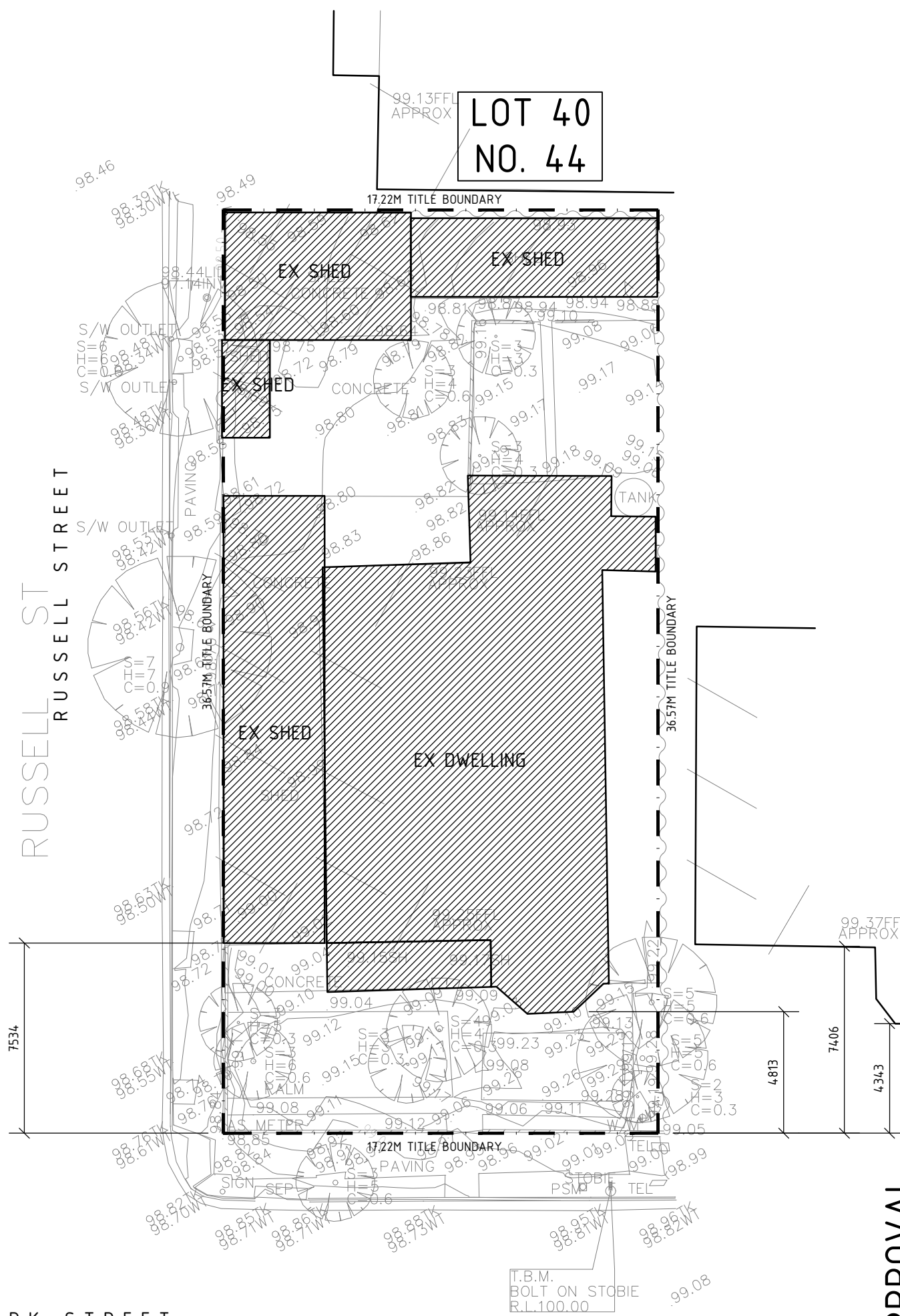
ENSURE DUST MINIMISATION TECHNIQUES ARE IMPLEMENTED AS PER COUNCILS REQUIREMENTS

ALL DEMOLITION WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH AS 2601-2001

ALL DEMOLITION OF WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH WHS ACT 2012

**ASBESTOS OR MOULD**

IF THERE IS A RISK OF ASBESTOS BEING FOUND ON THIS PROPERTY, WE ADVISE THAT THE CLIENT (OWNER OR BUILDER) ENGAGE THE SERVICES OF AN APPROPRIATE CONSULTANT TO PROVIDE A REPORT ON THE PRESENCE OF ASBESTOS OR MOULD. THIS REPORT SHALL INCLUDE A REGISTER OF ALL ASBESTOS OR MOULD ON THE PROPERTY AND ADVISE ON SUITABLE RECTIFICATION WORK



**LOT 40  
NO. 44**

**PRELIMINARY**  
DATED: 18/03/2020

REVISIONS			
DATE	REV	DESCRIPTION	BY
-	-	-	-

**THINK ARCHITECTS**

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PROPOSED RESIDENCE			
CLIENT NAME: <b>DAVID PRICE</b>			
ADDRESS: <b>44 PARK STREET</b>			
SUBURB: <b>HYDE PARK</b>			
COUNCIL ZONE: <b>CITY OF UNLEY</b>			
DATE: <b>16/03/2020</b>	SHEET NO: <b>DDA 08 OF 09</b>		
PROJECT: <b>14.1.2019</b>	TYPE: <b>RESIDENTIAL</b>		
PAGE SIZE: <b>A3</b>	SCALE: <b>1:200</b>	DESIGNED BY: <b>ADAM CAVUOTO</b>	DRAWN: <b>AC</b>
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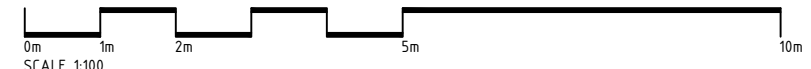




P A R K S T R E E T

STREETSCAPE ELEVATION  
SCALE 1:100

PRELIMINARY  
DATED: 18/03/2020



REVISIONS					PROPOSED RESIDENCE					COUNCIL ZONE:		PAGE SIZE:	SCALE:	DESIGNED BY:	DRAWN:	35 Portrush Road, Payneham SA, 5070 P. 08 7078 4070 E. hello@thinkarchitects.com.au W. www.thinkarchitects.com.au
DATE	REV	DESCRIPTION	BY	BY	DATE	REV	DESCRIPTION	BY	BY	CITY OF UNLEY	A3	1:100	ADAM CAVUOTO	GC		
										CLIENT NAME: DAVID PRICE	DATE: 16/03/2020	SHEET NO: DDA 09 OF 09	- ALL DIMENSIONS AND LEVELS TO BE CONFIRMED PRIOR TO COMMENCING ANY WORK. - FIGURED DIMENSIONS TAKE PREFERENCE OVER SCALED DIMENSIONS - DISCREPANCY SHALL BE REPORTED TO THINK ARCHITECTS IMMEDIATELY.			
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Ref: 2020-0200

22 May 2020

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Development Officer  
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Dear Harry

## **Design Context Report – Proposed Replacement Dwelling at 44 Park Street, Hyde Park**

### **Introduction and Background**

URPS has been engaged to prepare this Design Context Report in support of a development application for a proposed two-storey detached dwelling with associated garage, fencing and swimming pool at 44 Park Street, Hyde Park. The proposal also necessitates the demolition of the existing dwelling on the land which, for reasons expressed below, does not warrant retention.

The subject land is located within the Residential Streetscape (Built Form) Zone of the Unley Development Plan (consolidated 19 December 2017). It is also located within Policy Area 8 - Compact (Built Form) Precinct 8.5 – Unley (West) and Hyde Park of that Zone.

Under Clause 2B of Schedule 5 of the *Development Regulations 2008* (the Regulations), as the development involves the construction of a new building, the application must be accompanied by a “report describing the prevailing character attributes and design elements within the locality of the site and the extent to which the proposed development is consistent with these attributes and elements with particular reference to the desired characteristics identified in the relevant Development Plan”. This correspondence constitutes this report.

While the focus of this report is to provide an assessment of the proposal’s performance against the Desired Character of the Zone and Policy Area, some assessment is provided on the proposal’s performance against general provisions relating to private open space, site coverage, side/rear setbacks, overshadowing, privacy, and car parking.

This report has been prepared following our review of:

- The proposal plans prepared by Think Architects dated 16/03/2020
- Aerial mapping software
- An inspection of the site and locality
- The Certificate of Title (CT 5689/537), and
- The Unley Development Plan (consolidated 19 December 2017).

## Proposed Development

The proposed development involves:

*“demolition of the existing dwelling and associated structures, and the construction of a two-storey detached dwelling with double width garage (facing Russell Street) with associated side and front fencing (in a mix of solid masonry and vertical steel slat plates), and swimming pool”*

In summary, the proposal entails:

- A dwelling containing four (4) bedrooms with three bathrooms, laundry, living room, kitchen and dining areas to the rear.
- The dwelling has complementary materials and colours that reflect the prevailing character, including:
  - > Feature stone in colour - Sandstone
  - > Acrylic texture rendered walls in concrete finish
  - > Fielders Finesse Panel Colorbond finish in colour Matt Monument
  - > Colorbond custom orb roof cladding in colour Monument
  - > Facebrick wall to garage in colour PGH recycled red Brick
  - > Panel lift garage door in colour Matt Monument
  - > Powder coated windows in colour Night Sky
  - > Cantilevered structural steel canopy in colour Night Sky
  - > Powder coated vertical steel flat plates and gate in colour Night Sky with masonry rendered piers in Terrace White
- The dwelling also has complementary detailing that reflects the historic forms and detailing of nearby single fronted cottages, including:
  - > Symmetrical pitched roof to single storey element of design
  - > Comparable wall height to villas in the locality
  - > Comparable roof height to villas in the locality
  - > Corrugated iron roofing material
  - > Low and open front fencing
  - > A street setback that is consistent with those found in the locality
- The front fence will measure 1.2 metres in height and will incorporate six masonry rendered pillars interspersed with vertical steel flat plates including a pedestrian gate located centrally on the frontage. The fence returns around the Russell Street frontage to sit ‘in-line’ with the main face of the dwelling. The low-profile/height of the fence together with its well ‘spaced’ steel plates allow for views through the fence desirably making the front yard and façade of the dwelling visible to the streetscape and in turn making views of the street available from the dwelling for casual surveillance purposes.
- Landscaping includes tree plantings forward of the dwelling. Perimeter landscaping is also featured in areas to the sides and rear of the dwelling in smaller, more compact garden beds.
- Replacing the existing driveway crossover with a 4 metre wide crossover, maintaining a 1.5 metre setback to the existing street tree on Russell Street. The driveway will have a concrete finish, and the

existing crossover paving will be restored post building. A total of 5 car parking spaces are provided on the site (4 within the garage and 1 on the driveway).

### Subject Land and Locality

The subject land is located on the northern side of Park Street on the north eastern corner of the intersection of Park Street and Russell Street.

The Certificate of Title for the land (insert reference number i.e. Volume 5986Folio 537) confirms that the subject land is devoid of easements and is unaffected by any encumbrances.

The subject land can be described as a regular shaped allotment having a frontage to Park Street of 17.22 metres and a depth of 36.57 metres forming a total land area of about 629 square metres.

No regulated or significant trees are located on or abutting the land.

The land is currently occupied by a single storey dwelling and associated domestic outbuildings. The existing dwelling shows some architectural elements of a “Victoria era villa” however in our opinion it is either not believed to be constructed during the Victorian era or has been highly modified to the extent it is not making a high-quality streetscape contribution.

These many discordant design features include its:

- Rendered and painted façade i.e. original stonework is not evident
- Lack of ornate detailing around its bay window
- Lack of bullnose verandah and awkward skillion roof verandah
- Addition of floor space within the verandah area
- Lack of cast iron or timber posts to front verandah
- Lack of timber windows frames and doors.

Further, the existing dwelling on the land is not listed as a Contributory Item, Local Heritage Item or State Heritage Item within the Development Plan.

**Image 1: Existing dwelling on the subject land**



There is a palisade style fence on the land, with a height of about 1.8 metres we estimate.

The locality, for the purposes of this proposal, extends in an east west direction along Park Street by about some 75 metres to the west and 85 metres to the east.

The locality is almost exclusively residential and is comprised of a number of quality, historic detached dwellings of symmetrical cottage and villas styling (and one bungalow). The dwellings at 42 and 48 Park Street are listed as a Local Heritage Places within the Development Plan described as:

*42 Park St: Dwelling; external form, materials and detailing of the 1895 dwelling. Any later additions or alterations are excluded from the listing*

*48 Park St: Dwelling (former Shop and attached Dwelling); External form, materials and detailing of the 1883 former shop and attached dwelling. Any later additions or alterations are excluded from the listing, including the rendered addition to the rear.*

Exceptions to this historic character do exist however including a dwelling of newer construction found on the northern side of the road at 34 Park Street (a reproduction style cottage); a group of independent living units (operated by ECH) at 38 Park Street which are of likely 1980's brick construction, a post war residential flat building of two storeys in height at 40 Park Street; and two, two-storey dwellings at 51 and 53 Park Street likely of early 2000's construction.

Front fencing found within the locality is a mix of open style and solid fencing, in brush or masonry and cast-iron palisade and typically no greater than 1.8 metres in height.

## Zoning

The subject land is located within the Residential Streetscape (Built Form) Zone of the Unley Development Plan. It is also located within Policy Area 8 - Compact (Built Form) Precinct 8.5 – Unley (West) and Hyde Park of that Zone.

## Procedural Matters

The demolition of the existing dwelling and replacement with a new dwelling with associated garage, fencing and swimming pool is neither a complying or non-complying form of development and as such the proposal is an on-merit matter within the Zone.

The proposal is a Category 2 form of development as it is a detached dwelling of two storeys which falls within Table Un/8 – Assignment of Categories for Public Notification Purposes - Part 2: Category 2 Development.

## Planning Assessment

### Use of the Land

The proposal replaces an existing detached dwelling with a new detached dwelling, therefore there is no change in the use of the land.

The Zone's desire to be comprised of predominately detached dwellings of a street fronting format has been satisfied in this instance and the basic land use and dwelling type expectations of the Zone are clearly met as a result in our view.



### *Demolition of the Existing Dwelling*

Zone Principle 6 states:

- 6 **Demolition of the whole of a building should only be undertaken** – where the replacement building(s) makes a **comparable or more positive contribution to the desired character than the building to be demolished**, or alternatively where the building to be demolished:
- (a) is structurally unsafe or so unsound as to be unreasonably economically rehabilitated; or
  - (b) **is so compromised or altered that there is no reasonable prospect of its original character being revealed**; or
  - (c) **adds little value to the desired character due to its discordant form and poor streetscape contribution**; or
  - (d) is incongruous with, and makes a poor contribution to the particular character of its streetscape.

As indicated above in the Subject Land and Locality section of this report, the existing dwelling shows some basic architectural elements of a traditional Victorian Villa however it is not clear if it is indeed constructed during the Victorian era and in any event features several discordant design elements which indicate it is unlikely there is reasonable prospects of its original character even being revealed.

The replacement of the existing dwelling with a new dwelling which, in our view, positively takes cues from the key architectural themes of nearby cottages and villas means the proposal will make a more positive contribution to the streetscape than the original dwelling. As such, Principle 6 is considered to be satisfied.

The assessment therefore turns on matters of detail relating to the particular design features of the proposal which we discuss in detail below.

### *Replacement Development*

Zone Objective 1 seeks for the 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.

Consideration of how proposals within the Zone complement existing development within their respective streetscapes is a key consideration. In this respect, the Zone seeks 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 siting, form and key elements.

We have reviewed the built form conditions of the development within the locality and identified the key attributes of, primarily dwellings, in the below **Table 1 and 2**.

Table 1: Key Attributes Table for northern side of Park Street

Page Size: A2

	52	50	48	46	44 (subject land)	42	40	38	36
									
<b>Frontage width</b>	15m	15.5m	15.5	15.5	17.2m	15.5m	16m	29.8m	18.3m
<b>Building setback</b>	5.5m	3.2m	6.2m	6m	7m	7m	8.6m	6.2	6.5m
<b>Key Attributes Policy Area 8 - Compact (Built Form) Precinct 8.5</b>									
<b>Architectural style</b>	Replica symmetrical cottage	Villa	Local Heritage Place 1883 former shop	Symmetrical cottage	Replica villa	Local Heritage Place Villa circa 1895	Post war residential flat building	Post war group dwellings ECH Retirement Village	New construction Symmetrical cottage
<b>Roof form</b>	Hipped	Multiple hipped	Gable hipped	Hipped	Multiple Hipped	Gable hipped	Low gable	Intersecting hip/dutch gable	Hipped
<b>Verandah</b>	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes
<b>Wall material</b>	Brick	Painted Brick/Stone	Stone/brick	Brick/Stone	Brick/Stone	Stone/ brick	Brick	Brick	Stone
<b>Roof material</b>	Corrugated iron	Corrugated iron	Corrugated iron	Corrugated iron	Corrugated iron	Corrugated iron	Corrugated iron	Tiled	Corrugated iron
<b>Fencing</b>	Low brick and metal detailing atop	Solid / Brush	Solid / Brush	Solid / Brush	Masonry and palisade	Solid / Brush	No fencing	Low landscaping hedges	Masonry and palisade

measurements within this table are approximate

\*All

Table 1: Key Attributes Table for northern side of Park Street

Page Size: A2

	49	51 & 53	55	57	59	61	63	65	67
									
Frontage width	12.6m	12.2m & 12.6m	12.8m	12.6m	12.6m	18.5m	16m	13.3m	13.3
Building setback	6.1m	5.1	6m	6m	6m	8.8m	5.2m	8m	6.5m
<b>Key Attributes</b> <b>Policy Area 8 - Compact (Built Form) Precinct 8.5</b>									
Architectural style	Villa	New construction contemporary	Villa	Villa	Villa	Bungalow	New construction Replica villa (two storey)	Replica villa	Symmetrical cottage
Roof form	Gable hipped	Hipped	Gable hipped	Gable hipped	Gable hipped	Gable and Valley	Gable hipped	Gable hipped	Hipped
Verandah	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Wall material	Stone	Solid render	Stone	Render / stone	Stone	Stone	Stone	Painted render	Stone
Roof material	Corrugated iron	Corrugated iron	Corrugated iron	Corrugated iron	Corrugated iron	Corrugated iron	Corrugated iron	Tile	Tile
Fencing	Solid / masonry	Mix of solid masonry and masonry and palisade	Solid / Brush	High picket	Solid / Brush	Picket	unknown	Low open metal	Low brick

\*All measurements within this table are approximate



Those dwellings that are original to the area and which have heavily informed the design approach, are generally characterised by:

- Medium to large scale and wide facade widths
- Hipped roofing clad in corrugated iron
- Verandahs facing the street
- Modest solid to void ratio
- Brick and stone facades
- Discreet carport elements

The subject Policy Area’s Desired Character contains the following pertinent planning provisions:

The streetscape attributes include the:

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

Development will:

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

Precinct	Predominant Allotment Size		Predominant Setbacks		
	Area	Width	Street Setbacks	Minimum side setbacks	Collective side setbacks
8.5 Unley (West) and Hyde Park	500m <sup>2</sup>	15m	5.0m	1.0m	4.0m

Having considered the context of the locality including the key attributes within the streetscape and the Policy Area's Desired Character provisions as highlighted above, we make the following observations with respect to the design and siting of the proposal:

### *Siting*

- **Predominant allotment pattern**
  - > The proposed dwelling will be located on an existing allotment and no further division of the land proposed. As a result, the subject land will maintain the predominant character / allotment patterns evident within Park Street.
  
- **Front setback**
  - > The proposed development provides a consistent setback from the street boundary with the main face of the dwelling setback 6.43 metres from Park Street. This setback is comparable with existing symmetrical cottages within the locality. By way of example:
    - The dwelling at #42 is setback at 7 metres
    - The dwelling at #46 is setback at 6 metres
  - > The above approach is considered appropriate in maintaining consistency in siting patterns within the locality and will ensure the proposed dwelling is not a dominant building element within its immediate context.
  - > The proposed setback also supports space for meaningful and generous landscaping to be planted forward of the building line. Details of landscaping are provided on the Site Plan as prepared by Think Architects.
  
- **Side Setbacks**
  - > The proposal will provide a side setback of 1.18 metres from the eastern side boundary, as sought by the Desired Character. This side setback is also similar setback to the existing dwelling on the subject land.
  - > Being a corner site, the collective side setback policy is not considered to be directly applicable to the proposal as it cannot provide a collective side setback to the road. Importantly, however, the proposal provides some setback to the western boundary (being 1.29 metres) and more than the existing dwelling, which is located on this secondary road frontage.
  - > The proposal is therefore considered to positively contribute to space patterns within the locality.

### *Form*

- The single storey and street facing form of the proposal will complement the generally low scale character of the locality whilst contributing to the wide streetscape feel of the area and ensuring the dwelling actively engages with the public realm.
- The two-storey component of the design has been meaningfully setback 14.4 metres from the street frontage such that it is of reduced visual dominance and will, consequently, be a discreet and inconspicuous built form element within the context of the overall design, ensuring the desirable single storey character is reinforced.

- At a more detailed architectural level, the proposal will be consistent with the recognisable pattern of the traditional building proportions including 3.3 metre wall heights, roof height, volumes and shapes within the locality.
- The below image demonstrates that the proposed dwelling will maintain a consistent pattern with regards to wall height, roof pitch (at 30 degrees) and overall height with the Local Heritage dwelling located to the east of the subject land, as reflected below.

**Image 2: Streetscape elevation in context with adjoining dwelling**



### Key Elements

The proposed dwelling is consistent with the key architectural elements of traditional housing stock within the locality because:

- **Architectural style**
  - > The defining design feature of the proposed dwelling takes design cues from many symmetrical cottages found in the locality by adopting a similar wall height, roof pitch and verandah type element (i.e. expressed steel canopy) on the main face of the dwelling.
- **Verandah element:**
  - > The proposed dwelling incorporates a steel PFC 'toes out' canopy element forward of the building line. While expressing a contemporary design it is nonetheless an appropriate interpretation of the verandah forms found elsewhere within the locality and ensures it does not 'mimic' the traditional cottage or villa style verandahs.
- **Roof form:**
  - > The roof form of the single storey portion of the proposed dwelling will be of a symmetrical pitched form of 30 degrees and will be corrugated iron to complement the existing villas and symmetrical cottages found within the locality.
- **Materials and colours:**
  - > The design incorporates building materials that are found within the locality including:
    - Stone façade Sandstone
    - Steel verandah in colour Night Sky
    - Rendered walls in Concrete colours
    - Corrugated roof cladding in colour Monument

## Carports and Garages

Zone Principle 14 states:

**14 A carport or garage should form a relatively minor streetscape element and should:**

- a) Be located to the rear of the dwelling as a freestanding outbuilding; or**
- b) Where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect the carport or garage should:**
  - i. Incorporate lightweight design and materials, or otherwise use materials which complement the associate dwelling; and**
  - 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**
  - iii. Have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and**
  - 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.**

The proposal features a double garage located, desirably, off the secondary street frontage (Russell Street). As such the garage does not intrude upon the primary façade and streetscape setting of the dwelling.

The garage is considered to be acceptable in a design sense and satisfy PDC 14 because:

- It has been designed to be to the rear of the associated dwelling and away from the facade.
- The width of the garage has been designed to be a proportionally minor element relative to the Russell Street frontage and is also setback well behind its secondary façade.
- It has a lower roof element (i.e. flat) so to provide differentiation from the dwelling component and be a discreet building element.

## Fencing

Zone principle 16 states:

**16 Fencing of the primary street frontage and the secondary street on corner sites, forward of the front façade of the dwelling, should complement the desired character, and be compatible with the style of the associated dwelling and its open streetscape presence, and comprise:**

- a) On narrow-fronted dwelling sites of up to 16 metres in street frontage – low and essentially open style fencing up to 1.2 metres in height, including picket, dowel, crimped wire or alternatively low hedging;**

The proposed fencing is considered to be acceptable and satisfy PDC 16 because:

- It has a high proportion of openness with vertical slats spaced at about 80mm intervals to provide permeability to the front yard of the dwelling
- It will have a height of 1.2 metres on its primary road frontage wrapping around to the secondary road frontage allowing for views of the dwelling and its front garden to be provided. This is despite the fact it could in theory accommodate a taller fence given the land's frontage width exceeds 16 metres.
- The secondary street boundary is proposed with new 1800mm high James Hardie 'Axon Smooth 133' fencing which is a consistent height with the existing fencing on the land on this boundary and the side fencing found on the western side of Russell Street at #46. It is therefore considered appropriate.

## General Residential Provisions

- **Private open space**
  - > 145 square metres of private open space has been provided to the rear of the dwelling which equates to 23 percent of the total site area. Therefore, the proposal satisfies General Section, Principle of Development Control 20.
- **Site coverage**
  - > The proposed site coverage of built form (excluding alfresco area) equates to 60 percent of the land area. The proposed site coverage is slightly over (10% over) that anticipated by General Section, Residential Development Principle 17, however can satisfy Principle 16 therefore the extent of this numeric shortfall does not diminish site functionality given the land has adequate private open space, car parking, and compliant setbacks (as noted below) and as such is considered acceptable in our view.
- **Setbacks**
  - > Dwelling ground Level
    - 6.1m rear setback
    - 1.18m eastern side setback
    - 1.0-4.3m western side setback
  - > Dwelling upper level
    - 12.5m rear setback
    - 4.03m eastern side setback
    - 4.3m western side setback

The proposed setbacks are largely consistent with those desired by General Section, Residential Development PDC 13 with the extent of variations limited in number and extent.

- **Overshadowing**
  - > While shadow drawings are not provided, due to the orientation of the allotment (north-south), and the location of structures on abutting sites, the likely shadow cast by the dwelling will not impact on any habitable rooms or private open space of neighbouring dwellings. Therefore, the proposal will satisfy General Section, Residential Development Principle 41.
- **Privacy**
  - > All upper level windows will have a sill height of 1700mm therefore maintaining privacy for neighbouring dwellings. Therefore, satisfying General Section, Residential Development Principle of Development Control 39.
- **Car parking**
  - > Five on site car parking spaces are provided for the dwelling therefore satisfying Table Un/5 of Council's Development Plan.

## Conclusion

We have reviewed the locality, in particular its character and key streetscape attributes and also the relevant provisions of the Development Plan.

Following our review, we have deemed that the proposed dwelling improves the existing appearance of the land and at the same time appropriately complements the prevailing siting, form and key positive residential elements of the locality.

The proposal will also satisfy, provisions of the Development Plan regarding private open space, side/rear setbacks, overshadowing and car parking with the identified shortfall in site coverage appropriate given site functionality will not be affected to any degree.

For all of the above reasons we consider the proposed development to satisfy the pertinent Development Plan provisions and as such, merits Development Plan Consent.

As necessary, please feel free to call Rebecca Gosling in the first instance should you have any questions on 8333 7999.

Yours sincerely



**Rebecca Gosling**  
Associate



**Matthew King RPIA**  
Managing Director

Enc

**From:** Rebecca Gosling  
**Sent:** Tue, 23 Jun 2020 14:29:13 +0930  
**To:** Harry Stryker  
**Cc:** Matthew King; Adam Cavuoto - ThinkArchitects; dprice68@optusnet.com.au  
**Subject:** Response to RFI - 44 Park Street, Hyde Park - 090/224/2020/C2  
**Attachments:** 200623\_L01\_V02\_Response to further information request\_Final.pdf

Hi Harry,

Please find attached our response and amended plans in relation to your correspondence dated 4 June 2020 relating to the abovementioned property.

Should you wish to discuss please feel free to get in touch.

Kind Regards,

**Rebecca Gosling**  
Associate



ADELAIDE | MELBOURNE  
12 / 154 Fullarton Road, ROSE PARK SA 5067  
4 Brunswick Place, FITZROY VIC 3065  
ADELAIDE OFFICE 08 8333 7999 MOBILE 0431 946 022 EMAIL [rebecca@urps.com.au](mailto:rebecca@urps.com.au)  
WEB [www.urps.com.au](http://www.urps.com.au) LINKEDIN [www.linkedin.com/urps](http://www.linkedin.com/urps)

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Ref: 20ADL-0200

23 June 2020

Harry Stryker  
Development Officer  
City of Unley  
181 Unley Road  
UNLEY SA 5061



**URPS**

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12/154 Fullarton Road  
ROSE PARK SA 5067  
(08) 8333 7999

**MELBOURNE**  
4 Brunswick Place  
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ABN 55 640 546 010

Dear Harry

## **Response to further information request (DA 090/224/2020/C2)- 44 Park St, Hyde Park**

### **Acknowledgment and Amended Plans**

Thank you for your correspondence dated 4 June 2020 regarding the demolition and construction of new two storey dwelling including verandah, front fencing, in-ground swimming pool and garage at the abovementioned address.

The applicant has reviewed your letter and in response provided amended details to address:

- **Colours of a more traditional nature:**
  - > Feature stone in colour - Sandstone
  - > Acrylic texture rendered walls in concrete finish (Concrete by Novacolor – Flat Soft Grey)
  - > Fielders Finesse Panel Colorbond finish in colour Matt Basalt
  - > Colorbond custom orb roof cladding in colour-Matt Basalt
  - > Facebrick wall to garage in colour PGH recycled red brick
  - > Panel lift garage door in colour Matt Basalt
  - > Powder coated windows in colour Night Sky
  - > Cantilevered structural steel canopy in colour Night Sky
  - > Powder coated vertical steel flat plates and gate in colour Night Sky with masonry rendered piers in Dulux Silver Tea Set ½ strength.
- **Details of FFL's for the development:**
  - > A civil site plan has been prepared by GAMA Consulting referenced Drawing No. 20144-C01 Rev A dated 26/03/2020.

In addition to the above the applicant also seeks to incorporate a 400mm high rendered base retaining wall along the Russell Street frontage with 1800mm high Axon Smooth 133 fence atop. This elevation is provided within Sheet No DDA 07 of 9 dated 16/03/2020 (Fence elevation – West).



### Front Setback

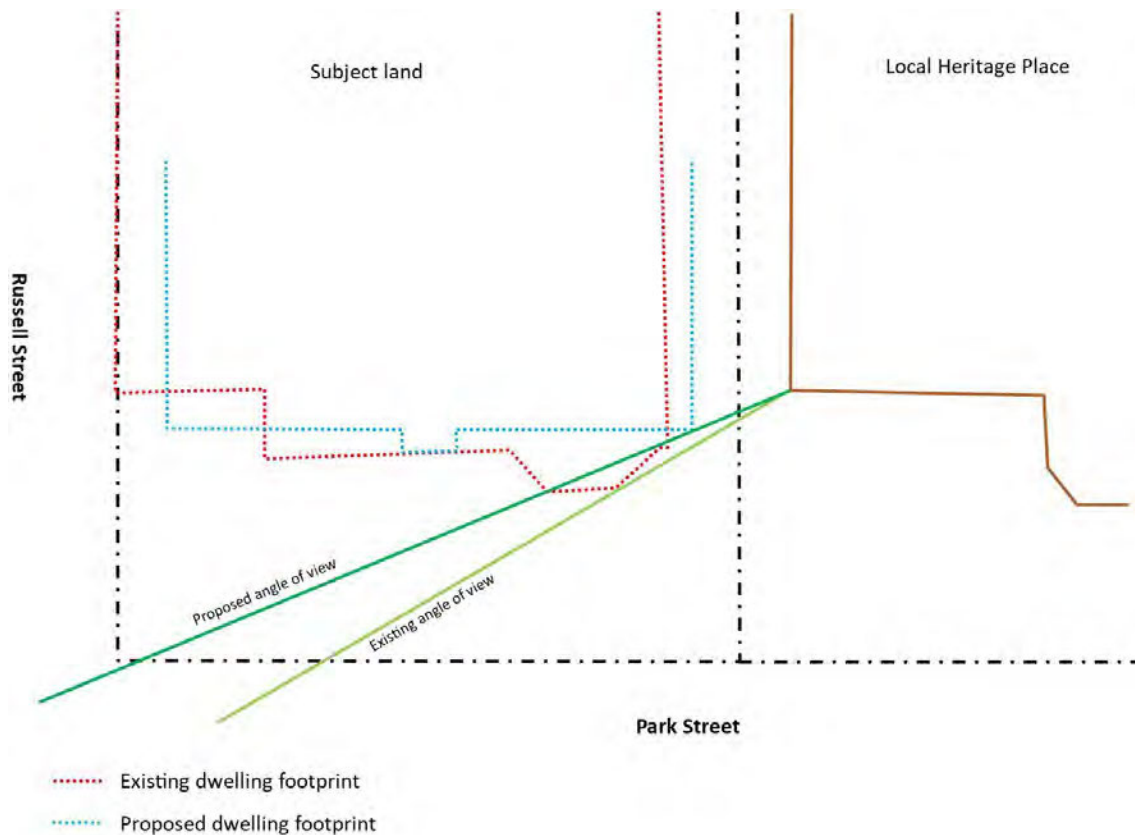
Your correspondence recommended to setback the dwelling to 7480mm or inline as the adjoining dwelling.

We have reviewed this aspect of your advice and seek to maintain the 6340mm setback as proposed in the lodged scheme.

We consider this front setback of the proposal to not materially detract from the adjoining Local Heritage Place (LHP) because:

- The existing dwelling on the subject land has a bay window currently sitting forward of the main face of the associated dwelling and the adjoining (LHP) dwelling i.e. it is setback 4813mm and the associated dwelling and adjoining dwellings are setback 7.5m and 6m respectively.
- By our assessment this bay window currently limits the view of the adjoining Local Heritage Place (LHP) from pedestrians and motorists travelling east bound along Park Street due to its protuberance forward of the main face of the dwelling.
- The proposed dwelling setback at 6340mm will provide a wider angle of view of the LHP as viewed travelling eastbound along Park Street.
- The below diagram provides an illustration of the existing and proposed angle of view to the LHP. The diagram clearly demonstrates the extended angle of view the proposed dwelling will provide to the LHP.

**Diagram 1: Illustration of existing and proposed dwelling setbacks and angle of view of the LHP for eastbound pedestrians and motorists**



In addition to the above we further re-iterate our opinion that the setback is appropriate because:

- The proposed development provides a consistent setback from the street boundary with the main face of the dwelling setback 6.43 metres from Park Street. This setback is comparable with existing symmetrical cottages within the locality. By way of example:
  - > The dwelling at #42 is setback at 7 metres
  - > The dwelling at #46 is setback at 6 metres
- The above approach is considered appropriate in maintaining consistency in siting patterns within the locality and will ensure the proposed dwelling is not a dominant building element within its immediate context.
- The proposed setback also supports space for meaningful and generous landscaping to be planted forward of the building line. Details of landscaping are provided on the Site Plan as prepared by Think Architects.

### Conclusion

Upon review of your correspondence the applicant has amended the plans to:

- address colours of a more traditional nature;
- provided a civil plan with FFL's and stormwater details;

The applicant seeks to retain the proposed front setback of 6340mm and upon our further review we contend that the proposal will satisfy provisions of the Development Plan with regards to setback whilst increasing the angle of view of the adjoining LHP for eastbound pedestrians and motorists (thereby improving the situation from the current scenario).

For all of the above reasons we consider the proposed development to satisfy the pertinent Development Plan provisions and as such, merits Development Plan Consent.

As necessary, please feel free to call Rebecca Gosling in the first instance should you have any questions on 8333 7999.

Yours sincerely



**Rebecca Gosling**  
Associate



**Matthew King RPIA**  
Managing Director

Enc

**ATTACHMENT B**

**From:** [REDACTED]  
**Sent:** Wed, 22 Jul 2020 09:29:03 +0930  
**To:** PO Box1  
**Subject:** Representation for 44 Park St Hyde Park 5061  
**Attachments:** 2020-07-22-092515.pdf

Hi there

Please see the attachment for the proposed development.

Regards

[REDACTED]

# REPRESENTATION Category 2 (Page 1)

To: Harry Stryker, City of Unley Development Section

**Please read these notes carefully:**

1. Both pages **MUST** be completed in full and returned to the City of Unley by the closing date to be a valid representation.
2. This page (ie Page 1) will **NOT** be published on the internet.
3. Pages 1 and 2 (and any attachments) may be included as attachments in the hard copy of the Council Assessment Panel agenda.
4. Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and attachments) will be forwarded to the Applicant for consultation and response.

The closing date for Representations is **5pm on 5 August 2020.**

**Application:** 090/224/2020/C2 44 Park Street, Hyde Park SA 5061

**Details of Person(s) making Representation:**

**Name:**

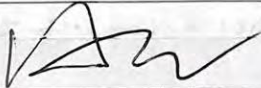
**Postal Address:**

**EMAIL ADDRESS:**

**Daytime Phone No.**

**Property affected  
by Development**

44 Park St, Hyde Park, 5061



(Signature)

21.7.20

(Date)

## REPRESENTATION Category 2 (Page 2)

To: Harry Stryker, City of Unley Development Section

1. This page (ie Page 2) and any attachments may be published on the internet and thus be able to be searched via Google and other internet search engines.
2. In accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and any attachments) will be forwarded to the Applicant for consultation and response.

The closing date for Representations is 5pm on 5 August 2020.

Application:	090/224/2020/C2 44 Park Street, Hyde Park SA 5061
Property affected by Development	

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

(Please state your reasons so that each planning issue can be clearly identified. Attach extra pages if you wish)

"No straight two storey allowed in that area" had been told when I did my planning application at 53 opex ave, Hyde park, that's why we pushed the up level <sup>wall</sup> far away from the garage wall.

My concerns (if any) could be overcome by:

Pushing up level back more from Russel St and treats everyone the same.

WISH TO BE HEARD

DO NOT WISH TO BE HEARD

by the Council Assessment Panel

(Tick one box only. If you do not tick either box it will be assumed that you do not wish to be heard by the Council Assessment Panel.)



## REPRESENTATION Category 2 (Page 1)

To: Harry Stryker, City of Unley Development Section

**Please read these notes carefully:**

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The **closing date** for Representations is **5pm on 5 August 2020.**

**Application:** 090/224/2020/C2 44 Park Street, Hyde Park SA 5061

**Details of Person(s) making Representation:**

Name:

Postal Address:

EMAIL ADDRESS:

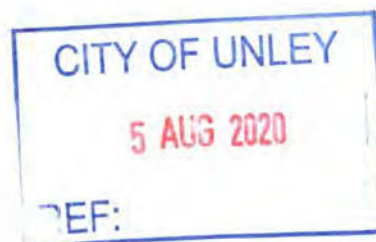
Daytime Phone No.

Property affected  
by Development

42 Park St Hyde Park SA 5061.

  
(Signature)

4/8/20.  
(Date)



## REPRESENTATION Category 2 (Page 2)

To: **Harry Stryker, City of Unley Development Section**

1. This page (ie Page 2) and any attachments may be published on the internet and thus be able to be searched via Google and other internet search engines.
2. In accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and any attachments) will be forwarded to the Applicant for consultation and response.

The **closing date** for Representations is **5pm on 5 August 2020**.

<b>Application:</b>	090/224/2020/C2 44 Park Street, Hyde Park SA 5061
<b>Property affected by Development</b>	

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

(Please state your reasons so that each planning issue can be clearly identified. Attach extra pages if you wish)

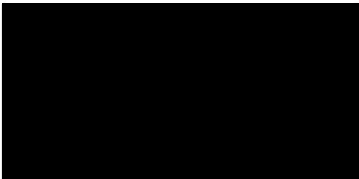
Please see attached document - letter.

My concerns (if any) could be overcome by:

I  **WISH TO BE HEARD** by the Council Assessment Panel  
 **DO NOT WISH TO BE HEARD**

(Tick one box only. If you do not tick either box it will be assumed that you do not wish to be heard by the Council Assessment Panel.)





03.08.2020

**RESPONSE TO COUNCIL NOTIFICATION OF DEVELOPMENT APPLICATION AT  
44 PARK STREET, HYDE PARK SA 5061**

To whom it may concern,

I have received documentation relating to this development.

In general I am supportive of the proposal; however, I do have some concerns over elements of the proposal that I believe will impact me.

My small garden is an important place in my home and somewhere I spend quite a bit of time. It is central to maintaining my sense of wellbeing and balance in a busy life. I feel that the garage to be constructed on the boundary, being above regulation height, and significantly higher than the existing structure, will be quite imposing and will have an unwelcome impact on this space. The removal of the existing boundary fence with trellis on top, with replacement by such an imposing boundary garage wall, will destroy the continuity and symmetry of my fence line which contributes a pleasing aesthetic around a significant portion of my rear garden. This area constitutes a major portion of the outlook from my rear kitchen/living area, and is an area I have given much time and effort to in order to create a tranquil and appealing space.

I request a response to the following specific concerns:

1. Proposed garage boundary wall
  - a. I would prefer that the garage structure be moved off the boundary line, and that the garage be constructed without removing the fence.
  - b. That the garage wall be limited to 3.0m in height in accordance with Council's development plan.
  - c. That the face of the garage wall be painted woodland grey to match fencing.
2. That the existing boundary fence, which is in good condition, be retained. Failing that, the details of the new fence should be discussed with me prior to approval being granted to ensure that existing heights, and resultant privacy, is maintained. I would also like clarification of how long the boundary fence will be missing and how security and privacy will be maintained during construction.

3. I am concerned that the rear windows of Bedroom 3 and Bedroom 4 will allow overlooking of a significant portion of my rear yard. This view into my rear yard, combined with the proposed replacement of the current fence with one significantly lower, will unreasonably exacerbate the loss of privacy, resulting in a reduction in the enjoyment of the leisure time I spend there. I request clarification as to how this will be addressed.
4. Clarification of the location of external air conditioning equipment, including an understanding of how it will be designed so that there is no noise nuisance resulting.
5. Clarification of the location of external pool filtration and pump equipment, including an understanding of how it will be designed so that there is no noise nuisance resulting.
6. Clarification of the type of fireplace proposed in the living room and the location of the flue. The existing dwelling features a wood fire with a non-compliant flue which has been the source of much angst and has required significant council intervention.
7. I expect that the existing dwelling will contain asbestos and would like confirmation that this will be dealt with safely. I wish to be notified in advance when demolition will occur so that I may plan accordingly.

I do not wish to unreasonably detract from my new neighbour's ability to enjoy their new home; however, I do ask that my genuine concerns are given due consideration.

I would be happy to meet with the owners, or their representatives, to discuss this further. My contact details will be available from council.

I do wish to be heard by the Council Assessment Panel, should the development application proceed to the Panel.

Yours sincerely,



## ATTACHMENT C

Ref: 20ADL-0200

23 September 2020

Andrew Raeburn  
Team Leader Planning  
City of Unley  
181 Unley Road  
UNLEY SA 5061



**URPS**

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12/154 Fullarton Road  
ROSE PARK SA 5067  
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**MELBOURNE**  
4 Brunswick Place  
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www.urps.com.au  
ABN 55 640 546 010

Dear Andrew

## **Response to Representations (DA 090/224/2020/C2)- 44 Park St, Hyde Park**

Thank you for speaking to me recently about the above project.

We confirm URPS acts for the applicant in this matter being David Price. We have assisted to date by preparing a Design Context Report in support of this development.

We have received a copy of the representations received in relation to this development application. We have now reviewed these representations and provide a response below.

### **Representations**

Two representations were made by:

- Han Xue of 5 Netherby Avenue, Netherby
- Elizabeth Dunne of 42 Park Street, Hyde Park

Each of these representations is addressed individually below.

### **Han Xue Representation**

Han Xue raised concern with the proposed two-storey built form and suggested that two storey development is not envisaged in this area.

Principle of Development Control 9 of the Policy Area is relevant and states:

- 9     **Development should present a single storey built scale to the streetscape. Any second storey building elements should be integrated sympathetically into the dwelling design, and be either:**
- a) **incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street; or**
  - b) **set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.**

The proposal achieves PDC 9 (b). The two-storey component of the dwelling has been meaningfully setback (at some 14.4 metres from the street frontage (Park Street) such that it is of reduced visual dominance and will, consequently, be a discreet and inconspicuous built form element within the context of the overall design, ensuring the desirable single storey character of Part Street is reinforced.

### Elizabeth Dunne Representation

Ms Dunne has raised concerns with the following:

#### *Garage boundary wall location and height*

Preference to have:

- The garage:
  - > Moved off the boundary so to maintain the existing fence.
  - > Reduced in height to max 3.0 metres.
  - > Painted in 'Woodland Grey'

#### Response:

Our client has discussed the plans with Ms Dunne and agreed that the garage wall on the boundary will remain and the wall finished in colour Woodland Grey, with fence panels and new trellis in the colour of Ms Dunne's choice.

#### *Fencing to be retained*

Preference to have:

- Existing boundary fence retained.
- The opportunity to details of the new fencing prior to approval being granted.
- Confirmation as to how long the boundary fence will be missing and how security and privacy will be maintained during construction.

#### Response:

The proposed fence heights, colours and types have been nominated on the proposal plans.

An arrangement with the builder can be determined to knock down and replace the fencing at either the start or end of the project and have it removed and replaced in 2-3 days. This timing can be discussed with Ms Dunne as required under the *Fencing Act 1975*. In any case, this is not a matter to be concerned with now and is separate to the planning assessment.

#### *Overlooking from rear bedroom windows*

Ms Dunne is concerned that the rear windows of Bed 3 and 4 will allow overlooking into her property.

#### Response:

Windows to bedroom 3 and 4 have a 900mm steel surround to block views to the neighbouring property to the east (42 Park Street). They are designed to only look into the pool area of the subject site.

Views from the upper level windows to the north are considered acceptable because:

- The proposed garage will block direct views as it is located on the boundary
- The existing dwelling to the north does not have any private open space within view of the windows and there are limited windows facing the boundary (which would be obscured with the proposed garage wall in any case).

#### *Confirmation of the location of AC equipment*

The AC equipment is proposed to be located within the western courtyard at ground level as shown on the amended plans.

#### *Confirmation of the location of pool pump and filtration equipment*

The pool equipment is proposed to be located within the western courtyard as shown on the amended plans.

#### *Confirmation of the location of flue and fireplace*

A gas fire place is proposed with compliant flue system as required under the Building Code of Australia. It is likely cowl to roof mounted on top of 2<sup>nd</sup> level (will not be seen from ground level) nor will it be smelt.

#### *Asbestos control during demolition*

The applicant is unsure of levels of asbestos within the existing building as this testing has not yet been undertaken. All demolition will be carried out by the builder in accordance with AS2601 2001 and WHS Act 2012 including the safe removal of asbestos by qualified demolition contractors.

In any case, this is not a matter to be concerned with now and is separate to the planning assessment.

#### **Conclusion**

We reaffirm our support for this proposal, and note that the proposal satisfies the Development Plan and improves the existing appearance of the land and at the same time appropriately complements the prevailing siting, form and key positive residential elements of the locality.

The proposal will also satisfy provisions of the Development Plan regarding private open space, side/rear setbacks, overshadowing and car parking with the identified shortfall in site coverage appropriate given site functionality will not be affected to any degree.

Issues raised by Ms Dunne have been addressed through discussions and negotiations directly between our client and Ms Dunne and we are hopeful she will now withdraw her representation.

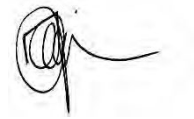
For the reasons outlined in this letter, the proposed development warrants Development Plan Consent.

Please feel free to call Rebecca Gosling in the first instance on 8333 7999 should you have questions.

Yours sincerely



Rebecca Gosling  
**Associate**



Matthew King  
**Managing Director** MPIA



**ITEM 2**  
**DEVELOPMENT APPLICATION – 090/461/2020/C2 – 69 UNLEY ROAD,**  
**PARKSIDE SA 5063 (UNLEY)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/461/2020/C2
<b>ADDRESS:</b>	69 Unley Road, Parkside SA 5063
<b>DATE OF MEETING:</b>	20 <sup>th</sup> October 2020
<b>AUTHOR:</b>	Amy Barratt
<b>DEVELOPMENT PROPOSAL:</b>	Remove existing verandah and erect new verandah (at rear)
<b>HERITAGE VALUE:</b>	Local Heritage
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Urban Corridor High Street (Unley Road) P20
<b>APPLICANT:</b>	M Wynn
<b>OWNER:</b>	Est Late P Boutsis and K Boutsis and D Boutsis and K Boutsis
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (One oppose)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representation
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Visual amenity Heritage Impact

**1. PLANNING BACKGROUND**

The subject tenancy is currently used as a restaurant/café 'Gang Gang' pursuant to Development Approval 090/385/2019/C2 which included the *'change in land use from shop to restaurant/café, paint signage and replace fencing'*.

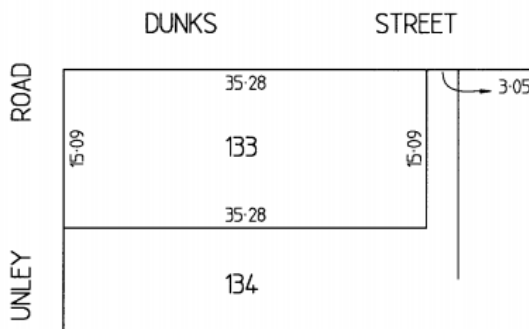
An application to vary conditions relating to the above-mentioned application has been considered by Administration and received Development Approval under delegation. The approval includes *'vary hours of operation, access, patron numbers and use of courtyard'* (090/560/2020/C1) and did not require public consultation.

## 2. DESCRIPTION OF PROPOSAL

The applicant proposes to remove an existing verandah and construct new verandah within the rear courtyard of the tenancy at 69 Unley Road Parkside (Shop 1).

## 3. SITE DESCRIPTION

The subject site is located on the south-eastern corner of Dunks Street and Unley Road. The site has a frontage of 15.09m to Unley Road, a depth of 35.28m and an overall site area of 532.37m<sup>2</sup>.



The existing building is shown to include two tenancies, the subject application relates to the northern most tenancy (Shop 1).

The existing building is identified as a Local Heritage Place and is described as follows;

*“Shop and former dwelling; external form, materials and detailing of the c1870s shop, shopfront and attached earlier former dwelling. Any later alterations or additions are excluded from the listing”.*

The subject site is located within the Urban Corridor Zone, Policy Area 20 (High Street Unley Road).

The subject land does not benefit from existing off-street parking.

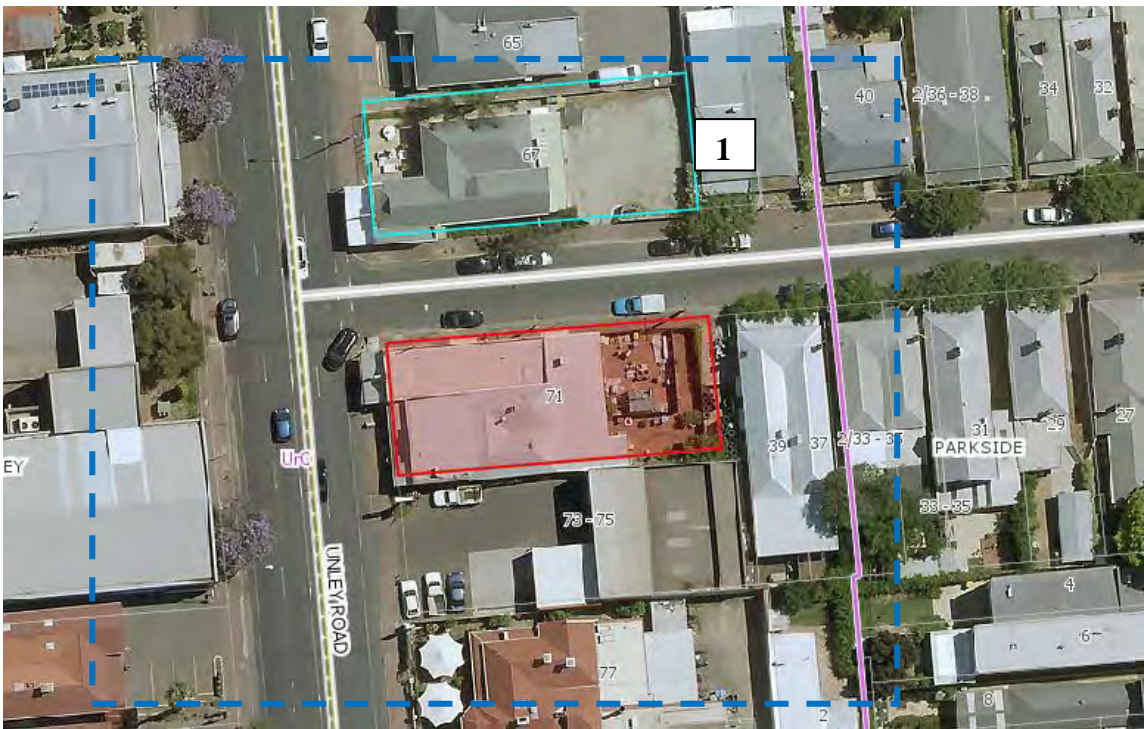
The subject building is located near, but not abutting, a Residential Zone.

As demonstrated on the map below, the rear (western) boundary directly abuts the land associated with 73-75 Unley Road. A semi-detached dwelling is located abutting this strip of land (within the Urban Corridor Zone), and then the Zone boundary changes to Residential Streetscape (Built Form) Zone.



Above: Zone boundary (pink)

**4. LOCALITY PLAN**



**5. LOCALITY DESCRIPTION**

Unley Road is identified as an arterial road. Existing land uses fronting Unley Road are primarily non-residential and include office, motor repair, restaurant, personal services, consulting rooms and retail/shop.

The secondary street frontage (Dunks Street) is occupied predominantly by residential development, although it should be noted that the western most properties are located within the Urban Corridor Zone.

**6. STATUTORY REFERRALS**

No statutory referrals required.

## 7. NON-STATUTORY (INTERNAL) REFERRALS

The existing building is a Local Heritage Place and as such the subject application was referred to Council's Consulting Heritage Architect who provided the following advice:

- *The proposed verandah is a simple, skillion-roofed structure with clear roof sheeting, built of timber and painted an off-white colour to match the building and structures with which it is associated.*
- *The subject place is an historic shop and former house (LHP).*
- *The proposed verandah does not adversely impact on historic fabric of significance. It is low in scale and simple in form and discreetly located at the rear of the historic shop.*
- *The relatively minor streetscape impact of the proposed development is acceptable.*
- *The proposed development is supported in principle in relation to heritage impact.*

## 8. PUBLIC NOTIFICATION

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

<b>44 Dunks Street (oppose)</b>	
<b>ISSUES RAISED</b>	<b>ADMINISTRATION NOTES</b>
<p>The proposed developments open design does not offer adequate protection from noise and light spill if the applicant increases its patron numbers or varies the use of the courtyard and hours of operation.</p> <p>The proposed development:</p> <ul style="list-style-type: none"> <li>• does not protect residents from potential adverse impacts of non-residential activities such as patron noise, overlooking and light spill</li> <li>• is not designed to minimise noise impacts to achieve adequate levels of compatibility with residences</li> <li>• does not include noise attenuation measures</li> <li>• facilitates an outdoor dining area that is not designed to minimise adverse noise impacts.</li> </ul>	<p>The applicant did not provide a formal response.</p> <p>The representation predominantly objects to the land use of the subject tenancy and does not speak directly to the proposed development/structure.</p> <p>It is not appropriate to consider the land use in the subject planning assessment and as such the concerns regarding land use are not spoken to within this report.</p>

(\* denotes non-valid planning considerations)

## 9. DEVELOPMENT DATA

<b>Building Characteristics</b>	
Setbacks	
Front boundary (West)	Behind existing building
Side boundary (North)	3m
Side boundary (South)	On boundary
Rear boundary (East)	2.3m
Length	5.3m
Width	5.3m
Height	2.89m – 3.36m
Area	28.9m <sup>2</sup>
Materials	Timber framed Clear roof sheeting Painted white to match surrounds

## 10. ASSESSMENT

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

<b>Urban Corridor Zone – High Street (Unley Road) Policy Area 20</b>	<i>Objectives</i>	5 & 8
<b>City Wide Objective and PDC - 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>City Wide Objective and PDC 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

An assessment has been undertaken against the above Objectives and Principles of Development Control and a summary of the planning assessment is summarised as follows;

- Land use considerations are not part of this proposal.
- The proposed verandah is discreetly located at the rear of the subject site. It is separate to the Local Heritage Place and is low in scale and simple in form.
- The proposed verandah replaces an existing structure in a similar location and will not be readily visible from the Secondary Street frontage.
- The proposed verandah will not result in unreasonable shadowing of adjoining properties nor will it impede access to sunlight.

It is considered that the proposed verandah will not adversely impact the amenity of the locality or the adversely impact on the historic building.

## **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.

The application is therefore recommended for Development Plan CONSENT.

## **12. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/461/2020/C2 at 69 Unley Road, Parkside SA 5063 to 'Remove existing verandah and erect new verandah (at rear)' 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:**

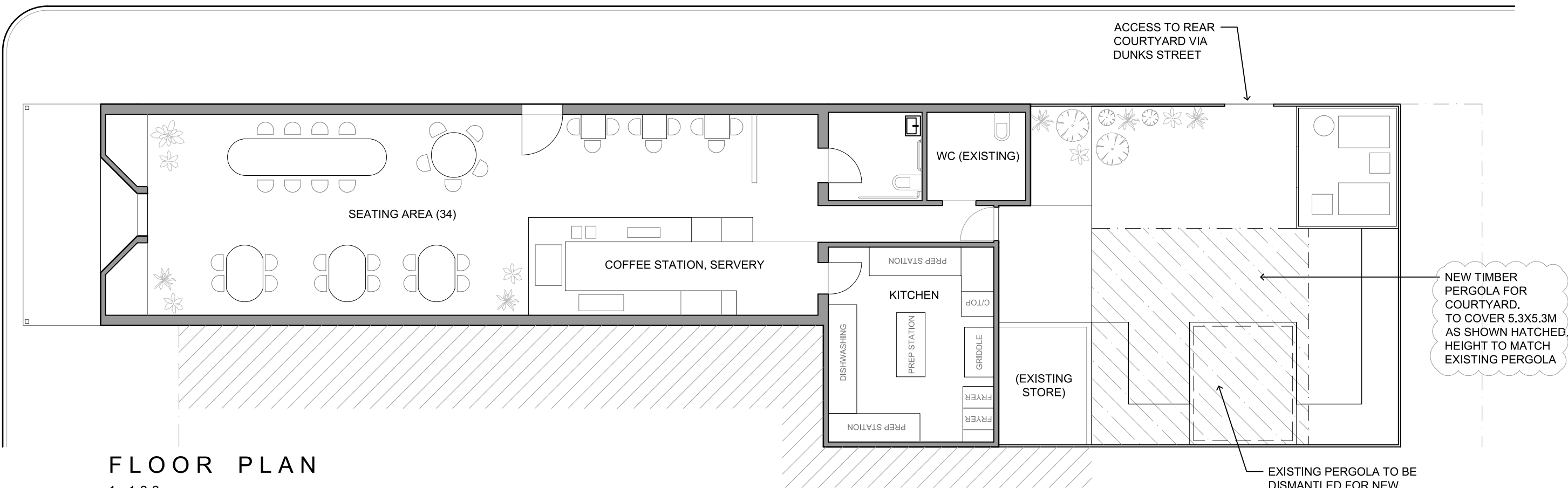
1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.

<b>List of Attachments</b>		<b>Supplied By:</b>
<b>A</b>	Application Documents	Applicant
<b>B</b>	Representation	Administration

## ATTACHMENT A



UNLEY ROAD

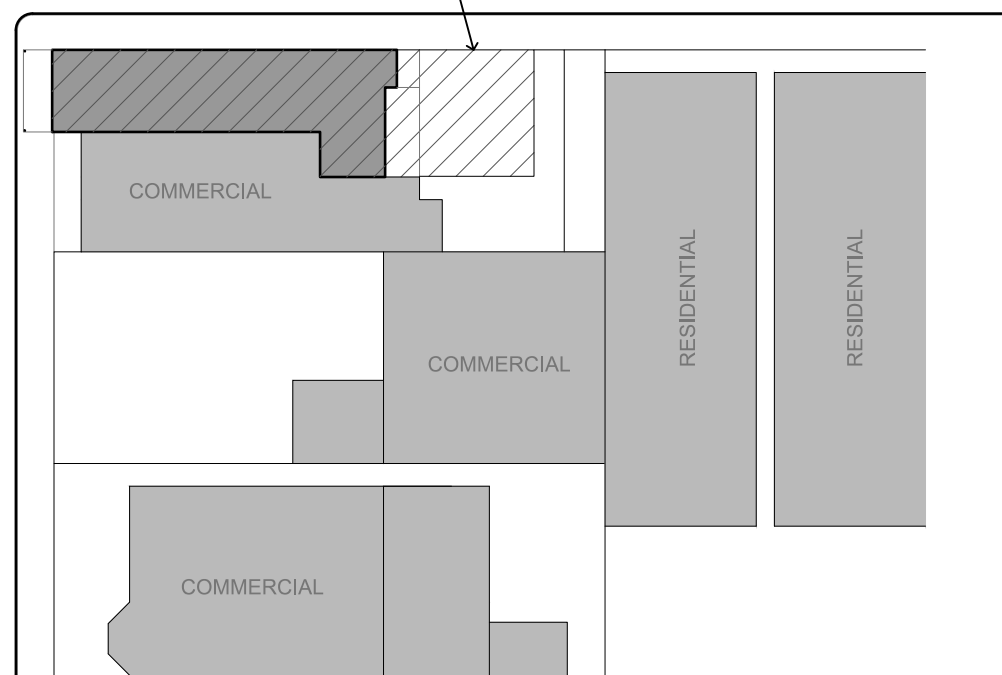


**FLOOR PLAN**  
1:100

ACCESS TO REAR COURTYARD VIA DUNKS STREET

DUNKS STREET

UNLEY ROAD



**SITE PLAN**  
1:500

NEW TIMBER PERGOLA FOR COURTYARD. TO COVER 5.3X5.3M AS SHOWN HATCHED. HEIGHT TO MATCH EXISTING PERGOLA

d	Prelim 01	23_07_20
REV	ISSUE	DATE
CLIENT_		
Gang Gang 69 Unley Road, Parkside		
DRAWING NAME_		
STAGE 02: FLOOR PLANS		
DRAWING_		
PL03		
PROJECT FILE_		REVISION_
GG_PL01		C
DATE_	AUTHOR_	SCALE_
June 2019	ajw	1:100

scale 1:100

0 2M

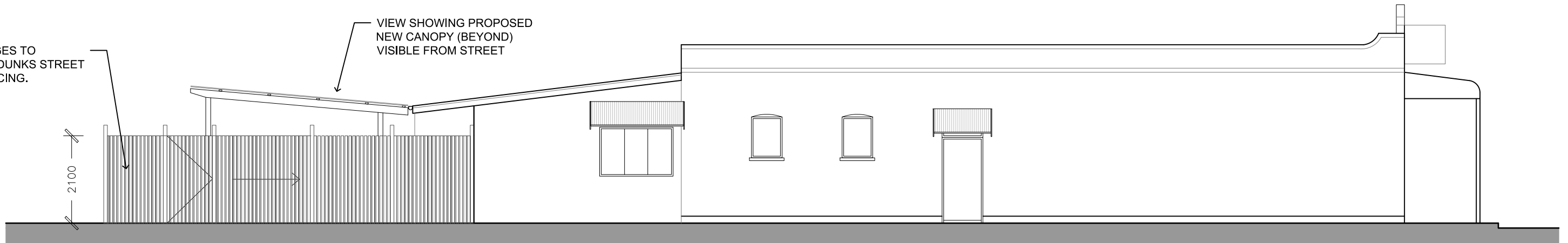


### ELEVATION (UNLEY RD)

1:100

NO CHANGES TO EXISTING DUNKS STREET FACE FENCING.

VIEW SHOWING PROPOSED NEW CANOPY (BEYOND) VISIBLE FROM STREET

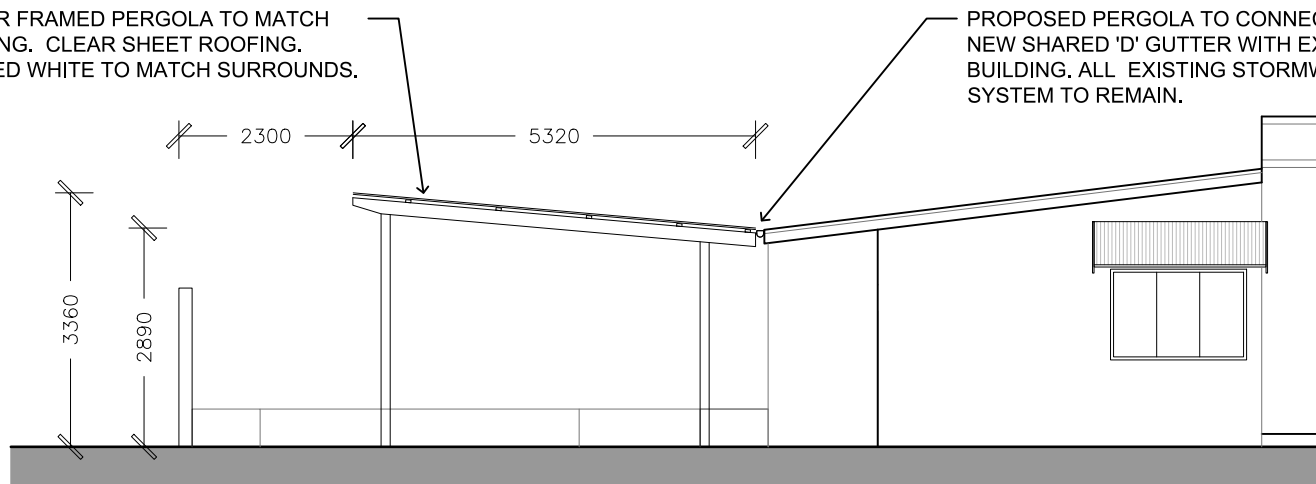


### ELEVATION (DUNKS ST)

1:100

TIMBER FRAMED PERGOLA TO MATCH EXISTING. CLEAR SHEET ROOFING. PAINTED WHITE TO MATCH SURROUNDS.

PROPOSED PERGOLA TO CONNECT TO A NEW SHARED 'D' GUTTER WITH EXISTING BUILDING. ALL EXISTING STORMWATER SYSTEM TO REMAIN.



### ELEVATION (DUNKS ST)

1:100

d reissued for planning approvals 23\_07\_20

REV	ISSUE	DATE

CLIENT\_

Gang Gang  
69 Unley Road, Parkside

DRAWING NAME\_

ELEVATIONS

DRAWING\_

PL02

PROJECT FILE_	REVISION_
GG_PL01	D

GG\_PL01

D

DATE_	AUTHOR_	SCALE_
June 2019	ajw	1:100

June 2019

ajw

1:100

### **Pergola:**

We hope to upgrade our courtyard area with a new pergola for upcoming summer months for it to be more habitable for our plants + a better experience for customers.



As per suggestion of heritage planning

*1. The proposed verandah will be a simple, skillion-roofed structure with clear roof sheeting, built of timber and painted an off-white colour to match the building and structures with which it is associated.*

*Colour: Antique White USA*

*2. The proposed verandah will not adversely impact on historic fabric of significance. It will be low, in scale and simple in form and discreetly located at the rear of the historic shop.*

*3. Existing pergola roof will be removed to leave a simple design for new structure. Concreted pillars from existing pergola to be used as support pillars.*

*Works to be done by licensed builders Dustin Weatherald + Richard Porter from PRO-FORM PERGOLAS PTY LTD.*

**ATTACHMENT B**

## REPRESENTATION Category 2 (Page 1)

To: Amy Barratt, City of Unley Development Section

**Please read these notes carefully:**

1. Both pages ***MUST*** be completed in full and returned to the City of Unley by the closing date to be a valid representation.
2. This page (ie Page 1) will ***NOT*** be published on the internet.
3. Pages 1 and 2 (and any attachments) may be included as attachments in the hard copy of the Council Assessment Panel agenda.
4. Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and attachments) will be forwarded to the Applicant for consultation and response.

The **closing date** for Representations is **5pm on 1 September 2020**.

**Application:** 090/461/2020/C2 69 Unley Road, Parkside SA 5063

***Details of Person(s) making Representation:***

**Name:**

**Postal Address:**

**EMAIL ADDRESS:**

**Daytime Phone No.**

**Property affected  
by Development**

44 Dunks Street Parkside 5063

  
(signature)

24 August 2020

(Date)

## REPRESENTATION Category 2 (Page 2)

To: **Amy Barratt, City of Unley Development Section**

1. This page (ie Page 2) and any attachments may be published on the internet and thus be able to be searched via Google and other internet search engines.
2. In accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and any attachments) will be forwarded to the Applicant for consultation and response.

The **closing date** for Representations is **5pm on 1 September 2020**.

<b>Application:</b>	090/461/2020/C2 69 Unley Road, Parkside SA 5063
<b>Property affected by Development</b>	44 Dunks Street Parkside 5063

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

*(Please state your reasons so that each planning issue can be clearly identified. Attach extra pages if you wish)*

Refer attachment

My concerns (if any) could be overcome by: Refer attachment

I  **WISH TO BE HEARD** by the Council Assessment Panel  
 **DO NOT WISH TO BE HEARD**

*(Tick one box only. If you do not tick either box it will be assumed that you do not wish to be heard by the Council Assessment Panel.)*

## **Attachment – Response to 461-2020-C2**

### **I object to the proposed development because:**

The proposed development's open design does not offer adequate protection from noise and light spill if the applicant increases its patron numbers or varies the use of the courtyard and hours of operation.

The applicant has applied for a variation to its hours of operation, access, patron numbers and use of courtyard under application no. 090/560/2020.

It is foreseeable that the applicant will use the development for purposes that extend beyond current operations that will result in increased patronage, noise and light spill to nearby residences.

The proposed development is objected to when read alongside the application 090/560/2020 because it:

- does not protect residents from potential adverse impacts of non-residential activities such as patron noise, overlooking and light spill
- is not designed to minimise noise impacts to achieve adequate levels of compatibility with residences
- does not include noise attenuation measures
- facilitates an outdoor dining area that is not designed to minimise adverse noise impacts.

The proposed development will be parallel with residences on Dunks Street. Its use pursuant to the variations proposed under 090/560/2020 will create non-residential noise into the evening. This will have a negative affect on residents' amenity if adequate steps to mitigate this unreasonable interference are not undertaken.

There are no other open design non-residential developments abutting residential zones along Unley Road because of the potential adverse noise impacts these developments can have on residences.

Residents of Dunks Street should be provided an opportunity to consider the proposed development alongside proposed variations to the applicant's operations to ensure the development avoids detriment and unreasonable interference to the amenity of the abutting residential zone.

### **My concerns could be overcome by:**

- No variation to hours of operation.
- No variation to use of courtyard.
- No variation to patron numbers in the courtyard.

OR

- Proposed development amended to be an enclosed structure that protects adjacent residencies from potential adverse impacts of non-residential noise such as patron noise, light spill and overlooking.



**ITEM 3**  
**DEVELOPMENT APPLICATION – 090/268/2020/C2 – 53 AUSTRAL TERRACE, MALVERN SA 5061 (UNLEY PARK)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/268/2020/C2
<b>ADDRESS:</b>	53 Austral Terrace, Malvern SA 5061
<b>DATE OF MEETING:</b>	20 <sup>th</sup> October 2020
<b>AUTHOR:</b>	Amy Barratt
<b>DEVELOPMENT PROPOSAL:</b>	Erect screen to southern and eastern boundary (retrospective)
<b>HERITAGE VALUE:</b>	Contributory
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential Historic Conservation Zone, Policy Area 6
<b>APPLICANT:</b>	D J Blanch
<b>OWNER:</b>	D J Blanch
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (two oppose)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representations
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Visual amenity Boundary development

**1. PLANNING BACKGROUND**

Following public notification and a site visit which was undertaken from the southern adjoining property (53 Austral Terrace), Administration advised the applicant that the unapproved screen as constructed (along the southern boundary) at a height of 4m would not be supported by Administration and requested that the overall height be reduced.

In response, the applicant submitted amended drawings demonstrating a revised height of 3m (screen) and 3.6m (post).

**2. DESCRIPTION OF PROPOSAL**

The applicant proposes to erect a screen along a portion of the eastern and southern boundaries of the subject land.

### 3. SITE DESCRIPTION

The subject site is located within the Residential Historic Conservation Zone, Policy Area 6.


The site is located on the southern side of Austral Terrace, between Unley Road and Rugby Street. The site is regular in shape, having a frontage to Austral Terrace of 24.39m, a depth of 48.77m and an overall site area of 1189.5m<sup>2</sup>.

The site is currently occupied by a detached dwelling (Contributory Item), associated carport and swimming pool.

No Regulated Trees have been identified on the subject land, or within close proximity of the proposed development.

### 4. LOCALITY PLAN



 Subject Site  Locality  Representations

### 5. LOCALITY DESCRIPTION

#### Land Use

The predominant land use within the locality is residential.

## 6. STATUTORY REFERRALS

No statutory referrals required.

## 7. NON-STATUTORY (INTERNAL) REFERRALS

No non-statutory (internal) referrals were undertaken.

## 8. PUBLIC NOTIFICATION

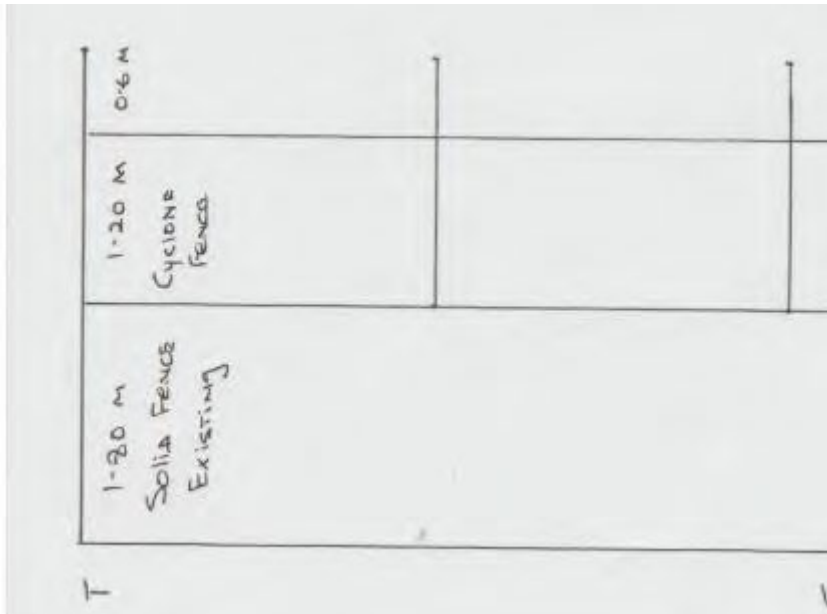
Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period 2 representations were received as detailed below.

<b>68 Malvern Avenue Malvern (oppose)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
The structure is visually unattractive, giving an enclosed cage look and feel to our backyard. Cannot see a reason for a structure this high.	The fencing has been established to provide security. Further it provides an opportunity to support any future landscaping (creepers and the like).  The fencing is permeable, and the dark colour reduces its visibility.
Concerns could be overcome by reducing the height to 2.8m max.	
<b>6/70 Malvern Avenue (oppose)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
I am worried that property on the development area may cause noise and less sun light to my house.	The development and subject representor are physically separated by a number of properties and the screen is unlikely to be seen, let alone cast a shadow.

(\* denotes non-valid planning considerations)

Following public notification, Administration requested that the height of the screen be reduced along the southern boundary.

The applicant amended the plans demonstrating the following elevation/heights:



The above details were forwarded to the representor who advised that they did not wish to withdraw their concerns, and advised via email correspondence dated 19 August 2020:

- *As stated in my previous responses we seek to keep the height of the overall structure, visible on our side to a maximum of 2.8 mts. The fence on our side is 1.85 mts, therefore we would agree to the other mesh fencing to rise above that by 1 mt.*
- *We still are extremely concerned with how much sunlight will be cut out once the foliage has grown, as our lawn when purchased and installed was selected with full sun coverage.*

## 9. DEVELOPMENT DATA

Building Characteristics			Development Plan Requirements
Location	Southern boundary	Eastern boundary	
Length	12.9m	12.2m	
Height	Post 3.6m Cyclone fence 3m	Post and cyclone fence 2.6m	2.8m
Details	'Tennis court style' open mesh fencing supported by poles (black)		

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

## 10. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<b>Residential Historic Conservation Zone, Policy Area 6</b>	
<i>Objective 1: Conservation and enhancement of the heritage values and desired character described in the respective policy areas, exhibited in the pattern of settlement and streetscapes of largely intact original built fabric.</i>	
<b>Desired Character</b>	
<p><i>The spacious streetscape character is founded on wide, tree-lined streets, grid street layout (with axial views focussed on the central oval feature in 'New Parkside') and generous front gardens. Intrinsic to the area is an extensive, intact collection of contributory items including distinctive Victorian and Turn-of-the-Century villas (asymmetrical and symmetrical), double-fronted cottages and limited complementary, Inter-war era, styles. More affluent, original owners developed some larger, amalgamated allotments in the southern areas establishing grander residences and gardens.</i></p> <p><i>Development will:</i></p> <p><i>a) conserve contributory items, in particular symmetrical and asymmetrical villas of Victorian and Turn-of-the-Century era and double-fronted cottages; and</i></p> <p><i>b) be of a street-fronting dwelling format, primarily detached dwellings; and</i></p> <p><i>c) maintain or enhance the predominant streetscapes and regular road and allotment patterns with:</i></p> <p style="padding-left: 40px;"><i>I. dwelling sites typically of 15 metres in street frontages and with site areas of 750 square metres; and</i></p> <p style="padding-left: 40px;"><i>II. front set backs of some 7 metres; and</i></p> <p style="padding-left: 40px;"><i>III. side setbacks of between 1 metre and 3 metres so as to maintain a total spacing between neighbouring dwelling walls, of some 4 metres; and</i></p> <p><i>d) maintain and respect important features of architectural styles of contributory items having typically:</i></p> <p style="padding-left: 40px;"><i>i. building wall heights in the order of 3.6 metres; and</i></p> <p style="padding-left: 40px;"><i>ii. total roof heights in the order of 5.6 metres or 6.5 metres; and</i></p> <p style="padding-left: 40px;"><i>iii. roof pitches in the order of 27 degrees and 35 degrees.</i></p>	
<b>Assessment</b>	
<p>The proposed development is a freestanding structure located at the rear of the subject land, and will not be visible from a public vantage point. As such, the existing streetscape character and Contributory item will not be impacted as a result of the proposed development.</p>	
<b>Relevant Zone Principles of Development Control</b>	<b>Assessment</b>
<p><i>PDC 2</i></p> <p><i>Development should comprise:</i></p> <p><i>(a) alterations and/or additions to an existing dwelling; and</i></p> <p><i>(b) ancillary domestic-scaled structures and outbuildings; and</i></p>	<p>The proposed development is a domestic-scaled structure that is ancillary to the existing Contributory dwelling.</p>

## **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 regards to the proposed development:

<b>Relevant Council Wide Provisions</b>	<b>Assessment</b>
<p><b><i>Residential Development PDC 36 Fencing, Walls and Landscaping</i></b></p> <p><i>e) create visual privacy between properties on side and rear boundaries behind the front building façade through the use of light weight and visually impermeable boundary fences or structures that do not exceed 2.1 metres in height (measured from finished ground levels or the lower of the two adjoining finished ground levels);</i></p> <p><i>f) provide structures that are semi visually impermeable (greater than 50 percent open) such as lattice extensions above solid boundary fences to a total height of 2.8 metres (measured from finished ground levels or the lower of the two adjoining finished ground levels) in circumstances where it does not adversely affect the visual amenity of the locality nor reasonable access to sunlight of adjoining land.</i></p>	<p>The proposed screens are located adjacent the southern and eastern boundary.</p> <p>The screen adjacent the eastern boundary is 2.6m high. As the screen protrudes minimally above the existing fence and is located adjacent existing vegetation, it will not be highly visible from the adjoining property (51-51a Austral Terrace).</p> <p>The screen adjacent the western boundary protrudes above the existing common boundary fence which is approximately 1.8m in height (measured from the adjoining property). The chain mesh section extends 1.2m above the fence, while the post height exceeds 1.8m above the fence.</p> <p>The southern screen is located adjacent the primary private open space area for the adjoining property at 68 Malvern Avenue (representor). The screen extends the entirety of the shared boundary providing a consistent elevation as viewed from the adjoining property.</p> <p>The screen material includes open chain mesh fencing and posts. As such, the development is visually</p>



	<p>permeable. It is acknowledged that the screen may be used as an aid to grow vegetation which may decrease the permeability of the structure in the future. However, the application requires assessment of 'development' and as such future vegetation growth cannot be taken into consideration (as it is not a form of 'development').</p> <p>Given the above considerations, it is considered that the proposed screen will not adversely affect the visual amenity of the locality nor result in unreasonable shadowing of adjoining land.</p>
--	---

## **11. CONCLUSION**

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

- The proposed development is not at variance to the Desired Character and relevant Principles of Development Control for the subject Zone and Policy Area;
- The proposed development is visually permeable and of a height that will not adversely affect the visual amenity of the locality nor result in unreasonable shadowing of adjoining land.

The application is therefore recommended for Development Plan CONSENT.

## **12. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/268/2020/C2 at 53 Austral Terrace, Malvern SA 5061 to 'Erect screen to southern and eastern boundary (retrospective)' 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. The development shall be completed, in accordance with the approval, no later than three (3) months from the date of the Development Approval.



**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.

<b>List of Attachments</b>		<b>Supplied By:</b>
<b>A</b>	Application Documents	Applicant
<b>B</b>	Representations	Administration
<b>C</b>	Response to Representations	Applicant
<b>D</b>	Photos and superseded documents	Applicant

## ATTACHMENT A

Our ref: GM/220072

28 April 2020

Mr P Tsokas  
Chief Executive Officer  
City of Unley  
181 Unley Road  
UNLEY SA 5061

**By email: [ptsokas@unley.sa.gov.au](mailto:ptsokas@unley.sa.gov.au)**

Dear Peter

**Development Application for fencing – 53 Austral Terrace, Malvern**

This firm acts for Mr David Blanch and Mrs Annabel Blanch who are the occupiers of the land and dwelling at 53 Austral Terrace, Malvern. Mr Blanch is the owner.

**Development application**

My clients hereby submit a development application seeking development plan consent for a fence along portion of both their southern and eastern boundary.

Accompanying this letter are the following documents:

1. completed development application form;
2. plans;
3. photographs; and
4. copy of Certificate of Title.

**Background**

My clients have occupied their land for 37 years. There is a substantial dwelling established on the land together with significant garden areas. There is a swimming pool in the south-eastern corner of their land. It was approved circa 1995.

On 4 December 2019, Mr Blanch made enquiries by telephoning the Council's planning department as to whether or not he would require "planning consent" for a tennis court style fence to be established on his the land. The fence was to be located in the vicinity of the swimming pool. As a result of the discussion, Mr Blanch understood that he did not require planning consent for the fence and hence established the fence.

However, recently following further advice from the Council, it appears that development plan consent is required for the fence.

Level 1 Darling Building  
28 Franklin Street, Adelaide  
GPO Box 1042, Adelaide SA 5001  
t. 08 8212 9777  
f. 08 8212 8099  
e. [info@bllawyers.com.au](mailto:info@bllawyers.com.au)  
[www.bllawyers.com.au](http://www.bllawyers.com.au)

## Details of fencing

The fence is in two parts:

1. along the southern boundary for a distance of 12.9m; and
2. along the eastern boundary in south-eastern corner for a distance of 12.2m.

As to the southern boundary section the fence poles are 4 m high with a "tube rail" at the top. There are small finished spheres on the top of the posts. The mesh is black in colour, to match the colour of the posts. The form of the fence on the eastern side is largely the same but only 2.6m high.

The fencing posts have been established with appropriate footings.

So as to be clear, the fencing is described as "tennis court type fencing" but does not encapsulate a tennis court, nor are any lights proposed on the fence.

The fence is immediately adjacent to the common boundary, save for approximately 100mm with the mesh terminating about 100mm from the ground level so as to prevent leaves and litter from collecting between the new fence and the existing boundary fence.

Although the fence is "higher than usual" on the southern boundary, it is only 2.6m high along the eastern boundary of the land.

The fencing in part provides additional safety as regards the swimming pool.

## Development Plan

The land is within the area of the City of Unley and pursuant to Council's Development Plan consolidated on 19 December 2017, is within the Residential Historic (Conservation) Zone and more particularly with in Policy Area 6 – spacious Unley and Malvern Trimmer estate.

Both the zone and policy area effectively reinforce land to used for residential purposes. That use remains unaffected by the proposal. Indeed fencing is synonymous with residential development.

Given the nature of the development, it is not proposed to further discuss the Development Plan in general terms. However, the Development Plan does speak to fencing, both in the zone provisions and the Council wide provisions.

The first mention of fencing is under the heading "Crime Prevention". PDC 2 seeks fencing to define ownership and to reduce the security risk of land. The fencing is consistent with that desire.

Under the heading "Residential Development", fencing is also discussed. Pursuant to PDC 35, fencing is encouraged to a height of 2.1m so as to create visual privacy between side and rear boundaries. That goal was largely achieved by the existing fencing. However that the principle then goes on to also allow for "semi-visual impermeable fencing" to a total height of 2.8m. Such fencing is contemplated where it will not *"adversely affect the visual amenity of the locality nor reasonable access to sunlight of adjoining land"*.

As to that part of fencing on the eastern side, it obviously complies with that goal as the permeability of open mesh fence material is well in excess of 50% visually permeability and that fence is less than 2.8m in height.

However the fencing along portion of the southern boundary exceeds the height that is nominated in that provision, but clearly the fencing is visually permeable and as such cannot and does not "*adversely effect of visual amenity of adjoining land*". That is made out by reference to the **attached** photographs, one taken from the land to the south, and one from the subject land looking "back" to the fence.

There are some references to fencing specifically in the zone, noting however the fencing in question is only visible from one or two properties and none of those properties are either state heritage places, local heritage places or contributory items. Furthermore and generally speaking the fencing discussed in the zone relates to fencing to the street frontage rather than rear/side fencing.

Within the zone, PDC 15 deals with fencing. Again it deals with publicly visible fencing ie fencing to the public realm rather than side or rear boundary fencing.

Policy Area 6 does not address specifically the issue of fencing. It is concerned with the conservation of existing development in the area, site areas and the form of development in terms of location heights and the like.

Having regard to general planning principles and the Development Plan given the extent and nature of the development – open style fencing, and its location, along part of the southern and part of the eastern boundary, together with its function – to define areas and to provide additional safety as regards the pool, it is clear that the proposal is worthy of the grant development plan consent.

### **Public notification**

Table Un/8 deals with the public notification, as does table Un/9.

Fencing is specifically mentioned within Table Un/1. Subject to compliance with certain conditions, fencing is a category 1 development. However, those conditions include solid fences not exceeding 2.1m in height or lattice fencing and screens exceeding 2.8m in height. In this instance, the nature of the fencing should be regarded as, at worst, falling within the descriptor "lattice fencing and screens". The fencing on the eastern side falls within that Table. However, along the southern boundary the fencing exceeds 2.8m in height as regards the section. What is the effect of that? Does that mean that the development falls to be considered as a category 2 development pursuant to table Un/9?

Before turning to table Un/9, it is noted that there is a section in Table Un/8, under the heading of "minor development" which wording is based on an earlier iteration of the Development Regulations. It relevantly reads:

any development which comprise a kind of development which, in the opinion of the relevant authority, is of a minor nature only and is unlikely to be the subject of reasonable objection from the owner's or occupiers of land in the locality of the site of the development

It is respectfully submitted that despite the southern boundary fencing not complying with/falling outside the category 1 fence height limit - as it is 2.8m in height - the Council can and should form the opinion that the proposed development along part of the southern boundary is:

1. of a minor nature only - it is minor having regard to its form, location and height being open mesh fencing that is highly visually permeable, with support poles, and

2. is unlikely to be subject of reasonable objection from the owners or occupiers of land.

In that regard, the second limb contemplates that there may be some objection but the question is will any such objection be 'reasonable'?

In the circumstances where the fencing is on the boundary and is open in its form and nature, it is unlikely the subject of any reasonable objection. *The adjective "reasonable" signifies a rational objection as distinct from an irrational or vexatious or frivolous objection.* Thus, the Council must decide if there are aspects of the proposed development which might lead to an objection which could not be classified as irrational, vexatious or frivolous. It is submitted there are no features of the scheme that could give to a rational objection to the fence on portion of the southern boundary. Further that contention is made out/illustrated by reference to the photo that has been taken from the land to the south which shows less than 2m of the open mesh fence is visible above the existing solid boundary fencing. The new fencing does not in any way prevent views or access to sunlight nor cause any overshadowing.

On that basis, given the form of the fencing etc the Council can form the opinion that it is minor in nature and secondly it cannot be the subject of reasonable objection.

Further, in addition to Table Un/8 one can also have regard to clause 2(g) of part 1 of schedule 9 of the Development Regulations as to 'public notification'. That clause applies to *any* development which is of a minor nature only, but in that instance, *will not be the subject of any unreasonable impacts on owners of adjacent or nearby land.* That clause in itself expressly contemplates some impacts by its very terms but those impacts cannot be unreasonable. For the reasons set out above it is difficult to conceive of any unreasonable impact that would arise by reason of the fence which protrudes for a height of less than 2m for a distance of 12.9m when viewed from the south. Further, the colour and nature of the fencing with its black colour and mesh form means there will be limited visual impact and the fence will not cause any overshadowing.

For all of these reasons, it is respectfully submitted that the Council should form the opinion under table Un/1 or pursuant to clause 2(g) of Part 1 of Schedule 9 of the Development Regulations to treat the whole of the proposal as a Category 1 development.

On that basis, one does not need to turn to consider Table Un/9.

### **Regulation 47A?**

It is noted under this regulation, the variation of a previously issued development authorisation can be dealt with via a simple approval being granted by the Council where the Council is satisfied that the variation "is minor in nature". The variation is minor in nature as discussed above both as to the eastern boundary and the southern boundary. Whilst in a sense it adds to the fence height as discussed above, the fence addition is of a form, location and nature that it is "minor in nature" and therefore can be treated as a variation under Regulation 47A. The variation relates to the pool application that was approved circa 1995 as set out on the base site plan forming part of the plans for this application.

The Council is urged to give careful consideration to course of action.

### **Conclusion**

Early this year, Mr Blanch established a tennis court style fence along portion of their southern (rear) boundary and their eastern boundary (south-east corner to corner)

immediately adjacent to their swimming pool. The fence was established only after enquiries had been made with the Council.

To the extent necessary, application is hereby made for the grant of development plan consent to the fence as constructed.

The fence is in a location and form that has no, or to which no *significant objection* can be taken and one that does not give rise to *any unreasonable impacts* on any adjacent person or property. That is by reason of its location, its form and nature including its colour and the extent of the 'protruding height'.

Fences are typically associated with residential properties and this is no different.

Properly understood, the application is one that is worthy of the grant of development plan consent, consistent with, to extent relevant, the Development Plan provisions for the zone and the policy area, together with the general principles in the Council's general section of its Development Plan.

Further, it is respectfully submitted that the fence is in effect a simple and minor variation to the fence that was established on the southern boundary of the subject land following the recent development on the land to the south, and/or the swimming pool that was approved circa 1995.

For the reasons set out, properly understood, the addition to the fence is *minor in nature* and therefore can be approved as a simple variation, meaning it is unnecessary to require/treat this as being a "new application for development authorisation" pursuant to regulation 47A(b).

If however the Council is not prepared to act under that provision, again for the reasons expressed, it is respectfully submitted that the whole of the application should be treated as a category 1 development and be granted development plan consent under delegated authority.

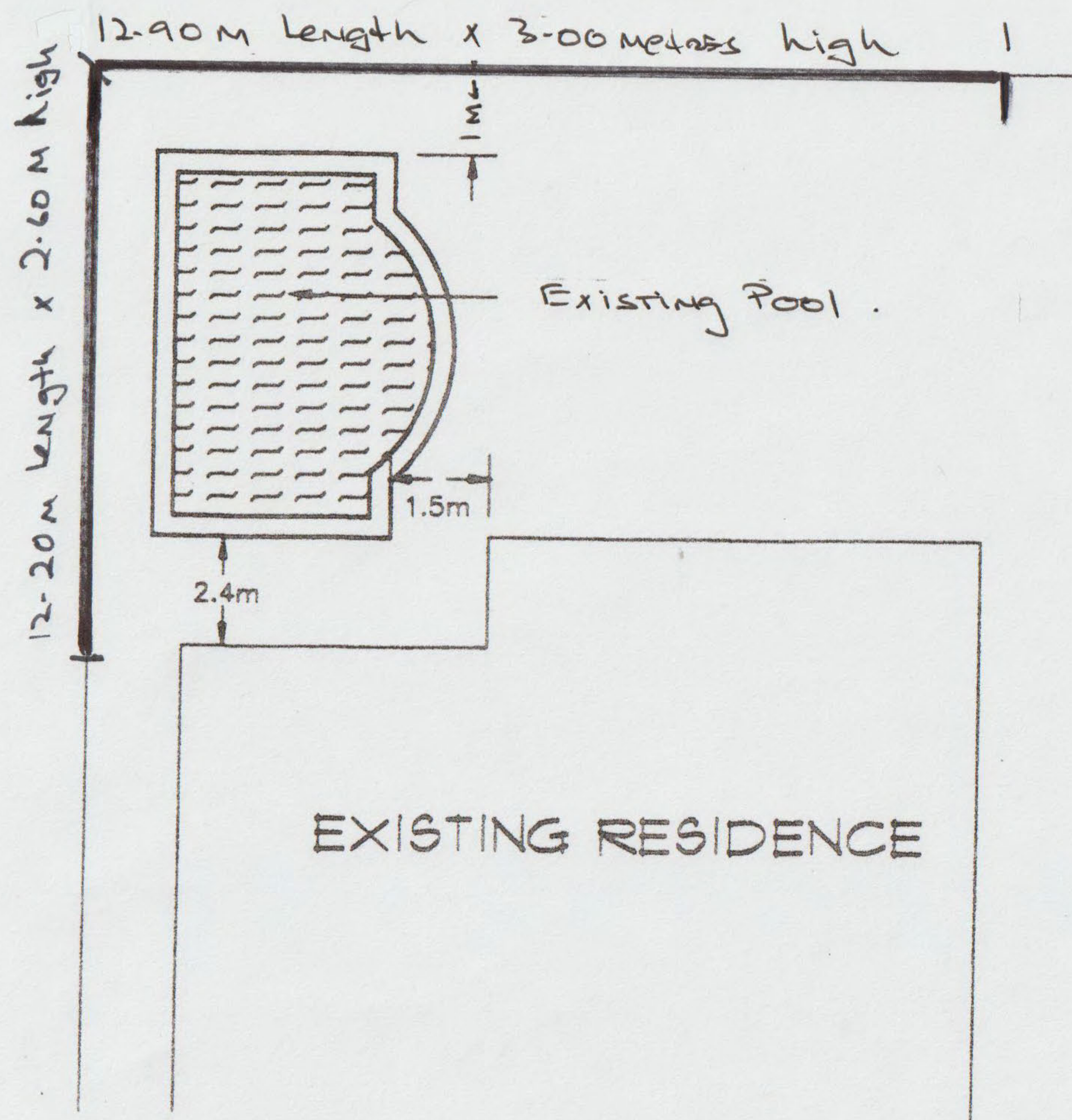
If you require any further information, please do not hesitate to contact writer.

Yours faithfully



**George Manos**  
**BOTTEN LEVINSON**  
Email: [gm@bllawyers.com.au](mailto:gm@bllawyers.com.au)





NEW FENCE Tennis Court Style Mesh Fence.

12.9 metres length } Southern Boundary  
3.0 metres High.

12.20 metres length } Eastern Boundary  
2.60 metres High.

AMENDED PLAN / DOCUMENT  
DATE: 28/09/2020

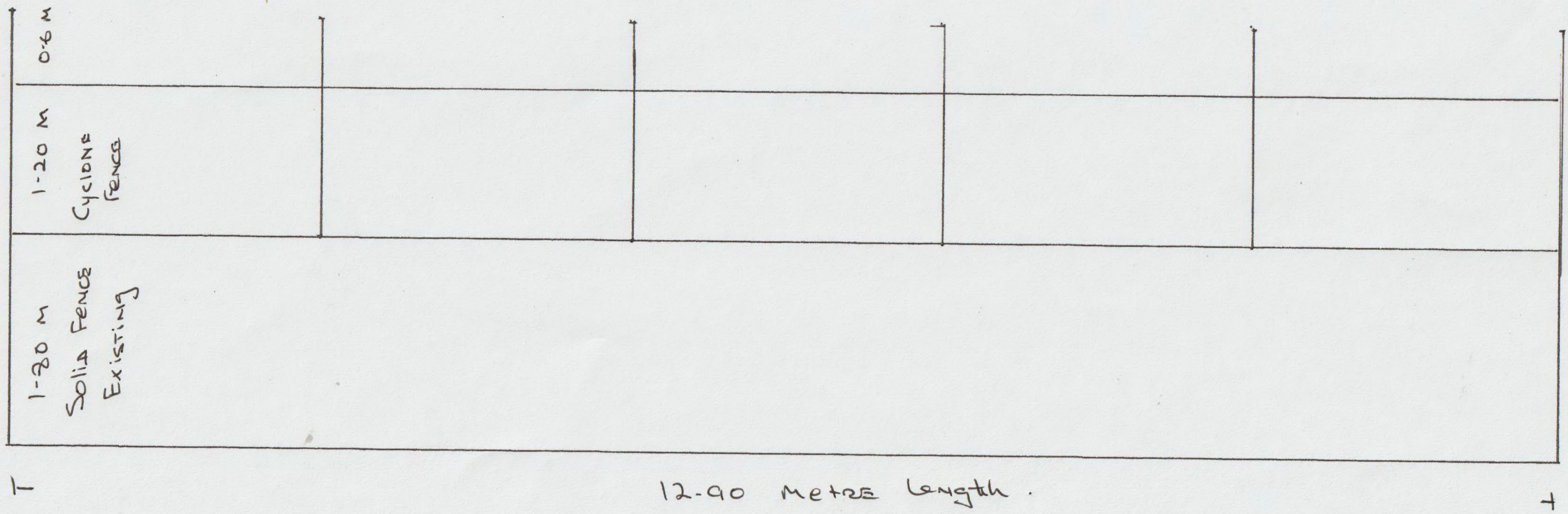
DATE OF ISSUE FEB 1995

ting	Design	R.J.L.	Client	SOUTH PACIFIC POOLS		Date	15.2.95	
	Drawn	D.M.		SWIMMING POOL 1800mm DEEP (TYPE 1). No <sup>o</sup> 53 AUSTRAL TCE. MALVERN	Scale	AS SHOWN		
	Checked		Sheet No.		1 of 1	Rev.		
			Drawing No.		S26591			



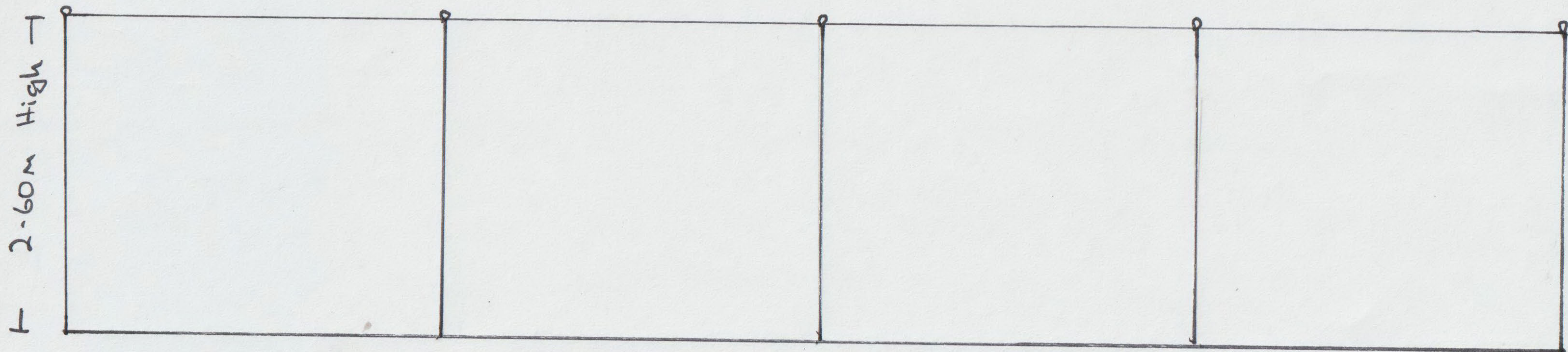
S3 AUSTRAL TERRACE, MAIYERN, SA .

AMENDED PLAN / DOCUMENT  
DATE: 23/09/2020





53 AUSIMAI TERRACE, MALVERN



EASTERN BOUNDARY



## ATTACHMENT B

## REPRESENTATION Category 2 (Page 1)

To: Amy Barratt, City of Unley Development Section

**Please read these notes carefully:**

1. Both pages ***MUST*** be completed in full and returned to the City of Unley by the closing date to be a valid representation.
2. This page (ie Page 1) will ***NOT*** be published on the internet.
3. Pages 1 and 2 (and any attachments) may be included as attachments in the hard copy of the Council Assessment Panel agenda.
4. Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and attachments) will be forwarded to the Applicant for consultation and response.

The **closing date** for Representations is **5pm on 12 June 2020**.

**Application:** 090/268/2020/C2 53 Austral Terrace, Malvern SA 5061

**Details of Person(s) making Representation:**

Name:

Postal Address:

EMAIL ADDRESS:

Daytime Phone No.

Property affected  
by Development

68 MALVERN AVE MALVERN SA 5061

*Martin DeRo*

(Signature)

(Date)



👉 Attach any extra pages to this form

## REPRESENTATION Category 2 (Page 2)

To: Amy Barratt, City of Unley Development Section

1. This page (ie Page 2) and any attachments may be published on the internet and thus be able to be searched via Google and other internet search engines.
2. In accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and any attachments) will be forwarded to the Applicant for consultation and response.

The closing date for Representations is 5pm on 12 June 2020.

Application:	090/268/2020/C2 53 Austral Terrace, Malvern SA 5061
Property affected by Development	68 MALVERN AVENUE MALVERN SA 5061

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

(Please state your reasons so that each planning issue can be clearly identified. Attach extra pages if you wish)

- ① 3.8 metre high tennis court type mesh fencing, however no tennis court, just the back garden. The eastern boundary with 51 Austral Tee has been limited to a height of approx 2 metres only.
  - ② Cannot see a reason for a structure this high. Would not be for privacy as you would need a ladder to see over the fence for ground level, and also a ladder to look through a window on the upstairs level.
  - ③ Visually not attractive - there are trees planted at the front of the mesh structure, which means our house is the only one impacted by the view of the mesh - while the neighbours are able to cover
- My concerns (if any) could be overcome by: the structure with trees, we cannot.

As this has given an enclosed, caged look & feel to our backyard, we would like to limit the height to what we consider to be a reasonable 2.8 metre maximum height.

I  WISH TO BE HEARD  
 DO NOT WISH TO BE HEARD by the Council Assessment Panel  
(Tick one box only. If you do not tick either box it will be assumed that you do not wish to be heard by the Council Assessment Panel.)



## REPRESENTATION Category 2 (Page 1)

To: Amy Barratt, City of Unley Development Section

**Please read these notes carefully:**

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The **closing date** for Representations is **5pm on 12 June 2020**.

**Application:** 090/268/2020/C2 53 Austral Terrace, Malvern SA 5061

**Details of Person(s) making Representation:**

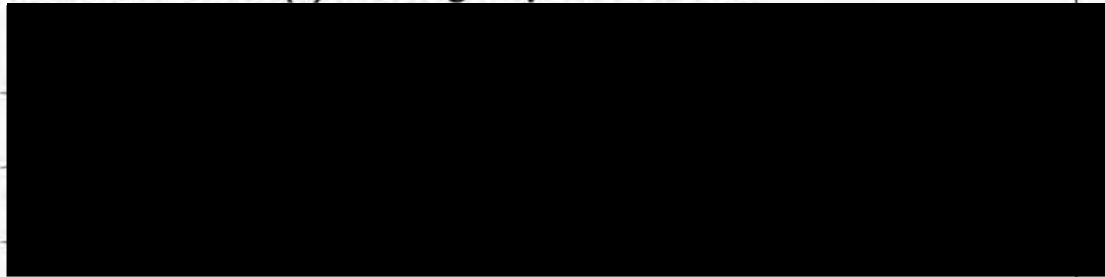
Name:

Postal Address:

EMAIL ADDRESS:

Daytime Phone No.

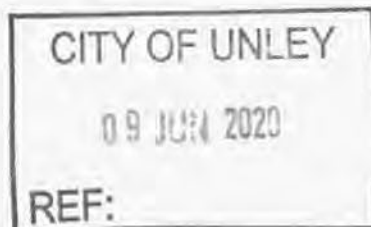
Property affected  
by Development



09/06/2020

(Signature)

(Date)





## REPRESENTATION Category 2 (Page 2)

To: **Amy Barratt, City of Unley Development Section**

1. This page (ie Page 2) and any attachments may be published on the internet and thus be able to be searched via Google and other internet search engines.
2. In accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and any attachments) will be forwarded to the Applicant for consultation and response.

The **closing date** for Representations is **5pm on 12 June 2020**.

<b>Application:</b>	090/268/2020/C2 53 Austral Terrace, Malvern SA 5061
<b>Property affected by Development</b>	6/70 Malvern Avenue, Malvern SA 5061

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

*(Please state your reasons so that each planning issue can be clearly identified. Attach extra pages if you wish)*

I am worried about the property on the development area may cause noise and less sun light to my home.

My concerns (if any) could be overcome by:

I  WISH TO BE HEARD  DO NOT WISH TO BE HEARD by the Council Assessment Panel

*(Tick one box only. If you do not tick either box it will be assumed that you do not wish to be heard by the Council Assessment Panel.)*

## ATTACHMENT C

Our ref: GM/220072

29 June 2020

Ms A Barratt  
Planning Officer  
City of Unley  
181 Unley Road  
UNLEY SA 5061

**By email: [abarratt@unley.sa.gov.au](mailto:abarratt@unley.sa.gov.au)**

Dear Amy

**Response to Representations - 53 Austral Terrace, Malvern DA 268/2020/C2**

As you know, I act for the Applicant for Consent.

**Development Application**

The development application was submitted to the Council for *tennis court style* fencing which is established along portion of the rear boundary of the subject land and portion of the south-eastern corner of the subject land. The open mesh fencing is supported by poles. The mesh and poles are black in colour. The mesh protrudes above the height of the solid fencing by about 1.5m on the southern boundary and by about 500mm on the eastern side of the property.

Although described as tennis court style fencing, no tennis court is proposed nor any lights.

**Category 2 notification**

The Council treated the application as a Category 2 application.

Two representations were lodged.

The representations come from the owner/occupier of the land to the south and from an occupant of the unit to the south-west of the land from which it is reasonably submitted the fence will not be visible.

I will deal with each representation in turn.

1. **Representation from Massimino De Rosa - "over the back fence".**

The representor has raised several issues. First, the height of the fencing above the solid fence is only in the order of about 1.5m. To the eastern boundary it is much lower. That fence is barely visible from the representors land.

The fencing has been established to provide additional security. Further, it provides an opportunity to support any future landscaping that may be established along the rear boundary of the subject land. Throughout the property there is considerable vegetation and along portion of the southern boundary of the land are some Pencil Pines- see the photos submitted with the Development Application. However, due to the position of the swimming pool, it is not possible to continue with in ground. Additional plantings in the form of creepers and the like may be established in pots adjacent to the swimming pool which will then have the opportunity to "attach' to the fencing. The open mesh fencing provides that option.

It is said that the fencing is not visually attractive. It is highly permeable - see the photographs submitted including one taken from the representor's land. The dark colour reduces its visibility. It has an extremely high level of visual permeability. Currently, the fencing is effectively in a silhouette form. Should landscaping be established, it will mean the fencing will be invisible/virtually invisible. What one will then view is landscaping/greenery.

Landscaping can be established as of right, and is obviously prominent on the subject land and other properties within the locality. Further it is noted that there was a hedge on the representor's land adjacent the common boundary prior to its redevelopment.

The fencing is offset from the pool by reason of the pool shed which, combined with the eastern boundary fence on the representor's land is far more likely to create any (sense of) enclosure.

The claimed impacts, with respect, are not made out.

2. **Representation from Ritsuko Nakajima - to the south-west of the subject land.**

This representor has raised two issues - noise and access to sun.

With respect, the fence itself can not and will not give rise to any additional noise.

In relation to access to the sun, it is virtually impossible as a matter of the physical location of the land and the geometry for any shadow to be cast into the representor's property! The simple fact is that some tennis court mesh style fencing has been established with some poles. Further having regard to the intervening property (no 68 Malvern St) located between the representor's property and the location of the fence together with the vegetation thereon and the vegetation on the subject land, it is most unlikely that the fence will be visible let alone cast a shadow.

Indeed, the fence has been established and if it was in fact causing such an issue, (access to sun) that would have been explicitly raised by the representor.

**Summary**

The simple fact is that the application is for 12.9m of open mesh fencing along portion of the southern boundary of the subject land rising about 1.5m above the height of the

existing solid fence. In the south-eastern corner of the land, the fence is only 12.2m long and is only about 500mm above the height of the solid fence.

No tennis court is proposed, nor any tennis court lighting.

This style of fencing is common in the locality - there are six tennis courts within 100m or thereabouts of the subject land. Indeed there is a tennis court fence on the western boundary of 55 Austral Tce and there is no longer a tennis court on that land. It is visible from the street, unlike the subject proposal.

### **Development Plan Consent Warranted**

The representors have not raised any, or any significant points, so as to warrant that development plan consent be refused. Further they have not made any reference to the Development Plan, which was addressed as part of the original application.

In all of the circumstances, development plan consent should be granted.

### **Opportunity to be heard**

Whilst the representors have not expressed a desire to be heard, is there is any opportunity to be heard by the CAP?

Yours faithfully

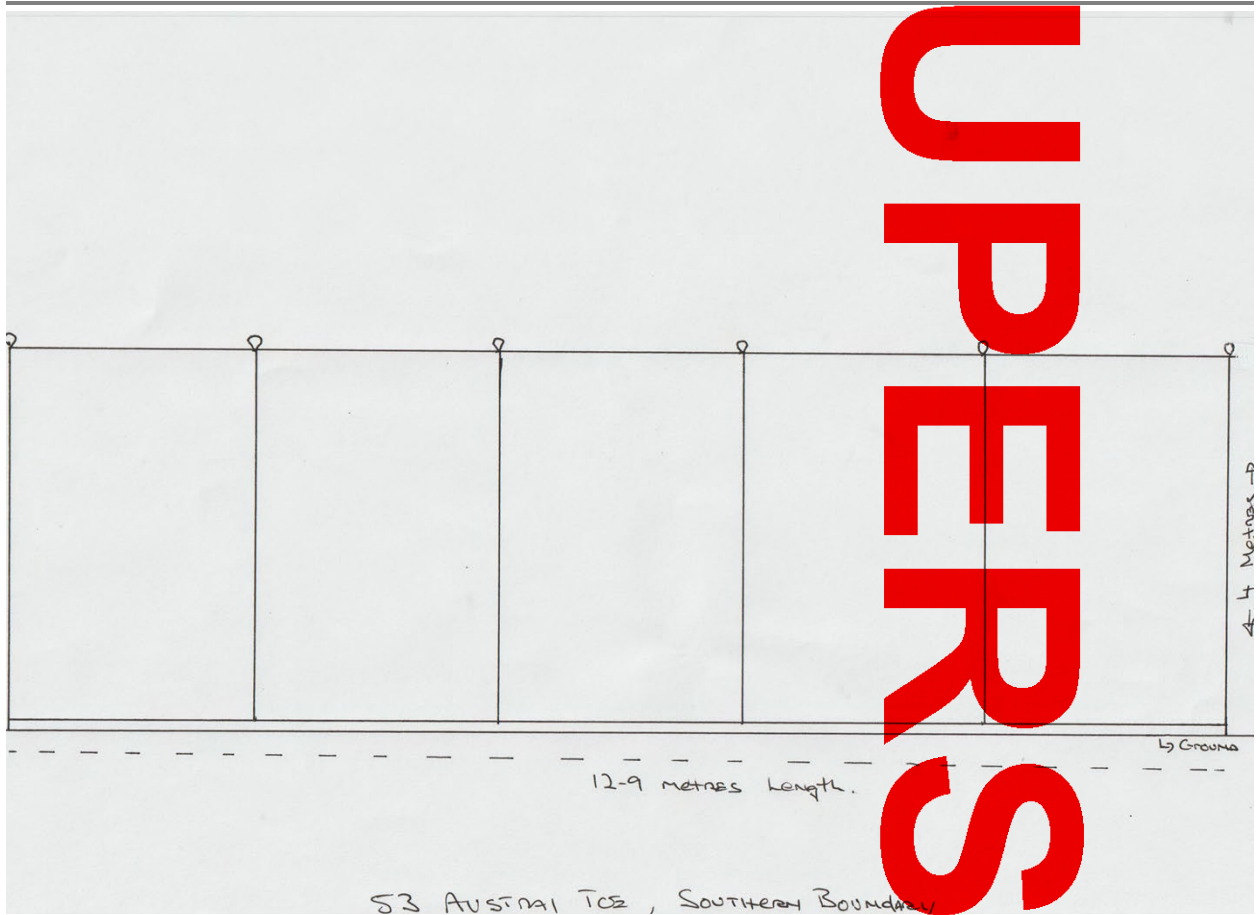


**George Manos**  
**BOTTEN LEVINSON**

Email: gm@bllawyers.com.au

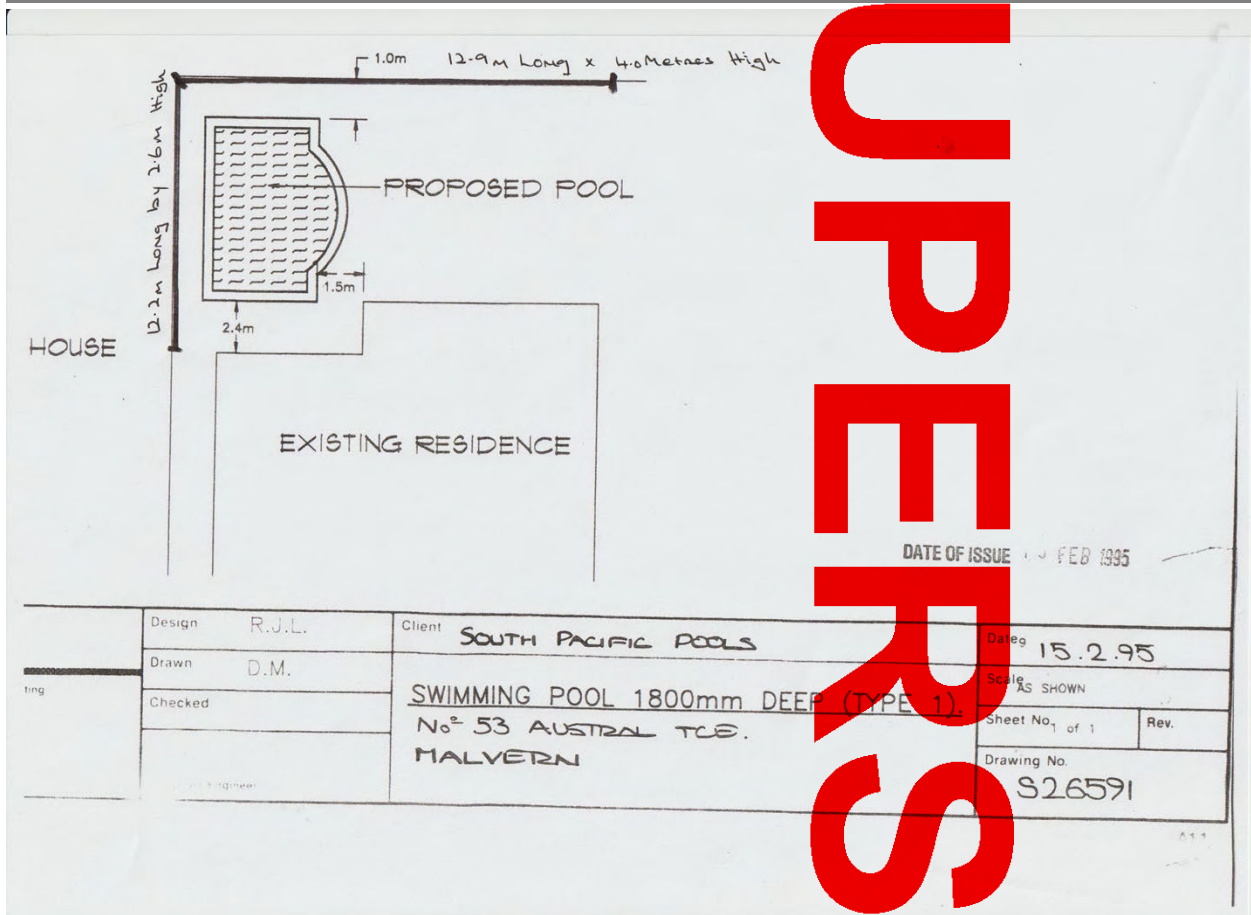
## ATTACHMENT D

# SUPERSEED





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**ITEM 4**  
**DEVELOPMENT APPLICATION – 090/472/2020/C2 – 11 PARK STREET,**  
**HYDE PARK SA 5061 (UNLEY PARK)**

<b>AUTHOR:</b>	Chelsea Spangler
<b>DEVELOPMENT PROPOSAL:</b>	Carry out alterations and construct addition including verandah on common boundaries
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential Streetscape (Built Form) Zone Policy Area 8 – Compact Precinct 8.5 – Unley (West) & Hyde Park
<b>HERITAGE VALUE:</b>	Nil
<b>APPLICANT:</b>	Echelon Studio
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2 (Table Un/8)
<b>REPRESENTATIONS RECEIVED:</b>	YES – (one oppose)
<b>STATUTORY REFERRALS:</b>	Nil
<b>INTERNAL REFERRALS (non statutory):</b>	Nil
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representations
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Wall on boundary On-site car parking

**1. PLANNING BACKGROUND**

PRE/52/2020 – The original proposal plans were initially submitted to Council for preliminary advice. The proposal was discussed with the applicant and the following matters were raised;

- Recommended that boundary wall does not exceed 9m in length;
- Main concern was regarding the height of the boundary wall as it exceeds 3 metres. Advised applicant that Council can consider wall heights greater than 3m but will trigger Category 2 notification;
- Advised boundary wall will need to be set back at least 900mm from adjacent neighbours habitable room windows;
- Advised that there should be 3 carparks on site with 2 of those spaces covered.

The same plans were submitted as part of the formal application. The proposal however was amended following the public notification process. Please refer to Section 6 of this report for further details.

## **2. DESCRIPTION OF PROPOSAL**

The applicant seeks to:

- Demolish an existing carport and carry out alterations to the existing dwelling;
- Construct a dwelling addition to the eastern common boundary. The addition will contain an additional bedroom and living area. The addition is proposed to have a length of 9 metres and a height of 3.5 metres along the boundary.
- Construct a verandah to the eastern and western common boundaries. Part of the verandah roof will have fixed louvres. The verandah will have a length of 2.5 metres along the eastern boundary and a length of 4.2 metres to the western boundary.
- Construct a deck along the eastern common boundary, in front of the dwelling addition.

## **3. SITE DESCRIPTION**

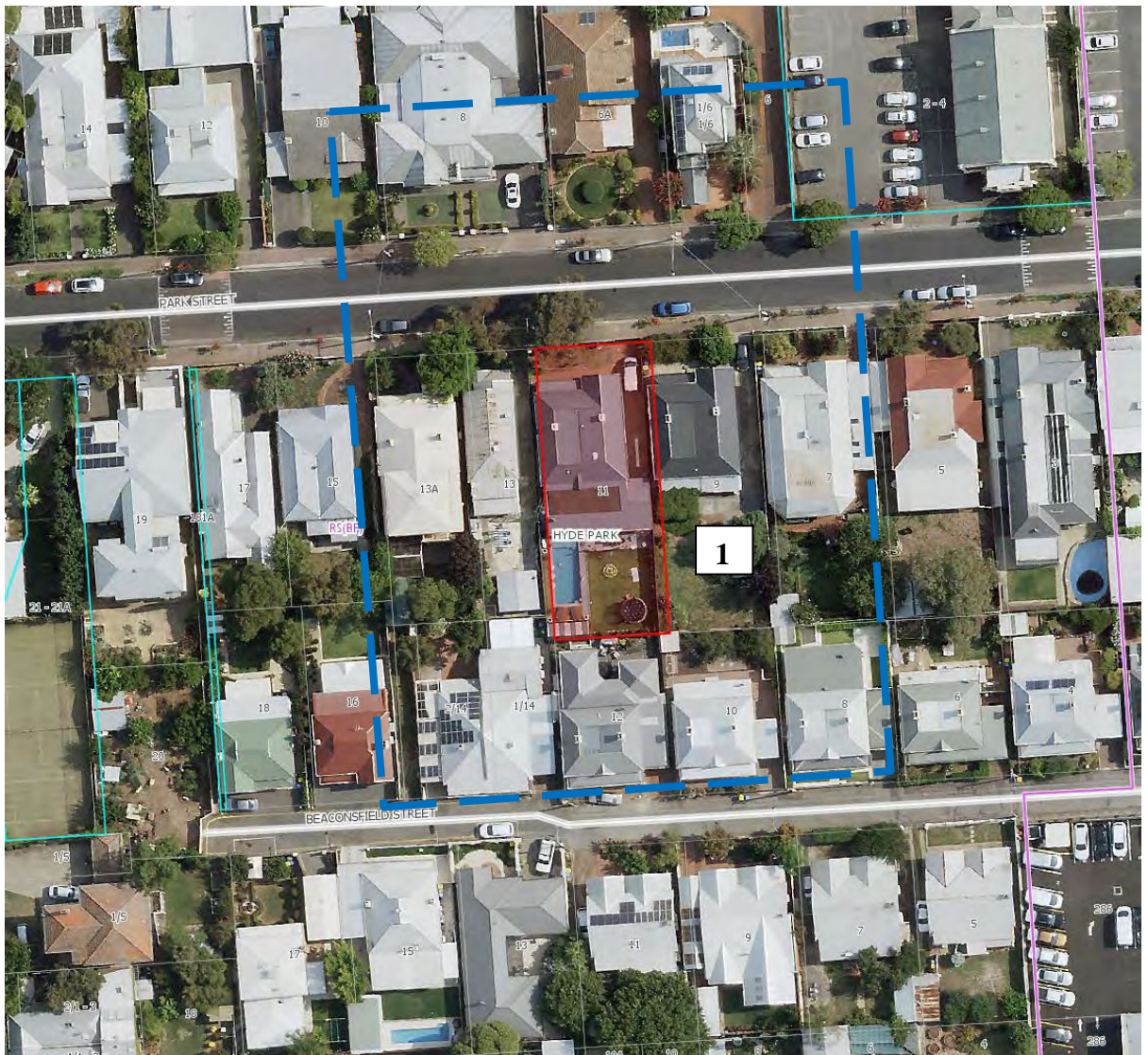
The subject land comprises of Allotment 124 on Filed Plan 11105, which has a frontage of 15.24 metres to the southern side of Park Street. The allotment is rectangular in shape with a total site area of 603.8m<sup>2</sup>.

The site contains a single storey villa with a rear lean to, carport, swimming pool and shed. The site does not contain any regulated trees and is not affected by any easements.



## 4. LOCALITY

### Plan



### Land Use

The predominant land use within the locality is residential. The site is near Unley Road which is bound by a mix of commercial and retail uses. There is also a church in the vicinity of the site.

### Land Division/Settlement Pattern

The settlement pattern is mixed, particularly as you get closer Unley Road. The subject land however is one of five allotments that form a small, coherent allotment pattern.



## Dwelling Type / Style and Number of Storeys

The locality contains predominantly single storey detached dwellings. However, there are some two storey dwellings, a residential flat building and group dwellings also in the vicinity of the subject land.

The traditional dwelling styles include villas, cottages and bungalows.

## 5. PUBLIC NOTIFICATION

One representation was received as summarised below (together with the applicant's response).

<b>1. 9 Park St, Hyde Park (oppose – wishes to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Overshadowing of 2 habitable rooms that are used as the main living space by the neighbouring resident	Amended plans have been provided which shows that the proposed addition no longer overshadows the neighbouring windows of 9 Park St. The only shadowing on the neighbours windows is caused by the existing house.
Height and length of proposed extension is at odds with the Development Plan	Amended plans show an addition on boundary proposed as 3500mm H x 9000mm long.  The primary reason for the proposed wall height 3500mm as this allows for a considered and well-designed connection and tie-in to the existing roof, and also ensures that the internal ceiling heights don't conflict and damage any of the existing external wall, head of windows frames etc.
Potential energy costs increasing* due to reduction of natural solar warmth and daytime light.	There is no reduction of natural solar warmth and daytime light. The mentioned 2100mm fence is existing.
Restricted light and visual amenity due to 3500mm high walls and 1000mm distance between habitable windows	The 3D views provided as per the amended proposal plans show that there is no restriction to light or visual amenity. The courtyard has been removed from the proposal.

Stormwater catchment – how will the increased stormwater be disposed of?	The stormwater will connect to the existing drainage and be discharged from the site as per regulations.
Impact to residents wellbeing as elderly resident utilises kitchen/ family room all day, every day	Not wanting to diminish the importance of resident wellbeing, the original proposal has been amended to accommodate and address the concerns expressed by the representor.
Not in character with the environment and will intrude on neighbour's spacious conditions	The proposed addition is contemporary in nature in order to not try and mimic the existing. A common and accepted practice when proposing contemporary additions of character houses is to design them in a way to visually recede as much as practical from the streetscape.
Car parking – limited space to house 2 vehicles in the driveway	Car parking concerns have been addressed by the amended proposal.

(\* denotes non-valid planning considerations)

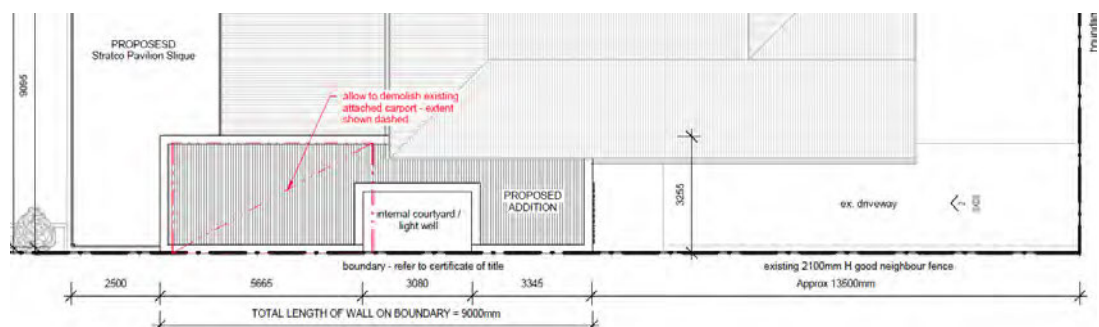
A full copy of the representation and the applicant's response can be found in Attachment B and C respectively.

## 6. ADMINISTRATION NEGOTIATIONS

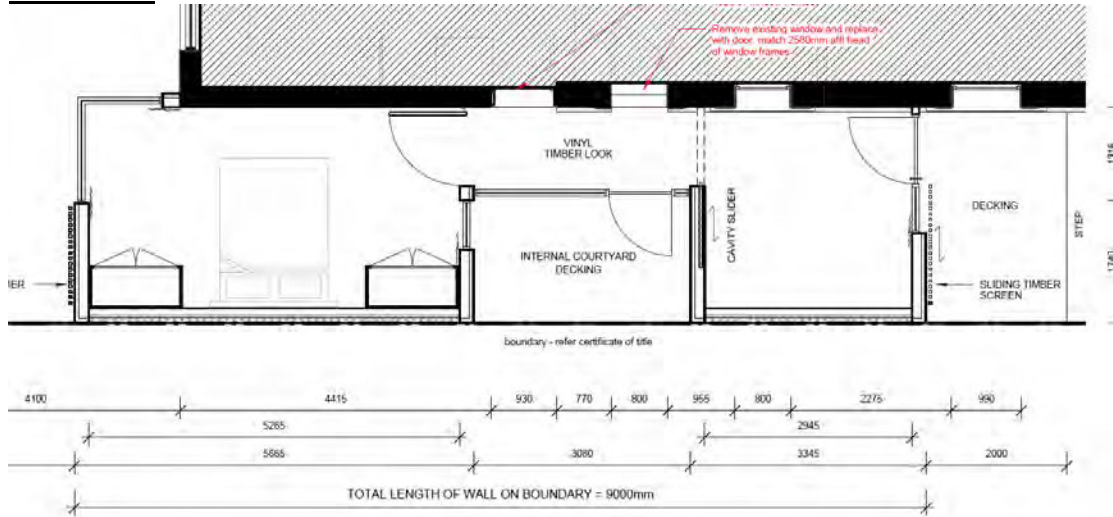
Following receipt of the representation, Council Administration also reiterated concerns that the proposed addition would restrict on site car parking availability to only one space.

In consideration of these concerns and to also address the representation, the applicant amended the proposal plans. The following is an extract of the original proposal plans to compare to the current proposal as attached:

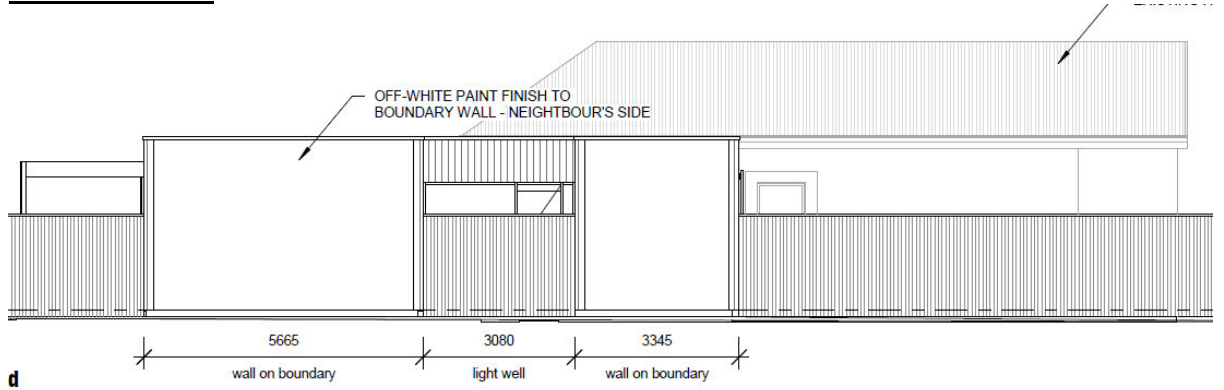
### Roof Plan



## Floor Plan



## East Elevation



## 7. DEVELOPMENT DATA

Site Characteristics	Dwellings additions and verandah	Development Plan Provision
Total Site Area	603.8m <sup>2</sup> – as existing	500m <sup>2</sup>
Frontage	15.24m – as existing	15m
Depth	39.62m – as existing	20m
Building Characteristics		
Floor Area		
Ground Floor	302m <sup>2</sup> (inc verandah)	
Site Coverage		
Roofed Buildings	<b>52.2%</b>	□ 50% of site area
Total Impervious Areas	<b>71.5%</b>	□ 70% of site □
Total Building Height		
From ground level	<b>3.5m addition</b> 3.0m verandah	
Setbacks		
Addition		
Front boundary (north)	16.77m	At least 1m behind the main face of the associated dwelling

Side boundary (east)	0m	On boundary or 1.0m (on boundary on one side only)
Side boundary (west)	12.2m	On boundary or 1.0m (on boundary on one side only)
Rear boundary (south)	13.6m	5.0m
<b>Verandah</b>		
Front boundary (north)	24m	nil
Side boundary (east)	0m	At least 600mm off the boundary or on the boundary
Side boundary (west)	0m	At least 600mm off the boundary or on the boundary
Rear boundary (south)	11.2m	At least 600mm off the boundary or on the boundary
<b>Wall on Boundary</b>		
Location	Eastern boundary	
Length	9m (25%)	□9m or □50%□of the boundary length, whichever is the lesser
Height	<b>3.5m</b>	□3m
<b>Private Open Space</b>		
Min Dimension	11.2m x 9.5m	□4m minimum
Total Area	36%	□20%
<b>Car parking and Access</b>		
On-site Car Parking	<b>2 spaces</b>	3 per dwelling where 4 bedrooms or more or floor area 250m <sup>2</sup> or more
Covered on-site parking	<b>0</b>	□2 car-parking spaces
On-street Parking	1 – as existing	0.5 per dwelling
Driveway Width	2.7m to 3m – as existing	3m Single
<b>Colours and Materials</b>		
Walls	Charcoal/ Black Scyon Axon Cladding with a sliding timber screen, Off white paint finish to boundary wall	

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

## 8. ASSESSMENT

An assessment has been undertaken against the following provisions of the Development Plan:

<b>Zone Objectives</b>	1, 2, 3, 4
<b>Zone Desired Character</b>	
<b>Zone Principles of Development Control</b>	1, 2, 3, 4, 7, 10, 12, 13, 15
<b>Policy Area Desired Character</b>	
<b>Council Wide Objectives &amp; Principles of Development Control:</b>	
<ul style="list-style-type: none"> <li>• <b>Design and Appearance</b></li> </ul>	Objective 1 PDCs 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21
<ul style="list-style-type: none"> <li>• <b>Energy Efficiency</b></li> </ul>	Objective 1 & 2 PDCs 1, 2, 3
<ul style="list-style-type: none"> <li>• <b>Residential Development</b></li> </ul>	Objective 1 & 2 PDCs 1, 2, 5, 13, 14, 15, 16, 17, 19, 20, 23, 24, 30, 32, 33, 34, 36, 38, 39, 41, 42, 45, 46, 48

The following provisions warrant specific discussion regarding the proposed development.

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

### **Streetscape Attributes**

*It is important to create high quality, well designed buildings of individuality and design integrity that nonetheless respect their streetscape context and contribute*

*positively to the desired character in terms of their:*

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

### **Policy Area 8 (Compact) Desired Character**

*The streetscape attributes include the:*

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

*Development will:*

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

<p><b>Assessment</b></p> <p>The development proposes to retain the existing dwelling located to the front of the site. The alterations and additions will be located to the side and rear of this dwelling. The additions will have some visibility to the street however is not considered to detrimentally impact upon the existing or desired streetscape of the locality as the addition:</p> <ul style="list-style-type: none"> <li>• is to be setback over 16 metres from the front boundary;</li> <li>• is to be setback over 12 metres from the front gable façade of the existing dwelling;</li> <li>• has a flat roof and is to be finished in dark colours;</li> <li>• is to be located at the end of the driveway where it is common to find ancillary buildings that do not form part of the traditional built form.</li> </ul> <p>The proposed development is therefore considered to satisfactorily comply with the Zone's Objectives and Streetscape Value and Attributes.</p>
<p><b>Zone PDC 2 – General</b></p> <p><i>Development should comprise:</i></p> <p>(a) alterations and/or additions to an existing dwelling; and</p> <p>(b) ancillary domestic-scaled structures and outbuildings; and</p> <p>(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</p> <p>(d) selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and</p> <p>(e) replacement of a building or site detracting from the desired character of a precinct with respectful and carefully designed building(s).</p>
<p><b>Assessment</b></p> <p>The applicant seeks to undertake alterations and additions to an existing dwelling consistent with PDC 2 (a), and to construct a verandah as per PDC 2 (b).</p>
<p><b>Zone PDC 3 - General</b></p> <p><i>Development should retain and enhance the streetscape contribution of a building.</i></p>
<p><b>Assessment</b></p> <p>The proposed development retains the existing streetscape contribution of the site by retaining the original building form to the street.</p>
<p><b>PDC 4 - General</b></p> <p><i>Alterations and additions to a building should be located primarily to the rear of the building and not be visible from the street or any public place unless involving the dismantling and replacement of discordant building elements so as to better complement the building's original siting, form and key features.</i></p>
<p><b>Assessment</b></p> <p>The proposed alterations and additions are located to the side and rear of the existing dwelling.</p> <p>The proposed additions will have some visibility to Park Street, given they are proposed to be located at the end of the open driveway. It is considered however that the development will not be prominent within the streetscape as:</p>



- The additions are to be well setback from the front boundary;
- The front fence and original dwelling are to be retained.

### **PDC 13 – Boundary Walls**

*Building walls on side boundaries should be avoided other than:*

- (a) a party wall of semi-detached dwellings or row dwellings; or*
- (b) a single storey building, or outbuilding, which is not under the main dwelling roof and is setback from, and designed such that it is a minor, low and subservient element and not part of, the primary street façade, where:*
  - (i) there is only one side boundary wall, and*
  - (ii) the minimum side setback prescribed under the desired character is met on the other side boundary; and*
  - (iii) the desired gap between buildings, as set out in the desired character, is maintained in the streetscape presentation.*

### **Assessment**

The applicant seeks to construct the addition along the eastern common boundary. It is considered that the proposed addition has been designed to satisfy PDC 13 as:

- the addition is only single storey in nature and is not to be located under the main roof of the dwelling;
- it is well setback from the front boundary;
- the dwelling is to be maintain its setback to the western side boundary;
- the gaps and spacings between the buildings along the street will be maintained as the addition does not form part of the primary street façade.

## **Council Wide Provisions**

### **Residential Development PDC 14 – Side and Rear Boundaries**

The addition is proposed to be located along the eastern common boundary. The addition satisfies a majority of the provisions of PDC 14 with the exception of the height of the wall on the boundary. In this instance the height of the boundary wall is considered to be acceptable as:

- it is in line with the wall height of the traditional dwelling on site;
- it is in line with the wall height of the neighbouring villa;
- it will allow for consistent ceiling heights;
- the neighbouring dwelling is setback from the common boundary;
- the wall only comprises of 25% of the boundary length (where measured from behind the front face of the dwelling);
- shadow diagrams have been provided which demonstrate that the addition will not result in detrimental overshadowing of the neighbours windows during winter solstice.

### **Residential Development PDC 45 & 46 – Car Parking**

Currently on site there is a single vehicle carport and over 19 metres of driveway to accommodate up to 4 vehicles on site. The proposed development includes the removal of the existing carport and an addition to be built over part of the driveway, resulting in a driveway length of approximately 14 metres remaining (excluding the deck). This will comfortably allow for at least two

vehicles to be parked on site. No vehicle accommodation is proposed as part of the development. It is considered however that a carport could be located on site that meets the relevant provisions of the Development Plan.

It is also noted that the existing carport has a height (2.2m approx.) that is not overly functional for the parking of larger vehicles.

## **9. 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 alterations and additions to the dwelling are appropriately designed and sited to support the desired character of the Residential Streetscape (Built Form) Zone and Compact Policy area;
- The bulk and scale of the additions are set well behind the existing dwelling and will not result in a detrimental impact to the streetscape;
- The proposal will maintain adequate sunlight to habitable room windows and private open space areas of the adjacent properties;
- Adequate onsite parking is capable of being provided.

The application is therefore recommended for Development Plan CONSENT.

## **10. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/472/2020/C2 at 11 Park Street, Hyde Park SA 5061 to 'Carry out alterations and construct addition including verandah on common boundaries' is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

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

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

### **NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:**

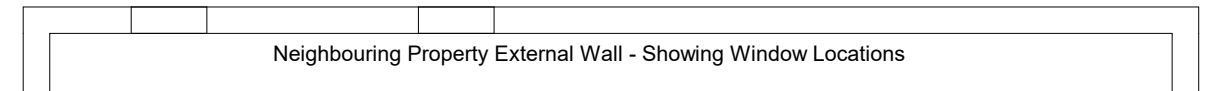
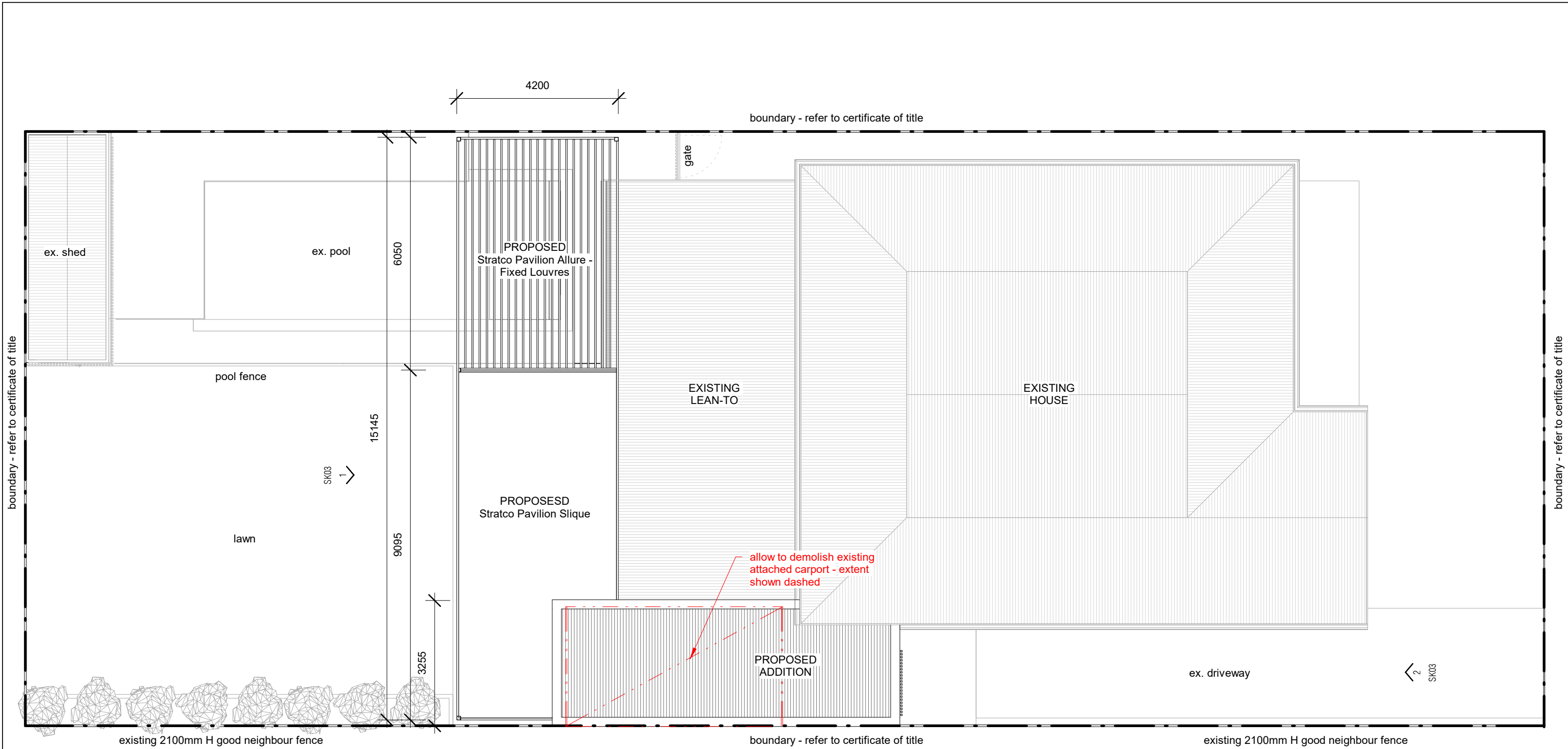
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are

clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

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

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

## ATTACHMENT A



**PROPOSED SITE PLAN**  
1 : 100



**AMENDED PLAN / DOCUMENT**  
**DATE: 3/09/2020**

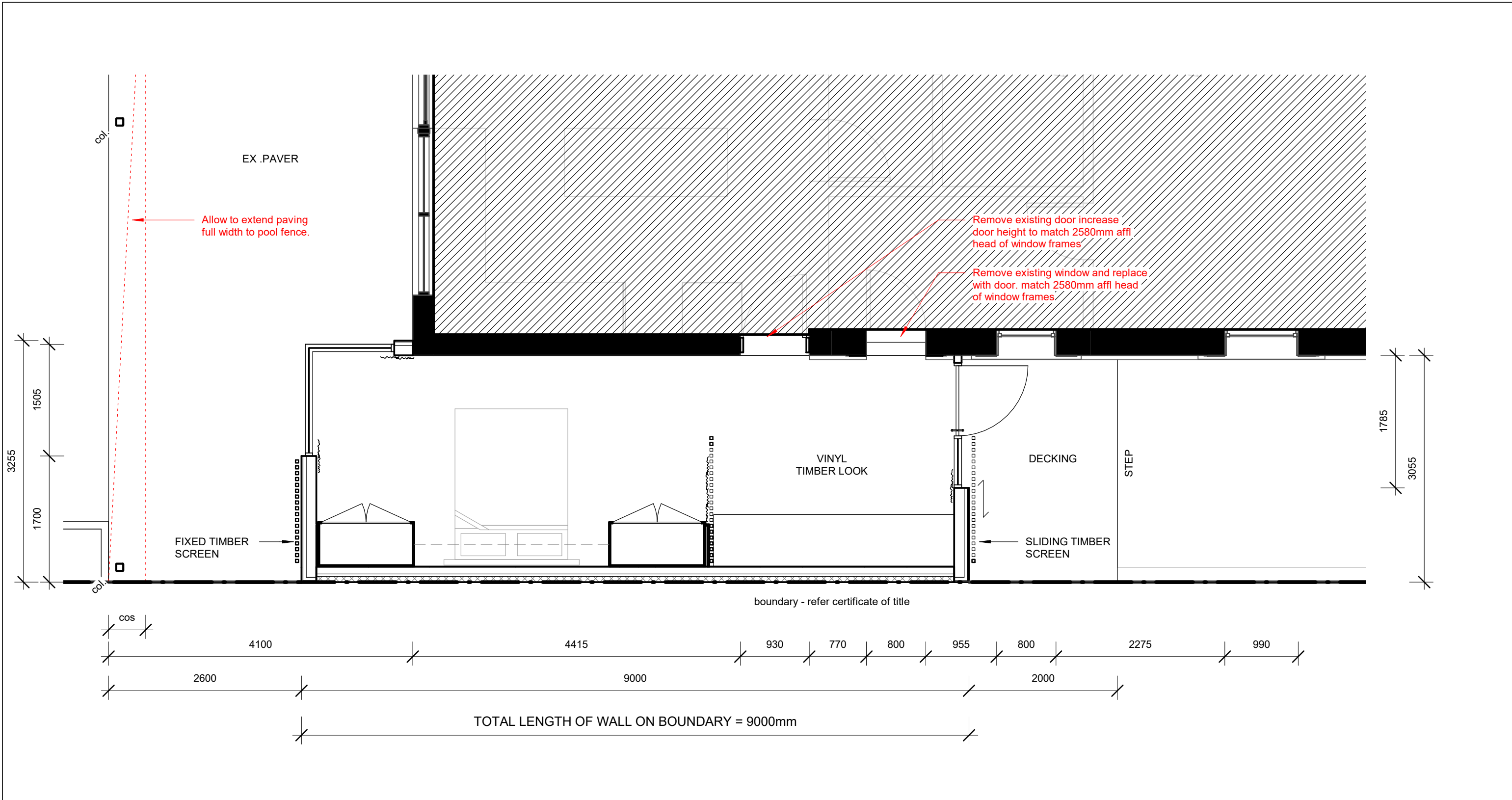
**'FOR APPROVAL ONLY'**  
**NOT FOR CONSTRUCTION.**  
**DO NOT SCALE OFF DRAWINGS.**

**ECHELON**  
**STUDIO**  
architecture & design  
0422 658 202  
info@echelonstudio.com.au

No.	Description	Date

**Hyde Park Residence -**  
**Alterations + Additions**  
**11 Park St**

PROPOSED SITE PLAN		SK01
Project number	18009	
Date	02.09.2020	
Drawn by	CM	
Checked by	n/a	
Scale	120	1 : 100



**PROPOSED FLOOR PLAN**

1:50

**AMENDED PLAN / DOCUMENT**  
**DATE: 3/09/2020**

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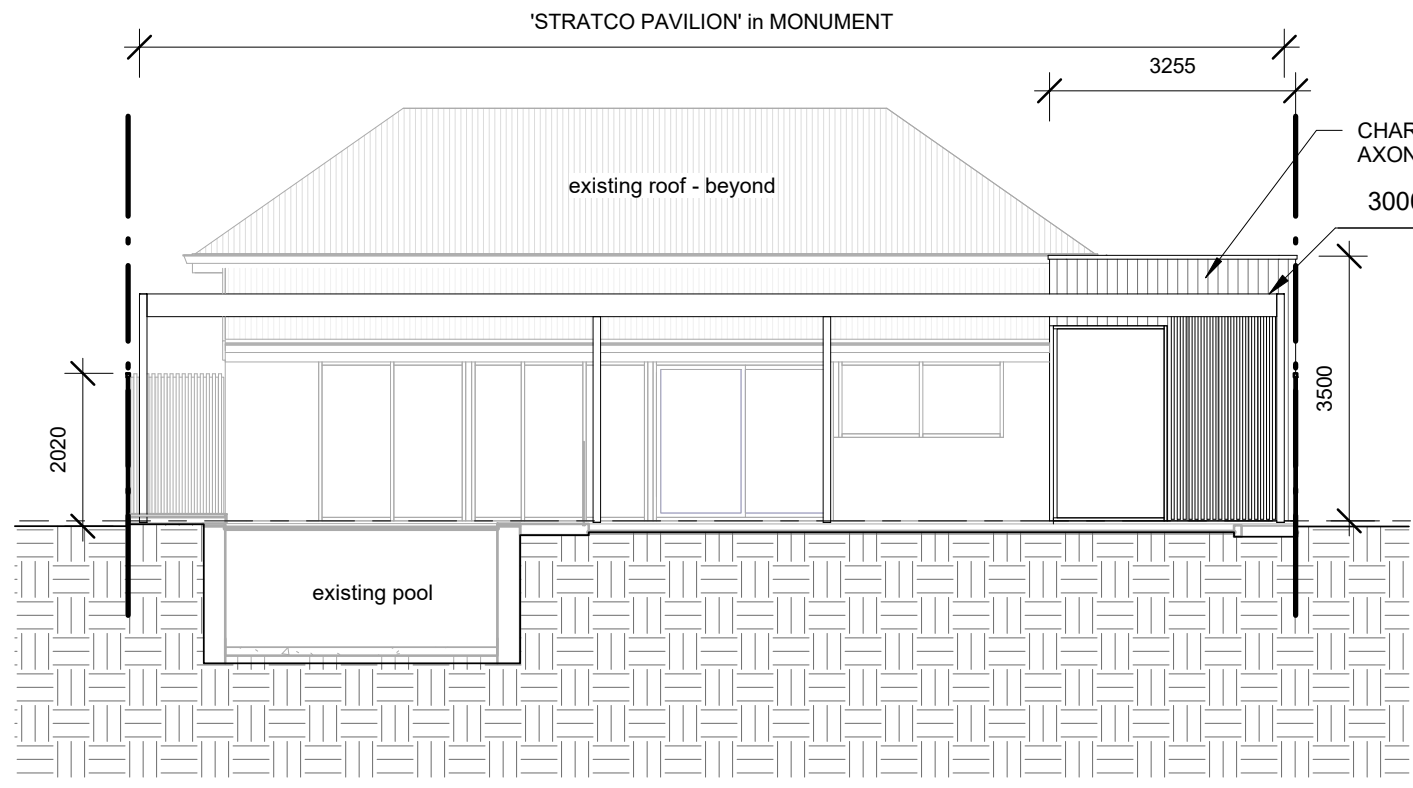
0422 658 202  
 info@echelonstudio.com.au

No.	Description	Date

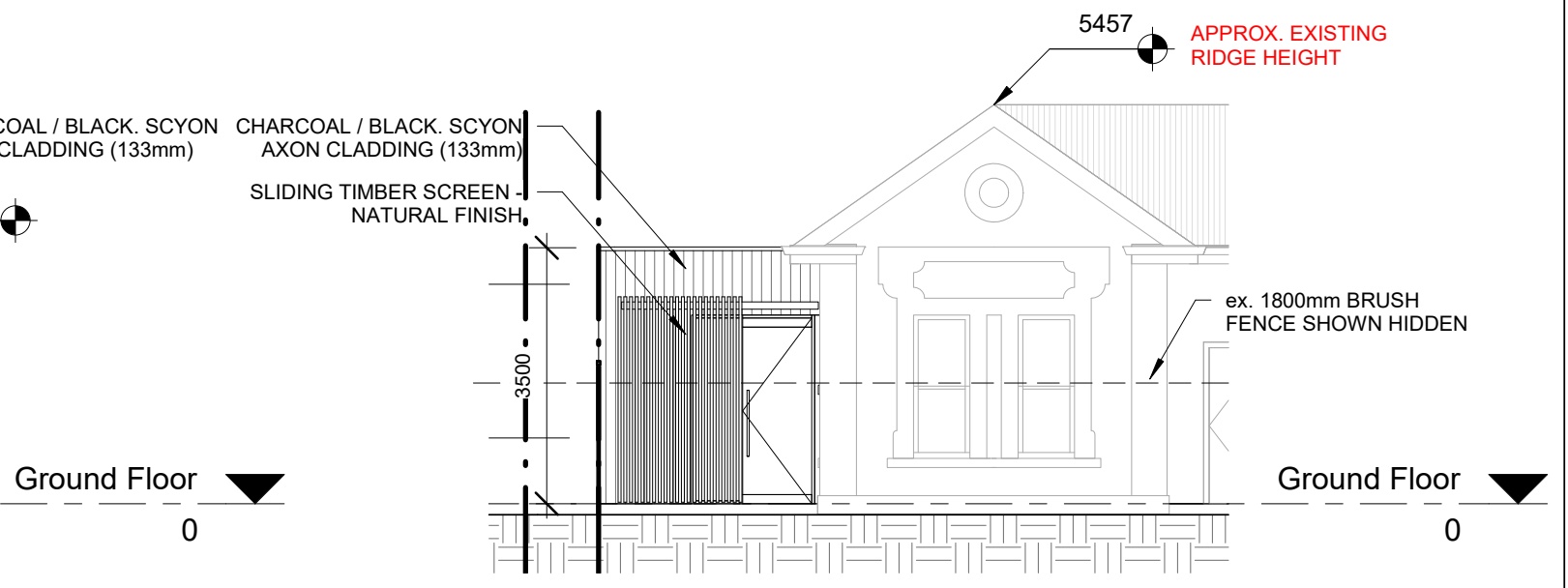
**Hyde Park Residence -**  
**Alterations + Additions**  
**11 Park St**

**FLOOR PLAN**

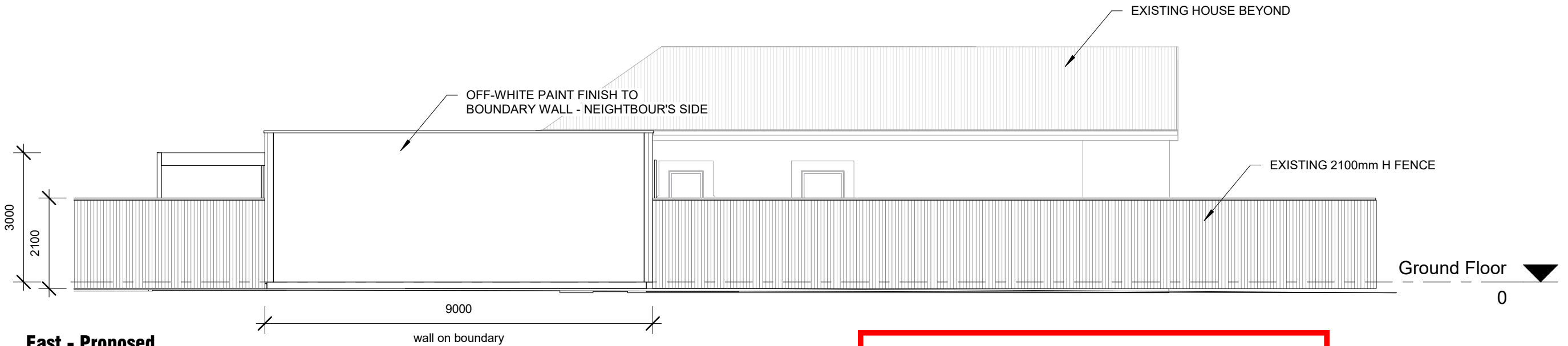
Project number	18009	<b>SK02</b>
Date	02.09.2020	
Drawn by	CM	
Checked by	Checker	
Scale		121 1:50



**South - Proposed**  
1 : 100



**North - Proposed**  
1 : 100



**East - Proposed**  
1 : 100

**AMENDED PLAN / DOCUMENT**  
**DATE: 3/09/2020**

**ECHELON**  
**STUDIO**  
architecture & design  
0422 658 202  
info@echelonstudio.com.au

No.	Description	Date

**Hyde Park Residence -**  
**Alterations + Additions**  
**11 Park St**

ELEVATIONS		SK03
Project number	18009	
Date	02.09.2020	
Drawn by	CM	
Checked by	Checker	Scale 122 1 : 100

## ATTACHMENT B



REPRESENTATION Category 2 (Page 1)

CITY OF UNLEY  
14 AUG 2020  
REF:

To: Chelsea Spangler, City of Unley Development Section

Please read these notes carefully:

1. Both pages MUST be completed in full and returned to the City of Unley by the closing date to be a valid representation.
2. This page (ie Page 1) will NOT be published on the internet.
3. Pages 1 and 2 (and any attachments) may be included as attachments in the hard copy of the Council Assessment Panel agenda.
4. Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and attachments) will be forwarded to the Applicant for consultation and response.

The closing date for Representations is 5pm on 14 August 2020.

Application: 090/472/2020/C2 11 Park Street, Hyde Park SA 5061

Details of Person(s) making Representation:

Name:

Postal Address:

EMAIL ADDRESS:

Daytime Phone No.

Property affected by Development



AS ABOVE

(Signature)

14.8.2020

(Date)

## REPRESENTATION Category 2 (Page 2)

To: Chelsea Spangler, City of Unley Development Section

1. This page (ie Page 2) and any attachments may be published on the internet and thus be able to be searched via Google and other internet search engines.
2. In accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and any attachments) will be forwarded to the Applicant for consultation and response.

The closing date for Representations is 5pm on 14 August 2020.

Application:	090/472/2020/C2 11 Park Street, Hyde Park SA 5061
Property affected by Development	9 PARK ST HYDE PARK SA 5061

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

(Please state your reasons so that each planning issue can be clearly identified. Attach extra pages if you wish)

1. OVERSHADOWING OF 2 HABITABLE ROOMS
2. HEIGHT AND LENGTH OF PROPOSED EXTENSION
3. POTENTIAL ENERGY COST INCREASES
4. RESTRICTED LIGHT + VISUAL AMENITY
5. PROPOSED BOUNDARY FENCE/WALL
6. STORMWATER CATCHMENT
7. RESIDENTS WELLBEING
8. NOT IN CHARACTER WITH THE ENVIRONMENT
9. CARPARKING

My concerns (if any) could be overcome by: MOVING PROPOSED EXTENSION TO THE WESTERN BOUNDARY. WHERE THE DRIVEWAY OF 13 PARK ST WILL ACT AS A SOLUTION TO RETAINING OPEN SPACE BETWEEN CHARACTER HOMES AND POSE LIMITED/LESS OVERSHADOWING.

WISH TO BE HEARD

DO NOT WISH TO BE HEARD

by the Council Assessment Panel

(Tick one box only. If you do not tick either box it will be assumed that you do not wish to be heard by the Council Assessment Panel.)

## City of Unley

### Objection to the Proposed Development at 11 Park Street Hyde Park SA

#### 1. Overshadowing of 2 Habitable Rooms

The 2 windows on the Western Boundary wall are associated with 3 Habitable rooms the 2 most impacted are the Kitchen and Family rooms located on the Southern Boundary (proposed extension site) which is the main hub of the home and used as the main living space every day of the year by the Elderly Resident Sarah McMillan who has owned the property at 9 Park Street for 48 years.

#### 2. Height and Length of Proposed Extension

3500mm H 12090mm L is at odds with the COU Development Plan

#### 3. Potential Energy Cost Increases

Due to reduction of natural solar warmth and daytime light. The other factor is the height and heat reflection of a 2100mm high solid iron fence minimising available ventilation and fresh air.

When the original 1500mm fence was recently replaced (at equal cost split between Residents) no "Notice of Intent" as per the Fences Act 1975 nor advice on quotes received was provided prior to removal. This resulted in a height increase of 600mm that greatly impacted on natural light to 2 habitable rooms and an air conditioning condenser. What was assumed to be a "like for like" replacement has had significant impact. [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).

#### 4. Restricted Light and Visual Amenity

(Light well opening 3080mm x 1400mm) Charcoal/Black Scyon Axon Cladding 133mm structure will impact. The Eastern wall of 9 Park Street has 2 windows only, one to a bedroom 1000mm W x 2100mm H and a small window to the ensuite. Light or visual amenity is not accessible from these windows due to the traditional Villa style design of the central passageway. The only light available from the western boundary is from the 2 habitable rooms as highlighted on the attached plans SK01 and SK03 regarding solar impact. (This solar impact is a guide based on measurements taken by me and are approximate). Visual amenity will be significantly impacted with the 1000mm distance between habitable windows, neighbouring 3500mm high walls and a solid monument grey 2100mm fence. The



other main consideration is that the neighbour could place a screen/blind/shade cloth or similar on and or around the proposed Light Well that would have further major impact.

## 5. Proposed Boundary Fence/Wall

Part of the 12090mm long proposed development, the Light Well, could easily be converted to internal space by enclosing with screens/shade cloth/pergola type roofing structure. Height of Monument Grey fence does not reflect light but does reflect significant heat. What fabric are the proposed neighbour facing walls to be constructed with and what remediation has been allowed for in terms of quality of finish etc.

## 6. Stormwater Catchment Plan

How will the increased stormwater be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site?

## 7. Residents Wellbeing

Potential lack of light, adequate ventilation/fresh air, visual amenity and potential noise across 3 habitable rooms. This coupled with the fact that the elderly Resident of 48 years has used the Kitchen/Family Room window to sit at all day every day listening to the radio, reading the paper and doing crosswords and various other puzzles and will impact greatly on the last few years of her life.

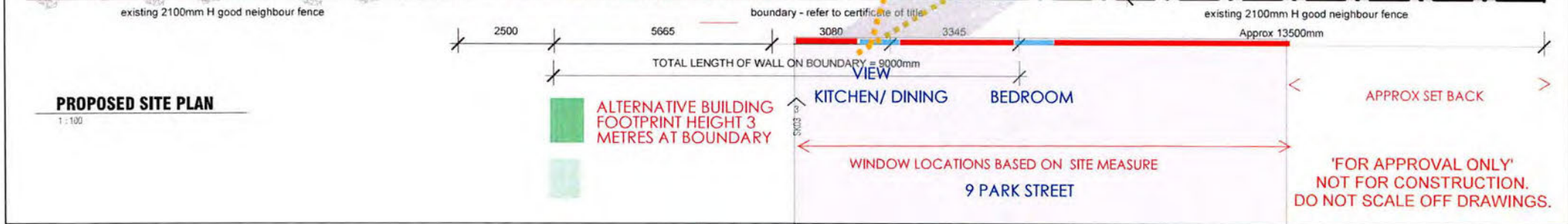
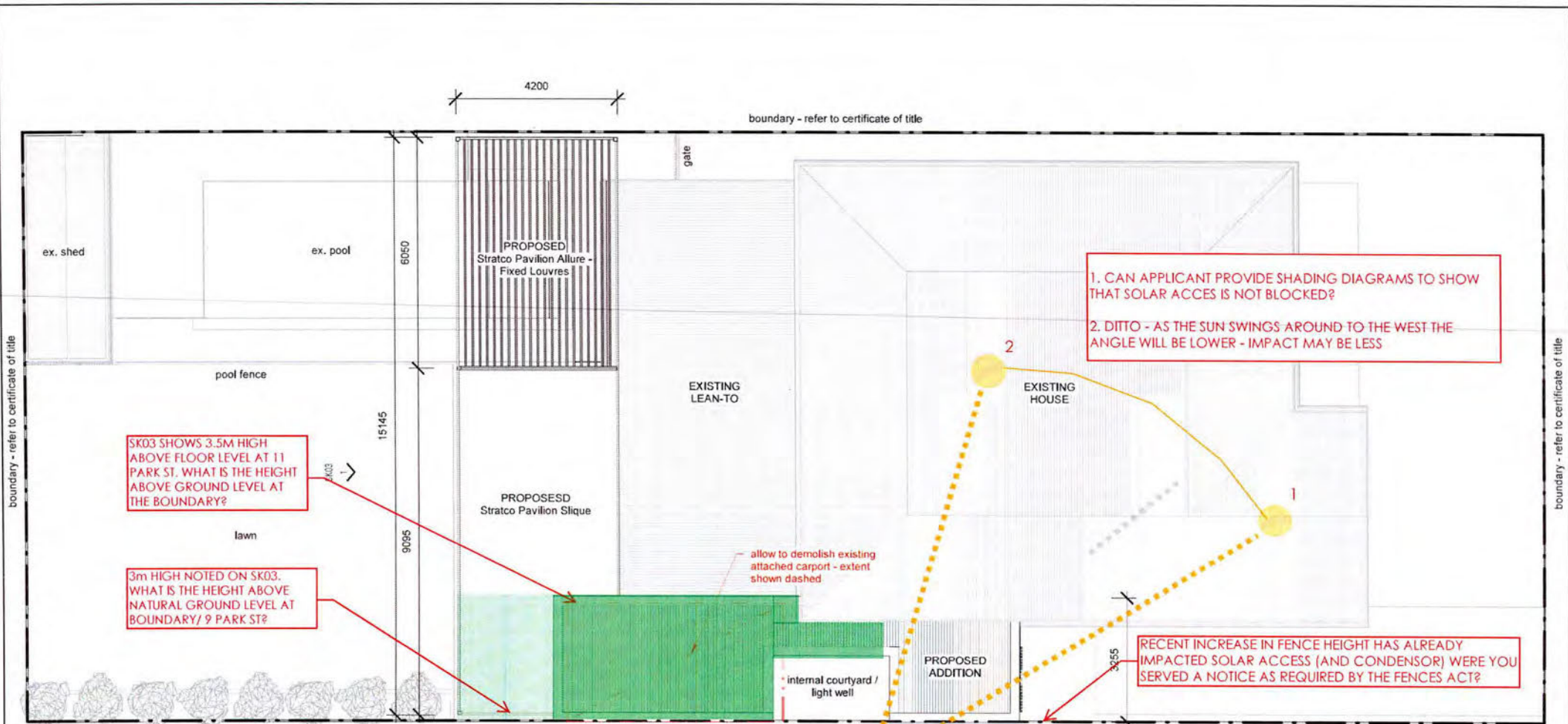
## 8. Not in Character with the Environment

The proposed development is at odds with the City of Unley's Strategic Plan and would not enhance the desired character of the area and as a result would intrude on the neighbour's spacious conditions. The following is an extract of the City of Unley's Strategic Vision:

"while affording sensitive respect of existing valued character and interface to adjacent existing residential development and neighbours. The early valued building stock, streetscape character, landscaping, desirable amenity and people friendly qualities of centres and residential areas will be conserved, while compatible adaptation, improvement and new development is sensitively incorporated".

## 9. Car Parking

Limited space to house 2 vehicles in the driveway using the proposed plan.



**PROPOSED SITE PLAN**  
1:100

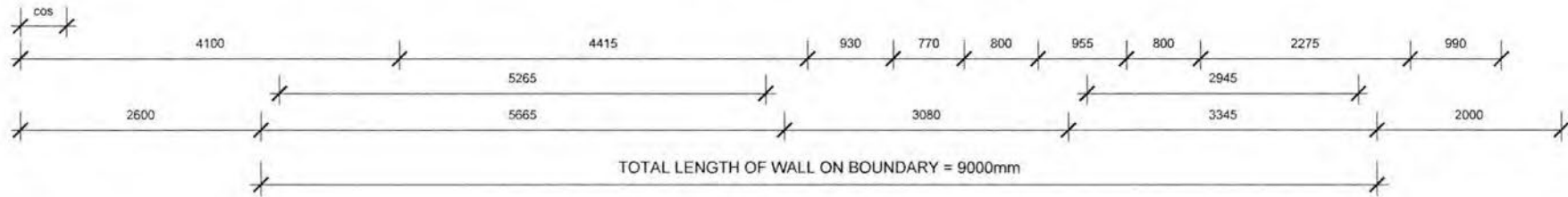
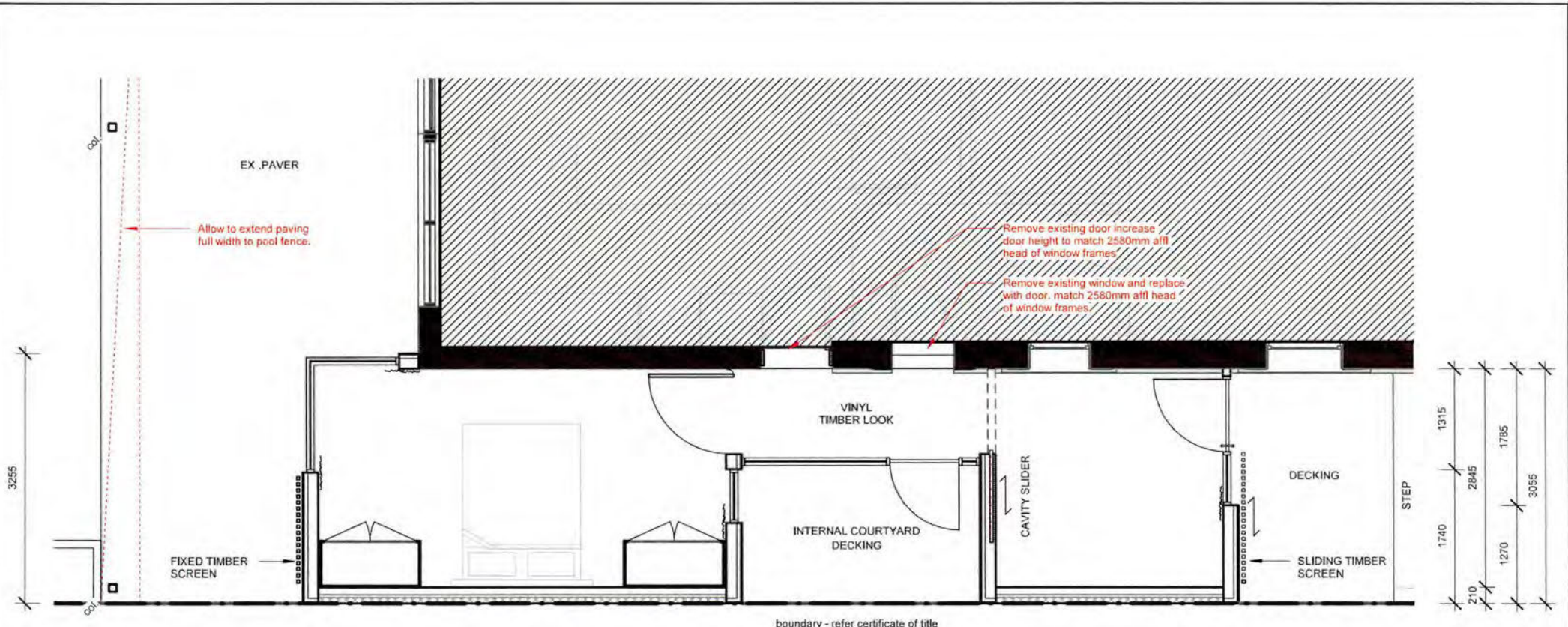


No.	Description	Date

Hyde Park Residence -  
Alterations + Additions  
11 Park St

PROPOSED SITE PLAN		SK01
Project number	18009	
Date	10.06.2020	
Drawn by	CM	
Checked by	n/a	
Scale	128	1:100





**PROPOSED FLOOR PLAN**

1:50

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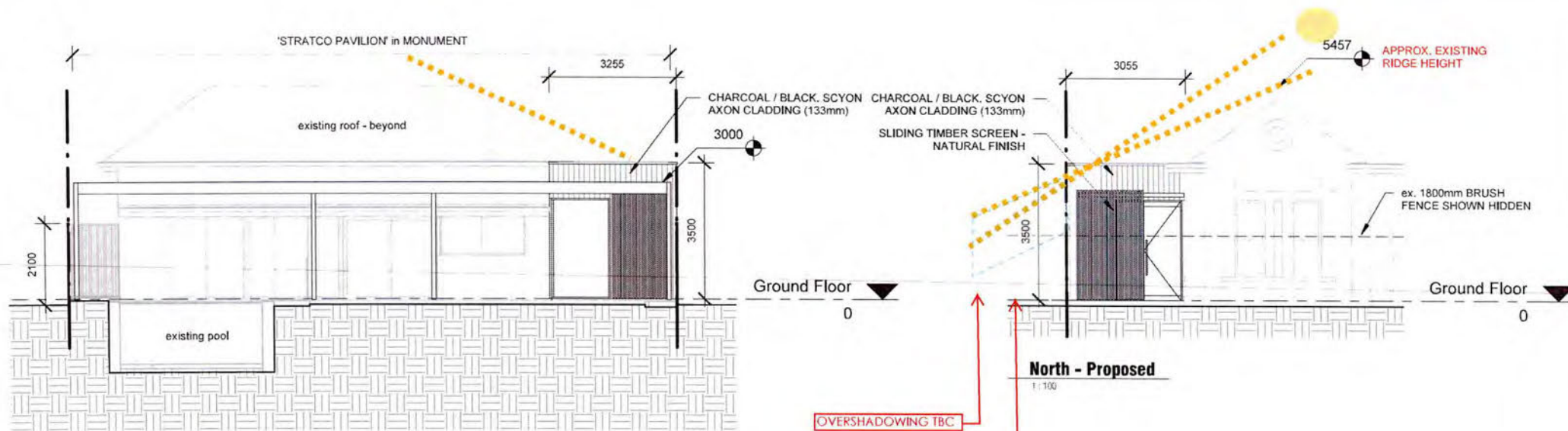


No.	Description	Date

Hyde Park Residence -  
 Alterations + Additions  
 11 Park St

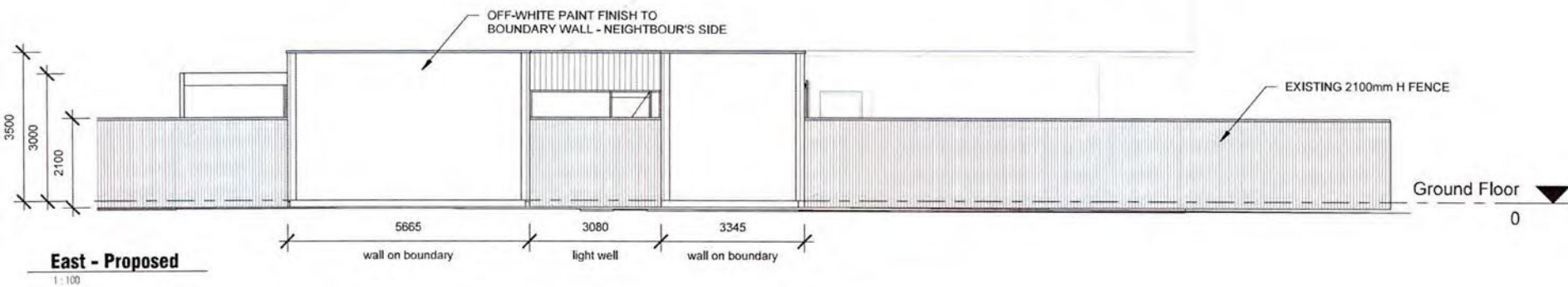
**FLOOR PLAN**

Project number	18009	<b>SK02</b>
Date	10.06.2020	
Drawn by	CM	Scale 129 1:50
Checked by	Checker	



**South - Proposed**  
1:100

**North - Proposed**  
1:100



**East - Proposed**  
1:100

**ECHELON  
STUDIO**  
architecture & design

No.	Description	Date

**Hyde Park Residence -  
Alterations + Additions**  
11 Park St

**ELEVATIONS**

Project number	18009
Date	10.06.2020
Drawn by	CM
Checked by	Checker

**SK03**

Scale 130 1:100

## ATTACHMENT C



# ECHELON STUDIO

architecture & design

0422 658 202  
info@echelonstudio.com.au

To Whom it may concern,

In response to Representation made and comments received regarding the Development Application  
**090/472/2020/C2**

On behalf of the property owner and in support for the Development proposal, I would like to submit the following responses, which align with the proposed redesign to address the neighbour's concerns.

Items addressed as follows;

- 1 - Proposed Addition no longer overshadows the neighbouring windows of 9 Park St. 3D images have file names which describe the time of day, date and season. eg All images are of Winter Solstice (worst case scenario). Times are from 10am onwards. The only shadowing on the neighbouring windows is pre-existing and caused by the existing roof line - no additional impact caused by the revised proposal.
- 2 - Wall on boundary is proposed as 3500mm H x 9000mm L as per drawings. The 3500mm height on boundary is required to accommodate an internal detail which allows a ceiling height, that mitigates a clash with existing external window head heights. The resulting 3500mm height is then required to allow for roof structure and falls for stormwater management.
- 3 - Redesign no longer impacts access to solar warmth and daytime light. As far as I have been notified, there was accepted agreement between neighbour's about the height and material selection of the existing fence. As seen in the application, the proposal is not to adjust or change this existing condition, other than the introduction of wall on boundary. The material and finishes of the proposed wall on boundary is to be a "white" paint finish applied to a texture-coat render. This final colour can be selected by Neighbour.
- 4 - As per 3D Views and the amended proposed plans; it shows there is no restriction to light, nor impact on visual amenity down this side of the property. The Courtyard has been removed from the proposal as such there should be no ongoing concern of a screen/blind/shade being installed.
- 5 - As above, the Courtyard/Light Well is no longer a part of the proposal and concern has been omitted. The Fencing is existing and is only being removed in part to allow for proposed wall on boundary as per plans. As mentioned above the proposed finish of the wall on boundary is a "white" colour and final selection can be confirmed with Neighbour. A "white" colour assists with light reflection and a reduction in heat that is currently a concern re Monument Fence.
- 6 - The proposed Addition will have all stormwater catchment connect to existing drainage and discharged from the site as per regulations to ensure it doesn't adversely affect any properties adjoining the site, and/or the stability of any building on the site.
- 7 - Never wanting to diminish the importance of a resident's Wellbeing, the original proposal has been amended/adjusted to accommodate and address the concerns expressed by the Representor.
- 8 - The proposed addition is contemporary in nature to intentionally not mimic the existing, and confuse what was original and what is new. A contemporary addition as per the proposed shows respect of the original character of the house. This is the primary reason why the addition has a proposed wall height of

3500mm. This allows for a considered and well design connection and tie-in to existing roof, and also ensures that the internal ceiling heights don't conflict and damage any of the existing external wall, head of window frames etc. A common and an accepted practice when proposing contemporary additions of character houses is to design them in a way to visually reseed as much as practical from the streetscape. Not only is the addition located deep on the site, but is behind a front boundary fence of 1800mm high. In addition to this, the accepted practice of having the proposed addition as a dark grey colour only further reduces any apparent visual bulk.

9 - Carparking concerns have been addressed by the adjustment and updated proposal. 2 Cars are comfortably accommodated with the revised design.

Regards,



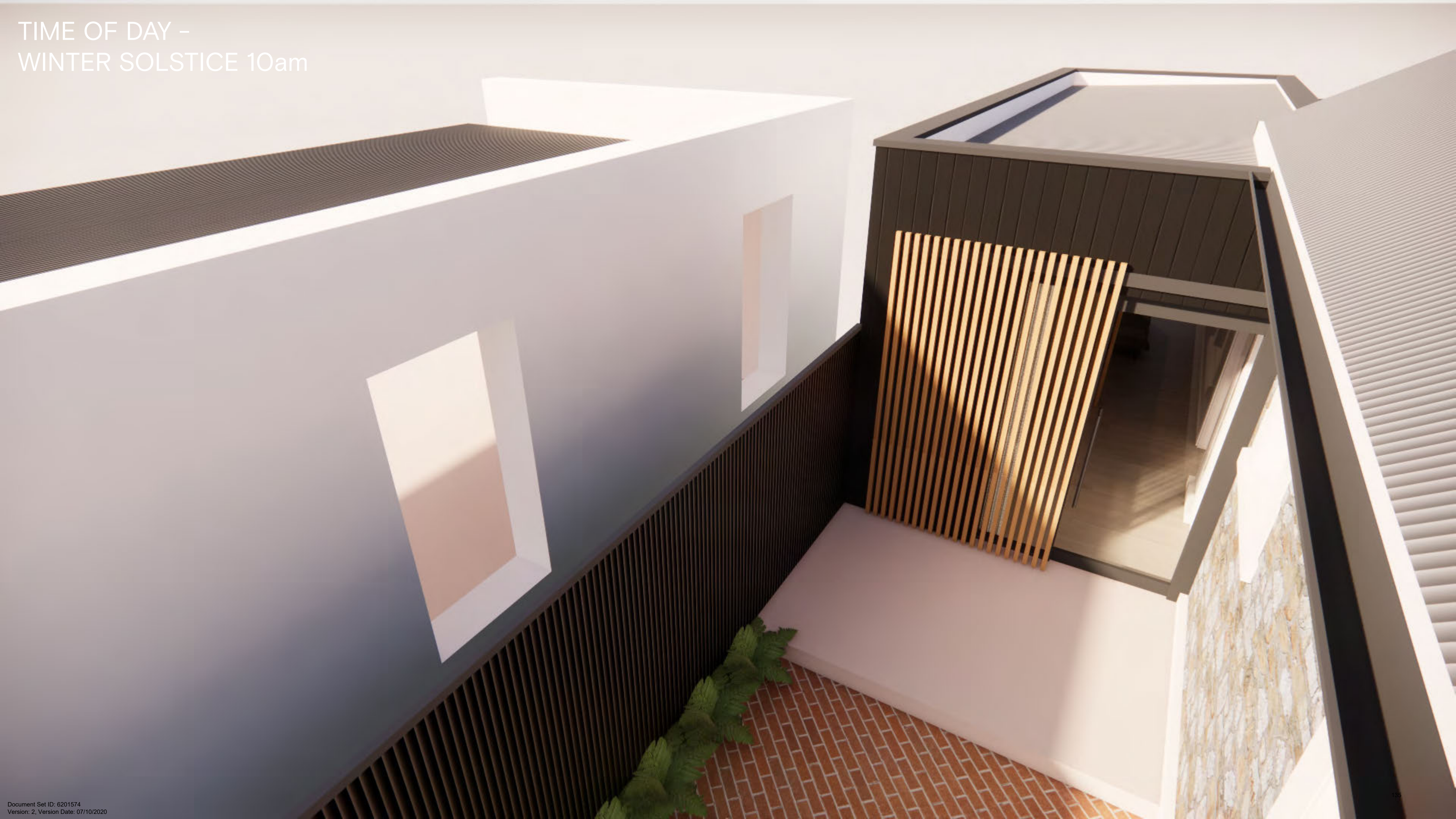
**Chris Morley** (M.Arch)  
DIRECTOR + EmAGN SA Co-Chair

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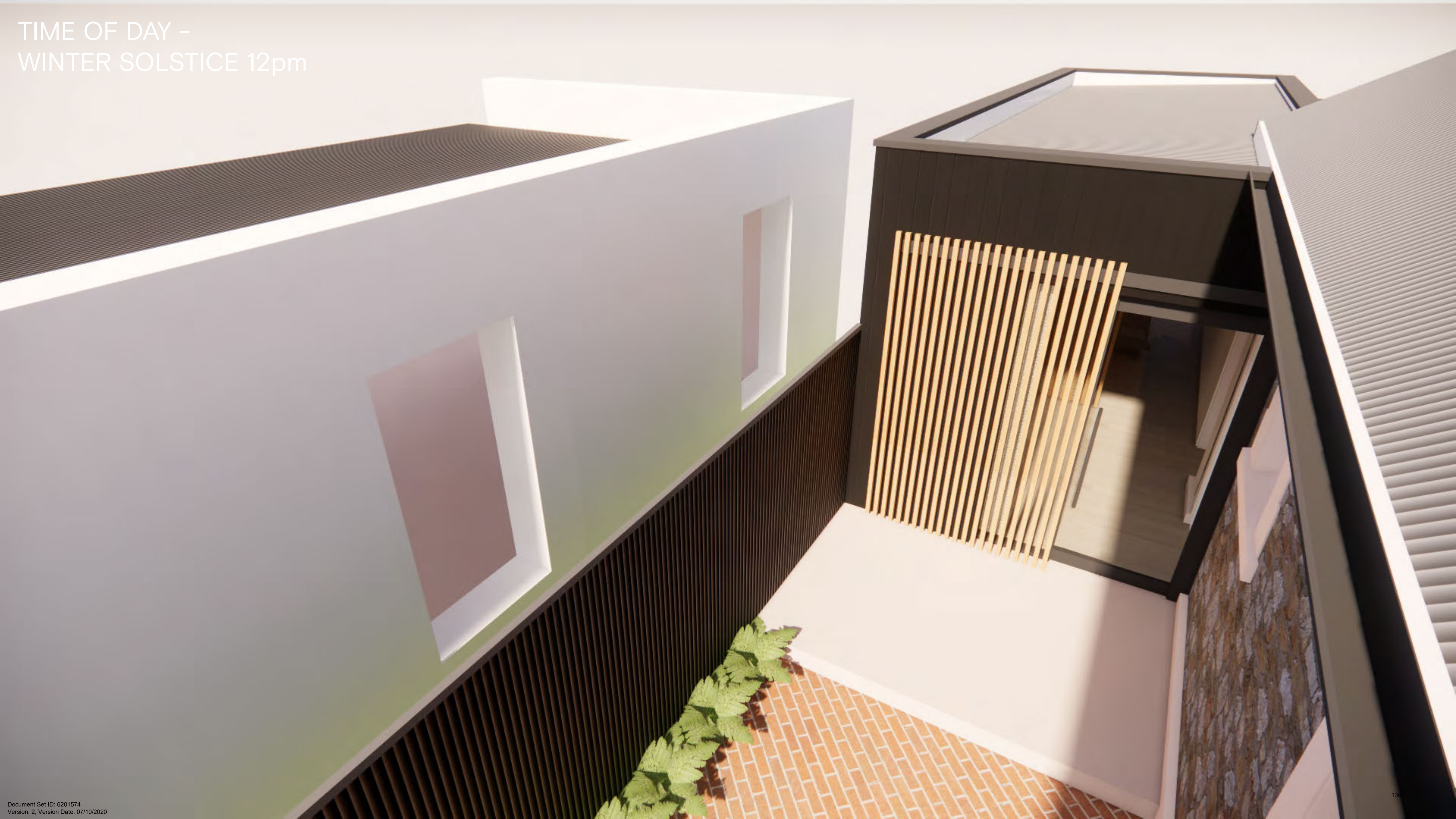


TIME OF DAY -  
WINTER SOLSTICE 10am



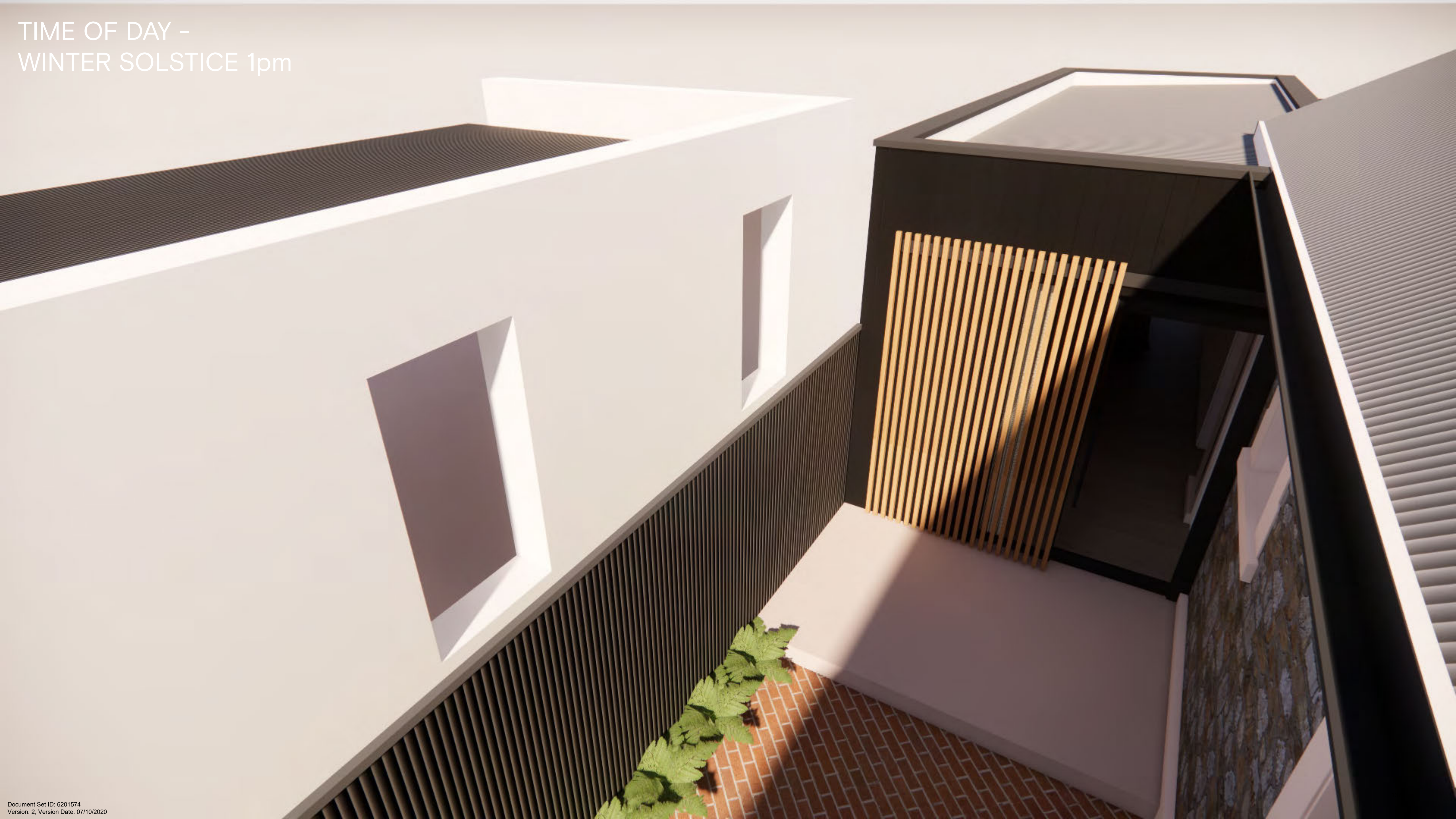


TIME OF DAY -  
WINTER SOLSTICE 12pm



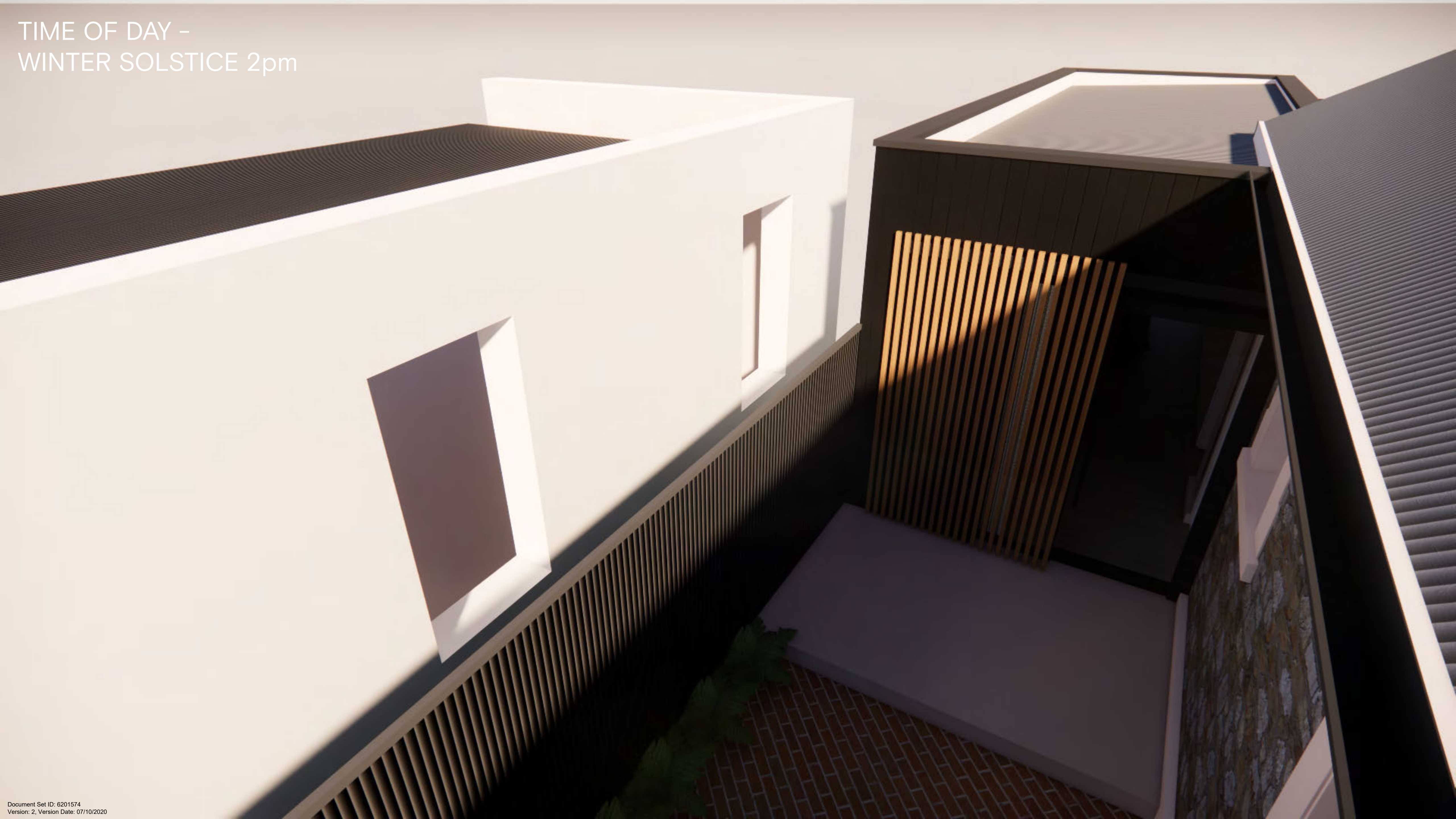


TIME OF DAY -  
WINTER SOLSTICE 1pm



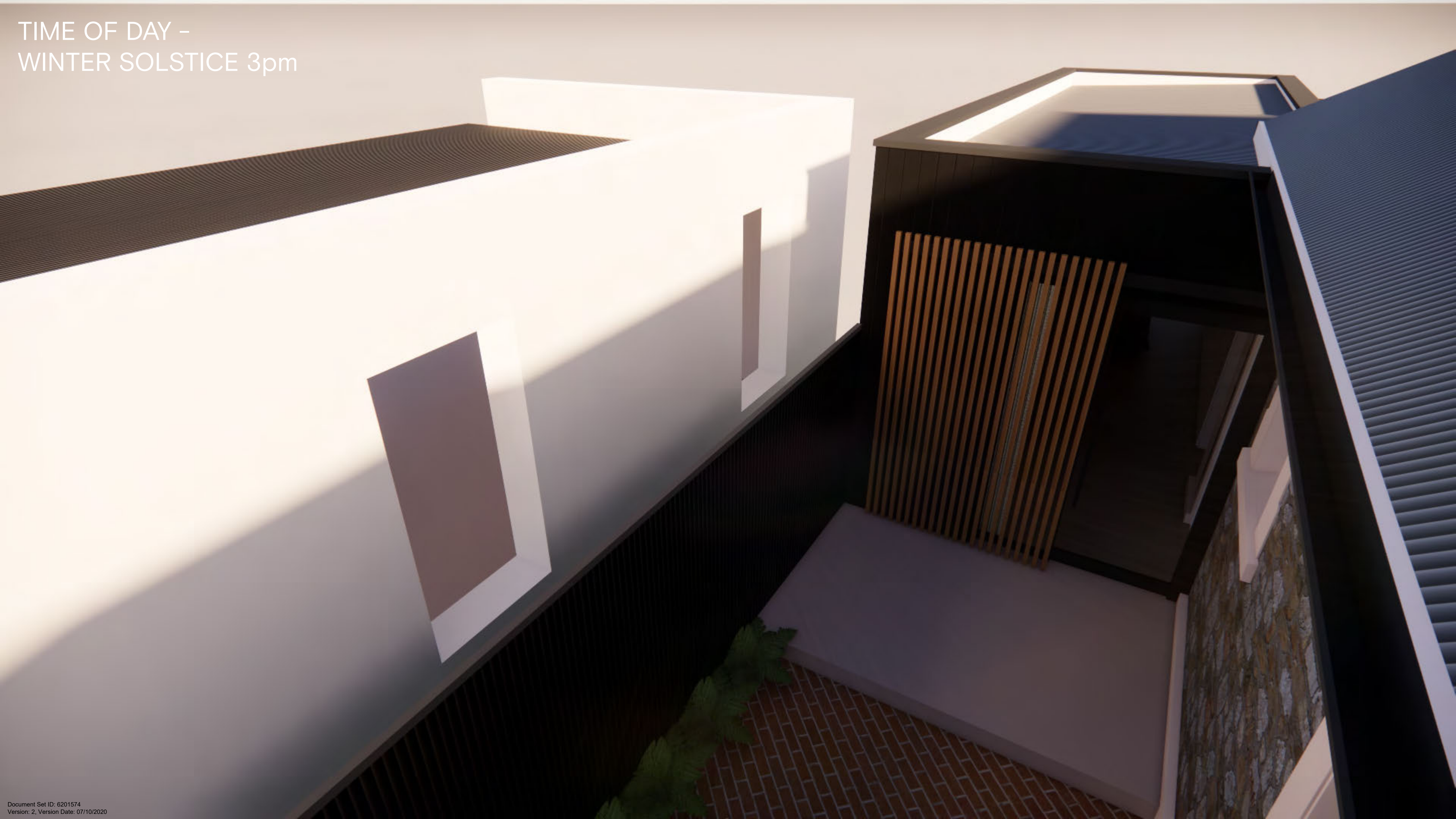


TIME OF DAY -  
WINTER SOLSTICE 2pm





TIME OF DAY -  
WINTER SOLSTICE 3pm







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.