

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

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Wednesday 18 October 2023 at 6:00pm in the Unley Council Chambers, 181 Unley Road Unley.



**Don Donaldson**  
**ASSESSMENT MANAGER**

**Dated 11/10/2023**

**KAURNA ACKNOWLEDGEMENT**

*Ngadlurlu tampinhi, ngadlu Kurna yartangka inparrinhi. Ngadlurlu parnuku tuwila yartangka tampinhi.*

*Ngadlurlu Kurna Miyurna yaitya yarta-mathanya Wama Tarntanyaku tampinhi. Parnuku yaitya, parnuku tapa purruna yalarra puru purruna.\**

We would like to acknowledge this land that we meet on today is the traditional lands for the Kurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

\*Kurna Translation provided by Kurna Warra Karrpanthi

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**18 October 2023**

**MEMBERS:**

Mr Brenton Burman  
Ms Colleen Dunn  
Mr Terry Sutcliffe  
Mr Will Gormly  
Dr. Iris Iwanicki

**APOLOGIES:**

**CONFLICT OF INTEREST:**

**CONFIRMATION OF MINUTES:**

MOVED:

SECONDED:

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 19 September 2023, as printed, and circulated, be taken as read and signed as a correct record.

## A G E N D A

Apologies  
Conflict of Interest  
Confirmation of the minutes

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<b>Item No</b>	<b>Appeals Against Decision of Assessment Manager (PDI Act)</b>	<b>Page</b>
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	<b>Motion to move out of confidence</b>	

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**ITEM 1****DEVELOPMENT APPLICATION – 23020341– 76 FAIRFORD STREET, UNLEY, SA 5061**

<b>DEVELOPMENT NO.:</b>	23020341
<b>APPLICANT:</b>	John Hales
<b>ADDRESS:</b>	76 FAIRFORD ST UNLEY SA 5061
<b>NATURE OF DEVELOPMENT:</b>	Construction of a two storey dwelling addition, including building alterations and partial demolition of the existing dwelling, an outbuilding fencing and retaining and swimming pool safety barrier
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Established Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Historic Area</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Traffic Generating Development</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres) (Maximum building height is 5.6m)</li> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 15m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 750 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 1 level)</li> <li>• Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher)</li> <li>• Site Coverage (Maximum site coverage is 50 per cent)</li> </ul>
<b>LODGEMENT DATE:</b>	18 Aug 2023
<b>RELEVANT AUTHORITY:</b>	Assessment panel/Assessment manager at City of Unley
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	17 August 2023 - Version 2023.12
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Nicholas Bolton Planning Officer
<b>REFERRALS STATUTORY:</b>	None
<b>REFERRALS NON-STATUTORY:</b>	Stormwater Engineer

## **ITEM 1**

### **DEVELOPMENT APPLICATION – 23020341– 76 FAIRFORD STREET, UNLEY, SA 5061**

#### **CONTENTS:**

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<b>ATTACHMENT 1:</b>	<b>Plan Set</b>
<b>ATTACHMENT 2:</b>	<b>Representations</b>
<b>ATTACHMENT 3:</b>	<b>Response to Representations</b>

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#### **DETAILED DESCRIPTION OF PROPOSAL:**

This proposal is for the partial demolition of the existing single storey dwelling, alterations and a two-storey addition to the existing dwelling, an outbuilding, and fencing and retaining wall along the western (side) boundary.

The partial demolition is of a rear lean-to attached to the existing Queen Anne style single storey dwelling.

The proposed two storey addition will contain an alfresco and balcony and will have a maximum building height of 7.6m from natural ground level. The addition incorporates an alfresco with a wall along the western (side) boundary for a total length of 8m, and a maximum height of 3.61m from the natural ground level. The alfresco roof is stepped in from the western (side) boundary by 700mm at which point the height extends a further 500mm to reach a total height of 4.11m. The alfresco will also incorporate a wall along the eastern (side) boundary for a total length of 3.8m and a maximum height 3.37m. The wall is stepped in from the eastern (side) boundary by 700mm at which point the height extends a further 500mm to reach a total height 3.87m from the natural ground level.

The proposed outbuilding will be 11.23m along the northern (rear) boundary and 3.8m along the eastern (side) boundary. The outbuilding will have a maximum height of 3.2m as measured from the natural ground level. The outbuilding will contain the pool pump equipment.

A combined fencing and retaining wall will be sited along the western (side) boundary for 11m beginning from an existing carport and ending at the edge of the proposed alfresco. This combined fencing and retaining wall reach a maximum height of 2.2m from the natural ground level.

#### **SUBJECT LAND & LOCALITY:**

**Location reference:** 76 FAIRFORD ST UNLEY SA 5061

**Title ref.:** CT 5221/325 **Plan Parcel:** D1051 AL410 **Council:** CITY OF UNLEY

#### **Site Description:**

The subject land is located within the **Established Neighbourhood Zone** and the **Historic Area Overlay**.

The subject land is rectangular in shape with a frontage to Fairford Street of 15.24m, a depth of 48.87m and an approximate site area of 745m<sup>2</sup>. The land is not affected by any easements or encumbrances.

The site contains a single storey dwelling in the Queen Anne style built circa 1910, and an existing swimming pool and three small garden sheds.

The site is provided with vehicular access to Fairford Street from an existing crossover on the western side of the subject land.

The land has a slight fall to the rear and contains no regulated or significant trees on the subject site or adjoining sites that will be affected by the development. There is one (1) street tree located on Fairford Street.

## **ITEM 1**

### **DEVELOPMENT APPLICATION – 23020341– 76 FAIRFORD STREET, UNLEY, SA 5061**



**Figure 1: View from the primary road frontage of the subject land taken from Fairford Street**

### **Locality**

When determining the locality of the subject land, (refer to the Locality Plan below) the general pattern of development and the extent to which the proposed development is likely to be viewed from surrounding occupiers and landowners has been considered. The locality is mostly within the Established Neighbourhood Zone, with a small section to the west of the subject site located within the Urban Corridor Main Street Zone.

The locality is characterised by predominantly character dwellings including Villas, Double Fronted Cottages and Queen Anne style dwellings. The dwellings in the locality are typically found on rectangular shaped allotments between 500m<sup>2</sup> and 750m<sup>2</sup>. Dwellings in the locality are single storey with the exception being a second storey addition to a Tudor style dwelling at 80 Fairford Street. The Fairford Street streetscape has a consistent character.

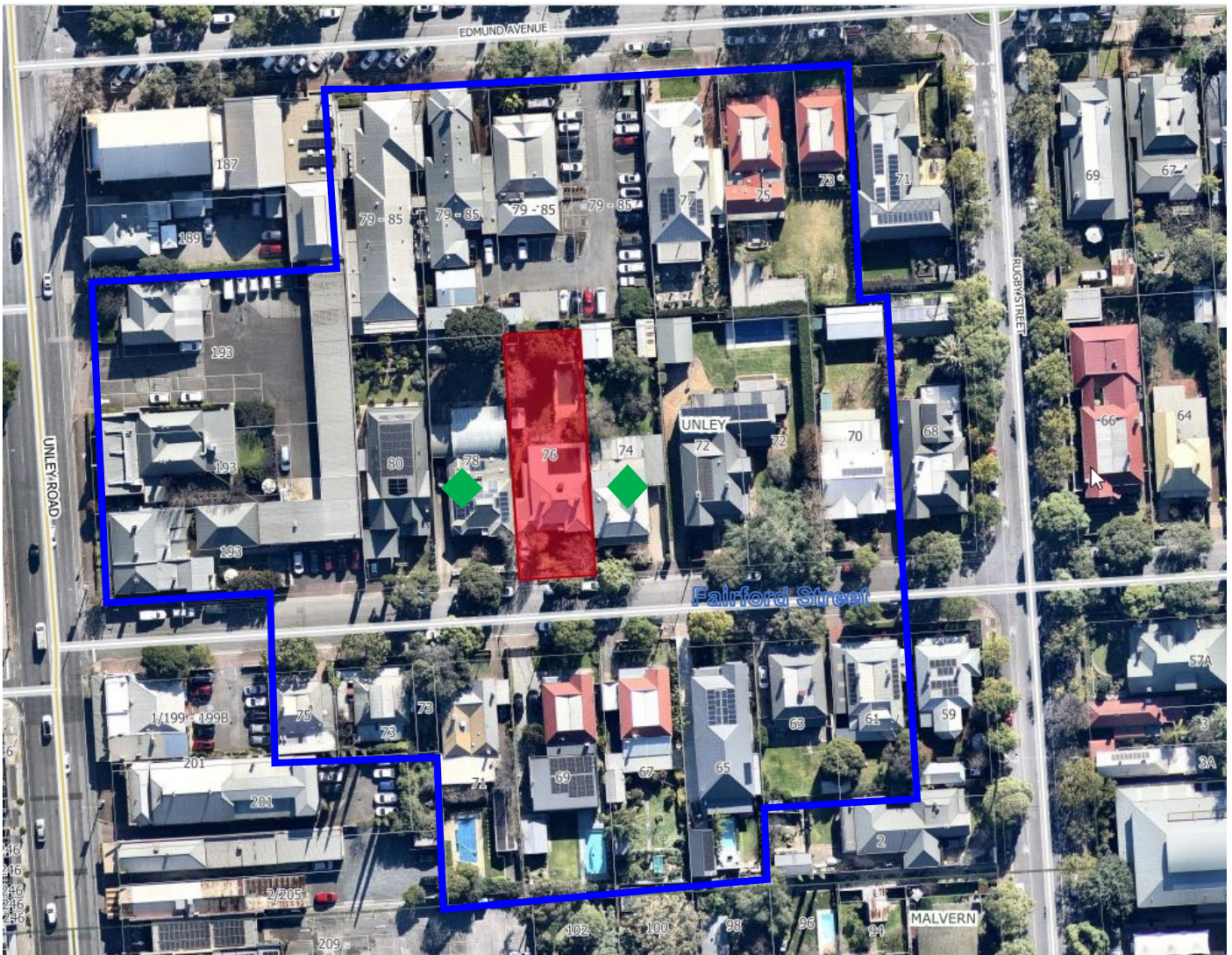
Non-residential uses are present on the land abutting the subject site to the north, and to the east fronting Unley Road. To the north is the St John Ambulance service whilst a funeral home fronts Unley road further to the east of the subject site.

The locality is well vegetated with mature trees located within the verge of Fairford Street.

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**DEVELOPMENT APPLICATION – 23020341– 76 FAIRFORD STREET, UNLEY, SA 5061**

**Locality Plan**



-  Subject Land
-  Locality
-  Representor

**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- PER ELEMENT:**
  - Outbuilding: Code Assessed - Performance Assessed
  - Fences and walls
  - Building Alterations: Accepted
  - Dwelling addition: Code Assessed - Performance Assessed
  - Retaining wall: Code Assessed - Performance Assessed
  - Fence: Code Assessed - Performance Assessed
  - Dwelling alteration or addition
  - Demolition
  - Partial demolition of a building or structure: Code Assessed - Performance Assessed

## ITEM 1

### DEVELOPMENT APPLICATION-23020341-76 FAIRFORD STREET, UNLEY, SA 5061

- **OVERALL APPLICATION CATEGORY: Code**  
Assessed - Performance Assessed
- **REASON**  
P&DCode

## PUBLIC NOTIFICATION

### REASON

As per Table 5 Procedural Matters (PM)- Notification, the proposed dwelling exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1.

Established Neighbourhood Zone DTS/DPF 4.1 states:

***Building height (excluding garages, carports and outbuildings) is no greater than:***

***a) the following:***

- ***Maximum building height is 5.6m***
- ***Maximum building height is 1 levels***

The proposed maximum building height is 7.6m and therefore requires public notification.

### LIST OF REPRESENTATIONS

Representor Name / Address	Support / Support with Concerns / Oppose	Request to be heard	Represented by
[REDACTED]	I support the development with some concerns	Yes	Self
[REDACTED]	I do not support the development	No	NA

### SUMMARY

A total of 28 owners and/or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject land for the duration of the notification period.

A copy of both representations can be found in **Attachment 2**.

In total 2 (two) representations were received within the notification period. One representer supports the development with concerns and elected to be heard, another representer does not support the development and does not wish to be heard. The following concerns were raised:

- Excessive site coverage
- Inconsistent with the character of the locality
- Removal of vegetation



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### **DEVELOPMENT APPLICATION – 23020341– 76 FAIRFORD STREET, UNLEY, SA 5061**

- The height and length of proposed boundary development negatively affects amenity, access to light and ventilation, and has overshadowing impacts

## **AGENCY REFERRALS**

None

## **INTERNAL REFERRALS**

Stormwater Engineer

I have reviewed the plans in conjunction with the flood maps for the area. Based on the flood depths expected the floor levels proposed (47.67) would satisfy the requirement and achieve the 300mm above the 1% AEP flood event

## **RULES OF INTERPRETATION**

The application has been assessed against the relevant provisions of the Planning & Design Code (the Code). The Code outlines zones, subzones, overlay and general provisions policy which provide **Performance Outcomes (POs)** and **Desired Outcome (DOs)**.

In order to interpret Performance Outcomes, the policy includes a standard outcome that generally meets the corresponding performance outcome (**Designated Performance Feature or DPF**). A DPF provides a guide as to what will satisfy the corresponding performance outcome. Given the assessment is made on the merits of the standard outcome, the DPF does not need to be satisfied to meet the Performance Outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from discretion to determine that a Performance Outcome is not met despite a DPF being achieved.

Part 1 of the Code outlines that if there is an inconsistency between provisions in the relevant policies for a particular development, the following rules will apply to the extent of any inconsistency between policies:

- the provisions of an overlay will prevail over all other policies applying in the particular case;
- a subzone policy will prevail over a zone policy or a general development policy; and
- a zone policy will prevail over a general development policy.

## **PLANNING ASSESSMENT**

The application has been assessed against the relevant policies of **the Code**, the extracts generated by the DAP on 18 August 2023, which are found at the following link:

[Planning and Design Code Extract](#)

### **Land Use**

The subject land is located within the **Established Neighbourhood Zone**, where the **Desired Outcomes (DO)** are:

#### ***DO 1 – Established Neighbourhood Zone***

*A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.*

#### ***DO 2 – Established Neighbourhood Zone***

*Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.*

## **ITEM 1**

### **DEVELOPMENT APPLICATION – 23020341– 76 FAIRFORD STREET, UNLEY, SA 5061**

The proposal seeks alterations and additions to the existing detached dwelling on the site, along with an outbuilding and fencing and retaining walls. The proposed development is an envisaged form of development within the **Established Neighbourhood Zone**.

#### **Partial Demolition**

**Historic Area Overlay PO 7.2** states:

*PO 7.2 - Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.*

The proposal seeks partial demolition of a lean-to extension attached to the rear of the existing dwelling. Given this section of the dwelling is not noticeable from the streetscape and is not part of the existing character dwelling, the proposal satisfies **PO 7.2**.

#### **Built Form**

**Historic Area Overlay DO and PO's** state:

*DO 1 – Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.*

*PO 1.1 –All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.*

*PO 2.5 - Materials are either consistent with or complement those within the historic area.*

*PO 3.1 - Alterations and additions complement the subject building, employ a contextual design approach and are sited to ensure they do not dominate the primary façade.*

*PO 3.2 - Adaptive reuse and revitalisation of buildings to support retention consistent with the Historic Area Statement.*

**Established Neighbourhood Zone PO's** state:

*PO 3.1 – Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation*

*PO 4.1 –Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.*

*PO 4.2 –*

*Additions and alterations do not adversely impact on the streetscape character.*

The proposal seeks a second storey addition rectangular in form with a flat roof and clad in off-white Sycon Axon cladding. It is contemporary in style, and contrasts with the existing Queen Anne style dwelling. **PO 3.1** of the **Historic Area Overlay** seeks dwelling additions to be contextually designed and complementary to the existing dwelling, ensuring the primary façade of the existing dwelling is not affected.

Despite the contemporary style, the proposal is still considered to meet the intent of **PO 3.1**. The PO seeks additions that are complementary to the subject building, not additions that necessarily replicate the historic forms of character dwellings. In this case, the contemporary addition provides a distinct delineation from the existing character dwelling, ensuring the Queen Anne style dwelling clearly stands apart from the contemporary addition and can be appreciated in its own right.

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### **DEVELOPMENT APPLICATION – 23020341– 76 FAIRFORD STREET, UNLEY, SA 5061**

The off-white Scyon Axon cladding provides a complementary colour and material palate to the white finishes of the existing dwelling's quoins and Shale Grey roof. The light tone ensures there is not a significant visual contrast between the proposed addition and the existing dwelling; it will be noticeable, but not at the expense of the existing dwelling.

Furthermore, the addition does not dominate the primary façade of the existing dwelling. It is located to the rear of the dwelling, setback 19m from the primary street frontage with the addition beginning behind the roof line of the existing dwelling. Whilst the roof height is higher than the existing dwelling (approximately 0.5m) it will sit lower than the two existing chimneys. When viewed from the street, the sightlines of the proposed addition will largely be obscured by the existing roof form, whilst the chimneys will remain higher, ensuring the character of the Queen Anne dwelling is still the dominant form. Additionally, existing vegetation will screen the view of the addition from most perspectives within the street.

Although the proposal exceeds the maximum desired building height of one level and 5.6m, as per **Designated Performance Feature (DPF) 4.1** of the **Established Neighbourhood Zone**, the proposal has been designed such that its scale is sympathetic and compatible with the predominant single storey-built form seen along Fairford Street. The Queen Anne style dwelling on site has a roof height of 6.6m to its highest point, which in an of itself is a deviation from the DPF policy, but satisfies **PO 4.1** which seeks buildings contribute to the prevailing character of the neighbourhood and complements nearby buildings.

The proposed development will result in a total site coverage of 55%, exceeding **DPF 3.1** of the **Established Neighbourhood Zone** which seeks a maximum site coverage of 55%. The visual impact and access to light and ventilation of the proposal will be addressed later in the report. Whilst site coverage of 55% is not common in the 5% deviation is not considered to be quantitatively substantial, with the proposed outbuilding accounting for the exceedance, a structure that has minimal impact on adjoining landowners. The proposal therefore satisfies the intent of **PO 3.1** of the **Established Neighbourhood Zone**

## **Setbacks**

### **Boundary Walls**

#### **Historic Area Overlay PO 2.4 states:**

*PO 2.4 - Development is consistent with the prevailing front and side boundary setback pattern in the historic area.*

#### **Established Neighbourhood Zone PO states:**

*PO 7.1 – Dwelling boundary walls and limited in height and length to manage visual and overshadowing impact on adjoining properties.*

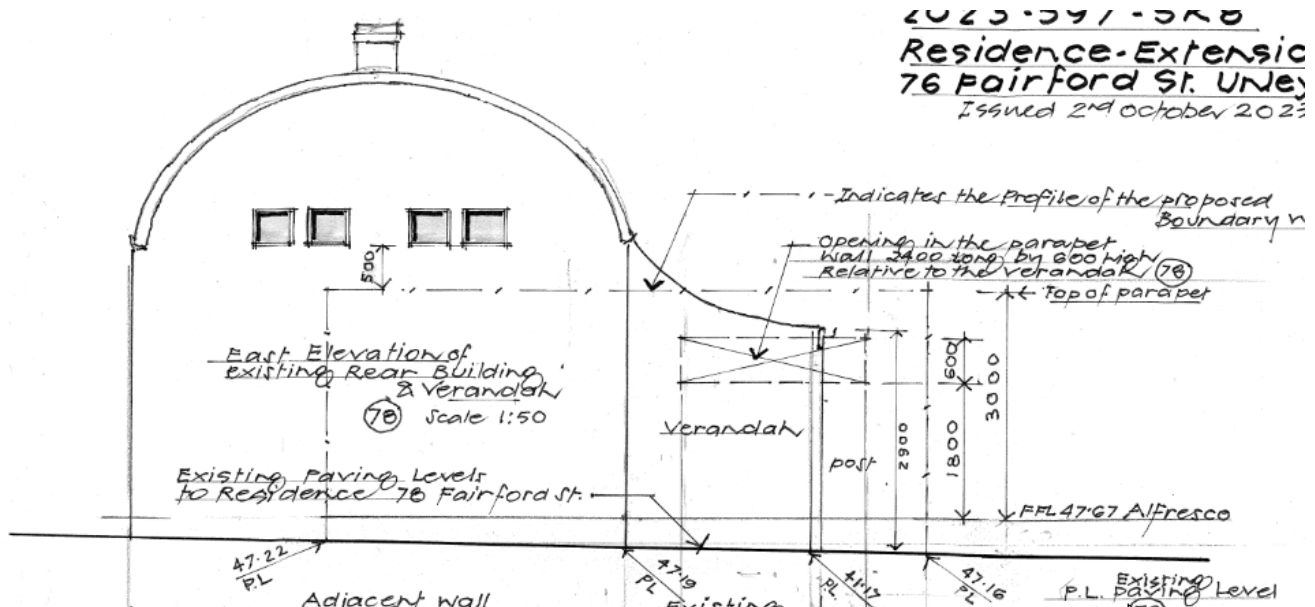
**PO 7.1** seeks buildings to be offset from side boundaries to provide separation between buildings in a manner that complements the established character of the locality and manages visual and overshadowing impacts to adjoining properties. The corresponding **DPF** seeks that a minimum offset of 1m for the first building level should be provided.

As noted in the initial description of the development, the proposed dwelling addition includes boundary walls that form part of the alfresco on both side boundaries, failing to meet **DPF 7.1**.

In both cases the boundary walls are considered to be acceptable. In the case of the western side boundary, its location in relation to the dwelling at 78 Fairford results in minimal visual and overshadowing impacts to this property. The wall of the dwelling at 78 Fairford which faces the subject site and is setback approximately 950mm from the shared boundary, does not contain lower level windows below the height of the proposed alfresco wall (see figure 2).

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2023-09-1-5K0  
Residence-Extensic  
76 Fairford St. Unley  
Issued 2nd October 2023

**Figure 2: Cross section of the wall along the western (side) boundary in relation the dwelling on the adjoining allotment (78 Fairford Street)**

The visual impact of this wall has been minimised by the inclusion of a 600mm high opening allowing for natural light and ventilation to the verandah area. As shown in figure 3, the current view from this location has low amenity value, already largely obscured by an existing shed and vegetation.



**Figure 3: View of the dwelling and verandah at 78 Fairford from the subject site**

The alfresco will also incorporate a wall along the eastern (side) boundary. This wall will be adjacent the backyard of 74 Fairford Street and given its length, stepped design and the presence of an existing tree immediately adjacent, the wall will have minimal visual impact.

With consideration to the above, the proposed boundary walls are considered adequately manage visual and overshadowing impact on adjoining properties and satisfy **PO 7.1** of the **Established Neighbourhood Zone**.

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#### **Side Setbacks**

**Established Neighbourhood Zone PO 8.1** states:

*PO 8.1 – Buildings are set back from side boundaries to provide:*

- a) *separation between buildings in a way that complements the established character of the locality;*
- b) *access to natural light and ventilation for neighbours.*

With the exception of the aforementioned boundary development, the first level of the proposed dwelling addition will result in an 850mm setback from the eastern (side) boundary and a 3.1m setback from western (side) boundary. The second level will be setback from the eastern (side) boundary for 3.4m at its nearest point, whilst a 4.7m setback from the western (side) boundary is provided.

The 850mm setback from the eastern (side) boundary is the only setback which does not comply with **DPF 8.1** which seeks a 1m setback. This is considered to be acceptable as the proposed addition continues the setback of the existing dwelling and lean-to to be demolished. Given the above it is considered to satisfy **PO 8.1**.

#### **Outbuilding**

**Established Neighbourhood Zone PO 11.1** states:

*PO 11.1 - Residential ancillary buildings and structures are sited and designed to not detract from the streetscape or appearance of buildings on the site or neighbouring properties.*

The proposed outbuilding includes a wall along the northern rear boundary for a total length of 11.2m, and a total height of 3.2m as measured from the natural ground level, exceeding **DPF 11.1** of the **Established Neighbourhood Zone** which seeks ancillary buildings and structures to have a length on a boundary no greater than 8m and a height no greater than 3m. The impact of the length is not considered adversely impact the adjacent commercial carpark. The height of the structure along the eastern (side) boundary is considered to be acceptable given the presence of an outbuilding at 74 Fairford Street in close proximity to this shared boundary and the minor deviation from the **DPF** having no negative visual impact. The proposal is therefore considered to meet the intent of **PO 11.1**.

#### **Overlooking**

**General Development Policies – Design in Urban Areas PO 10.2** states:

*PO 10.2 - Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.*

The upper-level balcony facing the northern (rear) and east and west (side) boundaries have been provided with privacy screening to mitigate direct overlooking to the habitable rooms and private open space of adjoining residential land. The northern elevation will contain Lysaght slat screening with a maximum transparency of 25% to a height of 1.7m as measured from the finished floor level. The eastern and western elevations will contain decorative pressed metal screens with random cut out shapes and a black painted panel sitting behind. The proposal therefore addresses overlooking in accordance with **PO 10.2** and the corresponding **DPF**.

#### **Overshadowing**

**General Development Policies – Interface between Land Uses PO's state:**

*PO 3.1 - Overshadowing of habitable room windows of adjacent residential land uses in:*

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- a) *a neighbourhood-type zone is minimised to maintain access to direct winter sunlight;*
- b) *other zones is managed to enable access to direct winter sunlight.*

**PO 3.2** – *Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in*

- a) *a neighbourhood type zone is minimised to maintain access to direct winter sunlight*
- b) *other zones is managed to enable access to direct winter sunlight*

Due to the north-south orientation of the allotments along Fairford Street, the compliance with upper level setbacks, the proposal is not considered to detrimentally affect the ability of the adjacent habitable rooms or private open space to maintain access to direct winter sunlight. The proposal will therefore satisfy **both PO 3.1 and PO 3.2**.

Regarding the overshadowing of the alfresco wall along the western (side) boundary, the allotments along Fairford street are north-south orientated and the concave verandah attached to the dwelling at 78 Fairford already ensures the majority of the north face windows will be in shadow during the hours before noon in winter. Given this, the proposal is considered to meet PO 3.2.

## **Heritage**

**Heritage Adjacency Overlay PO 1.1** states:

**PO 1.1** - *Development adjacent to a State or Local Heritage Place does not dominate, encroach on or unduly impact on the setting of the Place.*

The subject land is to the south of two Local Heritage Places with the following listings:

*79-85 Edmund Avenue (81) UNLEY- Office (former Police Station); External form, materials and detailing of the c1890 former dwelling building. Any later additions or alterations are excluded from the listing.*

*79-85 Edmund Avenue (83) UNLEY -Office (former Court House); External form, materials and detailing of the 1925 former court house. Any later additions or alterations are excluded from the listing.*

Adequate separation is provided from the Local Heritage Places by a carpark and non-listed ancillary structures which buffers the buildings from the shared boundary with the subject site. Given the above the proposal is considered to satisfy **PO 1.1 of the Heritage Adjacency Overlay**.

## **Stormwater**

The original notified set of plans showed stormwater to be connected to the existing system which was considered to be acceptable. Subsequent plans have a soakage pit shown with a note indicating details to be provided by an engineer to submit a stormwater drainage plan. A comprehensive stormwater management plan is requested by Council as a reserve matter.

## **CONCLUSION**

On balance the proposal has been designed to minimise any negative impacts on the adjoining allotments and amenity of the locality by way of built form and overlooking. The proposed works are considered to complement the historic characteristics of the locality.

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The matters raised by the representors have been considered in the course of this assessment. The applicant has also amended the proposal in response to those representations.

Having considered all the relevant assessment provisions, the proposal is not considered to be seriously at variance with the Planning and Design Code and is considered to satisfy the desired and performance outcomes sought by the Code for the following reasons:

- The proposed development is considered to satisfy the relevant Performance Outcomes of the Established Neighbourhood Zone, Overlays and General Development Policies.
- The nature of the dwelling additions, outbuilding and fencing and retaining walls will not unreasonably impact upon the adjacent properties.

## **RECOMMENDATION**

GRANTED

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 23020341, by John Hales is GRANTED Planning Consent subject to the following reasons/conditions/reserved matters:

## **RESERVE MATTER**

Pursuant to Section 102 (3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval (*or select stage of Development Approval*):

- A comprehensive stormwater management plan

Note - Further conditions may be imposed on the Planning Consent in respect of the above matters.

## **CONDITIONS**

### **Planning Consent**

#### Condition 1

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

#### Condition 2

Permanently fixed privacy screens must be erected as shown on the north, east and west elevations on the approved plans prior to commencement of use of the dwelling additions and be must be maintained as an effective privacy screen thereafter.

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#### Condition 3

All stormwater from the building and site shall be disposed of so as not to 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.

#### Condition 4

That wastewater 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.

#### Condition 5

That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment. 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.

## **ADVISORY NOTES**

### **Planning Consent**

#### Advisory Note 1

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

#### Advisory Note 2

Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

#### Advisory Note 3

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

#### Advisory Note 4

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

#### Advisory Note 5

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.

#### Advisory Note 6

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.



## **ITEM 1**

### **DEVELOPMENT APPLICATION – 23020341– 76 FAIRFORD STREET, UNLEY, SA 5061**

#### Advisory Note 7

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).

#### **OFFICER MAKING RECOMMENDATION**

**Name:** Nicholas Bolton

**Title:** Planning Officer

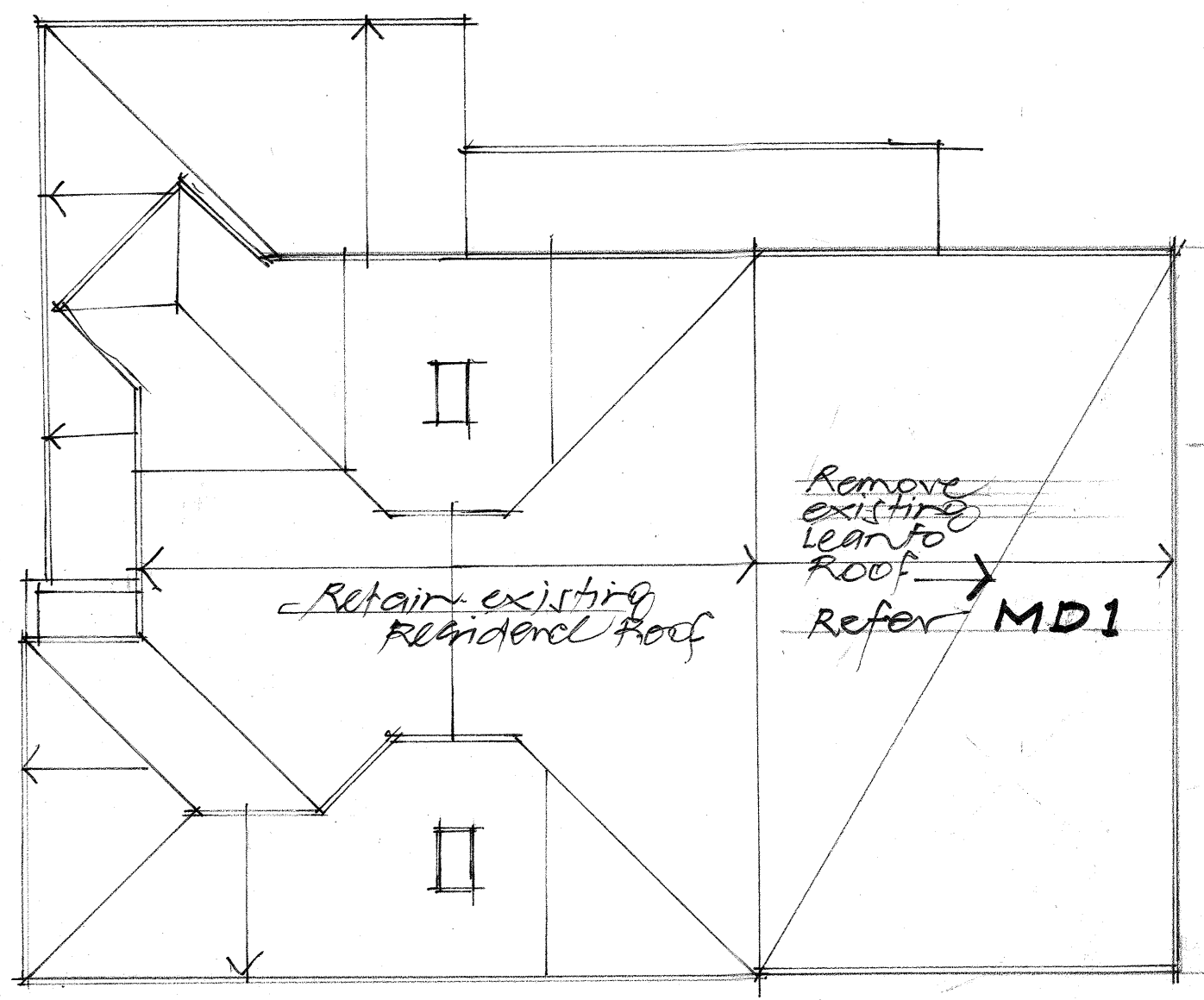
**Date:** 18/10/2023

## **ATTACHMENT 1**

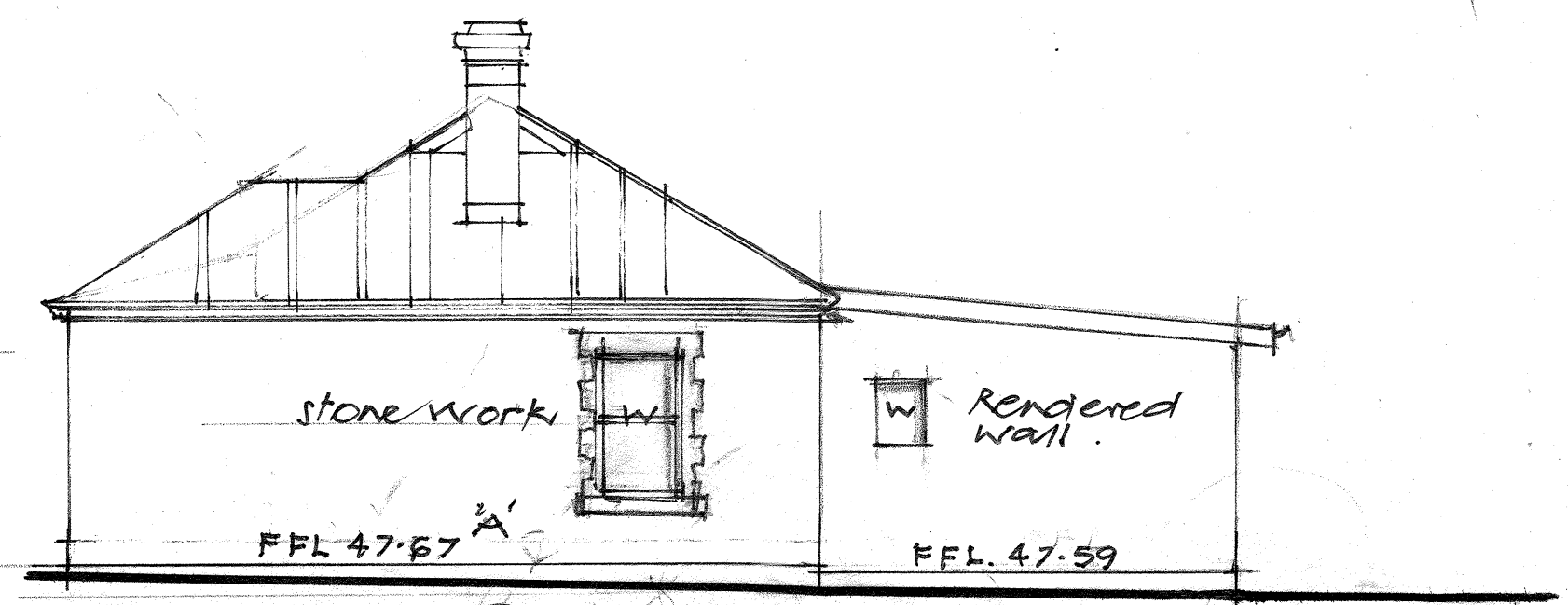


2023-597-MD2  
Residence Extension  
76 Fairford St. Unley

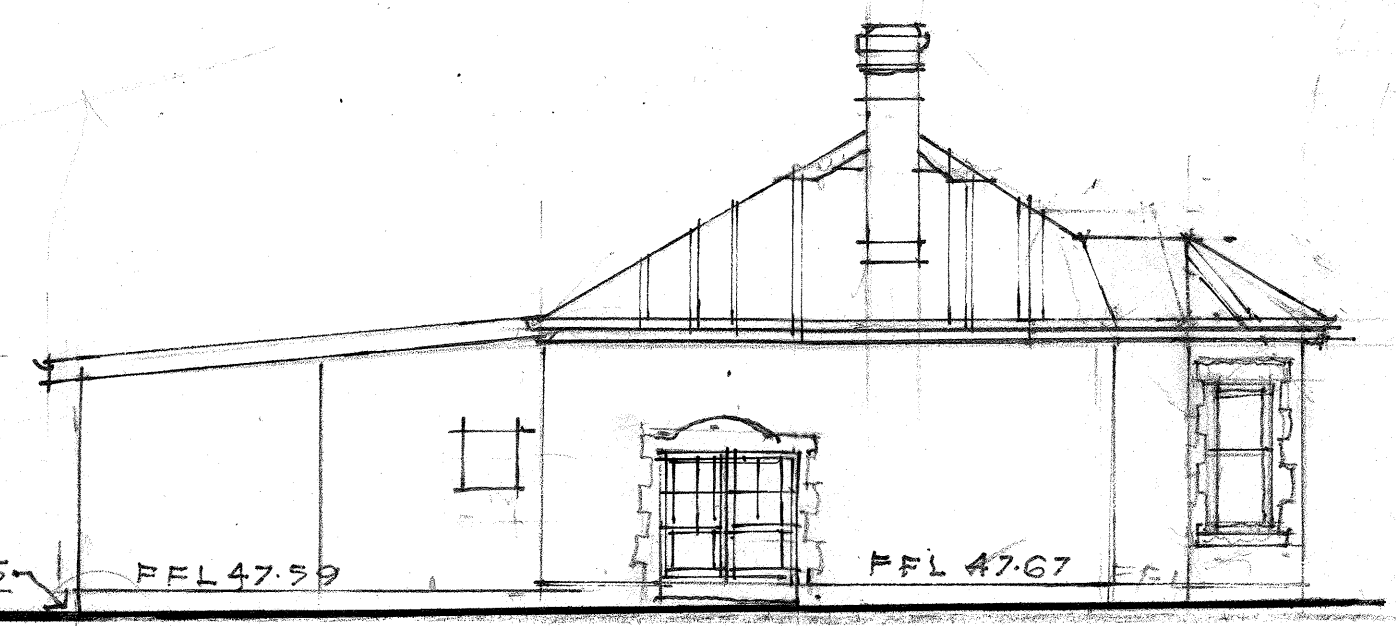
Issued: 7th July 2023  
Measured  
Drawing



Existing Roof 1:100



Elevation 3



Elevation 2

Not: Existing Verandah  
& car port not shown

Johns Hales Architect

- Amendment 'A' 4<sup>th</sup> August 2023
- Existing Ground Levels Refer site plan
- Adjacent Residences positions
- Areas Revised Refer SK7
- Steps down from Alfresco to rear courtyard
- Revised Pool pavillion Refer SK7

- Amendment 'B' 15<sup>th</sup> August 2023
- Concrete retaining wall to ramp western boundary
- Amendment 'C' 18<sup>th</sup> September 2023
- Retain mature trees
- Pool pavillion detail SK7
- Amendment 'D' 30<sup>th</sup> sept 2023
- Reinstate WG. New SK8 - Detail west side parapet wall Boundary

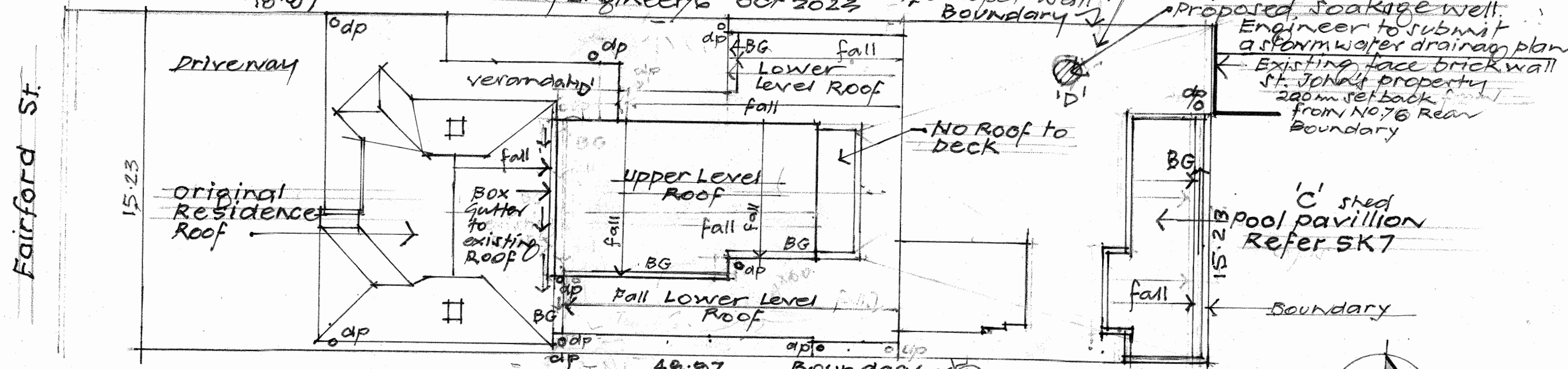
# 2023-597-SK1'D

## Residence Extension

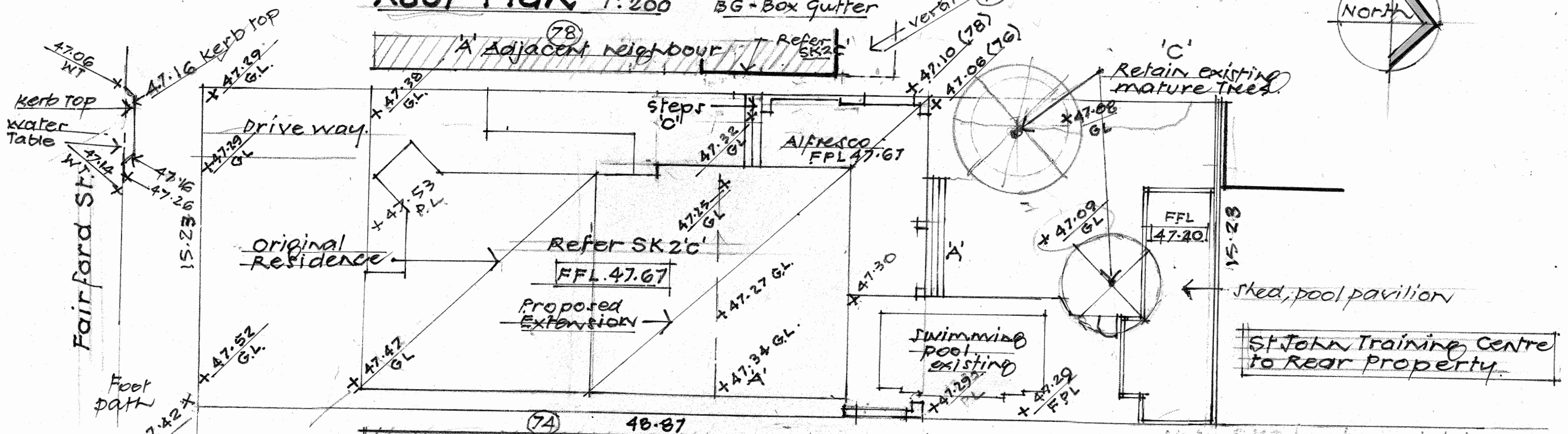
### 76 Fairford St. Unley

Issued 7<sup>th</sup> July 2023

- Amendment 'D' 2<sup>nd</sup> October 2023
- Stormwater drainage plan to submitted by Engineer 6<sup>th</sup> Oct 2023



**Roof Plan i:200**  
BG - Box Gutter



**Site Plan i:200**

GL Ground Level  
 Architectural Documents submitted SK1'D, 2'D, 3'D, 4'D, 5'D, 6'A, 7'A, 8  
 Surveyor Boundary Identification Survey  
 Boundary overlay, site Levels. Ref 25313  
 Certificate of Title vol. 5221 folio 325.

Amendment 'A' - 4<sup>th</sup> August 2023

• New pool fence • Delete proposed Rear shed as submitted 7<sup>th</sup> July 2023 • Revised shed pool pavilion as illustrated on SK1A & SK6A.

Amendment 'B' - 15<sup>th</sup> August 2023

• Reinforced concrete plinth to Ramp down

Amendment 'C' - 18<sup>th</sup> Sept 2023

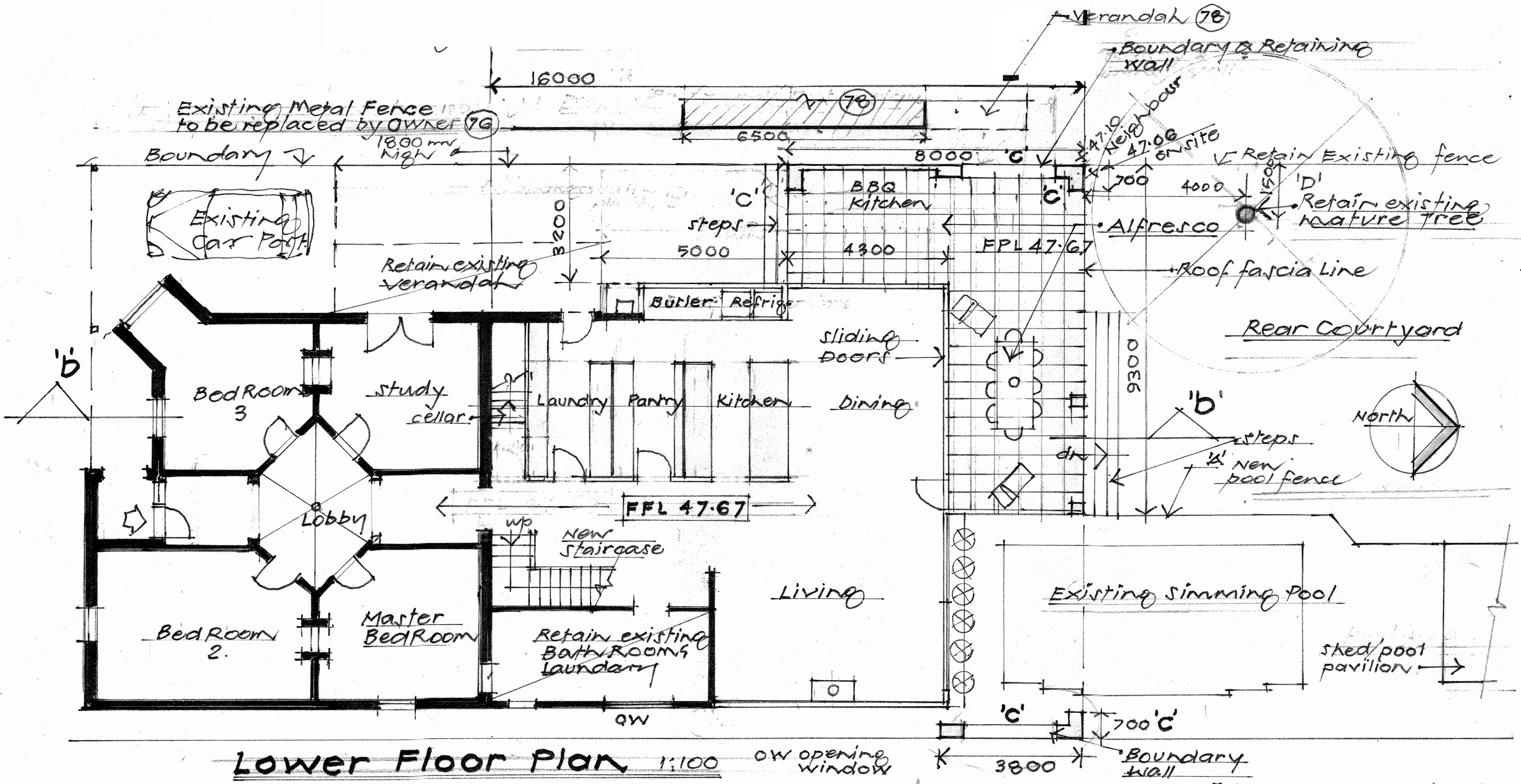
• Openings to Boundary walls - East & West

Amendment 'D' - 30<sup>th</sup> September 2023

• Refer SK8 for revised Elevation Detail (78)  
• Mature Tree Located - West Boundary side

2023-597-SK 2 'b'  
Residence - Extension  
76 Fairford St. Unley

Issued - 7<sup>th</sup> July 2023



Lower Floor Plan 1:100 ow opening window

John S. Hales Architect

Amendment 'A' 18<sup>th</sup> September 2023

- Amended set back from western boundary
- Internal layout revised
- Top of Parapet walls.

Amendment 'B' 30<sup>th</sup> Sept. 2023

- Delete Reference to Lysaght screens
- Refer to SK 4A
- High level window. South Elevation Upper level

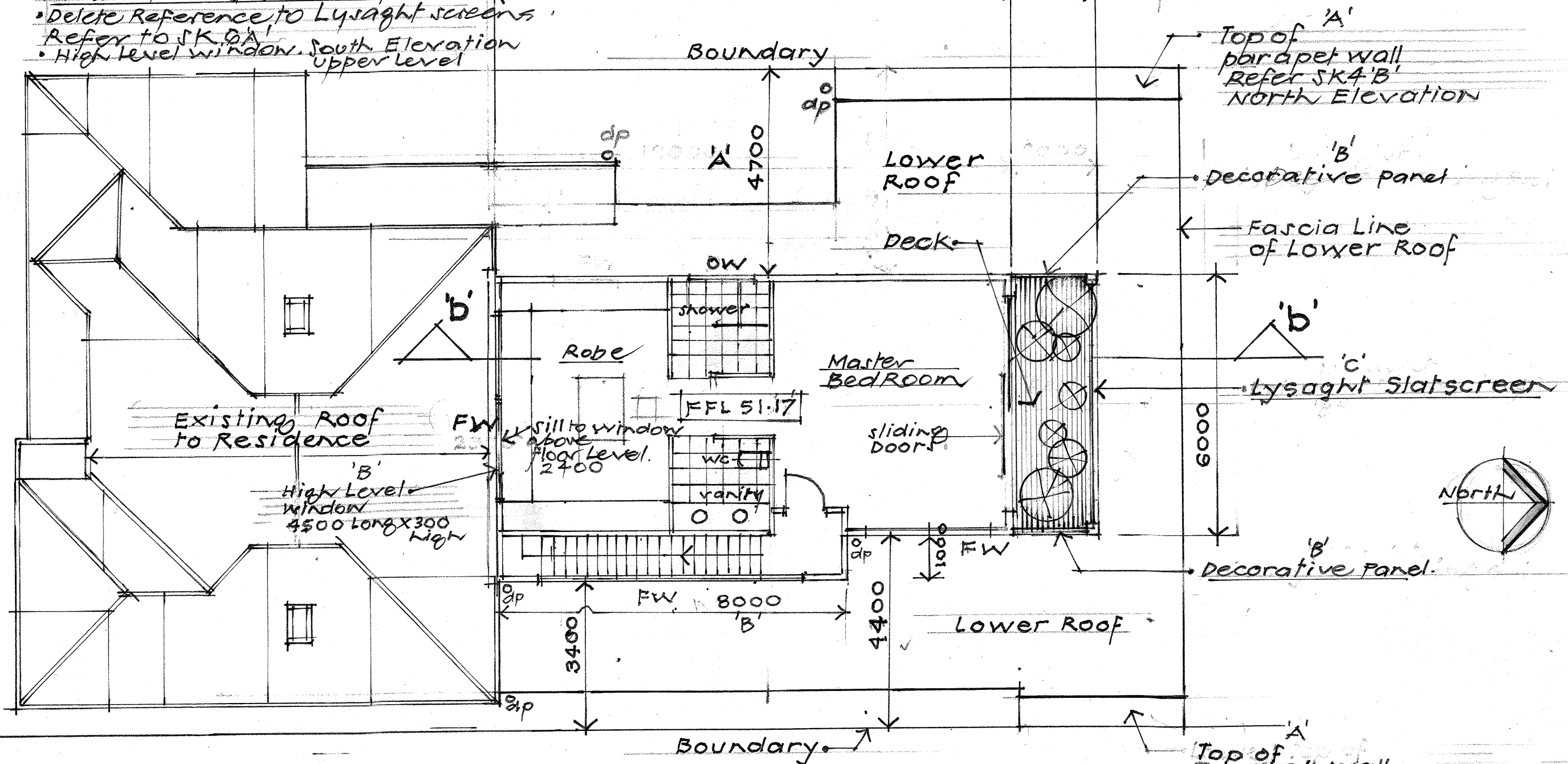
Amendment 'c' - 3<sup>rd</sup> October 2023

Restore Lysaght Slatscreen

proposed Extension

2023-597-SK3 'c'  
 Residence Extension  
 76 Fairford St. Unley

Issued 7<sup>th</sup> July 2023



Upper Floor Plan 1:100

FW - Fixed Window  
 OW - Opening Window

Top of Parapet wall,  
 Refer SK4B  
 North Elevation SK4B

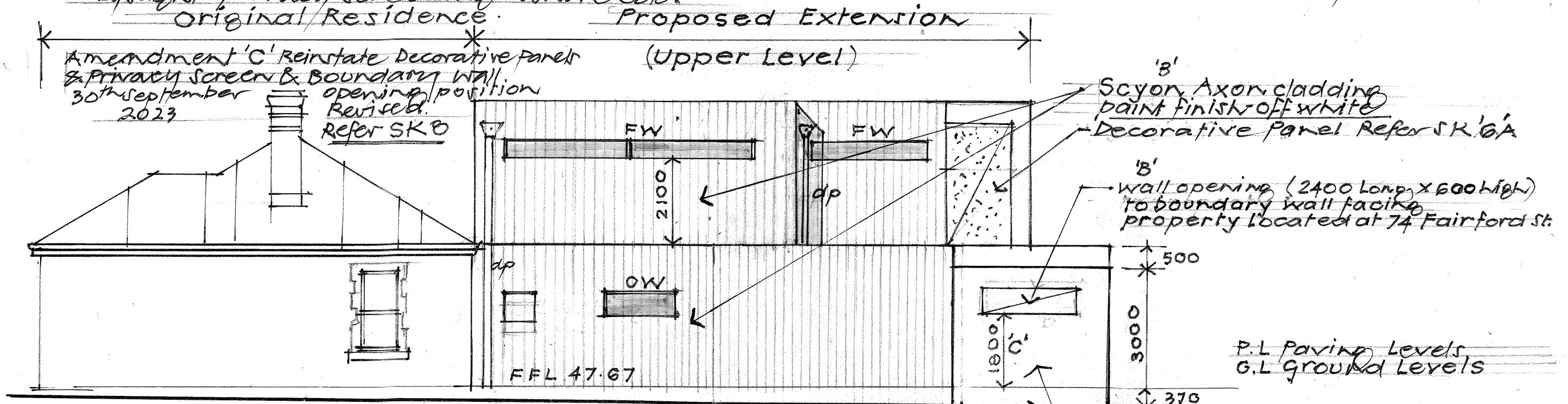
John S. Hales Architect

Amendment 'A' 4<sup>th</sup> August 2023  
 • Steps down to rear courtyard from Alfresco

Amendment 'B' - 19<sup>th</sup> September 2023  
 • Wall openings to boundary walls facing property located 74 Fairford Street  
 • External wall cladding to upper & lower levels  
 • Lysaght privacy screening - white color

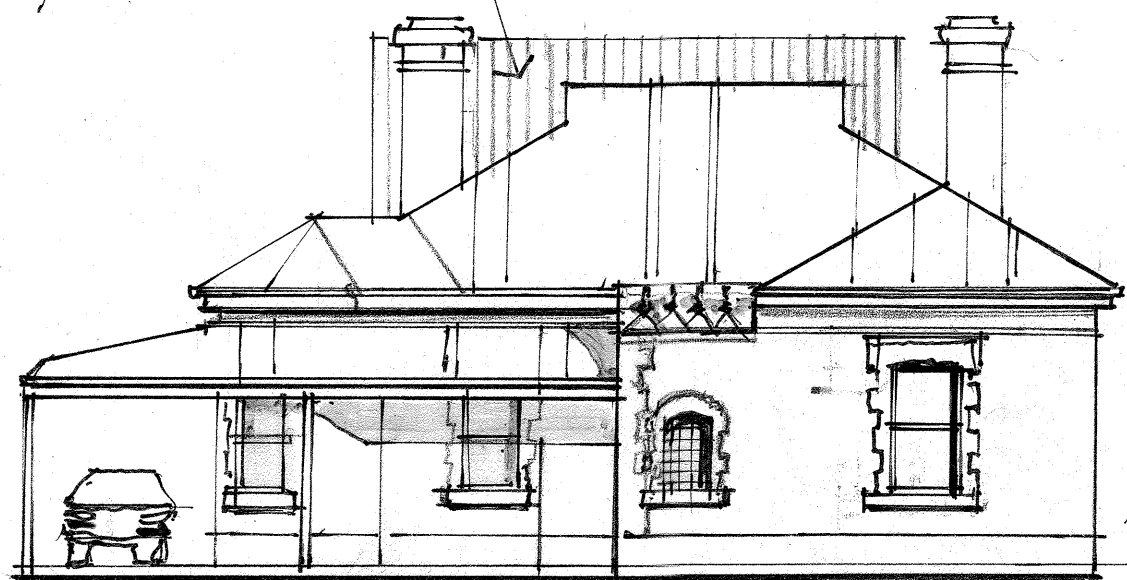
2023-597-SK4'C'  
 Residence Extension  
 76 Fairford St. Unley

Issued - 7<sup>th</sup> July 2023



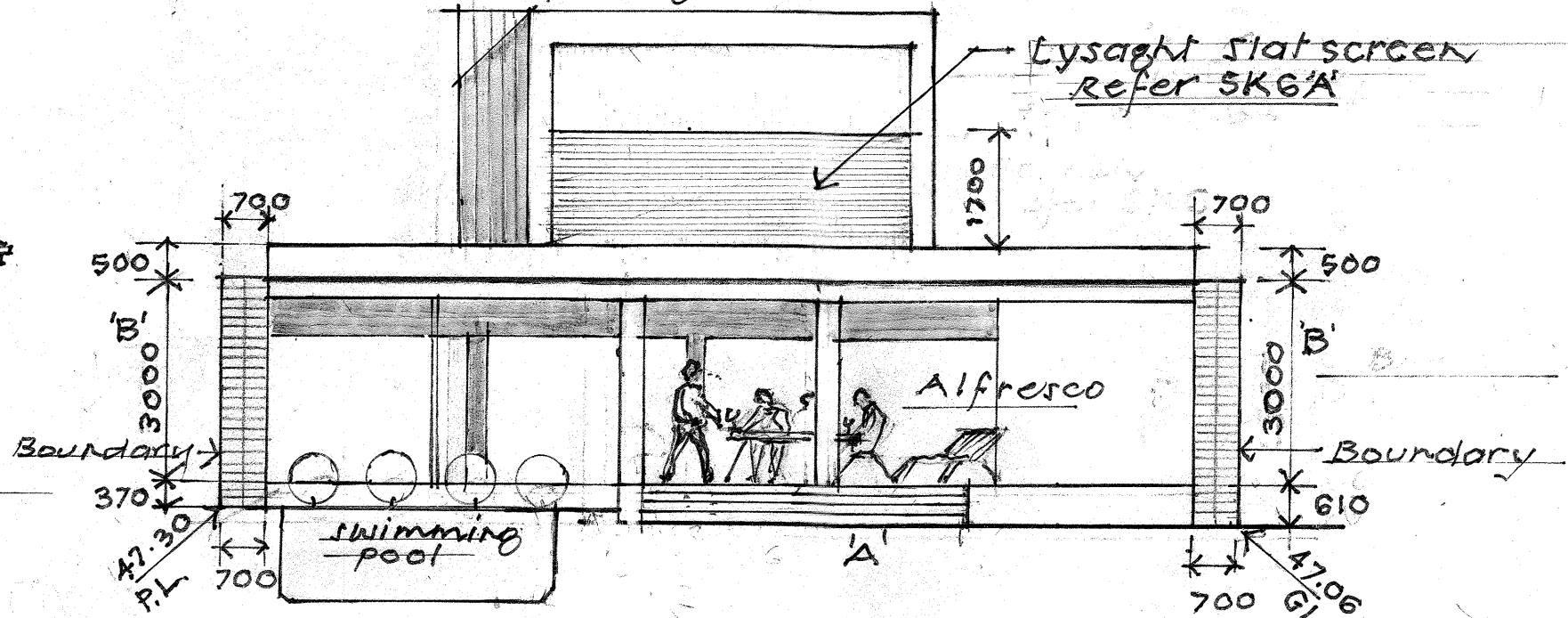
**East Elevation**

Southern upper level facade to the rear of the residence.



**South Elevation 1:100**  
 Facing Fairford Street.

FW - Fixed Window  
 OW - Opening Window



**North Elevation**

John S. Hales Architect

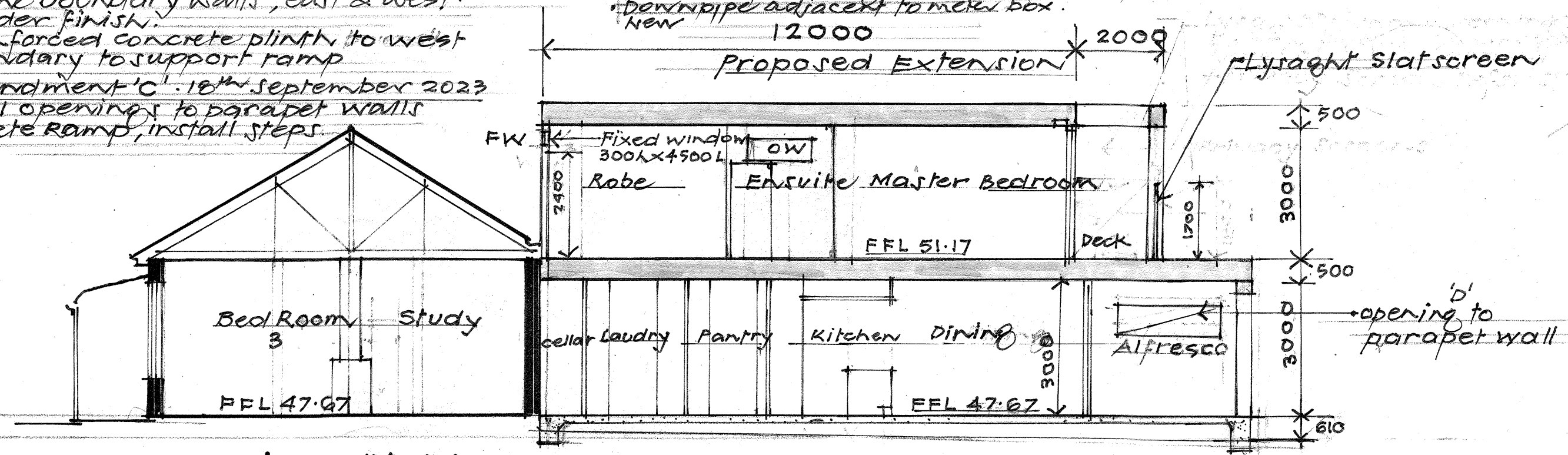


**2023-597-SK5 'D'**  
**Residence Extension**  
**76 Fairford St. Unley**

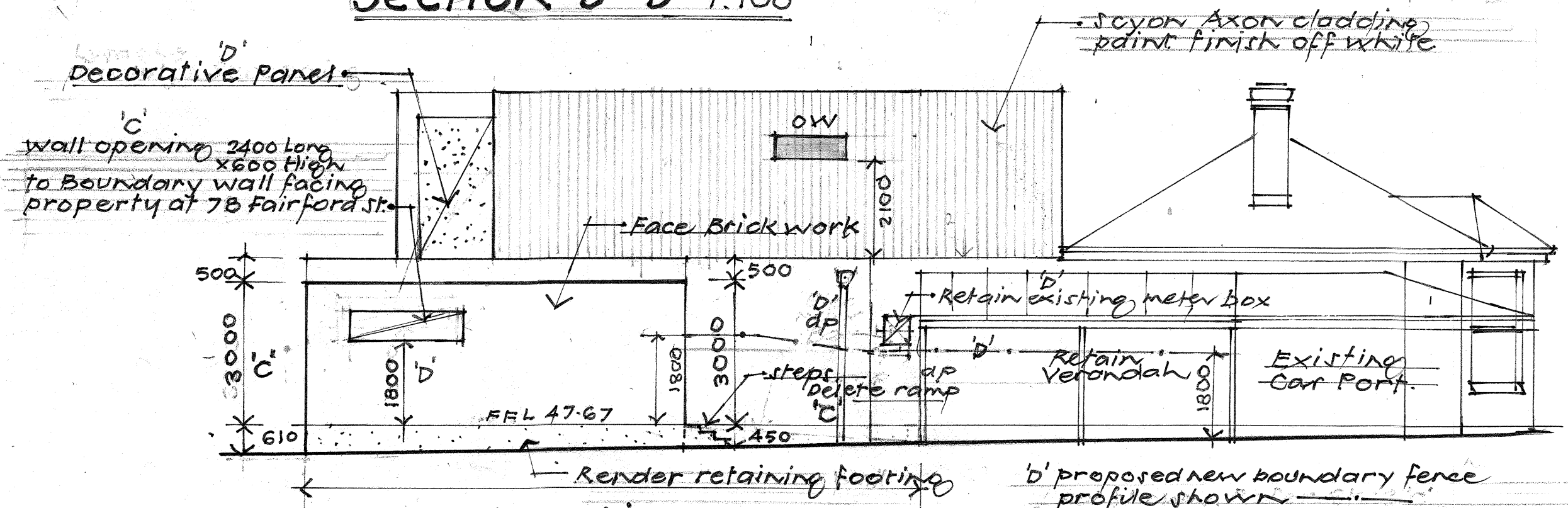
Issued: 7<sup>th</sup> July 2023

- Amendment 'A' - 4<sup>th</sup> August 2023**
- Length of upper level extension clarified.
  - steps down from Alfresco to Rear courtyard
- Amendment 'B' - 15<sup>th</sup> August 2023**
- Reinforced concrete retaining footings to the boundary walls, east & west.
  - render finish.
  - Reinforced concrete plinth to west boundary to support ramp
- Amendment 'C' - 18<sup>th</sup> September 2023**
- wall opening to parapet walls
  - Delete Ramp, install steps

- Amendment 'D' - 30<sup>th</sup> Sept. 2023**
- New Fence to West boundary
  - Height of parapet wall openings
  - Restore decorative panels to original position
  - Position of existing meter box (Electric)
  - Downpipe adjacent to meter box.



**Section b-b 1:100**



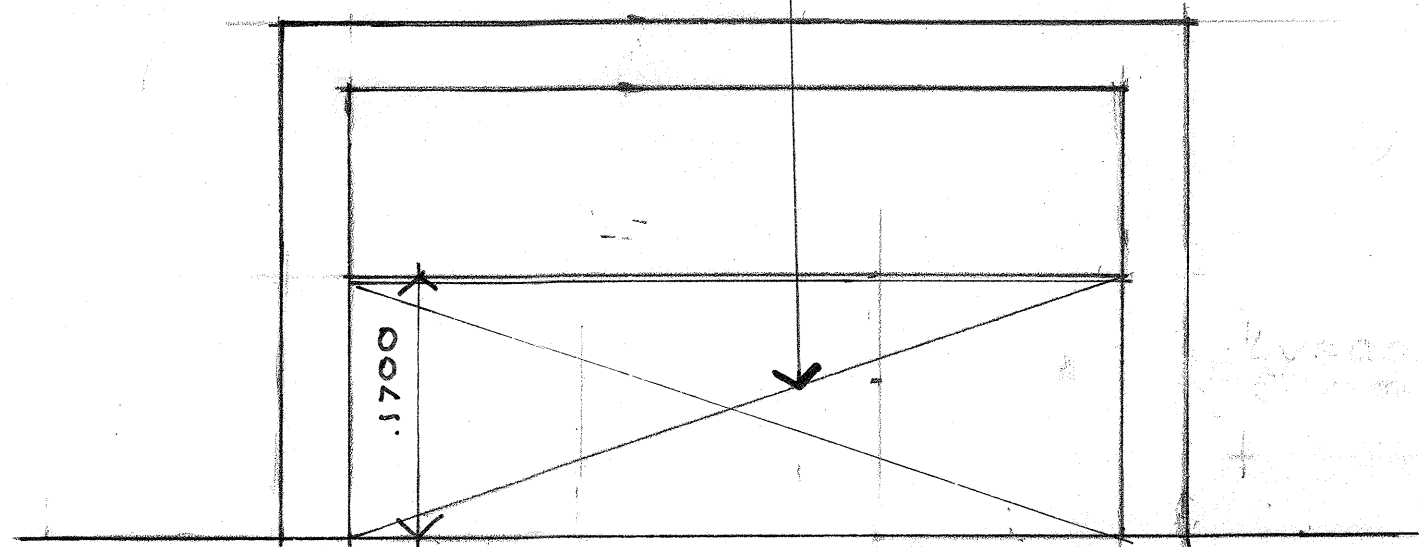
**West Elevation 1:100**

John S. Hales Architect

Amendment 'A' - 3<sup>rd</sup> October 2023  
Delete vertical slats proposal  
for screen to upper deck

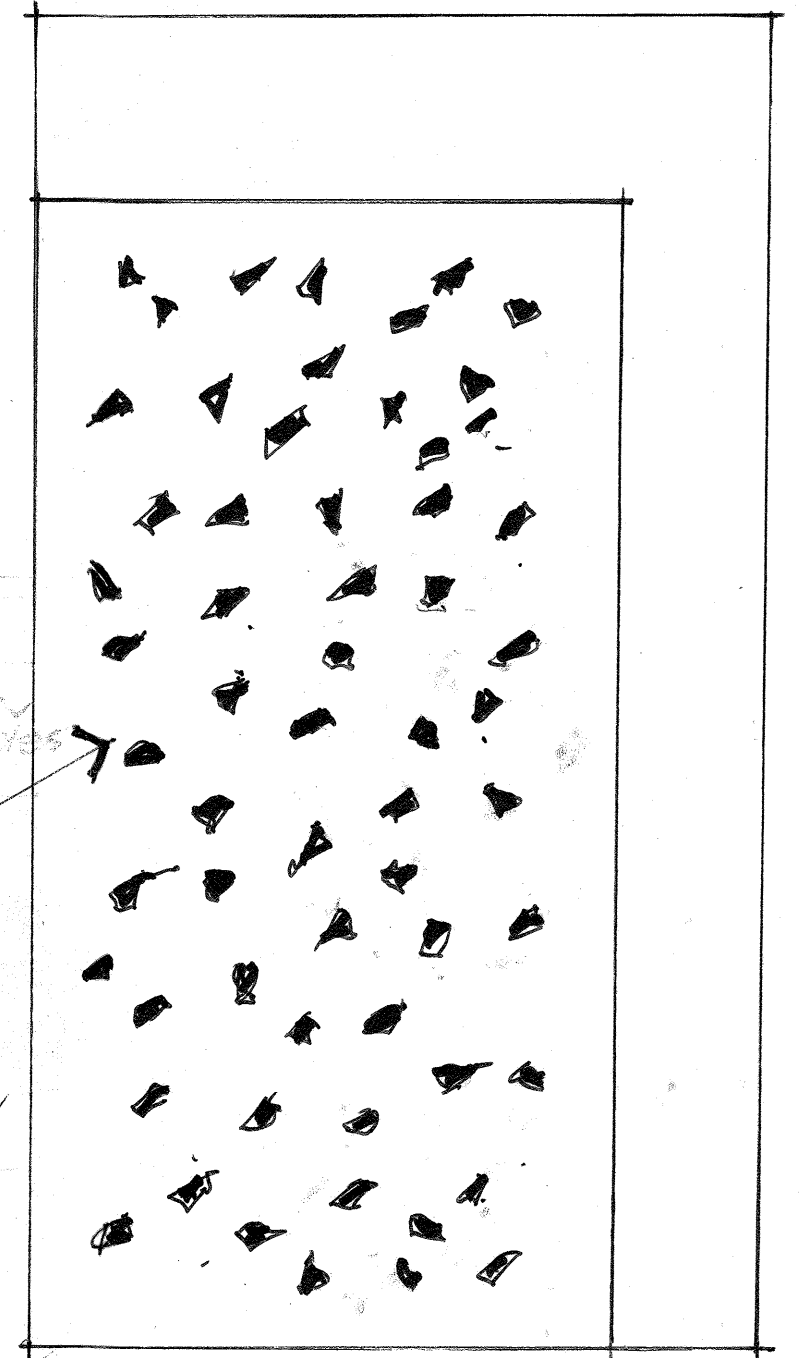
2023-597-SK 6 'A'  
Residence Extension  
76 Fairford St. Umley  
Issued - 7<sup>th</sup> July 2023

'A'  
Lysaght Slatscreen  
55mm horizontal slats  
20mm gap between each slat  
Level of transparency 25%  
off-white color



North Elevation 1:50  
Lysaght Slatscreen  
Upper Level Deck

Pressed Metal screen with  
random cut out shapes with  
black painted panel behind  
Screen color - off white



Decorative Panel  
Located East & West sides  
of Deck to upper Level  
Extension 1:20

john s. hales architect

Amendment 'A' 30 Sept 2023  
 • FFL 47.40 Shed/pool pavilion

**2023-597-SK7A**  
**Residence Extension**  
**76 Fairford St. Unley**

Issued 18<sup>th</sup> September 2023

AREA SUMMARY sqmetres

• Site	745
• Existing Residence	177
• Demolition	64
• Original Residence	113
• Proposed Lower Level extension (Living)	127
• Proposed Upper Level extension (Living)	91
• Total Living Area	331

Alfresco	50
Pool pavilion	43
Ground Floor Coverage	333

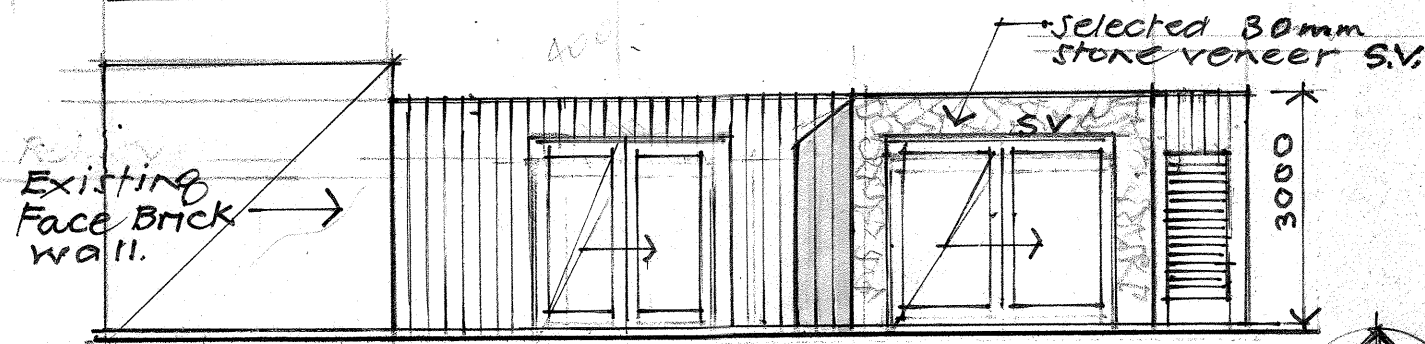
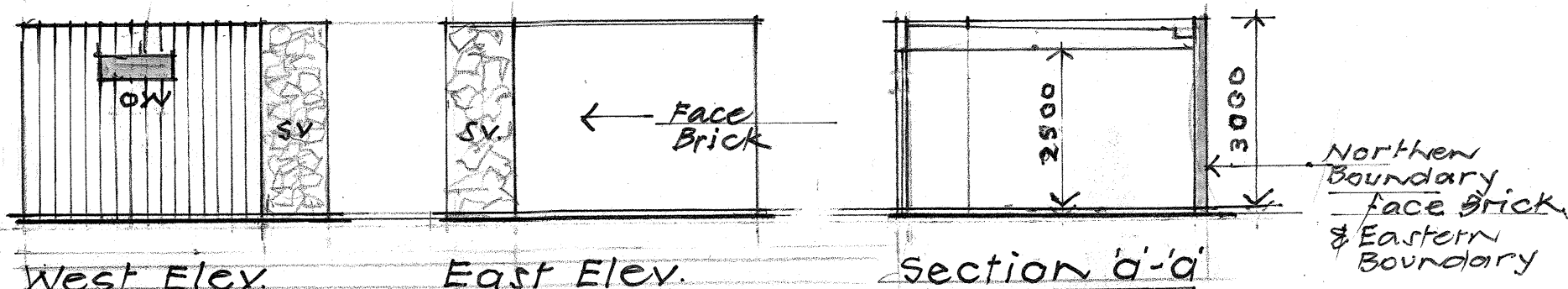
The site cover is below guidelines of 50%, our site cover is 44%

Schedule of Materials

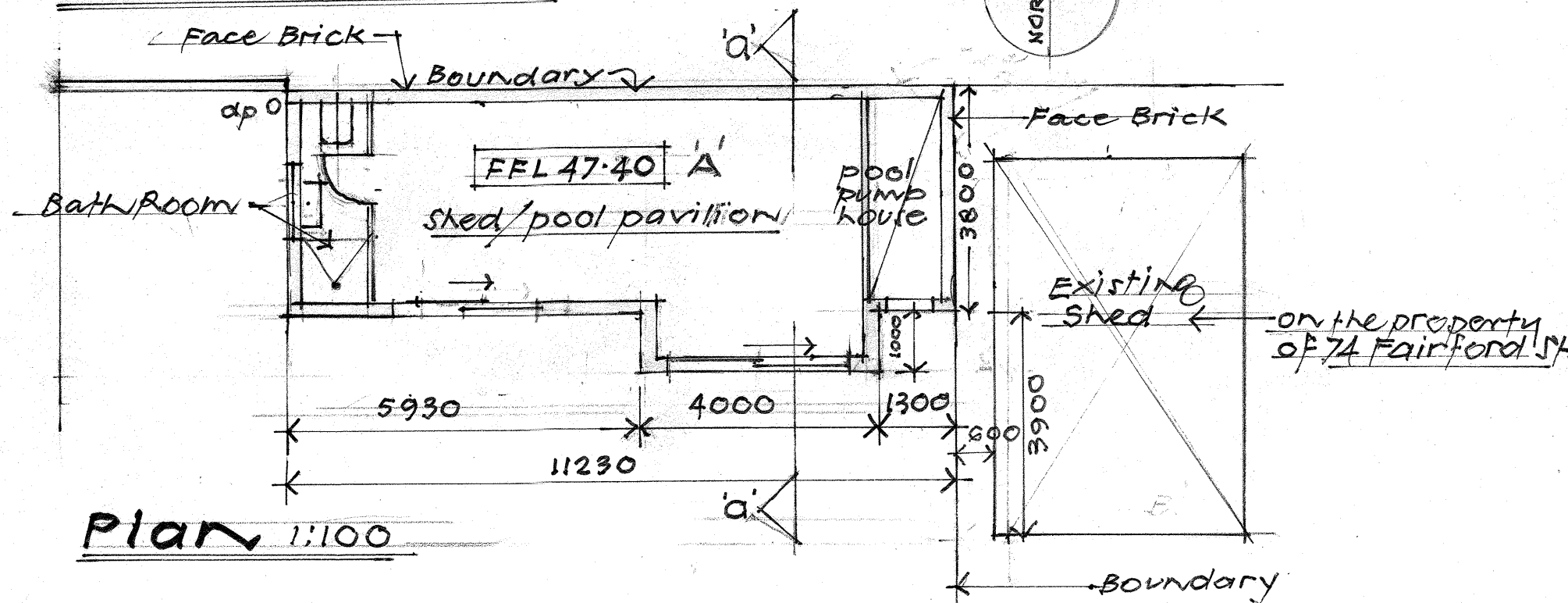
- Boundary walls selected face brick.
- All fascias & columns, timber framing, blue board cover & cement render
- External wall cladding, Scyon Axon, paint finish off white
- External windows & doors commercial Grade Aluminium Powder Coat finish - off white.

Shed/pavilion

- external metal cladding to walls - Lysaght Dominion cladding - off white color
- selected 30mm stone veneer as indicated
- Face Brick walls to Northern & Eastern boundaries.
- commercial grade aluminium frame, powder coat - off white



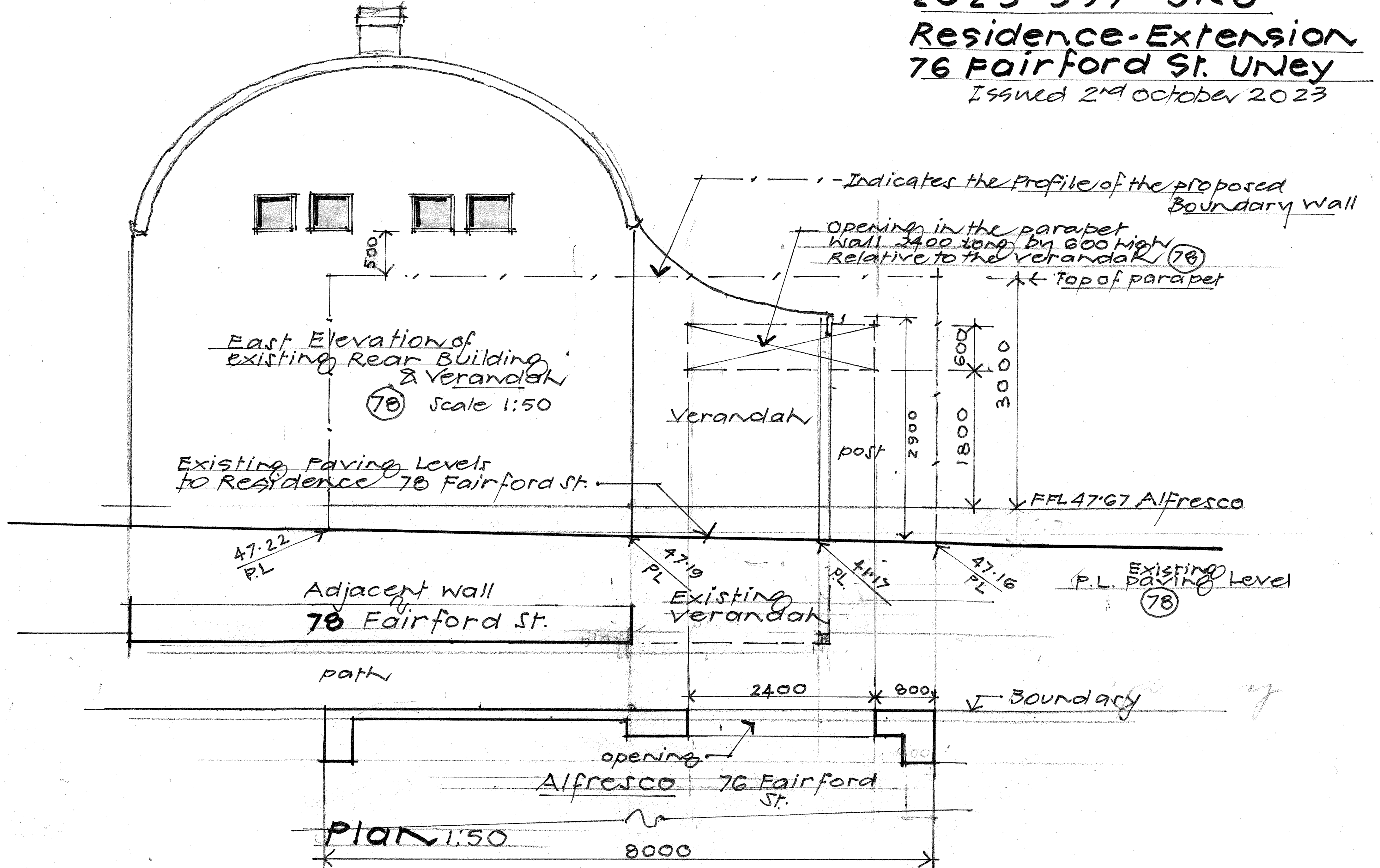
South Elevation



Plan 1:100

John S. Wales Architect

2023-597-SK8  
 Residence-Extension  
 76 Fairford St. UNEY  
 Issued 2<sup>nd</sup> October 2023



This diagram illustrates the relative position of the proposed boundary wall opening to the existing verandah at 78 Fairford Street.

Johns Hales

## **ATTACHMENT 2**

# Details of Representations

## Application Summary

Application ID	23020341
Proposal	Construction of a two storey dwelling addition, including building alterations and partial demolition of the existing dwelling, an outbuilding, and fencing and retaining.
Location	76 FAIRFORD ST UNLEY SA 5061

## Representations

### Representor 1 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	11/09/2023 01:03 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development with some concerns

### Reasons

P.O 3.1 & P.O 4.1 The proposed building extension is not consistent with the character and pattern of the neighbourhood and the proposal to build on our boundary will have a significant visual impact for us and will affect both ventilation and access to natural light. Based on the current drawings the proposed redevelopment will cover 54% of the total land area where as Plan SA indicate a maximum land coverage of 50%. I believe the ground level of the proposed dwelling is excessively large, does not match any other dwellings on the street. With an overall site size of 745sq.m I do not believe it is necessary to build on the Boundary as surely the desired improvements can be achieved within a slightly smaller ground floor footprint. P.O 7.1 I believe the proposed boundary walls will create significant overshadowing and have a negative visual appeal. The lower level building has proposed wall heights of 3.83m from the revised ground level which will result in a wall height of 4.1 m. The wall length proposed for our boundary is 8m and the height of 4.1m exceeds the recommended 3.2m significantly while the 8m length is at the maximum level specified for a ground floor dwelling. As we already have a heritage listed wall which is approximately 4m in height and covers the whole of our northern boundary a similar wall on our eastern boundary would be quite oppressive. Tree canopy overlay - A significant amount of clearing has already taken place at the rear of this property in preparation for this development and despite the proposed retention of one tree there would be a reduction in the overall tree cover on the site and a restriction on any further plantings due to lack of available space. This does not appear to fulfill the goals of the tree canopy overlay or indeed the Unley council desire for an increase in the green canopy.

## Attached Documents

## Representations

Representor 2 [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	11/09/2023 03:46 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

### Reasons

I believe the development proposed to be out of character with surrounding buildings. The proposed wall of over 4 metres in height and 8 metres in length is a ridiculous impost on our tranquil garden. Building the wall itself requires use of our side of the boundary which will entail destruction of bushes and plant life that have been carefully nurtured over many years. A mature tree is also proposed to be trimmed to suit brick work from our side (eastern boundary). I have lived at my address happily for 32 years without a problem and at 82 years of age was looking forward to at least a couple more years of peace and tranquility. I have been diagnosed with myeloma a cancer with no known cure. My Oncologist has given me five years to live and I have used 3 already. I am subject to stress and require rest and quiet. I do not need to put up with noise and building work which will be intrusive. The proposed 3.8m rear shed wall on my western boundary will restrict access to the existing building and maintenance of the wall mounted air conditioning unit in addition the height clashes with the overhanging gutters. I propose that the pool shed/ dwelling be offset by 1m to avoid this. I frequently use this room to rest during the day and occasionally overnight and would find any increase in noise generated by the pool pump to be very disruptive. I also do not want a 3.8m wall on my boundary the sole purpose being to provide roof support to the alfresco area as this would be inconsistent with the remaining building that is offset from the boundary. I believe that the whole dwelling area on my boundary follow the same line.

## Attached Documents

## **ATTACHMENT 3**



The proposed development is within the character of other similar extensions within the City of Unley. Please note the proposed boundary wall height has never been proposed at over 4.1m. Regardless the feedback has been taken on board during many discussions and the plans have been revised. The newly proposed height is 3.37m (it was previously 3.87m) included an opening as suggested in the response. An opening of 600 mm (height) x 2400 mm (length) and inserted 2100 mm above the alfresco Finished Floor Level has been inserted in this wall. The length of the proposed wall will have minimal impact on existing bushes and plant life and the owners will ensure care will be taken during the building stages. As this is a slightly sloping block this does increase the height a little, the wall is 3m from Finished Floor Level on the boundary. The boundary wall is only 3.8m in length, not 8m as mentioned in the response. The mature tree mentioned will require some trimming but only to the branches overhanging the eastern parapet wall of 76 Fairford Street. Only a small number of branches need to be trimmed. It is the intention that any additional branches overhanging the 76 Fairford Street and those branches above the height of the wall will remain untouched. We understand [REDACTED] would like to live his life with peace and quiet and we will do everything possible to make this happen. Please note, the proposed wall to the pool pavilion at the rear of our property was never proposed to be 3.8m high. **3.8m is the length of the proposed wall.** The wall was initially proposed at 3.2m in height but has now been adjusted to **3m in overall height.** The pool shed/pavilion boundary wall is set back 3.9m from the front of existing shed at 74 Fairford Street so the visual impact will be minimal if any.

The boundary wall will be built with acoustic sound batts to ensure minimal noise transfer, it should also be noted that the existing pool equipment is currently located approx. 500-600mm from the shared fence and it cannot be heard inside at 76 Fairford Street nor has [REDACTED] ever complained about low level noise emanating from the pool equipment.

We understand [REDACTED]'s concern with building on the boundary. However, this proposal ensures minimal impact to the two mature trees in our rear yard as the trees provide the feeling of a tranquil garden us and our neighbors on both sides. As we are working around an existing pool and we require wall support on the eastern side to the alfresco space, we have proposed the boundary development.

The proposed development is within the character of other similar extensions within the City of Unley. We have reviewed the feedback and have amended plans accordingly; the original height of the boundary wall was proposed at 4.1m but has been revised to 3.61m from the existing ground level with a proposed wall height of 3m from the Finished Floor Level. As this is a slightly sloping block to the rear of the property this does increase the overall height a little, the wall is 3m in height from Finished Floor Level on the boundary. Please refer to Drawing SK5C.

An opening of 600 mm (height) x 2400 mm (length) and inserted 2100 mm above the alfresco Finished Floor Level has been inserted into this wall. This will reduce the visual impact while increasing ventilation and natural light. It should also be noted that the proposed boundary wall does not block any existing windows on the eastern side of the house at 78 Fairford Street. Please refer to Drawing SK2C. It should also be noted that approximately half of the nominated boundary wall is being built adjacent to a 6.5m long wall located at 78 Fairford Street.

The site cover is below guidelines of 50% and we are currently sitting on approximately 44%.

In regard to the tree canopy overlay, the only clearing that has been undertaken is the removal of rat infested shrubbery. No mature trees have been removed. It is the owners' intention to keep all mature trees to the front and rear of the property therefore retaining the tree canopy overlay to the property and to both of the neighbors. It is the owners' intention to create a tranquil green garden which complements the existing trees further and enhances the green canopy.

Without building on the boundaries there will be a need to encroach further into the rear yard which then will likely include the removal of the mature tree to the western boundary. The owners are very considerate of the surroundings and nature, and understand the impact of the removal of trees on local bird life and to the local bird corridor. It is not their intention to remove any established trees.

**ITEM 2****APPLICATIONS BEFORE THE ERD COURT - SUMMARY OF ERD COURT APPEALS**

**TO:** City of Unley Council Assessment Panel

**FROM:** Don Donaldson, Assessment Manager

**SUBJECT:** Summary of ERD Court Appeals

**DATE OF MEETING:** October 18<sup>th</sup> 2023

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**APPEALS - 1**

<b>Development Application / Subject Site</b>	<b>Nature of Development</b>	<b>Decision authority and date</b>	<b>Current status</b>
DA22040422 - 7 Thornber Street, Unley Park	Demolition	Refused by CAP, March 21 <sup>st</sup> 2023	Appealed to ERD, conference adjourned until 16 November 2023