

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 18 June 2019 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.

Paul Weymouth
ASSESSMENT MANAGER

Dated 12/06/2019

ACKNOWLEDGEMENT

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

MEMBERS: Ms Shanti Ditter (Presiding Member),
Mr Brenton Burman
Mr Roger Freeman
Mr Alexander (Sandy) Wilkinson
Mrs 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 21 May 2019, as amended, printed and circulated, be taken as read and signed as a correct record.

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

18 June 2019

A G E N D A

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ITEM 1**DEVELOPMENT APPLICATION – 090/833/2018/C2 – 9 PALMERSTON ROAD, UNLEY 5061 (UNLEY)**

DEVELOPMENT APPLICATION NUMBER:	090/833/2018/C2
ADDRESS:	9 Palmerston Road, Unley 5061
DATE OF MEETING:	18 June 2019
AUTHOR:	Andrew Raeburn
DEVELOPMENT PROPOSAL:	Demolish existing dwelling and construct two storey dwelling with garage wall and side walls on boundary, verandah and in-ground swimming pool
HERITAGE VALUE:	None.
DEVELOPMENT PLAN:	19 December 2017
ZONE:	RESIDENTIAL STREETSCAPE (BUILT FORM) ZONE Policy Area 9 - Spacious Precinct 9.7 Unley (North)
APPLICANT:	B Dowsett
OWNER:	A G Neill and E M Maughan
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	NONE YES – (2 oppose & 2 support)
CAP'S CONSIDERATION IS REQUIRED DUE TO:	Deferred decision by CAP
RECOMMENDATION:	Approval
KEY PLANNING ISSUES:	Built form Streetscape character Building bulk and mass Residential amenity Boundary walls

1. PLANNING BACKGROUND

The subject application was presented to the Council Assessment Panel on the 19th of March, 2019 and the Panel resolved to defer a decision on the application to allow the applicant an opportunity to provide further information in relation to:

- The reasonable economic costs of rehabilitation of the existing dwelling; and
- Consideration of an alternative design that retains the front façade of the existing dwelling.

In addition, the Panel requested Council staff to:

- Undertake a review of the economic costs of rehabilitation of the existing dwelling (as provided by the applicant); and
- Seek advice from the Council's Heritage Advisor in relation to the streetscape contribution of the proposed dwelling.

2. AMENDED PROPOSAL

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

1. A Structural Engineer's statement prepared by PT Design;
2. A Structural Rectification Cost Estimate report prepared by Chris Sale Consulting;
3. Photographs of cracking within the walls of the building;
4. A Heritage Review prepared by Stephen Schrapel of Swanbury Penglase; and
5. Amended plans PL02, PL03, PL04, PLO7, PL10. PL11 (issue D8).

It is noted that the applicant has not put forward any alternative design where the front façade of the existing dwelling would be retained.

3. DISCUSSION

Cost of Rehabilitating the Existing Dwelling:

The submitted Structural Engineer's statement identifies a list of items that would need to be repaired to bring the building up to a reasonable standard and concludes that:

'In the opinion of PT Design, it is impracticable and unfeasible to undertake any effective long-term repairs to enable the residence to ever comply with such current acceptable building standards.'

'Repairing the residence is not feasible as every building element would need to be significantly repaired with many needing replacement / rebuilding. This includes rebuilding extensive sections of footing and walls and will leave the owner with a residence which would still not be capable of withstanding substantial ground movements for which this area is known.'

The Structural Engineer's statement was reviewed by Council's building staff and the following response was received:

'I have read the reports from P. T. Design Pty Ltd Engineers report dated 17/05/2019 and the Inspection Report from P. T. Design Pty Ltd dated 18/07/2018 both written by Kevin Wan Structural Engineer and agree with his reports.'

The submitted Structural Rectification Cost Estimate report concludes that the cost of repairing the existing building to currently Building Code of Australia standards is \$623,479, as detailed below:

Project: 9 Palmerston Road, Unley		Building: Structural Rectification Estimate	
Project No: 192152		Date: May 2019 (R)	
GFA: 175			

Code	Description	% B.C.	Cost/m2	Sub total	Mark Up %	Total
BW	Building Works	58.44%	2,093	364,299		364,299
EW	External Works	8.43%		52,500		52,500
	Subtotal	66.86%	2,395	416,799		416,799
PR	Builder's Preliminaries and Margin	8.18%		51,000		51,000
	Total	75.04%	2,688	467,799		467,799
CC	Construction Contingency	7.54%		47,000		47,000
PF	Professional Fees	8.35%		52,000		52,000
	Total (Excl GST)	90.91%	3,257	566,799		566,799
GST	GST	9.10%		56,680		56,680
	Total	100.00%	3,583	623,479		623,479

In addition to the above costs, the applicant asserts that the rehabilitated building would be 'unsuitable for conventional family living with respect to natural lighting, living space and today's family requirements'; and that ... 'the cost to modernise & bring it up to code this existing structure to today's best practices will be an extra \$147,000.'

Further, the applicant considers that: 'For the owner to reside in the proposed dwelling of their choice with a modern living extension, the cost of the extension will be \$650,000.00 based on \$3000.00/m2.'

Based on the rectification estimate prepared by Chris Sale Consulting and the cost estimates by the applicant the total cost of modernising and extending the existing dwelling, the total cost would be:

Rectification	\$623,479.
Modernisation	\$147,000
Extension	\$650,000

Total cost \$1,420,479

Amended Design

Amended plans were submitted on the 3rd of June, 2019 that sought to improve the streetscape presentation of the proposed replacement dwelling. The amendments included:

- Ground floor roof form altered to present a gable end to the street;
- Ground floor roof pitch increased to 30 degrees and roofing profile amended to corrugated custom orb;
- Verandah and carport roof forms separated.
- Upper storey roof setback an additional 1.4 metres from street boundary; and
- The front boundary setback reduced to 2.65 metres to the dwelling and 900mm to the front verandah;

These plans were reviewed by Council's Consultant Heritage Architect and the following comments received:

In general terms the design amendments respond positively to relevant policy. The 30 degree hipped and gabled roof forms, the use of corrugated profile steel for the roof cladding and the main wall height relate better to the streetscape context. The front setback of the upper storey has been increased by 1.4 metres. This, combined with the amended roof form over the single storey element is sufficient to ensure that the second storey element is "inconspicuous" in the streetscape.

Despite this, there are aspects of the proposal that I think are still of concern.

The span of the gable element is relatively large. Perhaps a smaller gable element could be considered without compromising the integrity of the design or the screening of the upper storey?

The relatively high and oddly-proportioned verandahs look out of place, as though they are trying too hard to fit in. This might partly be due to clearance for vehicles but I wonder if the clearance couldn't be lower than the 3.0 metres shown, or perhaps the verandah in front of the living area could have more traditional proportions and the shading element over the carport be treated differently.

I think that the front setback should be increased. There is going to be some divergence from relevant policy and difference in streetscape character inherent in the design so a more discreet siting is desirable. In addition, this would enable consistency with the garden setting of most dwellings in the street. I also suggest a subtle approach to materials and finishes noting the subtle graduation of tones and textures on buildings in the streetscape.

It appears that more information is still required regarding proposed fencing, the garden area and driveway.

The report by Stephen Schrapel provides interesting historical and background information but does not address policy relevant to the assessment of the development application.

The above comments were provided to the applicant and consequently, further design amendments were undertaken that include:

- Reducing the span of the front gable to be more consistent with the proportions of the building;
- Reducing the fascia heights of the front verandah and the side carport/verandah from 3.0 metres to 2.7 metres and 2.5 metres, respectively; and
- Increasing the front boundary setback to 3.65 metres to the dwelling and 2.65 metres to the front verandah. This setback would be greater than the existing dwelling and would also increase the front boundary setback of the proposed upper storey to 14.445 metres.
- Replacing the front fencing with 1.0 metre high traditional timber pickets and rail.

The proposed amendments will result in the dwelling having a slightly different building footprint than the earlier (publicly notified) scheme. However, it is considered that the amendments would not noticeably alter the impact of the development on neighbouring land and therefore re-notification of the scheme is not required.

4. CONCLUSION

Administration has not engaged an independent Quantity Surveyor to verify the cost estimates provided by the applicant; however, based on these estimates, Administration considers that the cost of repairing the existing building to a contemporary standard, excluding the cost of any possible modernisation or extension to the existing building, would be unreasonably high when compared with the estimated cost of demolition and construction of a new building of a similar size. As such, it is considered that the proposal would satisfy PDC 6, part (a).

In reaching this conclusion, Administration is guided by ERD Court decisions, particularly *Zhe Jin v The City of Unley*, which considered the demolition of a dwelling at 8 Palmerston Avenue, located directly opposite the subject property.

In its decision, the Court estimated that the cost of building a new house, conservatively, would be in the range of \$2,500 - \$3,500 per square metre.

The existing dwelling on the subject land is approximately 180m² in area and therefore the cost of constructing a new house of identical size would be between \$450,000 and \$630,000.

The applicant's Structural Rectification Estimate concludes that the total cost to repair the existing dwelling up to current building code standards would be \$623,000.

This estimate is on the upper cost range considered by the Court, however, given that the judgement was made in 2014, it is reasonable that the higher cost range is used.

With respect to the design amendments undertaken by the applicant, Administration considers that the amendments respond positively to the zone policies and greatly improve the street presentation of the dwelling to the street, so that it would make a comparable contribution to the desired character than the building to be demolished.

For the reasons stated above, it is considered that the proposed development would adequately satisfy PDC 6 and other relevant zone and Council wide policies.

5. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/833/2018/C2 at 9 Palmerston Road, Unley 5061 to demolish existing dwelling and construct two storey dwelling with garage wall and side walls on boundary, basement, verandah and associated in-ground swimming pool and front fence 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.
3. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined 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. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
4. That all side and rear upper floor windows and the front balcony shall be treated to avoid overlooking prior to occupation by being fitted with either permanently fixed non-openable obscure glazed panels or horizontal screens (as detailed on Screening Plan, Drawing No. PL SCR N dated 10/12/18 prepared by C4 Architects) to a minimum height of 1700mm above floor level with such glazing or screens to be kept in place at all times.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.

List of Attachments		Supplied By:
A	Application Documents (Amended)	Applicant
B	Previous CAP report (19 March 2019) and attachments	Administration

