

Council Assessment Panel Minutes

16 July 2018

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

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City of
Norwood
Payneham
& St Peters

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VENUE Mayors Parlour, Norwood Town Hall

HOUR 7pm

PRESENT

Panel Members Mr Terry Mosel
Mr Phil Smith
Ms Fleur Bowden
Mr John Minney

Staff Mark Thomson – Manager Development Assessment
Kathryn Clausen – Senior Urban Planner
Nenad Milasinovic – Senior Urban Planner
Ellen de Souza – Development Officer, Planning

APOLOGIES Ms Jenny Newman

ABSENT

**1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 18 JUNE 2018**

Motion was put that the minutes of the Meeting of the Council Assessment Panel, held on 18 June 2018 be taken as read and confirmed.

Seconded and carried

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/127/2018 – MR W A HARBISON – 77 ANN STREET, STEPNEY

DEVELOPMENT APPLICATION:	155/127/2018
APPLICANT:	Mr W A Harbison
SUBJECT SITE:	77 Ann Street, Stepney (Certificate of Title Volume:5868 Folio:735)
DESCRIPTION OF DEVELOPMENT:	Construction of a Shed and Boundary Fencing comprising a height of up to 2.7 metres
ZONE:	Residential Character Zone - Evandale/Maylands/Stepney Policy Area - Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017)
PUBLIC NOTIFICATION CATEGORY:	Category 2

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a shed and boundary fencing comprising a height of up to 2.7 metres. Staff do not have delegated authority to determine the Application, as it has been processed as a Category 2 form of development and there is an unresolved representation opposing the development. As such, the Application is referred to the Panel for determination.

An Application for a fence greater than 2.4 metres high is designated in the Council's Development Plan as a Category 2 form of development. Unlike situations where a type of development is designated as Category 2 by the Development Regulations, there is no ability for the Application to be deemed a 'minor' Category 1 form of development by the relevant Planning Authority.

In making its determination, the Panel is required to consider whether, on balance, the proposal is firstly seriously at variance with the Development Plan as a whole. If so, the Application must be refused consent pursuant to Section 35(2) of the *Development Act 1993*. If not, the Panel must go on to consider whether the proposal sufficiently accords with the Development Plan to merit consent.

Subject Land Attributes

Shape:	regular
Frontage width:	15.45 metres
Depth:	30.29 metres
Area:	467m ²
Topography:	moderately sloping
Existing Vegetation:	established landscaping

The subject land contains a detached dwelling, shed and established landscaping. Along the north-western boundary, the land slopes 1.030 metres from the front to the rear and along the south-eastern boundary the land slopes 1.130 metres from the front to the rear. The finished floor level at the rear of the dwelling is approximately 1.410 metres above natural ground level at the rear of the property.

Locality Attributes

Land uses:	residential with some examples of commercial
Building heights (storeys):	single storey
Streetscape amenity:	high

The locality contains a range of dwelling types on a range of allotment sizes, together with some commercial land uses fronting Nelson Street to the north-west of the subject site. The locality is considered to encompass dwellings fronting Ann Street (dwellings 69 to 79) and the length of Flora Street from Ann Street to Battams Street.

The subject land is located adjacent the Residential Historic (Conservation) Zone, the boundary of which runs, in part, along Flora Street, Stepney.

A plan of the subject land and its surrounds is contained in **Attachment A**.

Proposal in Detail

The Applicant seeks consent for the construction of a shed and boundary fencing (up to 2.7 meters in height). The shed is proposed to be located in the rear yard of the allotment and clad in sheet metal of a colorbond colour to match the boundary fencing.

The boundary fencing is proposed along the secondary street frontage for a length of 23.2 metres, ranging from 1.8 metres to 2.7 metres in height. The fencing aligns with the main face of the dwelling and extends to the rear of the subject site. Rear boundary fencing is also proposed for a length of 15.45 metres, to a height of 2.3 metres. The colorbond colour is yet to be determined, as this will be negotiated with the neighbour at 4-6 Flora Street, should the application be approved.

It is noted that existing front and side timber fencing located forward of the dwelling is existing and does not form part of this application.

Plans and Elevations of the proposal are contained in **Attachment B**.

Notification

The proposal has been identified and processed as a Category 2 form of development, pursuant to Residential Character Zone Principle of Development Control 19, as a section of the proposed fence would exceed 2.4 metres when measured above the lowest adjacent natural ground level.

One (1) representation was received in support of the proposed development, with three (3) representations opposed to the development in response to this notification, copies of which are contained in **Attachment C**. The key issue raised by representors is the visual impact of the proposed fence.

A map detailing the premises owned or occupied by the representors is contained in **Attachment D**.

The Applicant has responded to the representations received and a copy of their response is contained in **Attachment E**.

A summary of the response is provided below:

- The height of the fence is required to maintain an acceptable level of privacy.
- The height of fencing abutting the subject land and 4-6 Flora Street has been amended to address the concerns of the property owner.
- The Applicant does not believe the fence extension will cause issues to visual amenity and draws attention to a similar development located at 75 Ann Street, Stepney.

State Agency Consultation

The *Development Regulations 2008* do not require consultation with State Government Agencies.

Discussion

The subject land is located within the Evandale/Maylands/Stepney Policy Area of the Residential Character Zone of the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

The key issues, specific to this Development Application, are discussed in detail below.

Bulk/scale/impact on neighbour/privacy

The following Development Plan provisions provide guidance with respect to considerations relating to appearance, streetscape, bulk, scale, character and privacy:

City Wide Objective: 25 and 55

City Wide Principle of Development Control: 58, 209, 213, 214, 222 and 224

City Wide Principle of Development Control 224 states:

“Private open space should be located and designed:

(b) generally at ground level to the side or rear of a dwelling and screened for privacy;”

The private open space area on the subject land is located at the rear of the dwelling. Due to natural ground levels and the addition of a rear deck (previously approved), the applicant is seeking approval to raise the fence height in order to increase the privacy levels of rear private open space, by reducing site lines from Flora Street into the subject land. Photograph 1 below, details the existing arrangement on the site when viewed from Flora Street (albeit from an elevated vantage point).

City Wide Principle of Development Control 58 states:

“The combined height of a fence and a retaining wall should not exceed 2.4 metres (measured from the lower of the two adjoining natural ground levels).”

The proposed fence exceeds City Wide Principle of Development Control 58 by up to 300mm, for a length of 12.5 metres, towards the rear of the allotment. While the proposed fence is higher than envisaged in the Development Plan, the impact is to Flora Street and not an abutting allotment. With up to 400mm of retaining proposed at the base of the fence, as part of this application, it is recognised that some filling of the land will occur, however the fence relates to existing overlooking concerns from the dwelling and the deck, with any filling of the land thereafter considered negligible with respect to exacerbating privacy concerns.

In the context of the streetscape, a similar design approach has been implemented at 75 Flora Street Stepney, with combined retaining and fencing of up to three (3) metres, as shown by the photograph below.



Photograph 1: View of secondary property frontages on Flora Street Stepney. 75 Ann Street is on the left hand side and 77 Ann Street, is on the right hand side of the photograph.

In response to a statement of representation, the applicant has reduced the height of the rear boundary fencing from 2.6 metres to 2.3 metres in height in order to address the concerns of the adjoining property occupant, regarding the visual impact of the fence. Due to the substantial side setback of the dwelling at 4-6 Flora Street and the orientation of the site, the proposed fencing will result in no overshadowing to this neighbour.

City Wide Principle of Development Control 209 states:

*“Garages, carports and outbuildings should:
(a) Be domestic in size and nature;”*

The proposed shed has a floor area of 24.18m², wall heights of 2.7 metres and a total height of 3.2 metres to the peak of the roof pitch, with proposed setbacks including a minimum of 600mm from adjoining allotments. It is proposed to be constructed of colorbond treated sheet metal and is double the size of the current shed located in substantially the same location on the allotment. The colour is yet to be determined as the applicant would like it to match the proposed fencing colour.

Several representations raised concerns with the fencing not being appropriate for the area and not consistent with front fencing along Flora Street. This application proposes fencing along a secondary frontage (behind the main face of the dwelling) that is screening private open space areas, unlike the front fencing for dwellings fronting Flora Street. In addition, the south-eastern side of Flora Street is located within a Historic Conservation Zone, where low and open fencing is envisaged within the Development Plan.

As the Applicant has not nominated a profile or colour for the colorbond fence and given the land abuts the Residential Historic (Conservation) Zone, it is considered reasonable that, if the Panel determines to approve the development, a condition be included requiring the fence to be constructed of a corrugated profile and comprise a mid to dark grey colorbond colour is included, so as to ensure that the profile is akin to the desired profile for fencing in the locality and that the fencing colour is not too dominant within the streetscape. A condition to this effect is recommended.

Summary

The proposed additional fence height is required to maintain an acceptable level of privacy for the applicant with the materials consistent with other examples found within the immediate locality. Issues relating to the impact to the streetscape have been considered, however on balance, these issues are not considered to be significant enough, nor sufficiently supported by provisions of the Development Plan, to warrant refusal of the Application.

Accordingly, it is considered that the proposal is not seriously at variance with the Development Plan and does sufficiently accord with the relevant provisions of the Development Plan to warrant consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No. 155/127/2018 by Mr William Harbison for the construction of a shed and boundary fencing comprising a maximum height of 2.7 metres on the land located at 77 Ann Street, Stepney, subject to the following requirements, conditions and notes:

Relevant Plans

Pursuant to Section 44 (2) and (3) of the *Development Act 1993* and except where varied by a Condition specified hereunder, it is required that the development be undertaken, used, maintained and operated in accordance with the following relevant plans, drawings, specifications and other documents:

- Elevations and site plan, received by the Council 26 June 2018 and 2 July 2018.

Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.
2. That the colorbond boundary fence herein approved comprises a corrugated profile and be finished in a mid to dark grey coloured pre-finished steel.

Notes to Applicant

1. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.
2. The granting of this consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.

The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission available at www.lsc.sa.gov.au. Alternatively a hard copy can be mailed to you on request by contacting the Council's Development Assessment Team on 8366 4530 or 8366 4508.

The Applicant's attention is also drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.

3. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

4. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
5. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

Moved

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No. 155/127/2018 by Mr William Harbison for the construction of a shed and boundary fencing comprising a maximum height of 2.7 metres on the land located at 77 Ann Street, Stepney, subject to the following requirements, conditions and notes:

Relevant Plans

Pursuant to Section 44 (2) and (3) of the Development Act 1993 and except where varied by a Condition specified hereunder, it is required that the development be undertaken, used, maintained and operated in accordance with the following relevant plans, drawings, specifications and other documents:

- Elevations and site plan, received by the Council 26 June 2018 and 2 July 2018.

Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.
2. That the colorbond boundary fence herein approved comprises a corrugated profile and be finished in a mid to dark grey coloured pre-finished steel.

Notes to Applicant

1. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.
2. The granting of this consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.

The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission available at www.lsc.sa.gov.au. Alternatively a hard copy can be mailed to you on request by contacting the Council's Development Assessment Team on 8366 4530 or 8366 4508.

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All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

4. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.

5. *The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

Seconded and carried

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/254/2018 – BERNARD BOOTH REAL ESTATE – 10 AUGUSTA STREET, MAYLANDS

DEVELOPMENT APPLICATION:	155/254/18
APPLICANT:	Bernard Booth Real Estate
SUBJECT SITE:	10 Augusta Street, Maylands (Certificate of Title: Volume: 5798 Folio: 721)
DESCRIPTION OF DEVELOPMENT:	Restoration work to an existing dwelling (Contributory Item) and the construction of freestanding carport; together with the construction of a single-storey group dwelling, landscaping and fencing
ZONE:	Residential Historic (Conservation) Zone – Maylands Policy Area – Norwood Payneham and St Peters (City) Development Plan (dated 28 April 2016)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application involving restoration work to an existing Contributory Item; the construction of freestanding carport; the construction of a single-storey group dwelling, landscaping and fencing.

Staff do not have delegated authority to determine the Application, as it comprises the construction of a new dwelling in the Residential Historic (Conservation) Zone.

As such, the Application is referred to the Panel for determination.

The Panel should note that a separate Application for a Community Title land division has been lodged with the Council, which reflects the built form/land use Application currently before the Panel. If the Panel determines to approve this Application, then the land division Application will be determined by staff under delegation. Whilst it is usually necessary for the land division to be determined first, in this instance it is considered appropriate to determine the suitability of the land use within an Historic (Conservation) Zone, prior to determining the land division.

In making its determination, the Panel is required to consider whether, on balance, the proposal is firstly seriously at variance with the Development Plan as a whole. If so, the Application must be refused consent pursuant to Section 35(2) of the *Development Act 1993*. If not, the Panel must go on to consider whether the proposal sufficiently accords with the Development Plan to merit consent.

Subject Land Attributes

Shape:	irregular
Frontage width:	12.19 metres
Depth:	60.96 metres
Area:	966.06m ²
Topography:	gentle fall from front (east) to the rear (west) of the allotment
Existing Structures:	single-storey dwelling
Existing Vegetation:	predominantly fruit trees, none of which are regulated

The subject land contains a detached dwelling which is identified in the Council's Development Plan as a Contributory Item. The dwelling is a late sandstone single-fronted Edwardian/ early Bungalow building. Within the locality, the subject land is the only irregular shaped allotment containing a freestanding dwelling.

Locality Attributes

Land uses:	entirely residential along August Street
Building heights (storeys):	predominantly single storey
Streetscape amenity:	medium to high, due to the quality of building stock and mature street trees

Augusta Street has a relatively intact historic character although many of the dwellings have been altered to varying degrees over time. The immediate locality has an allotment pattern which is varied in character ranging from relatively narrow to wide frontages. A degree of infill activity is evident, most notably in the form of residential flat building and/or group dwellings located at 1, 2, 9 and 18 - 20 Augusta Street. The locality is almost entirely single storey and although front setbacks are minimal, the mature street trees and planted verges provide a pleasant and well vegetated streetscape character. Front fencing further contributes to this streetscape character.

A plan of the subject land and its surrounds is contained in **Attachment A**.

Proposal in Detail

The Applicant seeks consent to undertake restoration work to the existing Contributory Item and to construct an associated two-vehicle carport to the rear of the existing dwelling. The restoration work to the Contributory Item includes the removal of the existing tiled roof and the installation of a new galvanised corrugated profile roof. A new bullnose side verandah is proposed to the northern side elevation of the dwelling along with a sun hood over the existing window situated within the front facade. The Applicant is also proposing to remove the existing paint work from the front facade and the northern side wall situated behind the new bullnose verandah in order to reveal the brickwork and stonework. A masonry and vertically slatted metal front fence is proposed in association with the Contributory Item.

A single-storey group dwelling in a 'battle-axe' allotment configuration is proposed behind the existing Contributory Item. The existing crossover and driveway are to be shared and is to provide vehicular access to both the existing dwelling and the proposed dwelling.

The new single-storey group dwelling includes a conventional hipped roof, vertically proportioned windows and integrated double-width garage. The northern elevation primarily comprises face brickwork (colour – brown). The proposed roof is to be pitched at 30 degrees and is to have a corrugated profile sheet metal cladding (colour colorbond 'Basalt').

Internally, the new dwelling compromises three bedrooms, an open plan living/dining/kitchen area, a study, a bathroom, a WC and a laundry.

Side (northern and southern) and rear (western) perimeter fencing is to be 1.8 metre high colorbond corrugated profile (colour colorbond 'Monument').

Landscaping includes planting along the northern and southern side of the driveway which incorporates ornamental trees, shrubs and ground covers.

The relevant details of the proposal in terms of areas, setbacks and the like are set out in Table 1 below.

TABLE 1: DEVELOPMENT DATA:

Consideration	Existing Dwelling	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	328m ² (excluding driveway area)	446m ² (excluding driveway area)	300m ² - Maylands Policy Area PDC 5
Allotment Width	8.19m	4.0m (driveway)	15m - Maylands Policy Area PDC 7
Allotment Depth	31.39 – 42.67m	18.29m	N/A
External Wall Height*	Unchanged	3.1m	N/A
Maximum Overall Height (to roof apex)*	Unchanged	6.2m	N/A
Floor Areas	180m ² (dwelling) 43m ² (carport)	144m ² (dwelling) 25m ² (carport)	N/A
Site Coverage	50%	41% (excluding driveway area)	50% - Maylands Policy Area PDC 6
Private Open Space	78m ² (24%) 100% uncovered	153m ² (34%) 100% uncovered	20% of the site area - City Wide PDC 225(a)
Street Set-back	Unchanged	N/A	N/A
Side Set-back	Unchanged	900mm (southern side) 5.0m (northern side)	2.5m for single storey components of a dwelling on a battle-axe or hammerhead configuration – City Wide PDC 202
Rear Set-back	17.6m to new rear boundary	2.5m (western rear boundary)	2.5m for single storey components of a dwelling on a battle-axe or hammerhead configuration – City Wide PDC 202
Car Parking Provision	2 undercover	2 undercover	2 spaces (1 covered) - Table NPSP/8

* Heights are taken from the finished ground floor level and in the case of external wall heights, are measured to the under-side of the gutter or where there is no external gutter, to the top of the parapet wall. Where wall heights vary at different points of the dwelling, a range is given.

Plans and details of the proposed development are contained in **Attachment B**.

Notification

The proposal has been identified and processed as a Category 1 form of development. Accordingly, no public notification was undertaken.

State Agency Consultation

The *Development Regulations 2008* do not require consultation with State Government Agencies.

Discussion

The subject land is located within the Maylands Policy Area of the Residential Historic (Conservation) Zone of the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

The key issues, specific to this Development Application, are discussed in detail below.

Land Use and Density

The following Development Plan provisions provide guidance on the type and density of residential development that is envisaged within the Development Plan:

Maylands Policy Area Desired Character Statement	
Maylands Policy Area PDCs:	2, 3, 5 & 7
Residential H(C) Zone Desired Character Statement	
Residential H(C) Zone Objectives:	2, 4 & 6
Residential H(C) Zone PDCs:	7 & 8
City Wide Objectives:	7, 26, 56 & 57
City Wide PDCs:	3, 4, 81 & 186

Maylands Policy Area Principle of Development Control 2 identifies detached and semi-detached dwellings as the anticipated land use and built form within the Policy Area, whilst Principles 5 and 7 provide guidance on the desired site area and frontage width requirements for such dwellings. In addition to detached and semi-detached dwellings, it is noted that Principle 3 provides support for rear of allotment development *'where it can be accommodated'*, however, it does not specifically identify whether or not this should occur through a shared driveway arrangement (group dwellings) or through the creation of a separate driveway for the rear dwelling (detached dwellings).

In addition to retaining the existing Contributory Item, the proposal is for the creation of one new group dwelling under a Community Title tenure arrangement. By providing a shared driveway arrangement between the existing and the proposed dwelling, the proposal effectively designates the Contributory Item and the proposed dwelling as group dwellings by definition, as neither is to be located on an exclusively held site. Whilst Principle 2 does not specifically identify group dwellings as a desired dwelling type, group dwellings are anticipated by virtue of Principle 3.

With regard to the density, Principle 5 of the Policy Area states that *'the site area resulting from new development should be consistent with the surrounding historic development pattern and should not be less than 300m².'*

The proposed allotment configuration satisfies the minimum site area requirement of 300m² per dwelling. There is no minimum frontage width stated for group dwelling sites. The proposal does not visually alter the existing allotment frontage pattern along Augusta Street, which generally comprises single house sites with a driveway down one side. Furthermore, the introduction of new allotment on the rear portion of what is essentially an existing battle-axe shaped allotment, is consistent with the Maylands Policy Area Desired character statement and Principle 3, which allow for rear of allotment development *'where it can be accommodated'*.

Accordingly, the proposal is considered acceptable from a land use and density perspective.

Streetscape/bulk/scale/height/character

The following Development Plan provisions provide guidance with respect to considerations relating to appearance, streetscape, bulk, scale and character:

Maylands Policy Area Desired Character Statement
Maylands Policy Area PDCs: 1 & 4.

Residential H(C)Z Desired Character Statement
Residential H(C)Z Objectives: 1 & 5.
Residential H(C)Z PDCs: 1, 2, 13-16, 18, 19, 20, 22, 23 & 26.

City Wide Objectives: 18 - 20.
City Wide PDCs: 29-32.

Principle of Development Control 4 of the Maylands Policy Area states:

“Development in the Maylands Policy Area should not be more than one-storey above natural ground level.”

The existing Contributory Item is to remain single-storey and the new dwelling is also single-storey and therefore consistent with Maylands Policy Area PDC 4.

With regard to form and streetscape character, the Desired Character Statement of the Maylands Policy Area states (in part):

“...Old and new development will be combined in a way that shows an understanding of historic design patterns, avoids poor imitation and improves the overall visual amenity of streetscapes...”

As the subject land is located in the Residential Historic (Conservation) Zone, comments were sought from the Council’s Heritage Advisor, David Brown, regarding the proposal. A summary of Mr Brown’s response is provided below:

- *The proposed restoration work to the Contributory Item is considered to be positive both for the original dwelling and the streetscape.*
- *The proposed front fence is modest and in keeping with the scale, and the restoration works to the Contributory Item.*
- *The design response of the new dwelling is quite conservative, with a contemporary feel. The elements of the new dwelling that will be visible from Augusta Street are not considered to detract from the existing Contributory Item or have a negative impact on this particular part of the streetscape.*

A copy of Mr Brown’s report is contained in **Attachment C**.

The restoration work to the Contributory Item is considered to restore original materials and include design elements that are reflective of what was most likely originally evident on the Contributory Item as well as other original building stock along Augusta Street with the proposed materials and finishes being noted by David Brown as being acceptable. Overall, it is considered that the proposed restoration work to the Contributory Item would provide a traditional and complementary response to the Augusta Street streetscape.

The new dwelling has a set-back of nearly fifty (50) metres from Augusta Street and would be predominantly hidden from view behind the Contributory Item. In this context, it is likely to have a negligible impact when viewed within a streetscape context.

Setbacks and Site Coverage

The following Development Plan provisions provide guidance with respect to set-backs and site coverage considerations:

Maylands Policy Area Desired Character Statement
Maylands Policy Area PDC: 8
Residential H(C) Zone PDCs: 9, 10, 11, 12 & 20

City Wide PDCs:

202, 204, 206, 207 & 208

In terms of the Contributory Item, no additional floor area is proposed as part of this Development Application. As such, the existing setbacks both from the street and the northern and southern side boundaries remain unchanged.

That said, a new freestanding carport is proposed to the rear of the Contributory Item with the carport and the open-sided section situated on the southern side boundary. The siting of the carport adjacent the southern boundary is consistent with Residential Historic (Conservation) Zone Principle of Development Control 20, which states:

“Building to side boundaries (other than for party walls in semi-detached or row dwellings) or to the rear boundary is generally inappropriate, but may be considered where it is demonstrated that it assists in the retention of a heritage place and where there will be no detrimental effect on the residential amenity of the adjoining properties.”

The established built form pattern in terms of garaging/outbuildings within the locality includes several examples, most notably 4, 3, 6, 8 and 16 Augusta Street, of ancillary structures built on side and/or rear property boundaries. In this context, it is considered that the proposal for an open-sided carport built on a side boundary is acceptable from a streetscape perspective, as the carport will be situated behind the Contributory Item and will not read readily when viewed within a streetscape context.

Regarding the impact of boundary development on the directly neighbouring land at 8 Augusta Street, City Wide Principle of Development Control 207 states:

“A wall or structure on a side or rear boundary should generally be limited to a height of 3 metres above natural ground level and a length of 8 metres. A greater height or length may be considered where:

- (a) there is an existing abutting boundary wall or structure on the adjoining land: or*
- (b) there will be no unreasonable visual outlook impact or overshadowing impact on the occupants of the adjoining property.”*

The proposed carport associated with the Contributory Item does not exceed the quantitative criteria contained in Principle 207 and is considered to unlikely compromise the amenity of the neighbouring occupiers at 8 Augusta Street as it would not be situated adjacent to the neighbouring dwelling's internal and/or external living areas.

City Wide Principle of Development Control 202, states:

“The distance between any portion of a single-storey dwelling...on a battle-axe, hammerhead or similar configuration allotment or site (including those accommodating group dwellings) and a side or rear boundary of the parent development site, should be no less than 2.5m.”

The rear western setback and the northern side setback of the new dwelling is 2.5 metres and 5.0 metres respectively and is consistent with Principle 202. The southern side setback of the new dwelling is 900mm from the southern boundary of the subject land and is not consistent with this Principle. Whilst this is a negative aspect of the proposal, consideration has been given to the physical layout of buildings and private open space areas on the neighbouring land and the likely impact of the dwelling being closer to the boundary than anticipated by this policy.

As stated previously in this section, the subject land shares its southern boundary with 8 Augusta Street. In terms of the siting location of the new dwelling it is considered that there would be very little impact from the lesser side setback on the neighbour at 8 Augusta Street, as the proposed carport associated with the Contributory Item will block a reasonable degree of views onto the new dwelling. In addition to this, the rear yard of the neighbouring land at 8 Augusta Street contains a small shed in the back corner which would partially block some views of the new dwelling.

In this context, while the lesser southern side setback of the new dwelling does not satisfy Principle 202, it is considered to be acceptable given the physical layout of the neighbouring land and the likelihood that there would be no unreasonable significant impact arising from the lesser side setback of the new dwelling.

With regard to site coverage, the Maylands Policy Area Principle of Development Control 7 states that buildings should not cover more than 50% of the site area. Excluding the area of the shared driveway, the proposed development would result in 50% site coverage for the existing Contributory Item and 41% site coverage for the new dwelling, with the average site coverage for the overall development (including the area of the shared driveway) being 41%. Accordingly, the level of site coverage is in accordance with Principle 7.

Overshadowing/overlooking

The following Development Plan provisions provide guidance with respect to overshadowing and overlooking considerations:

City Wide PDCs: 11, 195, 196, 206 & 235

The proposed dwelling is single storey and the subject site is relatively flat. As such, there would be no issues in relation to overlooking.

Overshadowing has been considered in relation to the proposed carport, situated on the southern side boundary for a length of 7.2 metres, associated with the Contributory Item. The proposed carport boundary wall would overshadow an area of private open space belonging to the directly adjacent neighbour to the south at 8 Augusta Street, but this would not exceed the guidance set out in City Wide PDC 196, which requires that *“at least half of the ground level private open space of existing dwellings receive direct sunlight for a minimum of two hours between 9am and 3pm on 21 June.”*

Private open space

The following Development Plan provisions provide guidance with respect to private open space considerations:

City Wide PDCs: 222-225 & 229

City Wide Principle of Development Control 225 states:

“Dwellings (other than residential development in the form of apartments within a multi storey building) should have associated private open space of sufficient area, shape and gradient to be functional and capable of meeting the likely needs of the occupant(s) (taking into consideration the location of the dwelling and the dimensions and gradient of the site) and should be in accordance with the following:

- (a) a dwelling with a site area of 250 square metres or greater, 20 per cent of the site area should be private open space, of which one portion should be equal to or greater than 10 per cent of the site area and have a minimum dimension of 4 metres; or*
- (b) a dwelling with a site area of less than 250 square metres, a minimum of 35 square metres should be private open space, of which one portion should have an area of 16 square metres and a minimum dimension of 4 metres; and*
- (c) in either of the circumstances described above, have a maximum gradient of 1 in 10.”*

Both the existing dwelling and the proposed dwelling have site areas which are greater than 250m². As such, each dwelling should have at least 20% private open space, of which one portion should be equal to or greater than 10% of the site area and have a minimum dimension of 4 metres.

The Contributory Item includes 78m² of private open space and is located to the rear of the existing dwelling. This equates to 24% of the site and includes a portion which is at least 10% of the site area and has a minimum dimension of 4 metres.

The new dwelling includes 153m² of private open space. The main portion of private open space is located to the north of the proposed dwelling and equates to 91.45m². All of the total private open space is uncovered (except for a small 1.3 metre deep projecting canopy) and is accessed from the open plan living/dining/kitchen area. This equates to 34% of the site (excluding the area of the driveway) and includes a portion which is at least 10% of the total site area and has a minimum dimension of 4 metres.

The private open space areas for each dwelling have good orientation and good links to the internal living areas of the dwellings, consistent with Principle of Development Control 224.

Overall, the provision of private open space is consistent with both the qualitative and quantitative provisions of the Development Plan and is considered to be functional and will enhance the amenity for future occupants.

Carparking/access/manoeuvring

The following Development Plan provisions provide guidance with respect to car parking, access and manoeuvring considerations:

Residential H(C) Zone PDCs:	32
City Wide Objective:	34
City Wide PDCs:	98, 118, 120, 123, 189 212 & 218

Table NPSP/8

Table NPSP/8 prescribes that group dwellings with 2 or 3 bedrooms should be provided with two (2) on-site car parking spaces, one of which is covered plus one (1) additional visitor space for every two (2) dwellings. Each dwelling is to have two (2) on-site vehicle parking spaces in the form of two (2) covered spaces, which is not consistent with Table NPSP/8, as there is no additional visitor space identified on the plans.

Whilst this is a negative aspect of the proposal, it is considered that the shortfall of one (1) formal shared visitor space is not significant and is off-set by the ability for a visitor to either of the two (2) dwellings to utilise on-street car parking provision along Augusta Street, which is generally readily available during the day and evenings.

In relation to the 'shared' driveway configuration, City Wide Principle of Development Control 189 sets out the following criteria:

"Residential allotments or sites in the form of a battle-axe, hammerhead or similar configuration, (including those accommodating group dwellings), should:

- (a) contain sufficient area on the development site, excluding area/s designated as covered and uncovered carparking spaces, for a vehicle to turn around and enable it to egress the allotment in a forward direction;*
- (b) be capable of draining stormwater efficiently, without the need to excessively raise the floor or bench level of the development;*
- (c) in the case of a battle-axe allotment, have the driveway 'handle' located adjacent to the site boundary; and*
- (d) in relation to the driveway servicing dwellings to the rear of the allotment or site:*
 - (i) have a driveway 'handle' length of no more than 35 metres and a width of no less than 4 metres and not more than 6 metres;*
 - (ii) the driveway 'handle' should have a vehicle carriageway of no less than 3 metres in width for a site that accommodates up to two dwellings ...; and*
 - (iii) the driveway 'handle' should incorporate a combined total width of 1 metre of landscaping along the length of the driveway 'handle' unless the driveway abuts unfenced areas of landscaping;"*

In relation to part (a), the driveway area includes a reversing bay to facilitate egress in a forward manner for the occupants of both the Contributory Item and the new dwelling, in accordance with this Principle.

In relation to part (b) and (c), the driveway would be capable of draining stormwater efficiently and is located adjacent to the site boundary, in accordance with this Principle.

In relation to part (d), the driveway handle is four (4) metres wide and has a carriage width of at least three (3) metres and incorporates a combined total width of one (1) metre of landscaping along the length of the driveway (a minimum of 500mm wide beds on either side), in accordance with this Principle.

The driveway handle is approximately 43 metres in length, which exceeds the 35 metres guideline specified in this Principle. That said, the proposed driveway is not overly wide and is proposed to incorporate landscaping along both sides, which would assist in reducing the 'gun barrel' effect which this particular provision seeks to address – albeit that minimal landscaping could be provided within the proposed 500mm landscaping strip on the southern side of the common driveway. It is also noted that there are other examples of long driveways within the locality, particularly on some of the deeper sites. Overall, the failure of the proposal to satisfy this aspect of the PDC is not in itself, considered to be fatal to the Application.

In terms of vehicle manoeuvring, the proposed vehicular access and egress movements from the two (2) new carports has been analysed using the B85 vehicle manoeuvring templates that conform to *Australian/New Zealand Standard 2890.1:2004*.

Based on this analysis, it has been determined that vehicles can safely egress the carports in two (2) movements (ie. reversing movement and forward movement) without any obstruction – but only just. The reversing movements to egress the rear carport will be very tight and necessitate the exiting vehicle to reverse within very close proximity of the porch and front façade of the dwelling. Whilst this aspect of the proposal is considered to technically satisfy part of City Wide Principle of Development Control 98 and City Wide Principle of Development Control 118, which require vehicular access and egress to be safe and convenient, it is considered to fail the latter test of providing convenient vehicular movements. At a minimum, the finished floor level of the porch should be flush with the level of the driveway to improve the convenience of the reversing movement.

Finished floor levels/flooding/retaining

The following Development Plan provisions provide guidance with respect to considerations relating to floor levels, flooding and retaining:

City Wide PDCs: 57, 58, 79, 163, 169 & 171

The subject land is not situated within a recognised flood plain and as such there are no specific requirements in relation to the proposed finished floor levels.

The proposed finished floor level for the new dwelling is nominated at 370mm below the top of kerb level in Augusta Street. In addition, the plans (**Attachment B40**) show an indicative stormwater drainage methodology from the site involving a pump and sump system. The nominated levels do not suggest that there would be any issues with designing a drainage system in accordance with the Council's Urban Services requirements. As such, if the Panel determines to approve the Application, a condition of approval should be included to require that stormwater disposal details be provided (both for the new and existing dwellings) to the satisfaction of the Council or its delegate, prior to the granting of Development Approval.

The nominated finished floor level of the new dwelling indicates that retaining walls will be required in the south-western section of the site. Retaining walls are likely to range from 290 – 330mm along a portion of both the southern side and western rear boundaries. In combination with 1.8 metre high colorbond fencing, the combined likely maximum height of retaining and fencing within this section of the site is 2.09 – 2.13 metres. In this regard, the proposal is consistent with City Wide Principle of Development Control 58, which states *"the combined height of a fence and a retaining wall should not exceed 2.4 metres (measured from the lower of the two adjoining natural ground levels)."*

Trees (significant, mature & street) and landscaping

The following Development Plan provisions provide guidance with respect to considerations relating to significant trees, mature trees, street trees and landscaping:

City Wide Objectives: 24
City Wide PDCs: 220 & 221

The Applicant has provided a landscaping plan which indicates a range of lawn, ground covers, low shrubs and ornamental trees to be planted throughout the site. In particular, the placement of trees adjacent to the driveway area would assist in softening the appearance of the new dwelling in particular, when viewed from the street and surrounding properties. Overall, the provision of landscaping is considered to be acceptable and is consistent with City Wide Principles of Development Control 220 and 221. A copy of the landscaping plan is contained in **Attachment B48**.

Environmental Sustainability

The following Development Plan provisions provide guidance with respect to environmental sustainability considerations:

City Wide Objectives:	23 & 42
City Wide PDCs:	67, 68, 69, 147-149, 151 & 159

The Contributory Item and the proposed dwelling have an east-west and north-south orientation respectively and therefore, the private open space areas will have generally good access to northern sunlight.

The northern elevation (open plan living area) of the new dwelling does not include a covered verandah and/or alfresco. That said, there is sufficient room for the construction of a verandah or pergola, should the future occupants of the new dwelling wish to provide some shade on the northern elevation.

All of the habitable rooms include external windows, which will enable natural light and ventilation throughout the dwellings.

City Wide Principle of Development Control 159 states:

“All new dwellings and additions to existing dwellings (including dependent accommodation units) greater than 50 square metres (where the addition incorporates a water closet, water heater or a laundry cold water outlet) with direct access to the ground level, should be provided with a 2000 litre rainwater tank/s connected to the roof water outlets and plumbed to at least a water closet, a water heater and/or all laundry cold water outlets.”

The Applicant has proposed a 2,000 litre rainwater tank for the new dwelling, which will be plumbed back to the dwelling for re-use which is consistent with Principle 159.

Summary

The proposed development involves restoration work to the existing Contributory Item which is considered to result in a positive outcome both for the existing dwelling and the streetscape.

The introduction of a new dwelling to the rear of the existing Contributory Item in a battle-axe configuration is an appropriate land use within the Maylands Policy Area of the Residential Historic (Conservation) Zone, which does support rear of allotment development where it can be accommodated.

With regard to density, the proposed allotments are consistent with the minimum site area requirement prescribed for the Maylands Policy Area.

The new dwelling has little streetscape impact as it is recessed behind the existing Contributory Item.

The new dwelling does not meet the 2.5 metre minimum side setback requirement for a dwelling sited on a battle-axe allotment. While this is a negative aspect of the proposal, it is considered that the resulting built form is unlikely to have any unreasonable impact on the amenity of the neighbouring land, and as such, the failure to meet the southern side set-back requirement is not fatal to the proposal.

The average site coverage and the provision of private open space are in accordance with the Development Plan requirements.

The proposal has a shortfall of one (1) on-site visitor car parking space, however, it is considered that there is sufficient capacity within Augusta Street in order to accommodate this one (1) visitor space shortfall.

On balance, it is considered that the proposal is not seriously at variance with the Development Plan and sufficiently accords with the relevant provisions of the Development Plan to warrant consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/254/18 by Bernard Booth Real Estate, to undertake restoration work to an existing Contributory Item; the construction of freestanding carport; the construction of a single-storey group dwelling, landscaping and fencing, on the land located at 10 Augusta Street, Maylands, subject to the following requirements, conditions and notes:

Relevant Plans

Pursuant to Section 44 (2) and (3) of the *Development Act 1993* and except where varied by a condition specified hereunder, it is required that the development be undertaken, used, maintained and operated in accordance with the following relevant plans, drawings, specifications and other documents:

- plans and elevations (Projective Number DA 173508, Revision b) prepared by DASH Architects and received by the Council on 23 April 2018.

Conditions

1. The Applicant shall provide a stormwater drainage plan to the satisfaction of the Council or its delegate, prior to the granting of Development Approval.
2. Stormwater and engineering calculations detailing pre-development and post-development levels in 1 in 5 year ARI events shall be provided by the Applicant, confirming that the detention storage provided is adequate and conforms to the Council's Urban Services requirements, prior to the granting of Development Approval.
3. The finished floor level of the porch of the new dwelling shall be flush with the level of the driveway in order to improve the convenience of a vehicle(s) reversing from the carport associated with the new dwelling.
4. All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
5. A rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres) shall be installed to each dwelling and plumbed into a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.

Notes to Applicant

1. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves.
2. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.

3. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
4. Certain activities on construction sites are noisy. Although some noise may be unavoidable, it can often be controlled using improved work practices. The responsible person, who is the owner, occupier or contractor, must take all reasonable and practicable measures to minimise noise resulting from the activity and to reduce its impact.

Construction noise that causes an adverse impact on amenity is only permitted between 7am and 7pm, Monday to Saturday. If you have any further queries, please contact the Council on 8366 4555.

5. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

Moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/254/18 by Bernard Booth Real Estate, to undertake restoration work to an existing Contributory Item; the construction of freestanding carport; the construction of a single-storey group dwelling, landscaping and fencing, on the land located at 10 Augusta Street, Maylands, subject to the following requirements, conditions and notes:*

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All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

Seconded and carried

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 7:20pm

Terry Mosel
Presiding Member

Mark Thomson
Manager Development Assessment