

# Notice of Council Assessment Panel Meeting

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## MEMBERSHIP

Mr M Adcock	Independent Member (Presiding Member)
Mr J Rutt	Independent Member
Mr A Mackenzie	Independent Member
Mrs B Merrigan	Independent Member
Mr D Wyld	Elected Member
Ms N Taylor	Deputy Independent Member

NOTICE is given pursuant to Sections 87 and 88 of the Local Government Act 1999 that the next COUNCIL ASSESSMENT PANEL MEETING will be held in the Council Chambers, 571 Montague Road, Modbury on TUESDAY 15 MARCH 2022 commencing at 10.00am

A copy of the Agenda for the above meeting is supplied.

Council may restrict or limit access to members of the public physically attending the meeting to ensure compliance with current restrictions. Priority will be given to members of the public who wish to speak in the Public Forum and Deputation section of the agenda and have obtained prior approval from Council.

A handwritten signature in purple ink, appearing to read "John Moyle".

JOHN MOYLE  
CHIEF EXECUTIVE OFFICER

Dated: 10 March 2022

CITY OF TEA TREE GULLY  
COUNCIL ASSESSMENT PANEL MEETING  
15 MARCH 2022

AGENDA

1. Attendance Record:

- 1.1 Present
- 1.2 Apologies
  - Mrs B Merrigan (Independent Member)

2. Minutes of Previous Meeting

That the Minutes of the Council Assessment Panel Meeting held on 15 February 2022 be confirmed as a true and accurate record of proceedings.

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

Applications under the Development Act 1993

- 4.1 CAP.070/119599/20 - Community Titled land division 1 into 4 at 1 Raymond Road St Agnes ..... 5

*Recommended for Refusal*

- 4.2 CAP.070/11983/20 - Two x two storey detached dwellings and residential flat building at 1 Raymond Road St Agnes ..... 69

*Recommended for Refusal*

Applications under the Planning, Development and Infrastructure Act 2016

- 4.3 CAP.21014589/2022 - Verandah Enclosure at 17 Tomatin Court Greenwith ..... 111

*Recommended to Grant Planning Consent*

- 4.4 Limited Amendment to Instrument of Delegation Assessment Manager ..... 137
- 4.5 CAP.22005742/2022 - Carport at 22A Gordini Crescent, Holden Hill ..... 139

*Recommended to Grant Planning Consent*

5. Other Business

5.1 - E.R.D. Court Matters Pending - Nil

5.2 Policy Considerations

*Planning Policy Considerations will be recorded in the minutes following discussion by members.*

6. Information Reports Nil

7. Date of Next Meeting

19 April 2022

REPORT NO: CAP.070/119599/20  
 RECORD NO: D22/13784  
 TO: COUNCIL ASSESSMENT PANEL MEETING - 15 MARCH 2022  
 FROM: Blake O'Neil  
 Planning Officer  
 SUBJECT: COMMUNITY TITLED LAND DIVISION 1 INTO 4 AT 1 RAYMOND ROAD ST AGNES

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#### SUMMARY

Applicant: Mr Michael Pohl

Nature of Development: Land division (1 into 4 Community)

Address: 1 Raymond Road, St Agnes

Application No: 070/119599/2020  
070/C148/20

Lodgement Date: 24 August 2020

Development Plan: Consolidated 27 December 2018

Zone and Policy Area: Residential  
Residential Growth Policy Area 11

Relevant Development Plan Provisions: Objectives  
 Land division: 1, 2, 3, 5  
 Orderly and Sustainable Development: 1, 2, 3, 4, 6  
 Residential Development: 1, 2, 3, 4, 5, 6  
 Transportation and Access: 2  
 Residential Zone: 1, 2, 3  
 Policy area 11: 1, 3, 4

Principles of Development Control  
 Land division: 1, 2, 4, 6, 7, 8, 9, 17  
 Orderly and Sustainable Development: 1, 4, 8, 9  
 Residential Development: 1, 2  
 Transportation and Access: 5, 8, 10, 11, 22, 33  
 Residential Zone: 1, 2, 3, 6, 15  
 Policy Area 11: 1, 3, 4, 5, 6, 11

Public Notification: Category 1

Schedule 8 Referral:	Not required
Was a request for additional information made?	No – refer to built form application
Recommendation:	Refuse Development Plan Consent and Land Division Consent

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## 1. PROPOSAL

Proposed is for the division of a single existing allotment into four community title allotments and an area of common property.

Proposed lots 1 and 2 are located towards the road frontage of the existing site and have a direct frontage of 6.7m to Raymond Road. Both the sites extend over 18m into the site from the road boundary, resulting in respective site areas of 139m<sup>2</sup> and 138m<sup>2</sup>.

Proposed lots 1 and 2 are separated by common property ranging in width from 5.5m down to 3.3m.

The common property provides shared access between proposed lots 3 and 4 that are located at the rear of the existing site. Both parcels measure 14.2m x 9.4m or 9.5m resulting in sites, having an area of 134m<sup>2</sup> each.

The plan of division showing the proposed community lots and common property can be found in Attachment 4.

The land division is to support a proposed development application for four dwellings within a corresponding application (070/119400/2020). That application has been made available for consideration by the CAP as a separate item in this agenda. The CAP is advised that the site areas nominated on the site plan for this development do not match the corresponding land division application, with Lots 3 and 4 shown as having a site area of 141m<sup>2</sup> compared to the division plan showing 134m<sup>2</sup>.

## 2. PROCEDURAL MATTERS

**The application was lodged under the Development Act 1993 (the ‘Development Act’). Since receiving the application, the Development Act has been repealed and replaced by the Planning, Development and Infrastructure Act 2016 (the ‘PDI Act’), which came into effect 19 March 2021.**

Pursuant to Schedule 8 Part 1 2(1) of the PDI Act, the operation of the Development Act prevails for an application lodged during its operation. The Development Act, the **Development Regulations 2008 (the ‘Development Regulations’)** and the Development Plan therefore still apply to the processing and assessment of this application.

**The Development Plan does not identify land division as a ‘non-complying’ form of development, nor is land division listed as ‘complying’ in the Development Plan or *Development Regulations 2008* (‘the Regulations’).**

The application has therefore been assessed on merit.

Having regard to the zone of the site and the proposed residential use of the land, it is considered that the development is not seriously at variance with the Development Plan pursuant to Section 35(2) of the *Development Act 1993* ('the Act').

### 3. PUBLIC NOTIFICATION

Section 38(2)(a) of the Act states that a Development Plan or the Regulations may assign different forms of development to a category for the purposes of public notification.

The Residential Zone lists land division as a Category 1 development. The development therefore does not require public notification.

### 4. SITE AND LOCALITY

The subject site is a regular shaped allotment of 723.7m<sup>2</sup>, with a frontage width of 18.9m, rear boundary length of 18.9m and side boundaries of 36.4m (north) and 36.2m (south). The subject site has an east-west orientation.

The site currently accommodates a single storey detached dwelling and ancillary outbuildings and structures, all of which would need to be demolished to accommodate the proposed development.

The site has a fall to the front although the site can be regarded as generally flat. The subject site is connected to mains sewer via the primary street.

The subject site is located within the Residential Growth Policy Area 11 of the Residential Zone. The subject site adjoins residential allotments within the same zone and policy area, and all consist of established single storey detached dwellings and ancillary structures.

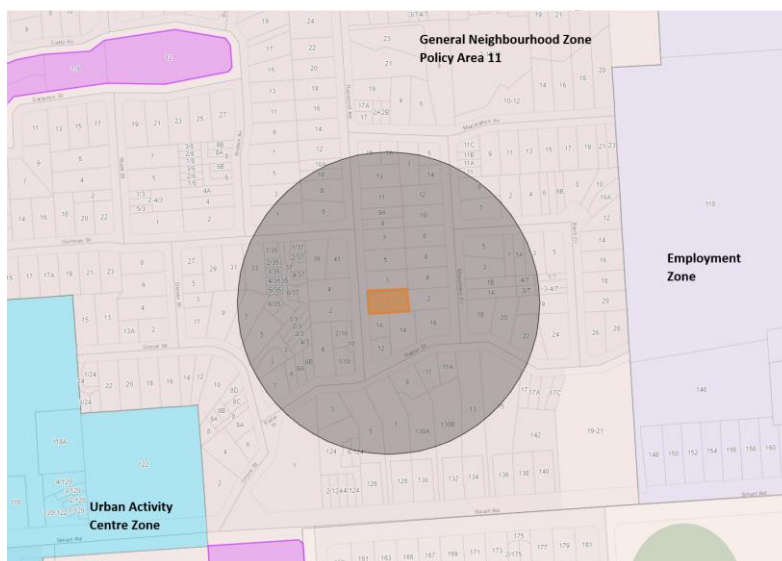


Figure 1 Site and Locality (subject site highlighted in orange and locality generally identified in grey circle)

Notwithstanding the predominance of low-density single storey detached dwellings within the immediate locality, there is evidence of infill development typically in the form of 1 into 2 developments.

Further afield there have been two other notable developments at 35 and 37 Gorman Road consisting of community titled land divisions creating two storey group dwellings and residential flat buildings at a higher density than the established pattern of development.

The topography of the locality can be best described as undulating with a distinct rise in elevation towards the eastern boundary. The streetscape of Raymond Road and the broader locality contain a number of trees of varying species and sizes on both Council land and private land. Large front setbacks with landscaped yards add to the amenity of the locality.

## 5. PLANNING ASSESSMENT

### 5.1 Density

Residential Growth Policy Area 11 provides no specific site area or frontage requirements. Policy Area Principle of Development Control (PDC) 4 calls for a net residential density in accordance with Concept Map TTG/14, being 35-67 dwellings per hectare in the form of two storey dwellings.

Further, Policy Area PDC 6 states that development with a net density of more than 67 dwellings per hectare should typically allow for 3 or 4 storey dwellings.

This development proposes a net density of 55 dwellings per hectare through creating parcels for four dwellings. The resulting density falls within the density range sought for this policy area in PDC 4 for a two-storey development.

It is advised that the corresponding land use application 070/119400/2020 proposes four two-storey dwellings meaning the density applicable for this division is satisfactory.

It is also worth noting that there are no minimum requirements for land division in this policy area with respect to site area or frontage width.

### 5.2 Suitability of the Intended Use

Land Division Objective 2 seeks: *Land division that creates allotments appropriate for the intended use.*

Land Division PDC 2 states that land should not be divided if any of the following apply:

- (a) *The size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use;*

- (b) *Any allotments will not have frontage to one of the following*
  - i. *An existing road*
  - ii. *A proposed public road*
  - iii. *Access to a public road via an internal roadway in a plan of community division;*
- (c) *The intended use of the land is likely to require excessive cut and/or fill;*
- (d) *It is likely to lead to undue erosion of the subject land or land within the locality;*
- (e) *The area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development;*
- (f) *The intended use of the land would be contrary to the zone objectives;*
- (g) *Any allotments will straddle more than one zone or policy area; and*
- (h) *The potential for the orderly development or division of adjacent land is jeopardised.*

The previous section of this report has demonstrated that the size of the allotments is appropriate from a density perspective for the subject site as it is located within a higher density policy area of the Residential Zone.

However, the shape, slope and nature of land forms part of an assessment of the future development of the proposed allotments.

CAP members will note that the corresponding dwelling application is also being presented concurrently with this land division. That report and attachments can be found in Attachment 6 of this report.

As detailed in the land use assessment report, that intended future development of the proposed allotments warrants for refusal as it fails the following:

- The built form and setbacks are out of character and do not positively contribute to the amenity of the locality,
- Private open space is not sufficient, and
- The access arrangement is not appropriate, including extent of driveway areas, pedestrian safety and lack of on-street car parking.

Therefore, as the corresponding land use is not supported, it is then not considered that the proposed land division is suitable for its intended purpose despite hitting the recommended density target.

Given the land division relies on a bespoke dwelling design, it is not considered that the land division could support an alternate built form specific of this land division, particularly due to the constrained nature of each of the resulting allotments, and issues with access through the formation of the proposed common property.

Land Division Objective 2 and PDC 2 has therefore not been adequately satisfied as the land division is unable to be considered to facilitate a wide range of alternative dwelling designs that are suitable given the requirements of the Development Plan.



The above is also contrary to Land Division PDC 8(f) which seeks development in the form of allotments that are of an orientation, size and configuration to encourage development that will not overshadow, dominate or otherwise detrimentally affect the setting of the surrounding locality.

Therefore, the proposed land division has not been demonstrated as suitable for its intended purpose.

### 5.3 Vehicle Access

Residential Growth Policy Area 11 PDC 8 states:

*Access to parking and garaging areas from public streets should primarily be via a minimum number of common driveways.*

The application proposes individual driveways for the two dwellings that front Raymond road and an additional common access for the two rear dwellings. This represents an increase from a single access point to three.

The Policy Area Desired Character refers to access and driveways with:

*Landscaping integrated throughout developments will be provided and will assist in **enhancing the appearance of the streetscape, common driveways...** Shared common access driveways are favoured to maximise on street parking availability and minimise potential conflict between vehicles and pedestrians.*

Policy Area 11 Objective 3 and PDC 3 also state development is to contribute to the desired character of the policy area and development should not be undertaken unless it is consistent with the desired character of the policy area.

The proposal for three driveways comprising a combined width of 11m over a 19m frontage is considered to be excessive and will not allow for landscaping forward of the dwelling to enhance the appearance of the streetscape.

The proposal therefore does not achieve Policy Area PDC 8 by minimising extent of driveways by having three access points via Raymond Road, and additionally the driveway design does not contribute to the amenity of the streetscape.

## 6. CONCLUSION

It is acknowledged that the Residential Growth Policy Area 11 is intended to increase density and concentrate a diverse range of residential accommodation with examples within the locality of the subject land. The desired character provides balance to the higher density development stipulating:

- high quality streetscapes,
- the use of design features to reduce visual bulk,
- streetscapes that contribute strongly to the amenity of the neighbourhood

- Front yards will have a strong landscape character that compliments and softens the built form.

It is argued that the proposed built form and land division will not provide these outcomes due to excessive driveways which will disrupt on street parking and increase conflict with pedestrians and vehicles. The driveways will reduce the available area for landscaping which will further reduce the amenity of the streetscape, and not provide any on-street parking opportunities.

The policy area does not provide minimum allotment sizes and frontages, rather a density and building height target. Whilst the intended density has been achieved, the balance of density against impact on the amenity of the street and adjoining properties has not been sufficiently addressed. Therefore, this specific allotment configuration and division proposal is not considered to warrant consent without a supporting land use proposal that meets the relevant planning assessment requirements.

## 7. RECOMMENDATION










That pursuant to the authority delegated to the Council Assessment Panel by Council, the Council Assessment Panel:

- A. RESOLVES that the proposed development is not seriously at variance with the policies in the Tea Tree Gully (City) Development Plan.
- B. RESOLVES to REFUSE Development Plan Consent to the application by Mr Michael Pohl of Steed Surveyors & Land Divisions for Land division (1 into 4 Community) at 1 Raymond Road, St Agnes, as detailed in Development Application No. 070/119599/2020 (070/C148/20) on the following grounds:
  - (1) The proposal is not consistent with the Desired Character of the zone and locality.
  - (2) It has not been demonstrated that this development creates allotments that are suitable for their intended purpose.
  - (3) The proposal will result in an undesirable access arrangement which compromises the amenity of the surrounding locality and does not provide for on-street parking opportunities.
  - (4) Specifically, the proposed land division development is at variance with the following provisions of the Tea Tree Gully (City) Development Plan consolidated 27<sup>th</sup> December 2018:
    - a. Residential Growth Policy Area PDC 3 states development should not be undertaken unless it is consistent with the desired character for the policy area.
    - b. Residential Growth Policy Area PDC 8 states that access to parking and garaging areas from public streets should primarily be via a minimum number of common driveways.

- c. Land Division Objective 2 seeks land division that creates allotments appropriate for the intended use.
- d. Land Division PDC 2(a) which states that land should not be divided if the size, shape, location and nature of the land makes any of the allotments unsuitable for the intended use.
- e. Land Division PDC 2(f) that land should not be divided if the intended use of the land would be contrary to the zone objectives.
- f. Land Division PDC 8 (f) seeks allotments with an orientation, size and configuration to encourage development that will not overshadow, dominate or otherwise detrimentally affect the setting of the surrounding locality.
- g. Land Division PDC 17 states that the design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments.

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Attachments

- 1.  Aerial Photo ..... 14
- 2.   Certificate of Title ..... 15
- 3.   Plan of Division ..... 17
- 4.   EDALA Documents ..... 18
- 5.   Land Use Application Report and Documents ..... 27

Report Authorisers

Blake O'Neil  
 Planning Officer 8397 7331

Nathan Grainger  
 Manager City Development 8397 7200

Carol Neil  
 Director Community & Cultural Development 8397 7341

REPORT NO: CAP.11983/2022

RECORD NO: D22/11983

TO: COUNCIL ASSESSMENT PANEL MEETING - 15 MARCH 2022

FROM: Blake O'Neil  
Planning Officer

SUBJECT: TWO X TWO STOREY DETACHED DWELLINGS AND RESIDENTIAL FLAT BUILDING AT 1 RAYMOND ROAD ST AGNES

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#### SUMMARY

Applicant: Adnan Al-Rashid

Nature of Development: Two x two storey detached dwellings and residential flat building

Address: 1 Raymond Road, St Agnes

Application No: 070/119400/2020

Lodgement Date: 28/07/2020

Development Plan: 27 December 2018

Zone and Policy Area: Residential Zone  
Residential Growth Policy Area 11

Relevant Development Plan Provisions:

Objectives  
 Crime Prevention 1  
 Design and Appearance 1  
 Energy Efficiency 1  
 Landscaping, Fences and Walls 1, 2  
 Natural Resources 1, 2, 6, 7  
 Residential Development 1, 2, 3, 4, 6  
 Transportation and Access 2  
 Waste 1  
 Residential Zone 1, 2, 3  
 Policy Area 1, 2, 3, 4

Principles of Development Control  
 Crime Prevention 1, 2  
 Design and Appearance 1, 2, 5, 9, 10, 11, 12, 13, 14, 16, 17, 22, 23  
 Energy Efficiency 1, 2, 3  
 Landscaping, Fences and Walls 1, 2, 4  
 Natural Resources 1, 5, 6, 7, 8, 11, 28  
 Residential Development 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 15, 19, 21, 23

Transportation and Access 10, 11, 22, 23, 29, 31, 32, 45, 47  
 Waste 5, 6,  
 Residential Zone 1, 2, 6, 8, 10, 11, 15  
 Policy Area 1, 3, 4, 5, 7, 8, 9, 11, 13, 14, 25

Public Notification: Category 1

Schedule 8 Referral: Not required

Was a request for additional information made? Yes

Issues: Desired character, private open space, driveway dominance, bulk and scale, on-street parking and setbacks

Recommendation: Refuse Development Plan Consent

## 1. PROPOSAL

This application proposes the redevelopment of an existing 723m<sup>2</sup> residential allotment located at 1 Raymond Road, St Agnes. The development involves the construction two detached dwellings and one residential flat building consisting of two dwellings. A total of four dwellings are proposed as part of this development.

The two detached dwellings fronting Raymond Road, have individual driveway access and are separated by a common driveway. This common driveway provides access to the residential flat building at the rear of the site which contains the remaining two dwellings.

Each dwelling is two storey in height and is designed with a single garage under main roof and front balconies. The detached dwellings (identified as Lot 1 and 2 on the application documents) have an additional balcony along the rear elevation adjacent the common driveway.

The dwellings are to be constructed using a mixture of texture coated Hebel and brick veneer to the external walls, and Colorbond roof sheeting. A stone veneer blade wall features on the front façade of each dwelling.

Up to 0.65m cut is proposed at the rear of the subject site to accommodate the levels required. This retaining does not form part of the current application given it is less than one metre in height. Should the Panel support this development, the applicant will be required to submit a separate application for retaining and fencing as this will exceed 2.1m in height, however the impact of works based on the current levels is likely to be acceptable.

The corresponding land division application (070/119599/2020) which correlates with the proposed land use has also been presented to this panel meeting. This application seeks to divide the land into four community lots and common land for the centrally-located driveway servicing the residential flat building at the rear.

## 2. PROCEDURAL MATTERS

The application was lodged under the Development Act 1993 (the 'Development Act'). Since receiving the application, the Development Act has been repealed and replaced by the **Planning, Development and Infrastructure Act 2016 (the 'PDI Act')**, which came into effect 19 March 2021.

Pursuant to Schedule 8 Part 1 2(1) of the PDI Act, the operation of the Development Act prevails for an application lodged during its operation. The Development Act, the **Development Regulations 2008 (the 'Development Regulations')** and the Development Plan therefore still apply to the processing and assessment of this application.

Detached dwellings and Residential Flat Buildings are defined in Schedule 1 of the Regulations as follows:

*Detached dwelling means a detached building comprising 1 dwelling on a site that is held exclusively with that dwelling and has a frontage to a public road, or to a road proposed in a plan of land division that is the subject of a current development authorisation.*

*Residential flat building means a single building in which there are 2 or more dwellings, but does not include a semi-detached dwelling, a row dwelling or a group dwelling.*

It is noted that the concurrent land division application makes it possible to define this application as being for detached dwellings and a residential flat building comprising two dwellings.

The Development Plan does not identify detached dwellings or residential flat buildings as **'non-complying' forms of development, nor is the development listed as 'complying' the Development Plan or Regulations.** The application has therefore been assessed on merit.

Having regard to the zone of the site and the proposed residential use of the land, it is considered that the development is not seriously at variance with the Development Plan pursuant to Section 35(2) of the Act.

## 3. PUBLIC NOTIFICATION

Section 38(2)(a) of the Act states that a Development Plan or the Regulations may assign different forms of development to a category for the purposes of public notification.

**Dwellings are specifically listed within Council's Development Plan as a Category 1 form of development** when located in the Residential Growth Policy Area 11 and does not exceed building heights.

The development therefore does not require public notification.

4. SITE AND LOCALITY

The subject site is a regular shaped allotment of 723m<sup>2</sup>, with a front and rear boundary width of 18.9m, and side boundary length of 36.4m (north) and 36.2m (south). The subject site has an east-west orientation.

The site currently accommodates a single storey detached dwelling, verandah and an ancillary outbuilding, and is connected to SA Water sewer and water mains.

The site has a fall from the rear of the lot to the front of up to a metre. The levels are consistent with that established at the time of construction of the existing dwelling.

The subject site is located within the Residential Zone and Residential Growth Policy Area 11. The site adjoins residential allotments within the same zone and policy area, and all typically consist of established single storey detached dwellings.

The locality is defined as the area illustrated in Figure 1 below.

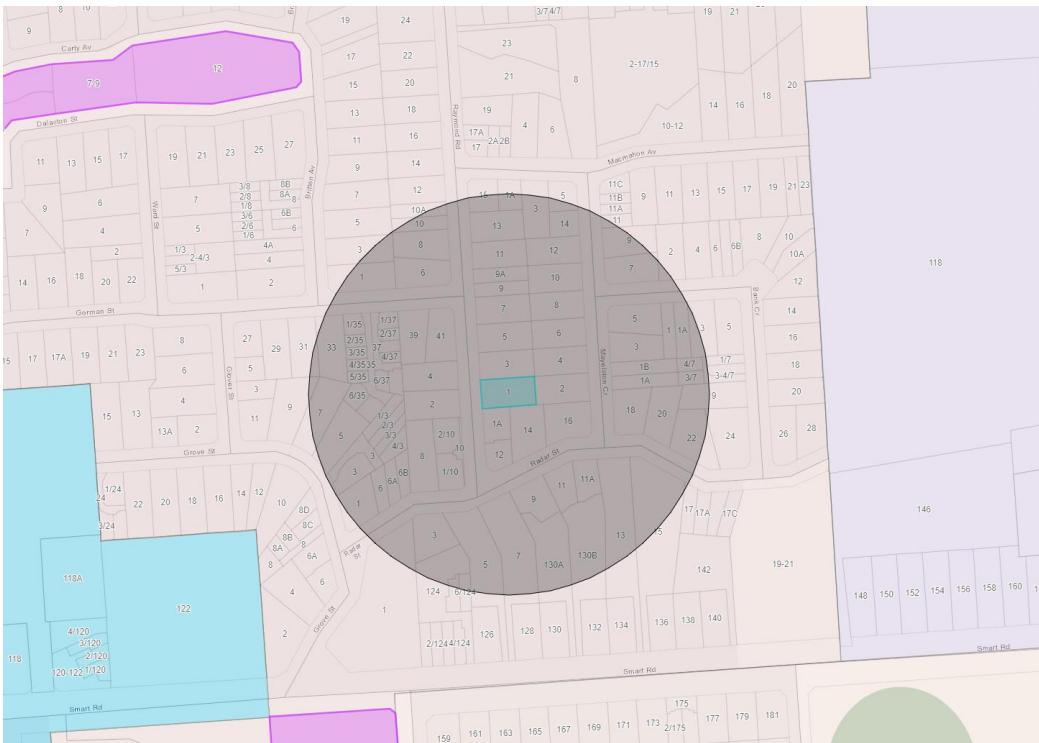


Figure 1 Site and Locality (subject site highlighted in orange and locality generally identified in grey circle)

Notwithstanding the predominance of low-density single storey detached dwellings within the immediate locality, there is evidence of infill development however this is typically in the form of 1 allotment into 2 developments.

Further afield there have been two other notable developments at 35 and 37 Gorman Road consisting of community titled land divisions creating two storey dwellings and residential flat buildings at a higher density than the established pattern of development.

The locality comprises predominantly 1960's and 1970's single storey detached dwellings on large allotments, generally in excess of 650m<sup>2</sup>. There are a small number of newer dwellings on the aforementioned additionally created allotments. The older dwelling stock in the locality is largely of a conventional style with a hipped or low pitched gable roof and single-width garaging or carports.

The topography of the locality can be best described as undulating with a distinct rise in elevation towards the eastern boundary. The streetscape of Raymond Road and the broader locality contain a number of trees of varying species and sizes on both Council land and private land. Large front setbacks with landscaped yards add to the amenity of the locality.

## 5. PLANNING ASSESSMENT

### 5.1 Desired Character Statement

The application proposes two storey detached dwellings and two storey residential flat buildings.

The Residential Growth Policy Area 11 Desired Character Statement outlines the following:

*While the area will gradually transition from primarily single storey to residential development of two, three and four storeys, new development will ensure that a high degree of residential amenity is maintained for adjoining allotments. This will be achieved by controlling overlooking from upper levels through a range of privacy screening techniques, minimising overshadowing and reducing the visual impact of two, three and four storey development by stepping back upper level walls from rear and side boundaries and incorporating landscaping to soften the edge of these developments.*

*Shared common access driveways are favoured to maximise on street parking availability and minimise potential conflict between vehicles and pedestrians.*

Residential Growth Policy Area 11 Principle of Development Control (PDC) 3 states:

*Development should not be undertaken unless it is consistent with the desired character for the zone.*

The above Desired Character Statement anticipates new development will transition to dwellings of two or more storeys with the caveat of those developments having been designed to ensure high amenity is maintained for adjoining allotments. This can include stepped building setbacks and providing landscaping to reduce visual impact.

The detached dwellings are located to the northern and southern side boundaries for the ground level, increasing to a setback of 0.9m for the upper level. This achieves a stepped setback design which is consistent with the Desired Character statement.

The residential flat buildings at the rear have a single setback to the sides for both levels, resulting in a flat wall facing north and south.



The rear boundary setback is reduced on the upper level to these dwellings as there is a rear balcony that projects closer to the boundary compared to the ground level. This is not consistent with the intent of the character statement which seeks to step back upper levels.

The application proposes three separate access points to Raymond Road which in total comprises approximately 60% of the frontage. This is in contrast to the Desired Character Statement which states that driveways should be designed to maximise on street parking and minimise conflict between pedestrians and vehicles. Further the total 11.5m width of driveways contributes to minimal landscaping areas forward of the dwelling.

## 5.2 Built form

### 5.2.1 Setbacks

The quantitative setback requirements are set out in Residential Growth Policy Area 11 PDC 9 and Residential Zone PDC 8 and PDC 10.

#### Lot 1

The front setback to the building line is 4.4m, and reduces to 2.8m when measured from the balcony to the front boundary. The lower level north side setback is 0m for a length of 9.8m and the upper level is 1m. These setbacks comply with the above PDCs.

The southern side setback is 0.9m for upper and lower levels, the rear setback is 2.9m. The side and rear setback do not comply with the PDC, being minimum 1m and 3m respectively. The balcony projects from the rear of the building to 0.8m from the rear boundary.

#### Lot 2

The front setback to the building line is 4.3m, and reduces to 2.6m when measured from the balcony to the front boundary. Lower level south side setback is 0m for a length of 9.8m and the upper level is 1m. These setbacks comply with the above PDCs.

The northern side setback is 0.9m for upper and lower levels. The rear setback is 2.9m. The side and rear setback do not comply with the PDC, being minimum 1m and 3m respectively. A balcony projects from the rear of the building to 0.8m from the rear boundary.

#### Lot 3 & 4

The front setback requirement does not apply for the dwellings as they do not front a public road. The setbacks to the side boundaries are 0.9m for both levels, however the minimum requirement is 1.0m. The rear setback to the building line is 3m which is appropriate, and in addition there is a balcony that has a setback of 1.2m from the rear boundary.

The dwellings to the rear are consistent with the setback provisions where the building line is taken into consideration.

### 5.2.2 Bulk and Scale

As noted in Section 5.1 of this report, the Policy Area Desired Character anticipates development of this nature where the amenity impact on surrounding allotments is considered.

Design and Appearance PDC 1 states that:

*Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:*

- (a) building height, mass and proportion*
- (b) external materials, patterns, colours and decorative elements*
- (c) roof form and pitch*
- (d) façade articulation and detailing (e) verandas, eaves, parapets and window screens.*

Design and Appearance PDC 2 says:

*Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:*

- (a) the visual impact of the building as viewed from adjacent properties*
- (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.*

Additionally, Design and Appearance PDC 12 requires physical separation of balconies to boundaries to help minimise overlooking.

The balconies are positioned only 1.2m from the rear boundary and are required to be enclosed to a height of at least 1.5m to address overlooking requirements. The proximity of the balcony to the rear boundary is not considered to be in accordance with the above PDCs, noting the reduced setback also increases the bulk of the dwellings close to the rear boundaries.

The external side walls that present to the side boundaries provide no articulation or variation of materials and finishes to reduce the bulk of the dwellings as viewed from adjoining allotments. While the upper level walls are consistent with the setback requirements, the resultant bulk and lack of visual interest is not considered in keeping with the above Design and Appearance provisions, Policy Area PDC 13 which seeks to minimise scale contrasts with infill development.

The application proposes three separate driveways covering 60% of the front boundary. The impact of this aspect of the design reduces the available landscaping area to only 19m<sup>2</sup> which also reduces the ability of meaningful landscaping to act as a means to screen the bulk and scale of the dwellings that face the street.

This is contrary to the Policy Area Desired Character statement which states that front yards will have a strong landscape character that complements and softens the built form.

It is recognised that the dwellings do provide articulation to the front façade in the form of balconies and a stepped setback to the garage, and that the inclusion of balconies facing the street provides for passive surveillance. These elements of the design are consistent with Design and Appearance PDC 1.

Overall, it is considered that the setbacks and presentation of bulk to adjoining properties is not in keeping with what is intended for an infill development site in this location.

### 5.2.3 Overshadowing

Design and Appearance PDC 9 states that the design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:

- (a) windows of habitable rooms*
- (b) upper-level private balconies that provide the primary open space area for a dwelling*
- (c) solar collectors (such as solar hot water systems and photovoltaic cells).*

Design and Appearance PDC 10 states that:

*Development should ensure that north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjoining allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9.00 am and 5.00 pm on the 21 June.*

Additionally, Design and Appearance PDC 11 also states that:

*Development should ensure that ground-level open space of existing dwelling(s) receives direct sunlight for a minimum of two hours between 9.00 am and 3.00 pm on 21 June to at least the smaller of the following:*

- (a) half of this space*
- (b) 35 square metres of this space (with at least one of the area's dimensions measuring 2.5 metres).*

*In cases where overshadowing already exceeds these requirements, development must not increase the overshadowed area by more than 20 per cent.*

While the upper side setback shortfalls for Lots 2 and 4 is minor based on Policy Area PDC 9, the location of a development should also consider potential shadow impacts given the east-west orientation of the subject site.

Attachment 9 illustrates the shadow impact of this development on June 21, noting the impact on 1A Raymond Road in particular as this is located directly south of this development.

The adjoining dwelling at 1A Raymond has north facing windows to the living areas, in addition to the main area of private open space facing north.

However, it is recognised that the site at 1A Raymond is approximately 1.2m lower than the subject site and there is a verandah covering the yard area. As a result, these windows and open space are already in shadow and will not experience much of a change in shadow impact from the development on the subject site, whether it be single storey or two storeys.

The development is therefore not considered to be at variance with PDC 9 and 11 as these areas are already shadowed by established levels, fencing and roofed areas.

With respect to PDC 9(c), development needs to minimise the overshadowing of solar collectors. Despite not being shown on the shadow diagrams, there is an existing solar collector system on the roof of the dwelling at 1A Raymond Road.

The diagram shows that shadow will occur to the roof area where the collector system exists for the majority of the day.

Whilst there is no planning requirement to avoid shadow completely, there is a requirement to minimise impact. It is not considered that the shadow impact of this system has been reasonably considered by the applicant as they have not made any design changes to cater for this impact, noting the minimal 0.9m upper storey setbacks to the southern boundary.

The development is therefore at variance to Design and Appearance PDC 9(c).

### 5.3 Private Open Space

Residential Development PDC 11 states that the requirement for private open space for site areas of 250m<sup>2</sup> or less is a minimum area of 35m<sup>2</sup>. One part of this space should be directly accessible from a living room, have an area greater than or equal to 16m<sup>2</sup> with a minimum dimension of 3m and a maximum gradient of 1 in 10. Balconies can comprise part of the private open space if they have an area of 8m<sup>2</sup> or greater.

While the plans have included all the balconies in the private open space calculations, the only balconies that can be considered are the rear balconies of Lots 3 & 4 because they have an area greater than 8m<sup>2</sup>.

The private open space for Lots 1 & 2 is 17m<sup>2</sup> which equates to a shortfall of 48%, and the private open space for Lots 3 & 4 is 28m<sup>2</sup> of which only 6.8m<sup>2</sup> has a minimum dimension of 3m.

None of the dwellings have been designed to allow for adequate private open space that complies with the above PDC.

#### 5.4 Transportation and Access

Transportation and Access PDC 31 requires one covered car parking space and one uncovered car parking space per dwelling.

The application complies with this stipulation as each dwelling is provided with a single garage under main roof and a driveway area in front of the garage which is at least 5.5m long.

The application was reviewed by Council's Team Leader Civil Assets, and they have approved the parking layout and turning circles.

Transportation and Access PDC 23 says that development should be provided with safe and convenient access which:

- (a) avoids unreasonable interference with the flow of traffic on adjoining roads*
- (b) provides appropriate separation distances from existing roads or level crossings*
- (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision*
- (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.*

Additionally, Transportation and Access PDC 23 states that vehicle parking areas should be sited and designed to:

- (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development*
- (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network*
- (c) not inhibit safe and convenient traffic circulation*
- (d) result in minimal conflict between customer and service vehicles*
- (e) avoid the necessity to use public roads when moving from one part of a parking area to another*
- (f) minimise the number of vehicle access points onto public roads*
- (g) avoid the need for vehicles to reverse onto public roads*
- (h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points*
- (i) not dominate the character and appearance of a site when viewed from public roads and spaces*
- (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas.*

Finally, Policy Area PDC 11 calls for development involving common driveways, parking and manoeuvring areas to provide landscaping around the periphery of paved and sealed surfaces to soften the edge of these spaces, contribute to an attractive streetscape, create a favourable outlook for dwellings within the development and assist in creating a favourable microclimate.

The rear dwellings are accessed via a single driveway that is 3.3m in width and has fencing either side. This width does not allow sufficient space for a passing area or landscaping, nor a separate pedestrian access to the rear dwellings.

As noted in previous sections of this report, the excessive driveway area design minimises the opportunity for meaningful landscaping, which not only assists with reducing visual dominance but also improves the amenity of outdoor areas and parking spaces by providing shade and aesthetic appeal.

The proposal has therefore been assessed as having failed Transportation and Access PDC 23 and 33 and Policy Area PDC 11.

In accordance with Policy Area PDC 8, access and parking should primarily be via a minimum number of common driveways. This is coupled with the Desired Character statement for the Policy Area seeking shared common driveways to maximise on-street parking availability. The proposal for three driveways is not consistent with the intent for the policy area and fails to achieve any on-street parking in front of the site.

#### 5.5 Waste Management

The plans provide an area 4.5m<sup>2</sup> in size to the rear of dwellings for storage of bins. This provision complies with Waste PDC 5. The area is also to be used for the air-conditioning unit, stormwater tanks and clothes drying.

Tea Tree Gully Council offers a three-bin kerbside collection system, and this proposal seeks to utilise this service. A single wheelie bin requires approximately 700mm of road frontage width. With two bins placed kerbside per week for each dwelling, 5.6m of road frontage in total is required. Given the proposal demonstrates 7.8m of road frontage, there is sufficient space to facilitate this method of collection.

All bins need to be wheeled from the storage areas to the kerb via the reversing area at the rear and the common driveway.

#### 5.6 Stormwater

The proposed stormwater collection and detention systems have been designed to satisfy Council requirements in accordance with Table TTG/4. The tanks are proposed to be located within the rear yards of all four dwellings. The location for the tanks is shared with other utilities and is not included in the POS calculations in this report. All stormwater is directed to the kerb and gutter via a communal system.

## 5.7 Urban Design

The application has been referred to Jensen Plus for urban design advice, the response can be seen in Attachment 10. The report raises many concerns over the design that can be summarised as follows:

- Minimal variation in height of buildings and corresponding transition at boundaries resulting in dominant bulk.
- Limited diversity of materials and finishes, shading for windows.
- Excessive driveways and garage dominance as view from the street.
- Poor lighting for living areas and POS.
- Bedrooms facing west, small windows. Lack of detail regarding insulation and solar provision.
- Space for meaningful landscaping including trees.
- Dominant walls visible from the street.
- Overshadowing to the south, particularly in winter.
- Overdevelopment of the site.

These issues have been raised with the applicant on a number of occasions, with many linked to the matters discussed in previous sections of this report as they relate to specific provisions within the Development Plan. Unfortunately, not many of the suggestions have been taken up by the applicant.

The development is therefore not considered to have met the intent of the Policy Area PDC 3 or Design and Appearance Objective 1 which seek high quality design outcomes consistent with the intent of the Policy Area.

## 6. CONCLUSION

It is acknowledged that some quantitative provisions for setbacks have either been met or have an insignificant shortfall, and that other assessment requirements such as the number of carparks and stormwater provisions have been met. However, the development has been designed with a number of other shortfalls that have the potential for a significant impact on surrounding land uses and occupants of the development.

These issues relate to the limited light, access and dimensions of the private open space. The lack of articulation or visual interest resulting in unreasonable bulk. Minimal provision of landscaping, the dominance of driveway areas, lack of on-street car parking opportunities, poor pedestrian safety, resulting in the development not contributing to the desired character of the Policy Area.

The applicant has been provided a number of opportunities to make amendments to the plans with this version the third set of amendments. The amendments have done little to add merit to the application.

On balance the proposed dwellings offer little amenity for those that will reside within them nor those in the surrounding dwellings. The application therefore warrants refusal.

## 7. RECOMMENDATION

That pursuant to the authority delegated to the Council Assessment Panel by Council, the Council Assessment Panel:























- A. RESOLVES that the proposed development is not seriously at variance with the policies in the Tea Tree Gully (City) Development Plan.
- B. RESOLVES to REFUSE Development Plan Consent to the application by Ur Adnan Al-Rashid for Two x two storey detached dwellings and a residential flat building comprising of two x two storey dwellings (total four dwellings) at 1 Raymond Road, St Agnes, as detailed in Development Application No. 070/119400/2019 on the following grounds:
  - (1) The proposal is not consistent with the Desired Character of the zone and locality.
  - (2) The proposal is not compatible with the existing built form character of the locality and does not positively contribute to the amenity of the streetscape.
  - (3) The proposal does not ensure a high degree of residential amenity is maintained for adjoining allotments with respect to bulk and scale, lack of articulation and shadowing impacts.
  - (4) The provision of three access points for individual driveways is excessive, dominates the street, reduces the opportunity for meaningful landscaping and does not allow for any on-street car parking.
  - (5) The proposed development does not provide sufficient private open space for each dwelling
  - (6) Specifically, the proposed development is at variance with the following provisions of the Tea Tree Gully (City) Development Plan consolidated 27 December 2018:
    - a. Design and Appearance Objective 1 seeks development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.
    - b. Design and Appearance Principle of Development Control (PDC) 1 seeks that buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to building height, mass and proportion, roof form and pitch, façade articulation and detailing, and verandas, eaves, parapets and window screens.
    - c. Design and Appearance Principle of Development Control (PDC) 9(c) stipulates the design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space, and minimise the overshadowing of solar collectors.



- d. Design and Appearance Principle of Development Control (PDC) 16 stipulates buildings should be designed and sighted to avoid extensive areas of uninterrupted walking facing area exposed to public view.
- e. Landscaping, Fences and Walls Objective 1 states that the amenity of the land and development are enhanced with appropriate planting and other landscaping works.
- f. Landscaping, Fences and Walls Objective 1 stipulates development should incorporate open space and landscaping in order to complement the built form, enhance and define outdoor spaces including car parking areas, minimise heat absorption and reflection and screen driveways and parking areas from residents and neighbours.
- g. Residential Development Objective 1 seeks safe, convenient, sustainable and healthy living environments that meet the full range of needs and preferences of a diverse community
- h. Residential Development PDC 11 stipulates each dwelling should provide private open space in the order of minimum 35m<sup>2</sup>, of which the minimum dimension is 3m for at least 16m<sup>2</sup> and balconies can be included where at least 8m<sup>2</sup> in size or greater.
- i. Residential Zone Objective 3 seeks development that contributes to the desired character of the zone.
- j. Residential Zone PDC 3 states that vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.
- k. Residential Zone PDC 6 states development should not be undertaken unless it is consistent with the desired character for the zone.
- l. Policy Area 11 Objective 2 seeks development that minimises the potential impact of garaging of vehicles on the character of the area.
- m. Policy Area 11 Objective 3 seeks development that supports the viability of community services and infrastructure and reflects good residential design principles.
- n. Policy Area 11 Objective 3 seeks development that contributes to the desired character of the policy area.
- o. Policy Area 11 PDC 3 states development should not be undertaken unless it is consistent with the desired character for the policy area.
- p. Policy Area 11 PDC 8 states access to parking and garaging areas from public streets should primarily be via a minimum number of common driveways.

- q. Policy Area 11 PDC 11 stipulates for development that involves common driveways, parking and manoeuvring areas landscaping should be provided around the periphery to soften the edge of these spaces, create a favourable outlook for dwellings within the development and assist in creating a favourable microclimate.

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Report Authorisers

Blake O'Neil Planning Officer	8397 7331
Nathan Grainger Manager City Development	8397 7200
Carol Neil Director Community & Cultural Development	8397 7341

REPORT NO: CAP.21014589/2022  
 RECORD NO: D22/16195  
 TO: COUNCIL ASSESSMENT PANEL MEETING - 15 MARCH 2022  
 FROM: Rhiya Singh  
 Planning Officer  
 SUBJECT: VERANDAH ENCLOSURE AT 17 TOMATIN COURT GREENWITH

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SUMMARY

DEVELOPMENT NO.	21014589
APPLICANT	Mr. Damien White
ADDRESS	17 Tomatin Court, GREENWITH SA 5125
NATURE OF DEVELOPMENT	Enclosure of existing verandah and decking (retrospective)
ZONING INFORMATION	<p>Zones:</p> <ul style="list-style-type: none"> <li>• General Neighbourhood Zone</li> </ul> <p>Overlays:</p> <ul style="list-style-type: none"> <li>• Defence Aviation Area Overlay</li> <li>• Hazards (Flooding – Evidence Required)</li> <li>• Clearance from Overhead Powerlines</li> <li>• Design in Urban Areas</li> <li>• Infrastructure and Renewable Energy Facilities</li> <li>• Interface between Land Uses</li> <li>• Transport, Access and Parking</li> </ul>
LODGEMENT DATE	21 December 2021
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	2021.17
CODE RULES APPLICABLE AT ASSESSMENT START	<a href="#">Planning and Design Code Rules at Assessment Start - 21014589 - 17 Tomatin Court, Greenwith - 15 March 2022</a>
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
NOTIFICATION	Yes – Notification Period 25 November 2021 to 15 December 2021

NUMBER OF PROPERTIES NOTIFIED	29
REPRESENTATIONS RECEIVED	2
REPRESENTATIONS TO BE HEARD	Nil
RECOMMENDING OFFICER:	Rhiya Singh
REFERRALS STATUTORY	Nil
REFERRALS NON-STATUTORY:	Nil
RECOMMENDATION	Grant Planning Consent

## 1. DETAILED DESCRIPTION OF PROPOSAL

The proposal includes the enclosure of an existing verandah and decking. The proposal is to partially enclose the eastern side of the existing verandah and completely enclose the northern side of the existing verandah.

The existing verandah was approved to be constructed on the eastern side boundary and the northern rear boundary for a length of 13.5m and 7.2m respectively. The eastern side boundary enclosure is 1.9m high and the northern rear enclosure is 2.6m high.

The materials used for the enclosure are treated timber with texture coated blueboard sheeting to match the existing verandah. Whilst works have already occurred, should the development receive approval the applicant will undertake further painting to match the existing verandah.

## 2. SUBJECT LAND & LOCALITY

### 2.1 Site Description:

Location reference: 17 TOMATIN CT GREENWITH SA 5125

Title ref.: CT 5313/551 Plan Parcel: D29414 AL23 Council: CITY OF TEA TREE GULLY

The subject site is located entirely within the General Neighbourhood Zone, located at the end of a cul-de-sac. The site is irregular in shape and has direct frontage to Tomatin Court. The existing dwelling is setback minimum 5.2m from the primary street boundary. The western side boundary forms a secondary frontage to Golden Grove Road.

The subject site has a total land area of approximately 749m<sup>2</sup>. The total length of western side boundary is 37m and the eastern side boundary is 28m. The allotment currently accommodates a single storey detached dwelling, verandah and a garden shed. The dwelling was constructed in 1990s.

The existing verandah was granted a Development Approval under the Development Act in January 2021 as part of DA 070/120642/2020. A planning condition was applied to the planning consent stating that the verandah shall not be enclosed on any side with any solid material except where included as a part of the development application.

The site is relatively flat with a fall towards the southern boundary. There are no regulated or significant trees located on the site or overhanging the site from adjoining land.

2.2 Locality:

The locality predominantly consists of large allotments with single storey dwellings and generous backyard space with a few redeveloped sites noted in the locality. The locality is typically lined with street trees.

Residential properties in the locality generally have established front yard landscaping, with the majority reasonably well maintained.



Figure 1: Locality Map, with subject site highlighted in orange

## 3. CATEGORY OF DEVELOPMENT

Per element

Verandah – Performance Assessed

Decking – Performance Assessed

Overall application category

Code Assessed - Performance Assessed

Reason

Planning and Design Code

## 4. PUBLIC NOTIFICATION

Reason

Section 3 of Table 5 lists development that is excluded from notification except where the development:

*involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and*

*a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment)*

*or*

*b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).*

The length of the proposed enclosure on the eastern side boundary is approximately 13.5m, thereby not falling within a class that is excluded from notification.

## LIST OF REPRESENTATIONS

Name	Address	Position	Wishes to be Heard
Elizabeth Carter	13 Glenlivet Court GREENWITH SA 5125	Supports the development with some concerns	No
James Briggs	18 Tomatin Court GREENWITH SA 5125	Supports the development	No

## Summary

Notification consisted of direct contact with 29 owners or occupiers of adjacent land and a sign detailing the proposal placed on the subject site for the duration of the notification period.

Two representations were received, one supporting the development with some concerns, and the other one supporting the development. Neither of the representors have elected to be heard by the panel.

The first representor is the owner of 13 Glenlivet Court, Greenwith, and has concerns regarding the metal sheeting attached to the enclosure of the verandah being located on the rear boundary, and that this will lead to stormwater entering their land. The representor also has safety concerns regarding the electrical elements exposed to the elements and touching the metal rear boundary fence. Lastly, the representor is concerned with the aesthetic of the enclosure as viewed from their allotment.

The second representor supports the enclosure of the verandah along the side boundary located on the common boundary between the **representor's allotment and the subject site**. Both the representations were forwarded to the applicant to respond. The applicant has responded to the concerns of representor, highlighting:

- The enclosure is located 150mm off the northern rear boundary shared with 13 Glenlivet Court
- The enclosure is being built to limit the noise concerns
- The blueboard material used to enclose the verandah will be painted once the relevant approvals have been granted

A copy of the representations can be found in **Attachment 6, and the applicant's response to the representations can be found within Attachment 7.**

With specific regard to the representor at 13 Glenlivet Court, the concerns are noted however the majority of concerns relate to matters outside the scope of the Planning and Design Code. The stormwater drainage and safety concerns would be assessed as part of the building consent and would be a matter of compliance. Regarding the aesthetics, the Code does not nominate appropriate materials and finishes for development involving verandah enclosures.

## 5. AGENCY REFERRALS

Nil

## 6. INTERNAL REFERRALS

Nil

## 7. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning and Design Code, which are contained in **Section 9 of this report, and are available on Council's website** as a supplementary document.

### 7.1 Site Coverage

Proposal is for enclosure of existing verandah and decking. The total site coverage as a result of this development remains consistent with the existing coverage at 55.19%. The site coverage remains compliant with the General Neighbourhood Zone Desired Outcome (DO) 1 and Performance Outcome (PO) 3.1.

### 7.2 Building Height and Appearance

General Neighbourhood Zone PO 11.1, Designated Performance Feature (DPF) 11.1 (e) states that ancillary buildings:

*if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), do not exceed a length of 11.5m unless:*

- (i) A longer wall or structure exceeds on the adjacent site and is situated on the same allotment boundary and*
- (ii) The proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent.*

The proposed enclosure on the eastern side boundary is 1.89m high and is to be constructed on the side boundary for a length of 13.5m. The 2m increase in length is deemed minor as the enclosure is only 0.09m higher than the current 1.8m high fence.

The proposed enclosure is located 150mm off the northern rear boundary and is 7.2m in length and 2.4m high. The rear enclosure is less than 11.5m and located off the rear boundary, therefore consistent with the above provision.

Zone PO 11.1, DPF 11.1 (h) states that the ancillary developments have a wall height (or post height) not exceeding 3m.

The proposed enclosure wall on the eastern side boundary is 1.89m high and the enclosure wall on the northern rear boundary is 2.4m high. The height of the wall enclosure is consistent with this maximum height allowance.

Zone PO 11.1 DPF 11.1 (j) states that the ancillary developments, if clad in sheet metal, should be pre-colour treated or painted in a non-reflective colour.

The proposed enclosure walls on the side and rear boundaries are constructed using treated timber with texture coated blue board to match the existing verandah. The material of the enclosure walls is complying with the above DPF.



#### 7.4 Overlooking

Design PO 10.2 states that development mitigates direct overlooking from balconies, terraces, and decks to habitable rooms and private open space of adjoining residential uses.

The proposed deck has a floor level that is maximum 0.2m high above existing ground level. This ensures that existing 1.8m high fencing will still provide the minimum 1.5m screening from finished floor level.

Further, the enclosure walls along the eastern side boundary and northern rear boundary obscure views into any overlooking into the private open space of adjoining residential uses.

The proposed deck and enclosed verandah area achieve the above DPF by avoiding any overlooking impacts.

#### 8. CONCLUSION

The proposal is for the partial enclosure of an existing verandah and associated decking, all of which are envisaged within the General Neighbourhood Zone.

The verandah has already been granted development approval and has been constructed. The partial enclosure of the verandah does not have any negative impacts on the adjoining dwelling. Whilst the proposed development exhibits some variance with the performance criteria under the Planning and Design Code in terms of length of boundary walls, the development has been assessed as not having a detrimental impact on the locality or the zone.

Having regard to the relevant assessment criteria, the proposal on balance satisfies the Planning and Design Code sufficiently to recommend Planning Consent subject to conditions.

#### 9. PLANNING AND DESIGN CODE POLICIES

##### 9.1 Verandah enclosure

General Neighbourhood Zone  
DO 1, PO 3.1, PO 11.1 PO 11.2

##### 9.2 Deck

Design  
10.2

## 10. RECOMMENDATION

That pursuant to the authority delegated to the Council Assessment Panel:

- A. 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
- B. Development Application Number 21014589, by Mr. Damien White, is granted Planning Consent subject to the following conditions and advisory notes:

## CONDITIONS

Condition 1

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in the application herein approved, except where varied by any condition(s) listed below.

Condition 2

The materials used on the external surfaces of the building and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times. All external paintwork must be completed within 2 months of the date of development approval.  
*Reason: To preserve and enhance the amenity of the site and locality.*

Condition 3

The verandah shall not be enclosed on any side with any solid material except where included as part of the current application.  
*Reason: To preserve and enhance the amenity of the site and locality.*

## PLANNING CONSENT NOTES

Advisory Note 1

This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.

Advisory Note 2

The cost of rectifying any damage or conflict with any existing services or infrastructure arising out of this development will be borne by the applicant.

Advisory Note 3

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.




Advisory Note 4

This application involves development located on the boundary or within close proximity to the boundary of the allotment. To ensure that the proposed development is constructed within the allotment, it is recommended that a site survey be undertaken to confirm the location of the relevant boundaries.

Advisory Note 5

You are advised that under the *Fences Act 1975* you are legally required to give notice for the removal of a fence on the common boundary. Please refer to the *Fences Act 1975* for the correct procedural requirements. Further information can be obtained from the Legal Services Commission at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

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## Report Authorisers

Rhiya Singh Planning Officer	8397 7244
Nathan Grainger Manager City Development	8397 7200
Carol Neil Director Community & Cultural Development	8397 7341

RECORD NO: D22/15705

TO: COUNCIL ASSESSMENT PANEL MEETING - 15 MARCH 2022

FROM: Nathan Grainger  
Manager City Development

SUBJECT: LIMITED AMENDMENT TO INSTRUMENT OF DELEGATION ASSESSMENT  
MANAGER

---

## SUMMARY

It is the recommendation of the Assessment Manager that CAP Report 22005742 be received, and considered by the Council Assessment Panel and a determination made as a delegate of the Assessment Manager pursuant to Section 100 of the Planning, Development and Infrastructure Act 2016.

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### 1. PURPOSE

The Council Assessment Panel (CAP) endorsed the original set of delegations under the **Planning, Development and Infrastructure Act 2016 ('the Act')** at its **16 February 2021 meeting**. These delegations reflect the scope of the CAP as a relevant authority under the Act, and includes sub-delegation of certain matters to the Assessment Manager.

The Act in itself does not anticipate delegation from the Assessment Manager to the CAP, so further instruments of delegation are necessary where, in special circumstances, the Assessment Manager has determined that the matter needs to be considered by the CAP.

It is recommended that the CAP accept the delegation pursuant to Section 100 of the Act in making a determination development application 22005742 for the construction of a carport and attached verandah within the driveway area of 22A Gordini Crescent, Holden Hill.

Ordinarily, this application is to be assessed with the Assessment Manager as the relevant authority, however the Panel is requested to accept the delegation for the application as it is considered to be of political interest. In particular:

- The applicant is seeking consideration of her personal circumstances to provide her with dignified, all-weather access to her vehicle.
- The applicant has approached the Premier, Planning Minister, local members of parliament and Council elected members seeking support for her personal situation and need for a carport within her driveway area

It is considered prudent for the matter to be assessed by the CAP as an assessor independent of the Council.

## 2. RECOMMENDATION

A. In exercise of the power contained in section 100 of the Planning, Development and Infrastructure Act 2016 (PDI Act) the following powers and functions under the PDI Act and statutory instruments made thereunder are hereby delegated this 15th day of March 2022 to the City of Tea Tree Gully Assessment Panel (Council Assessment Panel) subject to the conditions and/or limitations, if any, specified below—

(1) The power pursuant to section 102(1)(a) of the PDI Act to grant or refuse planning consent, including the associated powers to reserve matters and/or impose conditions.

B. The exercise of the powers and functions delegated in paragraph 'A' is to be limited to the assessment of Development Application 22005742 for the construction of a carport and attached verandah within the driveway area of 22A Gordini Crescent, Holden Hill.

## Attachments

N/A

## Report Authorisers

Nathan Grainger  
Manager City Development 8397 7200

Carol Neil  
Director Community & Cultural Development 8397 7341

REPORT NO: CAP.22005742/2022  
 RECORD NO: D22/15678  
 TO: COUNCIL ASSESSMENT PANEL MEETING - 15 MARCH 2022  
 FROM: Chelsea Tully  
 Team Leader Planning  
 SUBJECT: CARPORT AT 22A GORDINI CRESCENT, HOLDEN HILL

## SUMMARY

DEVELOPMENT NO.	22005742
APPLICANT	Ms Heather Turnbridge
ADDRESS	22A Gordini Crescent, Holden Hill
NATURE OF DEVELOPMENT	Carport and Verandah
ZONING INFORMATION	<p>Zones:</p> <ul style="list-style-type: none"> <li>• General Neighbourhood</li> </ul> <p>Overlays:</p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Hazards (Flooding - Evidence Required)</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>
LODGEMENT DATE	23 February 2022
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	2022.3 (17 February 2022)
CODE RULES APPLICABLE AT ASSESSMENT START	<a href="#">Planning and Design Code Rules at Assessment Start - 22005742 - 22A Gordini Crescent, Holden Hill - 15 March 2022</a>
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
NOTIFICATION	No
RECOMMENDING OFFICER:	Chelsea Tully

REFERRALS STATUTORY	N/A
REFERRALS NON-STATUTORY:	N/A
RECOMMENDATION	Grant Planning Consent

## 1. DETAILED DESCRIPTION OF PROPOSAL

This application seeks consent for the construction of a carport and attached verandah within the driveway area of 22A Gordini Crescent, Holden Hill.

The combined structure is required to enable all-weather access for the applicant (and occupant of the dwelling) to access their vehicle. The structures have been designed to cater **for the applicant's accessibility requirements, being in a wheelchair and requiring a large** vehicle that allows her the ability to drive independently.

The carport proposed is 4.4m long x 3.7m wide, and the attached verandah is approximately 1.8m long x 1.4m wide. Both structures have a post height of 2.5m and will be located 2m from the front boundary at the closest point. The total roof area proposed is approximately 20m<sup>2</sup>.

The carport and verandah are steel-framed and propose a Colorbond roof to match the colour of the existing dwelling.

## 2. BACKGROUND

As per the previous CAP agenda item, this application is being presented to the Panel with a request for a one-off delegation to nominate the Panel as the relevant authority.

Ordinarily, this application is to be assessed with the Assessment Manager as the relevant authority, however the Panel is requested to accept the delegation for the application as it is considered to be of political interest. In particular:

- The applicant is seeking consideration of her personal circumstances to provide her with dignified, all-weather access to her vehicle
- The applicant has approached the Premier, Planning Minister, local members of parliament and Council elected members seeking support for her situation and need for a carport within her driveway area

The application is presented to the panel for a decision pursuant to Section 102(1)(a) of the PDI Act to grant or refuse planning consent, including the associated powers to reserve matters and/or impose conditions.

The exercise of the powers and functions delegated is to be limited to assessment of Development Application 22005742 for the construction of a carport and verandah at 22A Gordini Cres, Holden Hill.

Alternative design options were discussed with the applicant however the proposed carport and verandah have been designed to accommodate the minimum amount of coverage required to enable side access in and out of the vehicle.

### 3. SUBJECT LAND & LOCALITY

#### 3.1 Site Description:

Location reference: 22A GORDINI CR HOLDEN HILL SA 5088

Title Reference:	Plan Parcel:	Council:
CT 5506/329	D49369 AL4	CITY OF TEA TREE GULLY

The subject site is known as 22A Gordini Crescent, Holden Hill and is located within the General Neighbourhood Zone. There are no subzones applicable to this site.

The subject land is regular in shape, with a total site area of approx. 440m<sup>2</sup> and a frontage of approx. 12m to Gordini Crescent.

The site currently contains a single storey detached dwelling with ancillary verandah and shed structures located within the rear yard of the allotment. The existing dwelling was constructed in 1999 and purpose built to accommodate an occupant who is wheelchair bound.

The land is relatively flat and there are no regulated trees on the land or on adjoining properties. The front yard is well landscaped with a range of shrubs and small to medium sized trees.

The site is connected to mains sewer and there are no easements on the land.

#### 3.2 Locality



Figure 1 Locality Plan (subject site highlighted in blue, locality marked in red)



The locality consists of low-rise residential allotments, including a range in allotment sizes from 360m<sup>2</sup> to 770m<sup>2</sup>. Built form is predominantly in the form of single storey detached dwellings with associated outbuildings.

All land within the immediate and wider localities are located within the General Neighbourhood Zone. Bentley Reserve is a large area of public open space and is located approximately 70m from the subject site.

There is a moderate level of landscaping within the locality, however this is in the form of low scale private garden plantings as there are very few regulated or large mature trees within the area, with the exception of trees in the nearby reserve.

There are some examples of built form located forward of the building line within the locality, including both permanent and temporary structures.

#### 4. CATEGORY OF DEVELOPMENT

Per element

Carport – Performance Assessed

Verandah – Performance Assessed

Overall application category

Code Assessed - Performance Assessed

Reason

Planning and Design Code

#### 5. PUBLIC NOTIFICATION

Reason

Table 5 in the General Neighbourhood Zone determines public notification requirements for all performance assessed applications under the Code.

Carport and verandah are both listed as exempt from requiring notification, in accordance with clause 5(d) and 5(t), respectively.

The application in its entirety was therefore assessed as not requiring notification.

#### 6. AGENCY REFERRALS

N/A

## 7. INTERNAL REFERRALS

N/A

## 8. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained within Section 10 of this report, and are available on Council's website as a supplementary document.

## 8.1 Quantitative Provisions

Table 1 General Neighbourhood Zone – Quantitative Provisions (DPF criteria)

DPF	Provision	Requirement	Provided	Complies
3.1	Site coverage	60% maximum	50%	✓
11.1(b)	Floor area	60m <sup>2</sup> maximum	20m <sup>2</sup>	✓
11.1(d)(i)	Front setback	5.5m minimum	2m	✗
11.1(d)(ii)	Opening width	7m width, or 50% maximum	3.7m, 31%	✓
11.1(h)	Post height	3m maximum	2.5m	✓
11.1(i)	Roof height	5m maximum	3.2m	✓
11.1(k)	Soft landscaping	20% minimum (88m <sup>2</sup> )	140m <sup>2</sup>	✓
11.2(a)	Private open space	60m <sup>2</sup> minimum	160m <sup>2</sup>	✓
11.2(b)	Car parking	2 spaces per dwelling, minimum (one of which is covered)	2 covered spaces	✓

## 8.2 Building Height, Design and Appearance

General Neighbourhood Zone Desired Outcome (DO) 1 seeks development in the form of low-rise housing that supports a range of needs and lifestyles.

Design in Urban Areas DO 1 calls for development that is contextual and inclusive. Specifically, development be carefully designed to respond to the built environment and positively contribute to the character of the locality whilst designing for equitable access to help optimise safety for occupants and visitors.

Further, Zone Performance Outcome 11.1 states that residential ancillary buildings are sited and designed to not detract from the streetscape or appearance of primary residential buildings.

This application seeks consent for a carport and verandah structure which has been designed to meet the needs of an occupant of a purpose-built dwelling. The development has been designed to cater for the minimum need requirements so as to limit visual impact as much as possible, and in conjunction with the design of the existing dwelling.

The associated Designated Performance Feature (DPF) of PO 11.1 is referenced in Table 1 of this report to illustrate the quantitative requirements for this development. This table demonstrates that the carport and verandah have been designed to meet the built form design requirements.

The carport and verandah are to be constructed using pre-coloured materials that will match the existing dwelling. Whilst the Code only refers to the use of pre-coloured materials in Zone PO 11.1 / DPF 11.1(j) for the purpose of being non-reflected, it is recognised that the intention to match the existing dwelling is appropriate from a streetscape perspective as it ensures the development is compatible with the existing built form on site.

The proposed use of pre-coloured materials is also appropriate having regard to the appearance and style of existing ancillary development within the locality. The built form height and overall size of the combined structure is also consistent with the scale of carports and verandahs in the locality.

Looking at the above DOs and PO, it is considered that the design is appropriate having regard to the design of the existing dwelling and the scale of development within the locality.

### 8.3 Setbacks

As noted in Table 1 above, the carport is subject to a minimum front setback requirement of 5.5m and there is a notable shortfall being setback only approx. 2m from the front boundary.

Further it is noted that there are only a couple of examples of ancillary structures located close to the front boundary in the immediate locality, one being a temporary structure.

Notwithstanding the above observation, it is considered that the streetscape character within this locality is not strong, with a mixture of varying setbacks, solid fences and landscaping in conjunction with the change in patterns and built form designs experienced with infill development in an established area.

The existing landscaping is also considered to provide an effective screen to reduce the visual dominance of the proposed structures.

On balance, while the proposed 2m front setback is not ideal it is not considered to have a detrimental impact on the amenity of the streetscape as a result of these open structures screened by established landscaping.

#### 8.4 Traffic Impact, Access and Parking

The carport and attached verandah are located within the existing driveway area in front of the carport which forms part of the main roof. As such, no changes are required to the driveway or crossover design to accommodate the new structures, and ensures that the development is consistent with Design in Urban Areas PO 23.4 which seeks safe and convenient vehicle access.

As referred to in Table 1 above, any proposal for a carport or verandah needs to be designed to ensure sufficient on-site car parking is provided in accordance with Zone PO 11.2. This PO is in reference to Transport, Access and Parking Table 1, which requires a detached dwelling with two or more bedrooms to have two parking spaces per dwelling, one of which is to be covered.

This application does not alter the existing under main roof carport arrangement but instead looks to cover the existing open visitor parking space. Given the carport is an open structure, it will not prevent access at any time to this space or to the existing under main roof carport, thus retaining the existing two parking spaces.

On-site car parking is therefore not impacted by the proposed open carport, and as such the development is considered to be consistent with Zone PO 11.2.

#### 9. CONCLUSION

This application is being presented to the Panel as the applicant is seeking special consideration of her circumstances to allow dignified and all-weather safe access in and out of her vehicle. She has also received some assistance from Council staff in undertaking an accessibility assessment.

Notwithstanding this request and the difficulties associated with structures located forward of the building line, it is also considered that the proposal in its location and surroundings will not have a detrimental impact on the amenity of the streetscape. On balance, the proposed development is consistent with the overall intent of the Code, and therefore warrants Planning Consent.

#### 10. PLANNING AND DESIGN CODE POLICIES

##### 10.1 Carport

General Neighbourhood Zone

DO 1, PO 3.1, PO 11.1, PO 11.2

Design in Urban Areas

DO 1, PO 23.4

10.2 Verandah

General Neighbourhood Zone

DO 1, PO 3.1, PO 11.1, PO 11.2

Design in Urban Areas

DO 1

## 11. RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- A. 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
- B. Development Application Number 22005742, by Ms. Heather Turnbridge is granted Planning Consent subject to the following reasons/conditions/reserved matters:

## CONDITIONS

Condition 1

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in the application herein approved, except where varied by any condition(s) listed below.

Condition 2

The materials used on the external surfaces of the building and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times. All external paintwork must be completed within 2 months of the construction of the carport and verandah.

*Reason: To preserve and enhance the amenity of the site and locality.*

Condition 3

The carport and verandah must not be enclosed on any side with any solid material except where included as part of the current application.

*Reason: To preserve and enhance the amenity of the site and locality.*

## ADVISORY NOTES

GENERAL NOTES

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.

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.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
  - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
  - b. if an appeal is commenced—
    - i. until the appeal is dismissed, struck out or withdrawn; or
    - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

### PLANNING CONSENT NOTES

#### Advisory Note 1

This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.

#### Advisory Note 2

The cost of rectifying any damage or conflict with any existing services or infrastructure arising out of this development will be borne by the applicant.

#### Advisory Note 3

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.










#### Advisory Note 4

This application involves development located on the boundary or within close proximity to the boundary of the allotment. To ensure that the proposed development is constructed within the allotment, it is recommended that a site survey be undertaken to confirm the location of the relevant boundaries.

#### Advisory Note 5

You are advised that under the *Fences Act 1975* you are legally required to give notice for the removal of a fence on the common boundary. Please refer to the *Fences Act 1975* for the correct procedural requirements. Further information can be obtained from the Legal Services Commission at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

Attachments

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Report Authorisers

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Nathan Grainger Manager City Development	8397 7200
Carol Neil Director Community & Cultural Development	8397 7341