

DEVELOPMENT NO.:	22004111
APPLICANT:	MICHAEL PEACE
ADDRESS:	19 FARRELL ST GLENELG SOUTH SA 5045
NATURE OF DEVELOPMENT:	The construction of a verandah, swimming pool and 2.7m high modular fence located on the eastern side boundary.
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Urban Tree Canopy • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Historic Area • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) • Minimum Site Area • Maximum Building Height (Levels)
LODGEMENT DATE:	15 Feb 2022
RELEVANT AUTHORITY:	Assessment Panel City of Holdfast Bay
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning,

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APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 2:	Representation
ATTACHMENT 1:	Application Documents		

DETAILED DESCRIPTION OF PROPOSAL:

The proposal comprises the construction of a verandah, swimming pool and boundary fence along the eastern boundary. The fence, which is 2.7 metres high over a length of 29 metres, was the element of the proposal that was subject to public notification (structure on boundary with length exceeding 8 metres).

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 19 FARRELL ST GLENELG SOUTH SA 5045

Title ref.: CT 5648/339 **Plan Parcel:** F7595 AL56 **Council:** CITY OF HOLDFAST BAY

The subject site contains a Representative building on a corner allotment. The site contains a single storey detached dwelling with minor domestic structures such as verandahs and garaging.

Locality

The subject locality is within an established neighbourhood, containing several representative buildings and a predominance of detached dwellings, with some examples of 1960s residential flat buildings.



CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:** Fences and walls
 Swimming pool, spa pool or associated
 safety features: Code Assessed - Performance Assessed
 Verandah: Code Assessed - Performance Assessed
 Fence: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 Code Assessed - Performance Assessed
- **REASON**
 P&D Code

PUBLIC NOTIFICATION

- **REASON**
 The length of the fence located on the boundary exceeds 8m

LIST OF REPRESENTATIONS

One representation was received from the eastern adjacent neighbour, Rebecca Winter of 17 Farrell Street, Glenelg South. The nature of the representation relates mostly to the Fences Act, whereby a civil agreement between neighbours must be formed, irrespective of the outcome of the Council development application. The main concern raised is the length of the 2.7 metre high fence is considered to be excessive and will cause impacts relating to solar access to habitable room windows.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Verandah

The proposed verandah is attached to the rear of the dwelling and located on the eastern side boundary over a length of 3.1 metres and a height of 2.7 metres. It has a floor area of 36 square metres and contributes to a total site coverage of 52 percent of the site area, which is below the maximum of 60 percent.

Swimming Pool

The swimming pool is located in the south-eastern corner of the rear yard and more than 1 metre from side and rear boundaries. The pool pump is located 2 metres from the eastern side boundary and a condition of planning consent is included to ensure the decibel level does not exceed 45 when measured at the property boundary.

Fence

The fence is 2.7 metres in height and located along the eastern side boundary over a length of 17 metres, when measured from the rear boundary, and then drops in height to 1.8 metres for the remaining length of 12 metres.

The plans that were placed on public notification depicted a 2.7 metre high fence along 27 metres of the side boundary. The Applicant has adjusted the fencing height to align with an agreement formed between the neighbours, and highlighted in the representation whereby 2.7 metres has been agreed to, but not the entire length of 27 metres. The elevation plan (Attachment 1.3) demonstrates 2.7 metre high fencing along the first 17 metres,

which finishes at the rear wall of the neighbours dwelling. The 1.8 metre high fencing is adjacent to the side elevation of the neighbouring dwelling, as highlighted in the aerial photo under subheading 'Locality'.

Irrespective of a neighbours agreement, from a planning perspective, a 2.7 metre high side boundary fence over a length of 17 metres, is considered reasonable, particularly as this section of the site previously contained vegetation, which would project a similar level of overshadowing. Notwithstanding, vegetation offers a greater level of visual amenity, the removal of vegetation has already occurred, and not subject to Council's control. The proposed fence height is consistent with the height of existing rear boundary fencing (as seen in the photo below), and therefore not uncharacteristic of the existing built form. Further, the property owners are in agreement with the proposed height and have the opportunity to plant against it if desired.



Visually, a 2.7 metre high fence over a length of 17 metres is not much different in terms of visual amenity when compared to a 3 metre high wall over 11.5 metres for a domestic outbuilding, alongside 1.8 metre high fencing.

CONCLUSION

The proposed development is considered to have sufficient merit to warrant planning consent. The fencing height of 2.7 metres is greater in height than typically anticipated, however it is located in the rear yard, in between a pair of swimming pools and therefore offers visual privacy as well as additional noise attenuation between neighbouring yards. As per the diagram below, on balance, when comparing the visual mass of the fence with an outbuilding which could be constructed against the Design Code, there is little additional visual impact.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 22004111, by Michael Peace is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS**Planning Consent**

1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. That the associated filter pump must be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.

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. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
5. 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).

OFFICER MAKING RECOMMENDATION**Name:** Dean Spasic**Title:** Development Officer - Planning,**Date:** 03/05/2022