

DEVELOPMENT NO.:	22040467
APPLICANT:	Scott Salisbury Homes
ADDRESS:	231 ESPLANADE SEACLIFF SA 5049
NATURE OF DEVELOPMENT:	Two 3-level semi-detached dwellings with walls located on the northern and southern side boundaries and associated retaining walls and fencing
ZONING INFORMATION:	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Waterfront Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Coastal Flooding</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Finished Ground and Floor Levels (Minimum finished ground level is 3m AHD; Minimum finished floor level is 3.25m AHD)</li> <li>• Maximum Building Height (Metres) (Maximum building height is 12m)</li> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 5m; semi-detached dwelling is 5m; row dwelling is 5m; group dwelling is 5m; residential flat building is 5m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 300 sqm; semi-detached dwelling is 250 sqm; row dwelling is 200 sqm; group dwelling is 200 sqm; residential flat building is 200 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 3 levels)</li> </ul>
LODGEMENT DATE:	23 Jan 2023
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2023.1
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

**CONTENTS:**

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

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**DETAILED DESCRIPTION OF PROPOSAL:**

The application seeks the construction of two 3-level semi-detached dwellings with walls located on the northern and southern side boundaries. The dwellings contain identical floor plans albeit with mirrored floor plans. The undercroft garaging comprise of parking bays, a store area stairs and a lift. The ground floor of the dwelling is comprised of open living areas, a bedroom with ensuite, a separate water closet, a terrace and a front balcony. The upper floor contains 3 bedrooms with two ensuites and a separate lounge area.

Access into the site will be via two crossovers from the Esplanade. Landscaping is proposed on the site with the majority at the rear of the property and also some plantings to the front of each dwelling. The facades of the dwellings are architecturally designed and contain articulated facades with a variety of colours and finishes typically found on the Esplanade. All upper-level windows from the ensuites and beyond to the rear of the dwelling contain obscured glazing where sill heights are below 1.5m from the finished floor level. Fencing and retaining walls are located on the side and rear boundaries with combined heights up to 3m.

**BACKGROUND:**

A land division application has been lodged for the subject site (Application ID 23009207) which seeks to formally create the allotments that are proposed in this land use application. The application was granted development approval as the allotments were considered to satisfy the Planning and Design Code.

**SUBJECT LAND & LOCALITY:****Site Description:****Location reference:** 231 ESPLANADE SEACLIFF SA 5049**Title ref.:** CT 5133/492    **Plan Parcel:** F1478 AL88    **Council:** CITY OF HOLDFAST BAY

The subject site contains a frontage of 15.32m and a depth varying from 39.42m and 40.08m resulting in a total site area of 578sqm. The site currently hosts a two-level dwelling that contains undercroft garaging and a single level above. The dwelling presents as single-storey despite containing two levels due to the semi-permeable front fencing and sunken floor level of the garage.



**Above:** Existing dwelling located on the site

The Waterfront Neighbourhood Zone covers a significant area fronting the Esplanade extending from Glenelg South through to Seacliff (and including parts of Kingston Park) and accommodates a variety of low to medium-density dwellings. The immediate locality is comprised solely of residential land uses up to three storeys in height. Adjoining the site to the north is a three-level dwelling, to the south a two level dwelling and the east a two level dwelling elevated on a sand dune that fronts Ozone Parade. The dwellings along the Esplanade contain a high amenity outlook to the western ocean.



**Above:** Subject site and the immediate locality

The metropolitan coastline of Adelaide is an important recreational resource for the community; both for residents who live on the Esplanade and those from the surrounding beach-side suburbs and beyond. The pleasant environment and recreational opportunities afforded by this coastal setting ensure the popularity of these locations for residential development. The zone will accommodate a greater number of residents over time to capitalise on the pleasant environment provided by the Holdfast Bay coastline while maintaining the recreation value and amenity of the location for the enjoyment of the wider community.

**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**
  - New housing
  - Semi-detached dwelling: Code Assessed - Performance Assessed
  - Fence: Code Assessed - Performance Assessed
  - Retaining Wall: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
  - Code Assessed - Performance Assessed
- **REASON**
  - P&D Code

## PUBLIC NOTIFICATION

- REASON**

The boundary wall heights fall within an exception listed in Table 5 of the Waterfront Neighbourhood Zone.

- LIST OF REPRESENTATIONS**

Nil

## AGENCY REFERRALS

Nil

## INTERNAL REFERRALS

Nil

## PLANNING ASSESSMENT

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

### Quantitative Provisions

	Proposed	DPF Requirement	Achieved
<b>Building Height</b>	Three levels Building Height 7m	3 levels Building Height 12m	Yes Yes
<b>Boundary Development</b>	9.2m length or 23% of the total boundary 3.1m height from footing	11.5m and 45%  3m height from footing	Yes  100mm Minor shortfall
<b>Front Setback</b>	5.2m to 8.4m. Given the angled nature of the frontage the shortest and longest measurement are taken.	Average of adjoining dwellings 230 – primary setback 6.6m 232 – primary setback 5.7m <u>Quantitative requirement = 6.15m</u>	Varies – See planning discussion
<b>Rear Setback</b>	3m and 7.6m – lower level 10m and 4.5m - upper level	3 metres at ground level 5 metres at upper level	Yes 500mm Minor shortfall at closest point to the rear boundary
<b>Side Setbacks</b>	Ground level northern wall 900mm  Ground level southern wall 900mm  Upper level northern wall 2.1m to 2.4m  Upper level southern wall 2.1 to 2.4m	Ground level wall 900mm  Ground level wall 900mm  Upper level northern wall 1.9m and 2.3m  Upper level southern wall 2.9m to 3.3m	Yes  Yes  Yes No
<b>Site Coverage</b>	63 percent	60%	3% Minor shortfall
<b>Private Open Space</b>	48sqm and 64sqm square metres	24 square metres	Yes
<b>Soft Landscaping</b>	11 percent of the site area	20 percent of the site area	No
<b>Front Yard Landscaping</b>	2 percent	30 percent	No
<b>Tree Planting</b>	6 small trees 3 medium trees 2 large trees	2 small trees or 1 medium tree	Yes

### Upper-Level Setbacks and Overshadowing

The southern upper-level side setbacks do not comply with the quantitative requirements of DPF 8.1. PO 8.1 is the performance outcome which is set to be achieved. See below:

#### *PO 8.1*

*Building walls are set back from side boundaries to provide:*

- a) separation between dwellings in a way that contributes to a suburban character and*
- b) access to natural light and ventilation for neighbours.*

The policy demands a greater setback for south-facing walls given the potential for increased overshadowing. The southern upper level of the dwelling is setback 2.1m to 2.4m where a setback of 3.3m is anticipated. This results in a shortfall of 1.2m. From a numerical perspective, this is a notable variance. The applicant provided overshadowing diagrams that show the impacts of the proposed setback provisions in the Code.

Interface between Land Uses assessment provisions relating to overshadowing are shown below:

#### *PO 3.1*

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

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

#### *DTS/DPF 3.1*

*North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.*

#### *PO 3.2*

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

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

#### *DTS/DPF 3.2*

*Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:*

- a. for ground level private open space, the smaller of the following:*
  - i. half the existing ground level open space*
  - or*
  - ii. 35m<sup>2</sup> of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)*
- b. for ground level communal open space, at least half of the existing ground level open space.*

The shadow analysis prepared by the applicant demonstrates that the north-facing windows to the adjoining property at 232 Esplanade will be subject to shadowing during the winter solstice. While the departure from the DPF is noted, the shortfall must be balanced with other key provisions of the Code relevant to this assessment.



The Desired Outcome for the Waterfront Neighbourhood Zone seeks the following:

*DO 1*

*A diverse range of housing which takes advantage of waterfront locations. Development enhances public access to waterfront areas. Dual aspect allotments incorporate designs to enhance the streetscape.*

This is also supported by Zone DPF 4.1 which anticipates

*DTS/DPF 4.1*

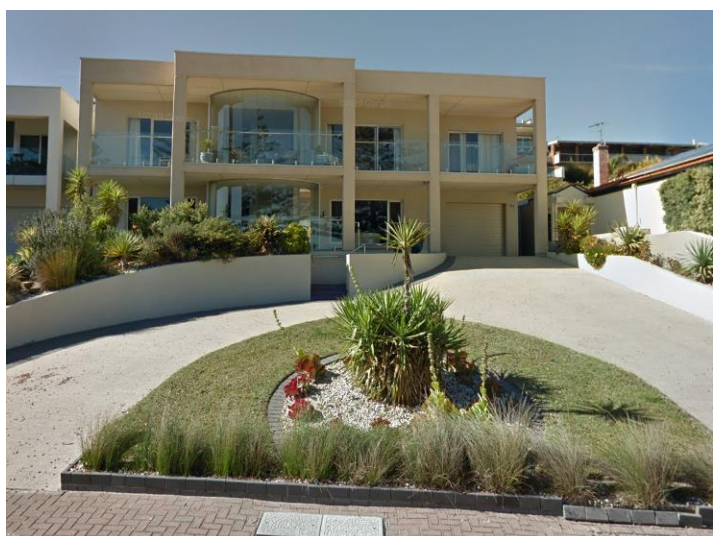
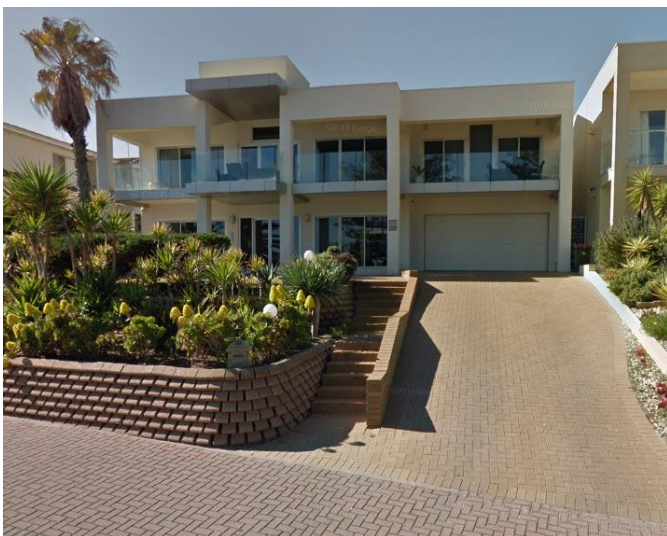
*Building height (excluding garages, carports and outbuildings) is no greater than:*

*a) the following:*

<i>Maximum Building Height (Metres)</i>
<i>Maximum building height is 12m</i>
<i>Maximum Building Height (Levels)</i>
<i>Maximum building height is 3 levels</i>

Interface between Land Uses PO 3.1 deals states that overshadowing it should be “minimised”, implying that no overshadowing is unreasonable to anticipate. This needs to be considered by referencing DPF 4.1 where 3 building levels 12 in height are anticipated. It is also worth noting that the Zone contains minimum frontage requirements of 5m for semi-detached dwellings. Therefore it is not pragmatic to approach the assessment anticipating the quantitative requirements for southern upper-level walls to be satisfied.

It is worth noting the numerous housing developments that have occurred along the Esplanade. There is uniformity where 3-storey dwellings on narrow sites less than 8 metres contain southern upper-level setbacks consistent with the proposal. Below are examples of two and three storey dwellings



**Above:** 223 and 224 Esplanade Seacliff



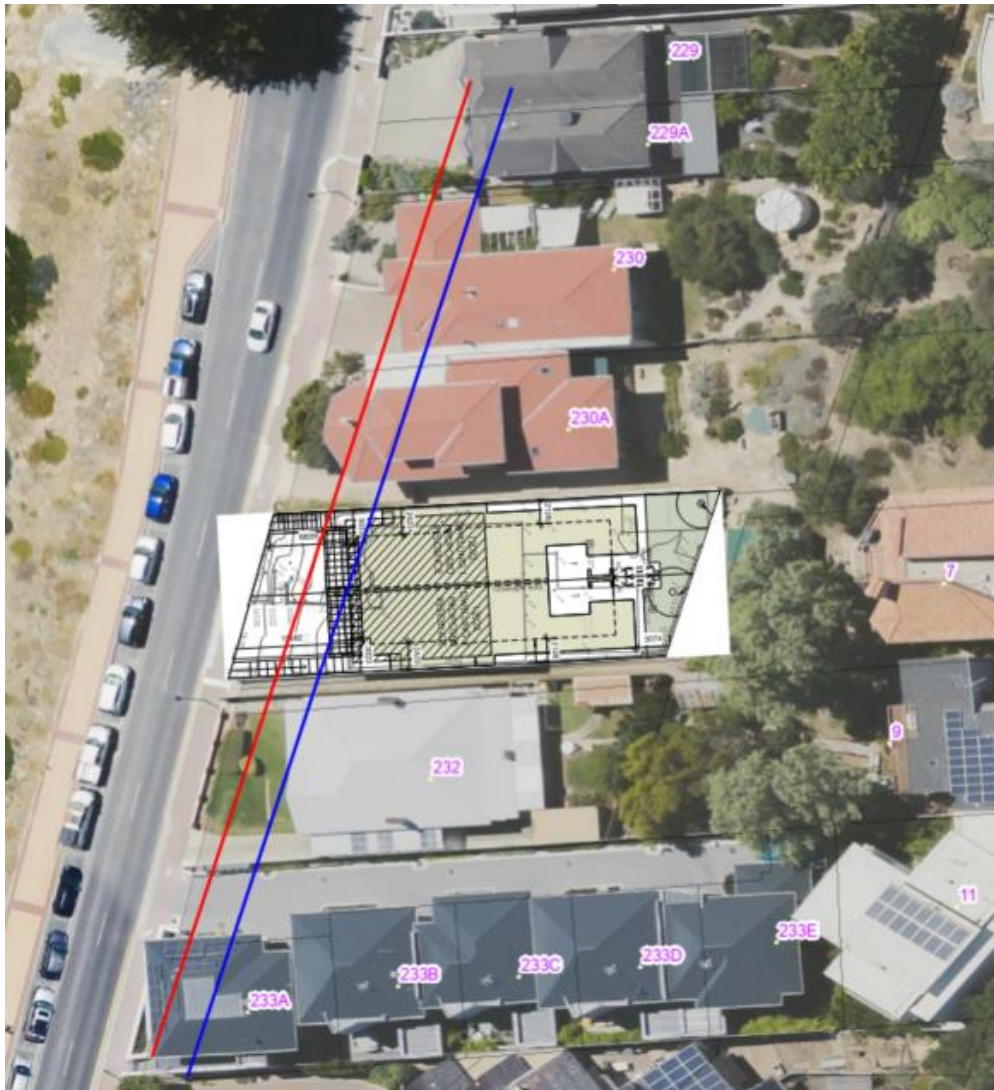
**Above:** 228 and 229 Esplanade Seacliff

In short, unavoidable overshadowing will arise from the dwellings. However, the dwellings must be assessed in context of the other key provisions of the code and also taking into consideration the existing consistent built form along the Esplanade. On this basis, the southern side upper-level setback is not considered to be unreasonable.

### Primary Setback

The aerial below shows the dwellings superimposed on the subject land. The line drawn in red shows how the closest part of the dwelling relates to the established setback pattern along the Esplanade and the line in blue is the part of the dwelling with the greatest setback. The primary setback of the dwelling varies numerically given the angled nature of the primary boundary.





The relevant Performance Outcome relating to primary setbacks is shown below:

*PO 5.1*

*Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape and the waterfront environment.*

The primary setbacks of the dwellings are considered to be reasonable in relation to the existing established setbacks to the north and south of the site. The dwellings are sited appropriately on the site sitting well between the adjoining dwellings to the north and south. It is noted that as infill development occurs, as do smaller allotment sizes, resulting in a trend of emerging primary setbacks being closer to primary boundaries in comparison to dwellings on original allotments. PO 5.1 is considered to be satisfied.

**Front Yard Landscaping**

The front yard contains a numerical shortfall with respect to soft landscaping. This is a common occurrence for dwellings that contain undercroft garaging along the Esplanade. This results in the majority of the dwelling front

being consumed by the driveway leaving minimal space for landscaping. The applicant was advised of the shortfall and a solution forward is to impose a reserved matter pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the landscaping shall be reserved for further assessment prior to the granting of Development Approval.

### Earthworks and Sloping Land

The site works plan shows the existing ground levels, finished ground level at the rear of the property and also the finished floor level of the dwellings. The site will be subject to fill up to 1.2m from the existing ground level. The relevant assessment provisions relating to earthworks is shown below:

#### *PO 8.1*

*Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.*

#### *DTS/DPF 8.1*

*Development does not involve any of the following:*

- a) excavation exceeding a vertical height of 1m*
- b) filling exceeding a vertical height of 1m*
- c) a total combined excavation and filling vertical height of 2m or more.*

The earthworks are not considered to be unreasonable for the site. It is noted that retaining walls and fencing will be constructed in order to accommodate the increased ground level. The combined heights of these structures will be 3m from natural ground level at their highest point. Impacts to the east and south are considered to be negligible as there is a walkway that provides separation between neighbouring properties. See photos below:



**Above:** Walkway to the south of the subject site



**Below:** Walkway returning to the rear (east) of the property



The relevant policy for fencing and retaining walls is Design in Urban Areas PO 9.1 shown below.

*PO 9.1*

*Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.*

The northern dwelling, 230A Esplanade Seacliff, will be subject to a 2.9m high fence and retaining wall structure that will run along its southern boundary. The wall will be located adjacent to the driveway of the neighbouring property which is not an area of high amenity. However, a portion of the rear private open space will be in ready view of the wall and fencing. Access to sunlight will remain unchanged given the orientation of the site. Considering the policy anticipates site fill up to 1m it is accepted that retaining walls and fencing of such a scale will be constructed in order to ensure stability of the land and visual privacy is maintained.

**CONCLUSION**

The application seeks to construct two dwellings that will assimilate well with the existing built form along the Esplanade. It is noted that components of the dwelling do not align with some assessment provisions of the Planning and Design Code. However, the impacts of the shortfalls are not considered to unreasonably impact the adjoining properties when considering the context of the large-scale buildings that anticipated by the Waterfront Neighbourhood Zone.

**RECOMMENDATION**

Planning consent

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 22040467, by Scott Salisbury Homes is granted Planning Consent subject to the following conditions and reserved matter:

Reserved Matters:

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

- That a landscape plan be submitted showing increased landscaping in the front yard for further assessment.

**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. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).
3. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
4. The stormwater disposal system shall cater for a 5 year rainfall event with discharge to the street not to exceed 10 litres per second. Any excess above this flow is to be detained on site.

5. That all upstairs windows, other than facing the street and the northern and southern side windows associated with bedrooms 2, shall have minimum window sill heights of 1.5 metres above finished floor level, or any glass below 1.5 metres shall be obscure and fixed shut and be installed prior to occupation of the dwelling.

**OFFICER MAKING RECOMMENDATION**

**Name:** Alexander Stamatopoulos

**Title:** Development Planner

**Date:** 05/05/2023