

DEVELOPMENT NO.:	21039153
APPLICANT:	BAYSIDE LIVING COURT PTY LTD
ADDRESS:	617 ANZAC HWY GLENELG NORTH SA 5045
NATURE OF DEVELOPMENT:	Construct a three storey residential flat building comprising 8 dwellings and 1 office with associated car parking
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Suburban Business Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Airport Building Heights (Regulated) • Building Near Airfields • Heritage Adjacency • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree
LODGEMENT DATE:	10 Dec 2021
RELEVANT AUTHORITY:	Assessment Panel – Holdfast Bay
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning
REFERRALS NON-STATUTORY:	Heritage Architect

CONTENTS:

APPENDIX 1: Relevant P&D Code Policies	ATTACHMENT 2: Andrew Stevens Heritage Report
ATTACHMENT 1: Proposed Plans and Documents	ATTACHMENT 3: Representations

Detailed Description of Proposal:

The proposal is for the construction of a three storey residential flat building containing ground level car parking and one office along with four dwellings at the first floor level and 4 dwellings at the second floor level.

The building is sited on the front and side boundaries, but setback from the rear boundary. The front façade has been designed with a high level of articulation, detailing, materials and colours, whilst achieving a suitable visual balance against adjoining Local Heritage Places.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 617 ANZAC HWY GLENELG NORTH SA 5045

Title ref.: CT 6006/560 **Plan Parcel:** F1437 AL40 **Council:** CITY OF HOLDFAST BAY

The subject site previously contained the Heritage listed Berkshire Court building, which was demolished in 2014 following an emergency order following a determination of the building presenting a threat to safety due to structural faults. The site has sat vacant since.

The site has a frontage of 19 metres and depth of 30 metres, resulting in a site area of 570 square metres.

Locality

The site is located on the northern side of Anzac Highway and adjacent to a pair of Local Heritage Place immediately to the west (619 and 621 Anzac Highway), and surrounded by other commercial properties to the East, West and South. North of the subject site is residential.



Locality Map



Existing view of site, which has remained vacant since 2014

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:** Office
 New housing
 Office: Code Assessed - Performance Assessed
 Residential flat building: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 Code Assessed - Performance Assessed
- **REASON**
 P&D Code

PUBLIC NOTIFICATION

- **REASON**
 Except development that exceeds the maximum building height specified in Suburban Business Zone DTS/DPF 3.1
- **LIST OF REPRESENTATIONS**

Jacqueline Nicolet of 1 Mary Street, Glenelg North, does not support the development for the following reasons:

- Building mass exceeds other buildings and the Design Code height maximum;
- Positioning of balcony will contribute to noise nuisance;
- The building is in excess of the former Berkshire Court building by way of site coverage and greater average building height;
- Pollution from vehicles will cause nuisance;

- No provision for car parking for visitors;
- Building will dominate the adjacent Local Heritage Place.



Red outline depicts representors property

INTERNAL REFERRALS

Andrew Stevens, Heritage Architect (Council)

A referral was made to Council's Heritage Architect, who initially raised concerns with the building height and scale, its visual dominance against the western adjacent Local Heritage buildings, building siting and absence of detailing.

Amended plans were submitted which largely addressed the above concerns. Council's Heritage Architect summarised the amended plans as follows:

- The built form character along the northern side of Anzac Highway is varied, including buildings of single or two storeys and architectural styles ranging from the mid 1800s to the present. The built form therefore is not cohesive;
- The proposal strikes a balance between the expectation that a new building will eventually be constructed on the vacant site, which would likely extend to the front and side boundaries;
- The proposed building is clearly a three storey building however the proposal has been amended to achieve a height, bulk and form that mitigate the impact on the relatively low scale Local Heritage Place through façade treatments (including variation in materials, timber screening, verandah treatment and fine grain detailing);
- The rebate on the western side of the building affords a good level of physical and visual separation from the Local Heritage Place, which contributes to lessening the visual dominance.



Council City Assets – Stormwater Management

Council's Civil Officer has advised that the proposed design is satisfactory, however they have requested that conditions are imposed relating to on-site stormwater management, which the applicant has indicated they are able to comply with. This simply relates to ensuring the finished floor level is 300mm above the top of kerb level, and sufficient stormwater flow rate to the street and on-site detention/retention capacity.

Encroachment Permit – Approved by Council.

The proposal comprises a front verandah and part of front balconies which encroach over the Council footpath, and therefore required consent from Council as the land owner to allow for these encroachments. This form of encroachment is common along main roads, as it seen with many other existing buildings in the nearby locality. The neighbouring buildings encroach the footpath with verandahs.

The extension of verandahs over Council footpaths are considered to contribute to the general amenity of the street, particularly as they provide a means of cover for pedestrians using the footpath. The permit typically ensures that there remains sufficient overhead and access clearance for all forms of likely access needs, including disability access.

PLANNING ASSESSMENT

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

Land Use

The Suburban Business Zone anticipates a range of land uses, including *shops, offices, consulting rooms, low-impact industry and other similar non-residential land uses, supported by a variety of compact medium density housing and accommodation types, including Residential flat buildings*, of which the proposal comprises.

Building Height

The Design Code allows for building heights 2 levels or 9 metres, where the site is located adjoining a different zone that primarily envisages residential development, which is the case here.

The proposed building comprises 3 building levels and a total height of 10.5 metres. For context, it is important to note that the proposed building matches the height of the former Berkshire Court building, and 2.2 metres lower than a building that was previously approved on the site.



Although the proposed height and scale exceeds what is sought by the Design Code, on balance, the scale is not significantly greater than the maximum building height allowance, particularly as the height is only 1.5 metres taller. Notwithstanding the height exceeding the Design Code, when considering the form and appearance of the building, which includes a good level of architectural detailing, articulation, recessing and positive use of materials and colours, its visual dominance in terms of scale is visually reduced. It is considered that the building scale presents as no greater than a pair of nearby two storey buildings further east:



Design, Appearance & Heritage

As expressed briefly above, the site has a longstanding history, including the unfortunate circumstances surrounding the demolition of a heritage building due to severe structural faults, its location alongside a pair of modest Local Heritage buildings, in balance with the zone which accommodates large scale development (2 storeys and 9 metre building heights).

Following a series of amended plans, the proposal is now considered to reflect a building scale and form that reflects what is reasonably envisaged in the zone, whilst balancing the difficult task of ensuring that it is not visually dominant against the much smaller local heritage buildings.

The consideration of building dominance against the Local Heritage buildings, is not simply limited to the numerical values in the Design Code (2 storeys and 9 metres maximum height), rather, of greater value is the consideration to the articulation, detailing, materials, colours, scale and overall form. The building scale has been reduced from the original design to achieve an overall height much closer to the Design Code maximum of 9 metres, the overall height shortfall now being 1.5 metres. The variation in building materials (timber screening, verandah treatment, fine grain detailing) and the rebate to the south-west corner, softens the visual dominance.

The building is of a contemporary form, which takes design cues from the neighbouring Local Heritage building including a front verandah that is similar in width and height, compatible proportions. Furthermore, the simplicity of the verandah detailing defers to the more visually complex detailing of the verandah and façade of the Local Heritage Place, hence, at pedestrian level, the Local Heritage Place maintains a greater level of visual dominance and interest.

The rebate offers physical and visual separation from the Local Heritage Place, and in combination with the timber screening, well-modulated and articulated front facades result in a reasonable outcome from the perspective of reducing the visual dominance against the Local Heritage Place.

In summary, based on Council's Architect expressing that the design has been amended sufficiently so as to reduce visual dominance against the Local Heritage Places to an acceptable level, the proposed building is considered to avoid the notion of visual dominance in relation to a nearby heritage building. In terms of the building levels and height, although not satisfying the Design Code, the overall design is considered to be reasonable in the fundamental objective with respect to the built form and scale sought within the locality.

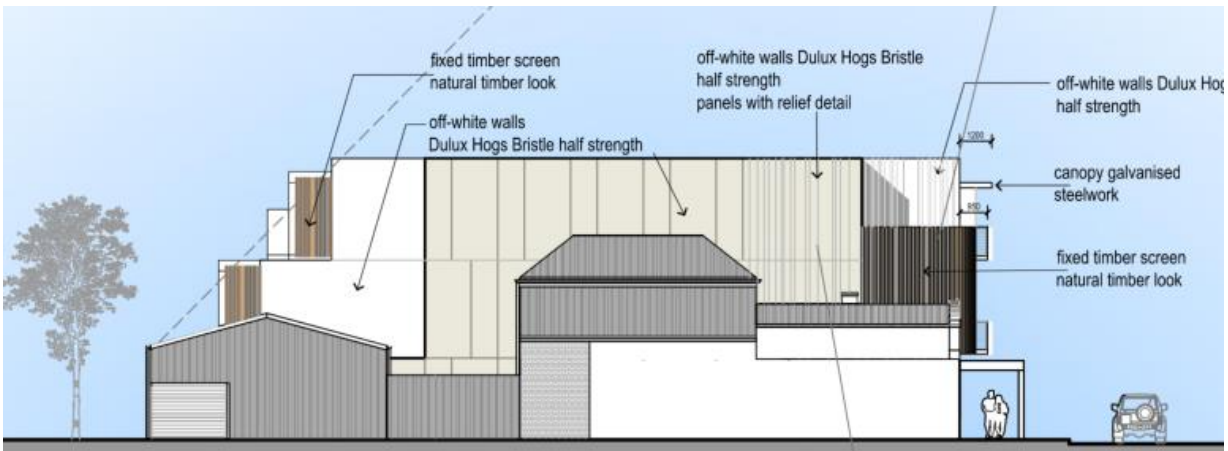


Setbacks

The building is located on the eastern and western side boundaries, which the Design Code anticipates.

As the rear boundary adjoins a neighbourhood type zone, the building must mitigate visual impacts of building massing by way of the building envelope being within a 45 degree plane measured from a height of 3 metres above natural ground level at the boundary. As per the western elevation below, the building marginally encroaches on the 45 degree plan, however not to an extent that would present a meaningful or reasonable measurable additional visual impact in comparison to the entire building being within the 45 degree plane.

The northern adjacent residential property is single storey, therefore the proposed building projects a larger scale in comparison to the adjacent residential building. The proposed building however is located to the south of the residence, which results in nil overshadowing impacts. Visually, it may well present as a large building, however in context that the overall height is 1.5 metres above the maximum allowable in the zone and on balance with the fact that the residential property is adjacent to a zone that allows for larger scale buildings. It is reasonable to suggest that the level of amenity imposed by the proposed building will be no different to what is generally anticipated in this locality.



Western Elevation (45 degree plan demonstrated by dotted line)

Private Open Space

Where residential flat buildings are concerned, and the dwelling has a maximum of 2 bedrooms, a minimum of 11 square metres of private open space is required per dwelling. Each dwelling has a balcony with a minimum area of 11 square metres, therefore satisfying the Design Code, and in particular Performance Outcome 27.1 which requires dwellings be provided with suitable sized areas of usable private open space to meet likely occupant needs.

Visual Privacy

All upstairs windows and balconies on the northern rear elevation are obscured up to 1.7 metres in order to ensure the visual privacy of neighbouring residences is not compromised. The Design Code requires a minimum screen height of 1.5 metres, therefore the proposal offers additional screening in addition to Performance Outcome 16.1 which seeks to ensure direct overlooking of habitable rooms and private open space areas of adjacent residential uses in neighbourhood type zones is mitigated.

Landscaping

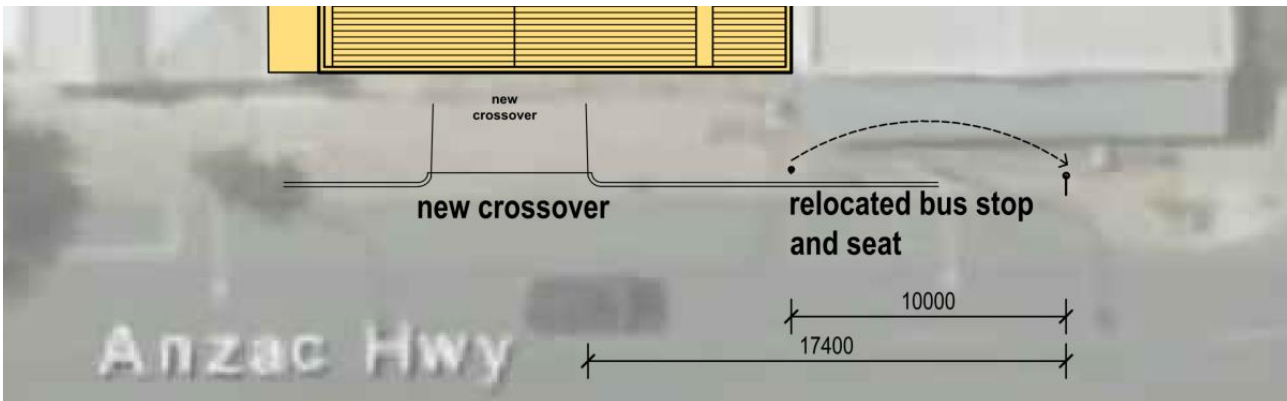
The Design Code requires that a minimum of 10 percent of the average site areas accommodates soft landscaping. This equates to 7 square metres per dwelling, which is a total of 56 square metres. Given the nature of buildings in this zone, which are characterised by buildings located on the front and side boundaries, the applicant has nominated to incorporate soft landscaping in the north-eastern rear corner of the site, adjacent to the northern adjacent residential property. This area accommodates 33 square metres and a medium sized tree. There is an overall soft landscaping shortfall of 23 square metres, which on balance is considered reasonable, particularly landscaping is not a prominent feature amongst other nearby commercial properties.

Traffic Impact, Access and Parking

The Design Code requires a minimum of 1 on-site car parking space per 2 bedroom dwelling. The proposal accommodates 13 on-site car parking spaces, which exceeds the minimum requirement.

Council has authorised the encroachment over the footpath following a formal application.

The applicant has received approval to relocate the existing bus stop, confirmed by Wayne Steward of South Australian Public Transport Authority at the cost of the Developer.



OFFICIAL

Hi Peter

SAPTA would support the relocation of the bus stop, the driveway access location and building development as set out in your attached plan.

This would be subject to -

- Developer or Council relocating the footpath tactiles and seat to proposed location
- On road parking bay line marking to be removed
- Dashed yellow line marking on road to be adjusted along the road to the proposed bus stop start
- Parking control signage changes ½ parking to Bus Zone all times
- Bus stop post to be relocated by SAPTA at a cost of \$250 plus GST
- Council's support of proposed changes
- Developer responsible for all costs

Note – 12.5m buses will not impact on the propped driveway entry or exit. 18m artic buses may impact on vehicles exiting but this would be only for a short time for passengers to board and alight the bus and delays would be only minimal.



regards

Wayne Stewart
 Service Infrastructure Coordinator,
 Integrated Service Planning
 South Australian Public Transport Authority (SAPTA)

CONCLUSION

The proposal is considered to satisfy the Design Code with respect to key considerations such as ensuring the design does not visually dominate the adjacent Local Heritage Places, a high level of architecture design, appropriate land use for the zone, provision of sufficient private open space and car parking and visual privacy.

As mentioned, the proposal fails with respect to building levels and height, soft landscaping and the rear boundary setback.

On balance, the building height is not considered to adversely impact on surrounding properties, Council's Heritage Architect has expressed that the design is such that does not visually dominate the adjacent Local Heritage Places, particularly at pedestrian level, nor does it severely detract from the streetscape amenity. The site is located to the south of the northern adjacent residence; therefore, no overshadowing will occur, and visual impacts are reasonable alleviated through a good level of articulation, and a setback that is very close to the 45 degree plane.

It is unfortunate that soft landscaping is under the minimum requirement, however in context with the zone accommodating buildings sited on the front and side boundaries, a shortfall in landscaping is not entirely unreasonable.

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 21039153, by Bayside Living Court Pty Ltd 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 all upstairs windows, other than facing the street, 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.
3. That a fixed, vertical blade louvre or solid screen that prevents direct views into the adjoining property shall be erected on the rear balconies to a minimum height of 1.5 metres above finished floor level.
4. 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.
5. 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).
6. The finished floor level shall be 300mm above the top of kerb level.
7. A minimum of 10,000 kilolitres of on-site detention/retention to be established on site with a maximum stormwater flow rate to the street is not more than 10 litres per second

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: 02/05/2022