

DEVELOPMENT NO.:	21032932
APPLICANT:	YURI BEZERUK
ADDRESS:	4 ROWE ST SOUTH BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Construct 2, two storey houses in battle axe/hammerhead configuration, with retaining walls up to 1.6m and fence on top
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy
LODGEMENT DATE:	10 Feb 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.3
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Michael Gates Development Services (Planning and Building) Lead

CONTENTS:

ATTACHMENT 1: Application Documents

ATTACHMENT 2: Representations

ATTACHMENT 3: Response to Representations

DETAILED DESCRIPTION OF PROPOSAL:

This application is for the construction of two, two storey dwellings with associated retaining walls and fences. The dwellings are in the form of a hammerhead design, with the rear dwelling being accessed via driveway that runs along the western side of the site. The dwellings will be constructed with Hebel panel with a render finish, aluminium windows and corrugated Colorbond roof. The front dwelling is setback 5 metres from the street and is accessed by a separate driveway.

To accommodate the natural slope of the site, retaining walls are proposed, up to a maximum height of 1.6 metres.

There is currently a single storey dwelling on the site that will be demolished to make way for this development.

SUBJECT LAND & LOCALITY:**Site Description:**

Location reference: 4 ROWE ST SOUTH BRIGHTON SA 5048

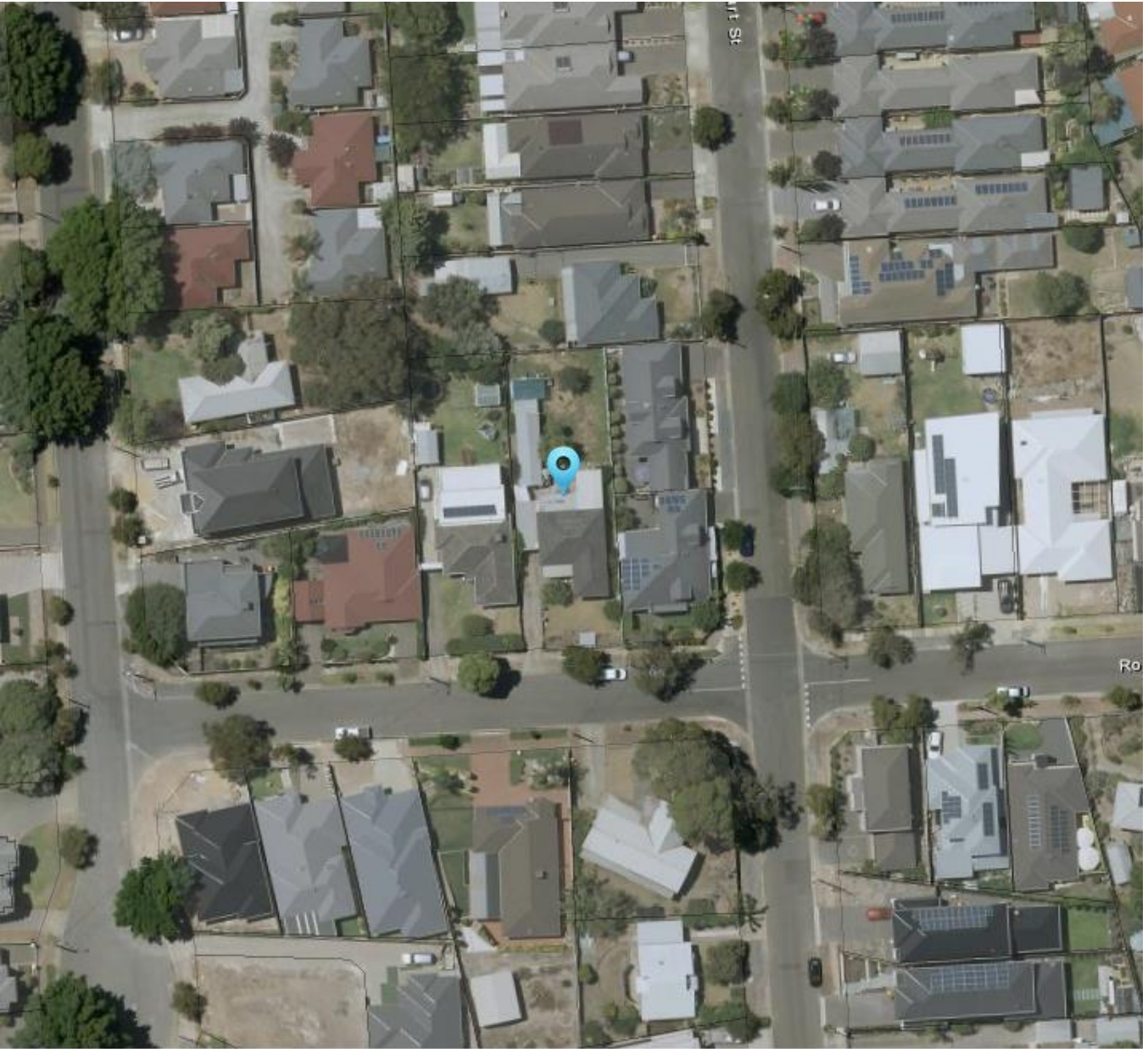
Title ref.: CT 5736/480 **Plan Parcel:** D2932 AL10 **Council:** CITY OF HOLDFAST BAY

The subject site is a regular shaped allotment with an area of 700sqm, and a frontage of 15.2 metres to Rowe Street. There is a notable gradient across the locality, with a fall of 4 metres across the site. There is a single storey detached dwelling on the site, which will be demolished to make way for this development.

Locality

The locality is made up of entirely residential, with a mix of single and two storey dwellings. There are a reasonable number of new developments in the locality that has replaced older houses in the area. New developments in the area are mostly side by side buildings, but there are other recent hammerhead developments in the area, such as shown south of the site in the locality image.

There is a reasonable gradient in the locality that drops down from south to north. As such, retaining walls are commonly found in the area in retain the different site levels.

**CONSENT TYPE REQUIRED:**

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:** Fences and walls
Fence: Code Assessed - Performance Assessed
Retaining wall: Code Assessed - Performance Assessed
New housing
Detached dwelling: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
Fence and retaining with height greater than 3 metres
- **LIST OF REPRESENTATIONS**

Salvatore, Morelli,	37 Yarmouth Street, South Brighton SA 5048
Gary, Sutton,	6 Rowe Street, South Brighton SA 5048
Nick, Weinmann,	2 Rowe Street, South Brighton SA 5048

- **SUMMARY**
 - Overlooking
 - Bulk and Scale
 - Height of retaining walls
 - Nature of development – hammerhead division

PLANNING ASSESSMENT

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

Quantitative Provisions

Land Use

The proposed residential use is in accordance with preferred uses for the General Neighbourhood Zone. Both allotments are in excess of 300sqm, excluding the handle area for the rear allotment. Therefore, the proposal is considered in a hammerhead configuration is considered to be acceptable in this instance, and satisfies PO 2.1.

Site Dimensions and Land Division																	
<p>PO 2.1</p> <p>Allotments/sites created for residential purposes are of suitable size and dimension to accommodate the anticipated dwelling form and remain compatible with the pattern of development in a low-rise and predominantly low-density neighbourhood, with higher densities closer to public open space, public transport stations and activity centres.</p>	<p>DTS/DPF 2.1</p> <p>Development will not result in more than 1 dwelling on an existing allotment</p> <p>or</p> <p>Allotments/sites for residential purposes accord with the following:</p>																
	<table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum site/allotment area per dwelling</th> <th>Minimum site/allotment frontage</th> </tr> </thead> <tbody> <tr> <td>Detached dwelling (not in a terrace arrangement)</td> <td>300m² (exclusive of any battle-axe allotment 'handle')</td> <td>9m where not on a battle-axe site 5m where on a battle-axe site</td> </tr> <tr> <td>Semi-detached dwelling</td> <td>300m²</td> <td>9m</td> </tr> <tr> <td>Row dwelling (or detached dwelling in a terrace arrangement)</td> <td>250m²</td> <td>7m (averaged)</td> </tr> <tr> <td>Group dwelling</td> <td>300m² (average,</td> <td>15m (total)</td> </tr> </tbody> </table>	Dwelling Type	Minimum site/allotment area per dwelling	Minimum site/allotment frontage	Detached dwelling (not in a terrace arrangement)	300m ² (exclusive of any battle-axe allotment 'handle')	9m where not on a battle-axe site 5m where on a battle-axe site	Semi-detached dwelling	300m ²	9m	Row dwelling (or detached dwelling in a terrace arrangement)	250m ²	7m (averaged)	Group dwelling	300m ² (average,	15m (total)	
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Building Height

Both dwellings are of a two storey design, which is consistent with the requirements of PO 4.1 for the General Neighbourhood Zone.

Setbacks, Design & Appearance

The Planning and Design Code seeks that buildings are setback no more than one metre forward of the average of the adjacent dwellings. The average setback of the adjacent dwellings is 6 metres. The proposed dwelling is setback 5 metres from the street and therefore accords with PO 5.1 for the Zone. The dwelling is consistent with the setback of 2A Rowe Street and 6 Rowe Street.



The proposed side and rear setbacks of both dwellings accord with the requirements of the Planning and Design Code with the exception of the upper level setbacks of the rear dwelling to the eastern side and rear. In regards to the rear setback, the proposed setback of 5 metres, instead of 6 metres, is considered reasonable in this instance given the minor departure, and the orientation of the dwelling to the north, which means there will be no overshadowing or unreasonable bulk and scale. The side setback to the east, there is a shortfall of 400mm, 1.5m instead of 1.9m. The shortfall is considered to be acceptable in this instance.

The design of the dwellings is reasonably consistent with the pattern of development in the locality. The materials chosen and the roof pitch is consistent with other dwellings in the area and will complement the streetscape.

The design of the dwellings as hammerhead allotments is considered acceptable for the locality. The dwellings are sufficiently set off the side boundaries as to not unreasonably impact on the neighbouring properties

Site Coverage

Both dwellings have a site coverage of around 50%, which is less than the maximum of 60% allowed in this Zone.

Soft Landscaping

The front dwelling satisfies the PO 22.1 in that 25% of the site is set aside as soft landscaping. 17% of the site is provided at the rear allotment. The departure of 3% is considered to be minor, and considered to be offset by the additional landscaping provided along the driveway that does not form part of that calculation. Therefore the proposal is considered to accord with PO 22.1.

The proposal does not show proposed trees on the plans, but a condition of approval is that the mandatory trees will need to be planted.

Landscaping											
<p>PO 22.1</p> <p>Soft landscaping is incorporated into development to:</p> <ul style="list-style-type: none"> (a) minimise heat absorption and reflection (b) contribute shade and shelter (c) provide for stormwater infiltration and biodiversity (d) enhance the appearance of land and streetscapes. 	<p>DTS/DPF 22.1</p> <p>Residential development incorporates soft landscaping with a minimum dimension of 700mm provided in accordance with (a) and (b):</p> <ul style="list-style-type: none"> (a) a total area as determined by the following table: <table border="1" data-bbox="823 598 1369 1010"> <thead> <tr> <th>Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</th> <th>Minimum percentage of site</th> </tr> </thead> <tbody> <tr> <td><150</td> <td>10%</td> </tr> <tr> <td>150-200</td> <td>15%</td> </tr> <tr> <td>>200-450</td> <td>20%</td> </tr> <tr> <td>>450</td> <td>25%</td> </tr> </tbody> </table> (b) at least 30% of any land between the primary street boundary and the primary building line. 	Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site	<150	10%	150-200	15%	>200-450	20%	>450	25%
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Access and Parking

The proposal provides two covered parking spaces for each dwelling in accordance with the requirements of the Code. Access is provided to the rear of the site via a driveway along the western side of the site. The width of 3.5 metres is considered to be acceptable and landscaping is provided for along the western side of the driveway. The proposal allows for sufficient manoeuvring to allow vehicles to enter and exit in a forward direction. Therefore the proposal is considered to accord with PO 33.4

<p>PO 33.4</p> <p>Residential driveways that service more than one dwelling or a dwelling on a battle-axe site are designed to allow passenger vehicles to enter and exit and manoeuvre within the site in a safe and convenient manner.</p>	<p>DTS/DPF 33.4</p> <p>Driveways providing access to more than one dwelling, or a dwelling on a battle-axe site, allow a B85 passenger vehicle to enter and exit the garages or parking spaces in no more than a three-point turn manoeuvre.</p>
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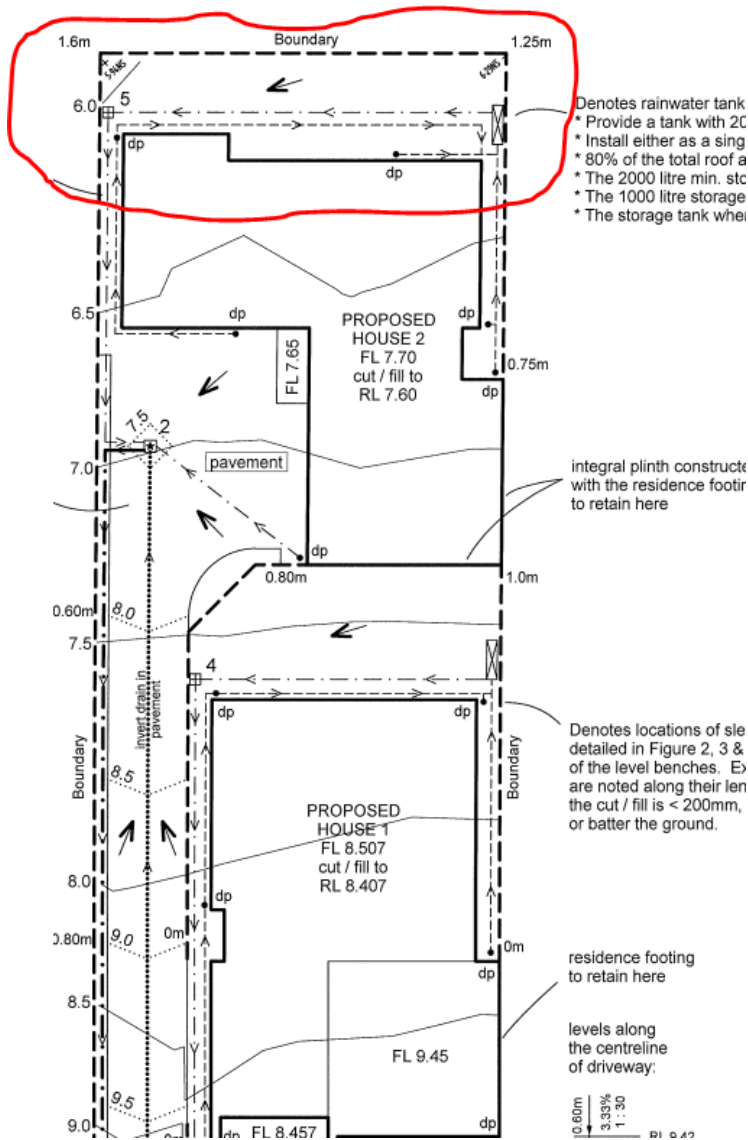
Overlooking

The proposed plans show some of the upper level windows as being obscured. In accordance with the privacy provisions of the Planning and Design Code a condition is recommended that requires all upper level windows other than street facing windows of the front dwelling to be obscured below 1.5 metres.

Retaining Wall

Given the gradient across the site, retaining is required to allow for the site to be development. The most notable retaining is located to the rear of the site. There is some retaining required for the front dwelling, with retaining walls, but the walls will be less than a metre in height.

The rear dwelling requires retaining up to 1.6m in height, with the highest point at the rear of the site. Whilst this of a reasonable height, given the fall across the site of over 4 metres so retaining is to be expected. It is considered that the proposal is reasonably stepped across the site to minimise the amount of retaining where possible. It is also acknowledged that in order to remove stormwater from the site that the rear needs to be as high as reasonably possible.



Stormwater

The applicant has provided an engineered stormwater system that demonstrates that stormwater will be adequately managed on site. A condition is recommended in the approval enforcing this requirement.

CONCLUSION

On balance the proposed development is considered to be reasonable in the context of the locality. There is a significant fall across the site that requires retaining in order to allow for development to occur. The proposal is broadly consistent with the requirements of the Planning and Design Code and is considered to warrant Consent.

RECOMMENDATION

That Planning Consent be granted

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 21032932, by Yuri Bezeruk is granted Planning Consent subject to the following conditions:

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 of the front dwelling, 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 the finished level of the crossover at the property boundary shall be a minimum of 75mm above the top of kerb in accordance with AS2890.1, and the maximum gradient of the driveway shall not be greater than 5% across the footpath, with the invert profile conforming to AS2876.

Furthermore, the footpaths on either side shall be graded to the driveway preventing tripping hazards at this junction, without any steep grades along the footpath.

The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense. The new crossover must be no closer than 2 metres to a street tree.

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).

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).

Planning Consent

To be determined

OFFICER MAKING RECOMMENDATION

Name: Michael Gates

Title: Development Services (Planning and Building) Lead

Date: 10 May 2022