

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **22 MAY 2019**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **ALEXANDER STAMATOPOULOS**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS:

- 1. LOCALITY PLAN**
- 2. PROPOSED PLAN**
- 3. SUPPORTING LETTER FROM APPLICANT**

DA NO.	:	<u>110/00197/19</u>
APPLICANT	:	<u>ZAINA STACEY DEVELOPMENT CONSULTANTS</u>
LOCATION	:	<u>18 VINCENT AVENUE, NORTH BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>TORRENS TITLE LAND DIVISION CREATING TWO ALLOTMENTS FROM ONE ALLOTMENT</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION	:	<u>DEVELOPMENT APPROVAL</u>

1. Site and Locality

The subject site is located on the western side of Vincent Avenue North Brighton diagonally across from a Council Reserve. The property and surrounding locality are located in the Residential Zone. A predominance of single dwellings characterises the immediate locality on larger allotments along with examples of group dwelling developments on Balmoral Avenue. The immediate locality is showing signs of transitioning to infill development and modern built forms, as old dwelling stock is being replaced by newer dwellings. Overall, the surrounding locality mostly displays a mix of original allotments and housing stock with some infill redevelopment, and newer replacement single storey dwellings.

Refer to Attachment 1

2. Proposed Development

The proposed development seeks to redevelop an existing allotment by creating two allotments, both facing the street. This results in two equal site areas of 429 square metres and frontages of 9.45 metres each.

Refer to Attachment 2

Development Assessment Data

Allotment	Proposed	Development Plan	Development Plan Satisfied?
101 (Southern-most)	Site area 429 square metres	Minimum site area of 400 square metres	Yes
	Frontage width 9.45 metres	Minimum frontage width of 12 metres	No 2.55m variance
102 (Northern-most)	Site area 429 square metres	Minimum site area of 400 square metres	Yes
	Frontage width 9.45 metres	Minimum frontage width of 12 metres	No 2.55m variance

3. Public Notification

The land division application is a Category 1 development pursuant to Schedule 9 Part 1 2 (f) of the Development Regulations

4. Development Plan Provisions

The following tables contain a detailed assessment of the proposal against the provisions in the Holdfast Bay (City) Development Plan consolidated 2 June 2016:

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT

General Section – Design & Appearance	
Objectives	Assessment
1 Development of a high standard and appearance that responds to and reinforce positive aspects of the local environment and built form.	Balanced. Whilst the side-by-side allotments reinforce the established rhythm of allotment formation within the locality, facilitating dwellings that front the street for a positive future built form outcome, they are presented in a narrower configuration than the prevailing character in the street.
Principles	
16. Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.	Complies. The side-by-side allotment configuration ensures that entry points to future dwellings provide perceptible and direct access from public street frontages, which cannot otherwise be achieved through a hammerhead arrangement.
General Section – Land Division	
Objectives	Assessment
1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under-utilised infrastructure and facilities.	Complies. The side-by-side allotment configuration reinforces the established orderly pattern of division along Vincent Avenue.
2 Land division that creates allotments appropriate for the intended use.	Complies. The proposed allotments are intended for residential use.
3 Land division layout that is optimal for energy efficient building orientation.	Complies. The side-by-side allotment configuration facilitates west facing deep backyards allowing sunlight to be captured from mid to late afternoon.

General Section – Land Division (Cont)	
Principles of Development Control	Assessment
<p>1 When land is divided:</p> <ul style="list-style-type: none"> (a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner (b) a sufficient water supply should be made available for each allotment (c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare. 	Complies
<p>2 Land should not be divided if any of the following apply:</p> <ul style="list-style-type: none"> (a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use (b) <u>any allotment will not have a frontage to one of the following:</u> <ul style="list-style-type: none"> (i) <u>an existing road</u> (ii) a proposed public road (iii) access to a public road via an internal roadway in a plan of community division 	<p>Complies. The proposed development will have all new allotments facing the street.</p> <p>Complies. The proposal seeks Torrens Titled allotments, meaning that an internal roadway (i.e. hammerhead configuration) is unwarranted.</p>
<p>7 Land division should result in allotments of a size suitable for their intended use.</p>	Complies. The side-by-side allotment configuration ensures maximum sized allotments where land is not wasted for the provision of internal roadways otherwise required as part of a hammerhead arrangement.
<p>8 Land division should facilitate optimum solar access for energy efficiency.</p>	Complies.
Objectives	Assessment
<p>11 Allotments should have an orientation, size and configuration to encourage development that:</p> <ul style="list-style-type: none"> (a) minimises the need for earthworks and retaining walls (b) maintains natural drainage systems (c) <u>faces abutting streets and open spaces</u> (d) does not require the removal of native vegetation to facilitate that development (e) will not overshadow, dominate, encroach on or otherwise <u>detrimentally affect the setting of the surrounding locality.</u> 	Complies. The side-by-side allotment configuration ensures that future dwellings will face the street.
<p>13 The arrangement of roads, allotments, reserves and open space should enable the provision of a stormwater management drainage system that:</p> <ul style="list-style-type: none"> (a) contains and retains all watercourses, drainage lines and native vegetation (b) enhances amenity (c) integrates with the open space system and surrounding area. 	Complies. The side-by-side allotment configuration ensures that future dwellings will face the street, integrating directly with the street, thereby providing occupants with direct access to the public realm.
<p>17 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</p> <ul style="list-style-type: none"> (a) the size of proposed allotments and sites and opportunities for on-site parking (b) the availability and frequency of public and community transport (c) on-street parking demand likely to be generated by nearby uses. 	Complies
<p>18 The design of the land division should provide at least one readily accessible on-street car parking space adjacent to every two allotments created, except along an arterial road.</p>	Complies

General Section – Orderly & Sustainable Development	
Objectives	Assessment
1 Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.	Complies. The conventional land division proposed follows the established pattern along Vincent Avenue in a configuration which allows the two dwellings to face the street.
General Section – Residential Development	
Objectives	Assessment
1 Safe, convenient, pleasant and healthy living environments that meet the full range of needs and preferences of the community.	Complies.
2 A diverse range of dwelling types and sizes available to cater for changing demographics, particularly smaller household sizes and supported accommodation.	Complies. There are few side-by-side allotments with narrow frontages to offer choice for residents and the opportunity to ‘age-in-place’ in the locality in the familiarity of a dwelling that fronts the street. The proposed configuration enables residents to reside in a smaller dwelling without the need to abandon their outlook onto the street.
6 Increased affordable housing opportunities through land division and the conversion of buildings to a residential use.	Complies (as per above)
Principles	Assessment
3 Residential allotments should be of varying sizes to encourage housing diversity.	Complies. The proposed allotments offer choice for residents to reside in a smaller dwelling.
6 Entries to dwellings should be clearly visible from the streets that they front to enable visitors to identify a specific dwelling easily.	Complies. The side-by-side allotment configuration ensures that entry points provide perceptible and direct access from public street frontages.
General Section – Transportation & Access	
Principles	Assessment
27 Except where located within the Residential Character Zone, a dwelling should only be developed on an allotment in the form of a hammerhead or battleaxe configuration (including for group dwellings) where all of the following are achieved: (b) the driveway or ‘handle’ portion of the allotment is located in a manner that is compatible to the prevailing pattern of development...	Complies. The prevailing character of development in the locality is defined by side-by-side allotments with dwellings facing the street. As such, the proposal reinforces this pattern (albeit with narrower frontages).
Residential Zone	
Objectives	Assessment
2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.	Complies
3 Development that contributes to the desired character of the zone.	Balanced. Whilst the prevailing character of development in the locality is reinforced by the proposed side-by-side allotments, the allotment frontages are much narrower than the prevailing widths.

Residential Zone																			
Desired character																			
Development outside of the Policy Areas will be suburban in nature and evolve in response to progressive infill development of existing individual sites and through consolidation of sites to form larger comprehensive redevelopment opportunities. Infill development outside of the Policy Areas will not compromise the suburban character but will progressively increase dwelling densities through unobtrusive small-scale developments. In this regard, infill development will have a comparable height, mass, scale and setbacks to that of existing dwellings in the relevant locality.	Balanced. The side-by-side allotments repeats the pattern found along Vincent Avenue, albeit in tighter configuration with narrower frontages.																		
The zone's primarily suburban character outside of the policy areas is defined by detached dwellings on individual allotments. Infill development in these suburban areas will contribute to the city's housing diversity through development opportunities that (in order of preference): <ul style="list-style-type: none"> (a) increase dwelling numbers on allotments that have dual road frontages (b) provide low scale dwellings at the rear of large allotments with street frontages wide enough to accommodate appropriate sited and sized driveway access and landscaping semi-detached dwellings, where site considerations permit. 	Balanced. The premise for accommodating dwellings at the rear of others is that they be sited on 'large allotments'. The proposed allotments are created at the margins with narrow frontages. However, there needs to be an assessment as to whether the intent of the Development Plan is better served by creating allotments in a configuration that does not concede a large section of land for vehicle access way (being the 'handle' of a hammerhead allotment).																		
Principles of Development Control	Assessment																		
3 Except where specified in a particular policy area, 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.	Complies																		
7 A dwelling should, except where specified in a particular policy area or precinct, have a minimum site area (and in the case of group dwellings and residential flat buildings, an average site area per dwelling) and a minimum frontage to a public road not less than that shown in the following table: <table border="1" data-bbox="167 1227 922 1464"> <thead> <tr> <th>Dwelling type</th> <th>Site area (square metres)</th> <th>Minimum frontage (Except for allotments in the form of a hammerhead configuration)</th> </tr> </thead> <tbody> <tr> <td>Detached</td> <td>400 minimum</td> <td>12 metres</td> </tr> <tr> <td>Semi-detached</td> <td>350 minimum</td> <td>12 metres</td> </tr> <tr> <td>Group dwelling</td> <td>350 average</td> <td>12 metres</td> </tr> <tr> <td>Residential flat building</td> <td>350 average</td> <td>12 metres</td> </tr> <tr> <td>Row dwelling</td> <td>350 minimum</td> <td>10 metres</td> </tr> </tbody> </table>	Dwelling type	Site area (square metres)	Minimum frontage (Except for allotments in the form of a hammerhead configuration)	Detached	400 minimum	12 metres	Semi-detached	350 minimum	12 metres	Group dwelling	350 average	12 metres	Residential flat building	350 average	12 metres	Row dwelling	350 minimum	10 metres	Balanced. The allotments measure 429m ² and are compliant. The frontages of 9.45 metres are well short of the prescribed 12 metre minimum.
Dwelling type	Site area (square metres)	Minimum frontage (Except for allotments in the form of a hammerhead configuration)																	
Detached	400 minimum	12 metres																	
Semi-detached	350 minimum	12 metres																	
Group dwelling	350 average	12 metres																	
Residential flat building	350 average	12 metres																	
Row dwelling	350 minimum	10 metres																	

5. Summary of Assessment

Zone and Land Use

The Residential Zone anticipates a predominately low-density suburban form with the progressive redevelopment of existing individual sites. Allowances for infill developments are designed to contribute to housing diversity through development opportunities via increasing dwelling numbers on allotments that have dual road frontages and low scale dwellings at the rear of large allotments.

The proposed development addresses the Desired Character of the Residential Zone by facilitating low-density development with allotments in a formation that continues the typical pattern of detached dwellings on individual allotments that have frontage to the street.

Although the Desired Character references infill development that contributes to housing diversity by way of the division of corner allotments and hammerhead developments, the predominant intention is to achieve a character predominately defined by detached dwellings on individual allotments. For example, where there is a site of 800 square metres with a frontage of 24 metres, the Desired Character would ultimately anticipate the division of two allotments fronting the street in preference to a hammerhead division. Although housing diversity, including hammerhead development, is encouraged and allowed in the Residential Zone, the choice remains for a predominance of detached dwellings on individual allotments fronting the street.

The subject site could accommodate two allotments of 350m² for group dwelling accommodation in a hammerhead formation as of right, although the intent for preferencing hammerhead allotments needs to be understood before dismissing alternative hammerhead allotment configurations. Where the broad purpose for espousing hammerhead allotments is not achievable, then pursuing such a design based solely on a single guiding provision in the Development Plan needs rethinking.

Land Division

The proposed Torrens Title division comprises the creation of two allotments of 429m², where the Development Plan anticipates a minimum site area of 400m² per detached dwelling or 350m² for semi-detached dwellings. The property is located in a prescribed residential code area, which, in any event, allows for site areas as low as 350m². The proposed division comprises frontages that are notably under the width anticipated by the Development Plan, which seeks a minimum frontage of 12 metres per dwelling. The proposal consists of a pair of sites with equal frontages of 9.45 metres.

In assessing the frontage width shortfall, regard is given to the pattern of development within the immediate locality. Council approved a land division on 10 Vincent Avenue which comprised two allotment facing Vincent Avenue albeit with the frontages containing widths of 9.62m and 9.63m each as opposed to 9.45m as the proposed. When considering the areas outside of the immediate locality, there are examples of dwellings with undersized frontages to the south, 24 and 24A Vincent Avenue. Further, there is an example of a group dwelling division directly opposite the site to which the pattern of development is expressly different from the pattern of division typically found and predominant within Vincent Avenue (detached dwellings).

Where focusing on the qualitative provisions of the Development Plan, the proposal is satisfactory in that it demonstrates a high level of planning merit and reflects a form of development that is more traditional and typical of residential localities.

Ultimately, a shortfall of frontage width by way of 2.55 metres per dwelling is not considered so severe that a development comprising a hammerhead configuration is regarded as a better overall planning outcome. It is important to note that the proposed division fails only one quantitative Development Plan provision, which is concerning the frontage width. The frontage width provision, like all other development plan provisions, serves as a guide in achieving a form of development that is suitable for the subject site and surrounding locality. The proposal demonstrates a good planning outcome in terms of accommodating future built form that is capable of achieving the relevant development plan provisions concerning new dwellings, while not compromising the amenity of adjacent residences, particularly concerning noise and vehicle movements adjacent to side boundaries and private open space areas.

Conclusion

The merits of this application are finely balanced, as there is a tension between the quantitative provisions in the Development Plan that prescribe minimum dimensions, and the qualitative provisions that focus on liveability. It is considered that a shortfall in the specified frontage width should not be the determining factor in assessing the holistic merits of the proposed development, particularly as the alternative allotment configuration offends many Development Plan provisions. The proposed division satisfies the Desired Character for the Residential Zone by way of contributing to a primarily suburban setting that is defined by detached dwellings on individual allotments that reflect a low-density suburban form and will support unobtrusive small-scale development.

While the proposal falls short of the guiding provision relating to allotment widths and configuration, the assessment needs to look more broadly. The side-by-side allotments sought by the proponent would achieve conformity with the balance of provisions, particularly those that seek to mitigate the broader social impacts that result from creating allotments that compel a style of accommodation that disconnects occupants both physically and socially from the public realm, and overlook the meaningful benefits that come from the casual encounters and connection with the community that come from residing in a dwelling that faces the street.

6. RECOMMENDATION

1. **The proposed development is NOT seriously at variance with the policies in the Development Plan.**
2. **Following a detailed assessment of the proposal against the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Approval to Development Application 110/00197/19 for a Torrens Title land division creating two allotments from one allotment at 18 Vincent Avenue, North Brighton subject to the following conditions:**

PLANNING CONDITIONS

1. **The proposal shall be implemented as shown on the plan of division prepared by Zaina Stacey, Reference 19003 unless varied by any subsequent conditions imposed herein.**
2. **That the applicant shall advise Council in writing of the demolition of all buildings, structures, footings, pipes and other deleterious materials have been removed from the site in order that Section 51 Clearance may be granted.**
3. **A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.**
4. **The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.**

A desk investigation has determined that the sewer connection is deeper than 3.0m and site investigation will determine if your development will be costed as standard or non standard.

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries

- 5. Payment of \$7253 into the Planning and Development Fund (1 allotment(s) @ \$7253/allotment).**

Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.