

<b>DEVELOPMENT NO.:</b>	22017748
<b>APPLICANT:</b>	City of Holdfast Bay
<b>ADDRESS:</b>	Council verge on the western side of the Esplanade roadway opposite 220 Esplanade, Seacliff
<b>NATURE OF DEVELOPMENT:</b>	Amenities building to replace existing toilet block and the construction of a beach access ramp
<b>ZONING INFORMATION:</b>	Open Space Zone
<b>LODGEMENT DATE:</b>	26 May 2022
<b>RELEVANT AUTHORITY:</b>	Council Assessment Panel of the City of Holdfast Bay
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.9
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Alexander Stamatopoulos - Development Planner
<b>REFERRALS STATUTORY:</b>	Coast Protection Board
<b>REFERRALS NON-STATUTORY:</b>	Nil

#### CONTENTS:

**APPENDIX 1: Relevant P&D Code Policies**

**ATTACHMENT 1: Submitted plans**

**ATTACHMENT 2: Representations**

**ATTACHMENT 3: Response to representations**

**ATTACHMENT 4: Coast Protection Board referral response**

#### DETAILED DESCRIPTION OF PROPOSAL:

The application seeks to establish an amenities building to replace an existing toilet block. The building will be located in the same location as the existing structure. The works also include upgrades to the curtilage of the building along with the widening of an existing beach access ramp and also the construction of a new ramp.

The scope of works included in the application is shown below.

- Compliant DDA toilet, shower, circulation space and beach access;
- 5x unisex toilets;
- Parent room;
- Change area with lockers;
- Amenities building water harvesting and water-sensitive urban design garden features;
- Solar panels to the roof of the building;
- Sculptural outdoor showers with night time features;
- Widened footpaths;
- The construction of a new DDA-compliant beach access ramp;

- The existing beach access ramp to be widened for ATV access; and
- Extended concrete for DDA compliant beach access provision for projected future drop in sand levels.

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

**Location reference:** Council verge on the western side of the Esplanade roadway opposite 220 Esplanade, Seacliff

**Council:** CITY OF HOLDFAST BAY

**Locality**

The site is located on the western side of the Esplanade located opposite 220 Esplanade Seacliff. The site does not contain its own specific address. The subject land encompasses the area where the existing toilet block is located and also its curtilage including the Council footpath. Currently, the site hosts a toilet block that provides public access to male and female toilets.

The amenity of the locality is considered to be high. The site is located in an open area along the Esplanade adjacent to Seacliff beach. This part of the Council is regularly frequented by the public as a walkway along the pedestrian footpath that runs adjacent to the beach. The Seacliff Hotel is located to the east of the site along with residential properties which enjoy view over the sea. To the west is the recently constructed Seacliff Surf Life Saving Tower.

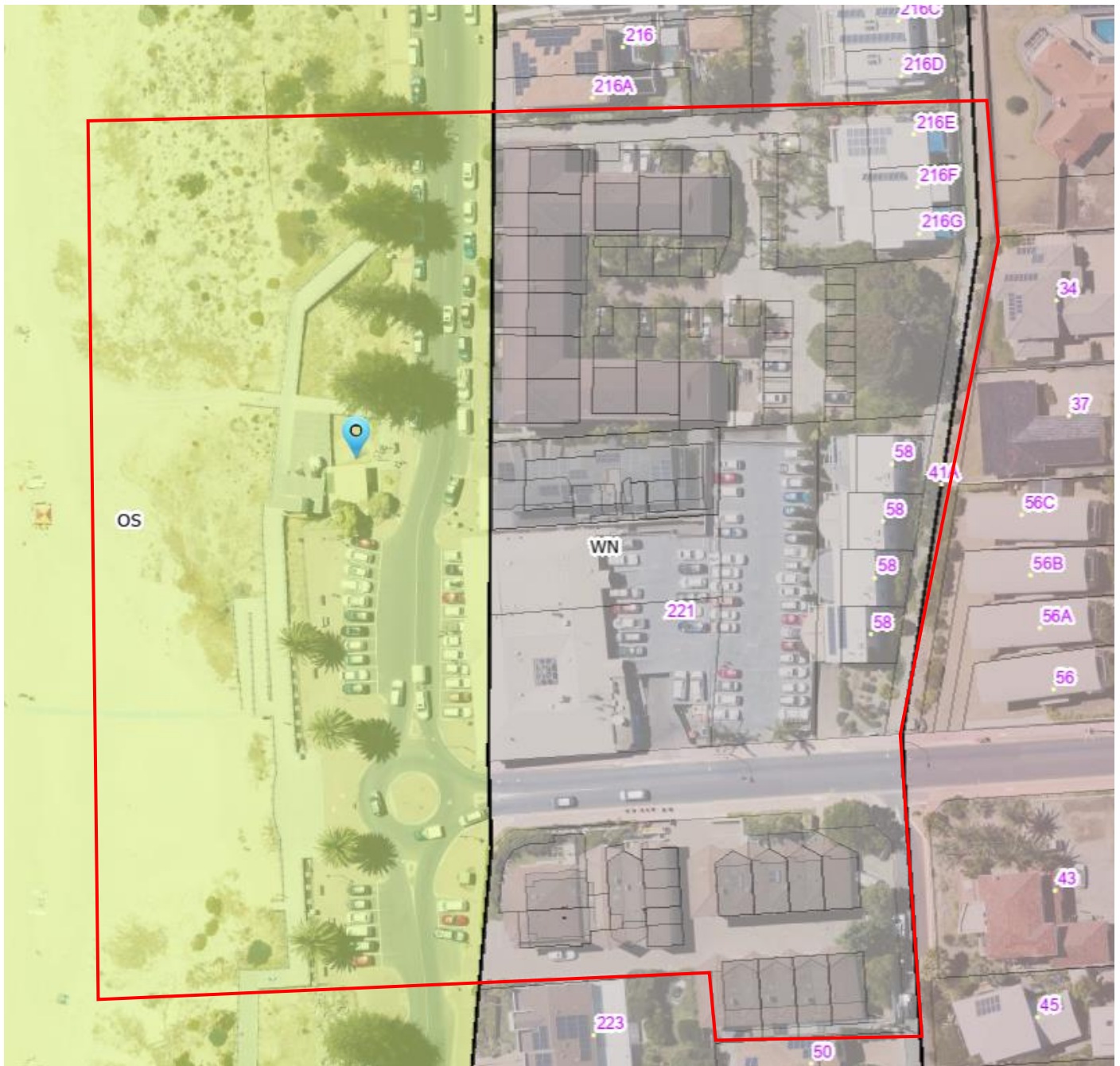
See photos below of the subject site:





The aerial below highlights the locality in red. Shaded yellow is the Open Space Zone and shaded grey is the Waterfront Neighbourhood Zone.





**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**  
Amenities block: Code Assessed - Performance Assessed  
Other - Community - Accessible beach access: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed

- **REASON**  
P&D Code

**PUBLIC NOTIFICATION**

- **REASON**  
Class of development is not listed in table 5 - procedural matters of the zone
- **LIST OF REPRESENTATIONS**

Summary of Representors			
Address of Representor	Position	Wish to be heard	Concerns
<i>Nils Erik Nielsen of 3/220 Esplanade Seacliff</i>	<i>Does not support development</i>	<i>No</i>	<ul style="list-style-type: none"> <li>- <i>Height of building</i></li> <li>- <i>Internal area too large</i></li> <li>- <i>Two disability toilets are excessive</i></li> <li>- <i>Ten hand wash basins are excessive</i></li> </ul>
<i>Ruzica Djokic of 76 Gully Road Seacliff Park and café owner at 220 Esplanade Seacliff</i>	<i>Does not support development</i>	<i>No</i>	<ul style="list-style-type: none"> <li>- <i>The size of the building is excessive</i></li> <li>- <i>Will result in loss of business due to view loss</i></li> <li>- <i>Property will be devalued</i></li> </ul>
<i>David Bagshaw</i>	<i>Supports development with some concerns</i>	<i>No</i>	<ul style="list-style-type: none"> <li>- <i>Design is excellent</i></li> <li>- <i>Questioning whether both DDA facilities can have a shower</i></li> <li>- <i>Whether the wash basins can be located in the breezeway</i></li> <li>- <i>Questioning whether external showers are in the scope of works.</i></li> </ul>

The aerial below shows the representors Nils Nielson and Ruzica Djokic land marked "R".



## • SUMMARY

The applicant provided a response to the representation, refer to attachment 3. The response provides a detailed reply to each concern raised by the representors. It is made clear in the response that consideration has been given to immediate adjoining properties. The point is made where a fine balance is achieved in creating a new larger facility that will provide improved amenities while not being overly invasive to the landscape.

## AGENCY REFERRALS

### • Coast Protection Board

The Coast Protection Board does not object to the proposed development. It recommends that the following Note be included in any development consent:

*Note:*

*The proposed access ramp extends over a section of beach which may be vulnerable to coastal hazards such as flooding and erosion. Its seaward footings (especially) and the exit to the sand should be set to a depth which allows for potential scouring or lowering of beach levels.*

## 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.

## Open Space Zone

The zone encapsulates a number of Council owned reserves that are scattered across the city. These open spaces provide important structured and unstructured recreational opportunities for the community of Holdfast Bay and beyond. Development will ensure that the aesthetic qualities of these reserves are preserved and enhanced, and will be appropriate to the current and envisaged public function of the spaces and their local setting.

## Quantitative Provisions

The Open Space Zone does not contain any specific quantitative policies for the type of development proposed. DPF 2.2 of the Zone references outbuildings specifically stating what building scale is anticipated.

### *DTS/DPF 2.2*

*Outbuildings have a:*

- (a) floor area that does not exceed 80m<sup>2</sup>*
- (b) wall height that does not exceed 3m*
- (c) building height that does not exceed 5m*

An outbuilding is defined in the Planning and Design Code as:

*a non-habitable detached building on the same site as a main building which is ancillary and subordinate to the main building and has a use and function which relates to the main building, but does not include a private bushfire shelter.*

The amenities building does not fall within the definition of an outbuilding. Although this is the case, guidance can be taken from this policy as it provides an idea of what scale is expected in the zone. The amenities building contains a total site area of 76sqm and a wall/total height of 3.4m from the lowest part of the natural ground level. The building contains a wall height exceeding the anticipated maximum by 400mm as it contains a built form comprising of flat vertical walls.

The 400mm variance will not result in the building having an unacceptable scale for the locality. DPF 2.2 anticipates buildings to contain a total height of 5m. The 400mm wall height variance is negligible when considering a building roof height of 5m is anticipated by the policy. Further, the height of the building is much less than the recently constructed surf life-saving tower to the west.

## Building Design

The Seacliff Amenities Building has been designed to create a safe and functional structure that blends seamlessly with its natural environment. The building will embody the coastal surroundings, sitting comfortably in its context through its versatile and durable natural timber exterior, which will be allowed to weather to a natural drift wood patina. With its many different textures and strong resilience to extreme climates, natural timber will showcase a sustainable and sophisticated building in a highly trafficable area.

The building replaces an unsafe and unsightly existing amenity block with an increased capacity, providing sufficient amenities focusing on all users. The design and layout of the building has been simplified to provide accessible and functional amenities to the west and public storage facilities to the east, which is divided by a central service and maintenance core. The organic shapes and fluid timber patterns of the building symbolise the

natural coastal environment in which the building is sited and offer a landmark piece of architecture to a locality with high amenity.

Concerns were raised during consultation about the visual impact of the building and its impact on local amenity. While it is noted that the building is larger than the existing one, the design of the building is an enhancement to the area. It is also worth noting that the facilities that the building provides are an upgrade to the current arrangement including the introduction of DDA-compliant facilities. The building will provide greater amenities to the wider locality of the city as it is a part of the Council that is widely used during all times of the year.

## **CONCLUSION**

The amenities building will result in an increased visual amenity for the locality. The building is a great improvement in building design in comparison to the existing toilet block which is outdated. The amenities on offer are also an enhancement which will be frequented by beach goers and the general public during busy times of the year. The inclusion of DDA compliant facilities is also introduced to the site which is currently lacking. The widening of the existing beach ramp and inclusion of the new one sees no objection from the coast Protection Board subject to an advisory note that has been placed on consent. Overall the proposed works are a welcome addition to the locality and warrant planning consent.

## **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 22017748, by City of Holdfast Bay 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).

## **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

Advisory Notes imposed by Coast Protection Board under Section 122 of the Act

The proposed access ramp extends over a section of beach which may be vulnerable to coastal hazards such as flooding and erosion. Its seaward footings (especially) and the exit to the sand should be set to a depth which allows for potential scouring or lowering of beach levels.

#### OFFICER MAKING RECOMMENDATION

**Name:** Alexander Stamatopoulos

**Title:** Development Planner

**Date:** 28/07/2022