

ITEM NO: 5.3
 REPORT NUMBER: 236/21

DEVELOPMENT NO.:	21006923
APPLICANT:	Franca D'Angelo Larry Piscioneri
ADDRESS:	SHOP 1-3 72 BROADWAY GLENELG SOUTH SA 5045
NATURE OF DEVELOPMENT:	Entry verandahs to restaurant
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Local Activity Centre <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Building Near Airfields • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Levels)
LODGEMENT DATE:	28 Apr 2021
RELEVANT AUTHORITY:	Assessment Panel
PLANNING & DESIGN CODE VERSION:	22 April 2021 Version 2021.5
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	None

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies
ATTACHMENT 1:	Application Documents
ATTACHMENT 2:	Subject Land Map
ATTACHMENT 3:	Zoning Map
ATTACHMENT 5	Representations (both in support)

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DETAILED DESCRIPTION OF PROPOSAL:

A pair of entry verandahs to verandah, one attached to entry and serving area associated with the main building.

The verandah on the Broadway building elevation is only 2 x 3.3 metres (6.6 square metres) and the verandah on the Partridge Street elevation is only 1.9 x 3.6 metres (6.8 square metres). The verandahs are flat roofed, open-sided and the post heights are not more than 3.2 metres, which sits lower than the existing restaurant building. The canopies are setback at least 7.2 metres from the property boundaries, therefore modest in scale and not dominant visual elements as viewed from the street.

BACKGROUND:

The proposed development was lodged as a means of providing cover at the entry and outdoor servicing points of the main building. The existing building does not have any permanent structures for the purpose of providing cover from the sun and rain, hence the applicant is seeking to improve the amenity for customers.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: SHOP 1-3 72 BROADWAY GLENELG SOUTH SA 5045

Title ref.: CT 5934/193 **Plan Parcel:** F12522 AL217 **Council:** CITY OF HOLDFAST BAY

Location reference: SHOP 1-3 72 BROADWAY GLENELG SOUTH SA 5045

Title ref.: CT 5934/192 **Plan Parcel:** F12522 AL185 **Council:** CITY OF HOLDFAST BAY

The subject site is a corner allotment, with the northern boundary fronting Broadway and the eastern boundary fronting Partridge Street.

The site contains a single storey building with a longstanding land use as a restaurant. Car parking is located to the east of the site and vehicle access is facilitated via both streets.

Locality

The subject locality contains a mix of land uses, including shops, offices, restaurants, consulting rooms and the like along the Broadway and parts of Partridge Street, with residential land uses surrounding the subject site.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:** Verandah: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:** Code Assessed - Performance Assessed
- **REASON:** P&D Code; proposed works are not *Accepted* or *Deemed to Satisfy*

PUBLIC NOTIFICATION

- **REASON**
adjacent to Established Neighbourhood Zone

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- **LIST OF REPRESENTATIONS**
2 received – both in support of the proposal
- **SUMMARY**
Proceed with a Council Assessment Panel decision

AGENCY REFERRALS

N/A

INTERNAL REFERRALS

N/A

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 construction of a pair of modest, flat roofed canopies for the purpose of providing cover from the sun and rain, contributes to facilitating the amenity of the existing restaurant.

Building Height

Building height is consistent with the form expressed in any relevant *Maximum Building Height Levels Technical and Numeric Variation* and *Maximum Building Height Metres Technical and Numeric Variation*, and otherwise generally of a low rise that complements the established streetscape and local character.

Maximum building height is 1 level.

The post height of the canopies is a maximum of 3.2 metres, with flat roof on top. The scale of the canopy complies with Building Height provisions.

Setbacks, Design & Appearance

Buildings on an allotment fronting a road that is not a State maintained road, and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.

The canopies are setback 7.3 metres from the nearest street boundary, are attached to the main building and are considered to complement the existing built form and streetscape character.

Heritage

The site abuts a historic conservation area, which contains several representative buildings, however the proposed verandahs are modest in size and appearance so as to not cause any adverse impact on the surrounding locality. The verandahs not visually dominant building elements, rather minor elements to the main building.

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Traffic Impact, Access and Parking

Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:

- availability of on-street car parking
- shared use of other parking areas
- in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared the adaptive reuse of a State or Local Heritage Place.

The proposed canopies do not interfere with any existing on-site car parking spaces, nor do they generate the need for the provision of any additional on-site car parking spaces.

CONCLUSION

The proposed canopies are considered to satisfy all of the relevant Design Code criteria and do not present any adverse impacts on the subject site or adjacent land.

There is no aspect of the proposal that is of any planning concern.

RECOMMENDATION

That Planning Consent is granted.

It is recommended that the Council Assessment Panel/SCAP 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 21006923, by Franca DAngelo and Larry Piscioneri is Granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

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.

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3. 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: 29/06/2021