

DEVELOPMENT NO.:	24004969
APPLICANT:	MyHomeBuild
ADDRESS:	3 LEWIS ST GLENELG NORTH SA 5045
NATURE OF DEVELOPMENT:	Two-storey detached dwelling
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy • Aircraft Noise Exposure • Aircraft Noise Exposure • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields
LODGEMENT DATE:	15 Apr 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.6 04/04/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 2:	Representation
ATTACHMENT 1:	Application plans	ATTACHMENT 3:	Response to representation

DETAILED DESCRIPTION OF PROPOSAL:

The application is for the construction of a two-storey dwelling. An application for land division has not been lodged for the site so the frontage width and site area will form part of this assessment. The Council has been advised that the land shown as vacant to the eastern side of the proposed dwelling will form part of 5 Lewis Street Glenelg North which is the same property owner.

The lower level includes a double garage, laundry, water closet, bedroom with ensuite, kitchen, open living areas and an alfresco. The upper level contains 3 bedrooms, a bathroom, and a living area. The façade of the dwelling comprises a feature stone wall, rendered walling, aluminium framed windows and colourbond roofing with 900mm wide eaves. The dwelling contains two sections of walls located on the western side boundary finished in face brick. The boundary walls are associated with the garage and the rear living areas. All side upper-level windows contain a minimum sill height of 1.5m from the finished floor level or obscure glazing below to minimise overlooking.

The dwelling will gain access via an existing single-width crossover. Landscaping is proposed in both the front and rear yards. One medium tree will be planted in the front yard along with low-level plantings to the side boundaries. The rear yard of the property will be grassed. Retaining walls up to 700mm will be established on the rear and both side boundaries of the site to accommodate fill.

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

Location reference: 3 LEWIS ST GLENELG NORTH SA 5045

Title ref.: CT 5671/86 **Plan Parcel:** D5281 AL63 **Council:** CITY OF HOLDFAST BAY

The site is located in the General Neighbourhood Zone and contains a primary frontage to Lewis Street. The width of the allotment is 9.5m and the depth 42.67m resulting in a total site area of 405.3sqm. There is an existing single-storey detached dwelling with associated ancillary structures located on the site. The land was inspected and no regulated trees were identified. See the image below of the subject land:



Above: Current dwelling located on the subject site



Above: Locality highlighted in red

The locality contains a relatively consistent built form with detached and semi-detached dwellings dominating the landscape. Dwellings heights in the locality are varied up to two storeys. Infill development and two-storey construction are occurring in the locality, particularly along Richardson Avenue and Patawalonga Frontage. The allotments directly east of the site at 7 Lewis Street and 29 Patawalonga Frontage have been recently redeveloped with two, two-storey detached dwellings.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 New housing
 Detached dwelling: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 Code Assessed - Performance Assessed
- **REASON**
 P&D Code

PUBLIC NOTIFICATION

- **REASON**
 the height of the boundary wall exceeds 11.5m in length and also 3m in height
- **LIST OF REPRESENTATIONS**

Summary of Representors			
Address of Representor	Position	Wish to be heard	Concerns
<i>Elisabeth Goward of Unit 2/1 Lewis Street Glenelg North</i>	<i>I support the development with some concerns</i>	<i>No</i>	<i>- The building height is excessive and will result in unreasonable overshadowing.</i>



Above: Map showing the representors land marked "R"

- SUMMARY**

The applicant responded to the representation stating that the ceiling heights of dwelling are not out of the ordinary when looking at the recent construction in the locality.

AGENCY REFERRALS

Nil

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. The application is not seriously at variance with the provisions of the Planning and Design Code as the Desired Outcomes and Performance Outcomes of the General Neighbourhood Zone anticipate residential development as an appropriate form of development.

Quantitative Provisions

	Proposed	DPF Requirement	Achieved
Site Frontage	9.5m	9m	Yes
Site Area	405.30sqm	300sqm	Yes
Building Height	Two levels and 8m	2 levels and 9m	Yes
	Wall Height 6.1m	Wall Height 7m	Yes

Boundary Development	9.1m (garage) 13.9m (living areas) length or 54% of the total boundary 3.3m height from footing	11.5m and 45% 3m height from footing	No No
Front Setback	5.5m metres	1m in front of average of adjoining 1 Lewis – primary setback 6.1m 5 Lewis – primary setback 7.3m <u>Quantitative requirement = 5.7m</u>	Minor 200mm shortfall
Rear Setback	9.5m – lower level 15.7m - upper level	4 metres at ground level and 6 metres at upper level	Yes
Side Setbacks	Ground level eastern wall 920mm and 2.2m Ground level western wall 900mm and 1.8m Upper-level eastern wall 2.2m Upper-level western 1.9m	Ground level wall 1m Ground level wall 900mm Upper-level northern wall 1.9m Upper-level southern wall 1.9m	Minor 80mm shortfall Yes Yes Yes
Site Coverage	59 percent	60%	Yes
Private Open Space	90 square metres	60 square metres	Yes
Soft Landscaping	21 percent of the site area	20 percent of the site area	Yes
Front Yard Landscaping	41 percent	30 percent	Yes
Tree Planting	1 medium tree	2 small trees or 1 medium tree	Yes

The aspects of the assessment that require further discussion are shown below.

Primary Setback

The setbacks of the adjoining dwellings to the west and east are as follows:

- 1 Lewis Street – Primary setback 6.1m
- 5 Lewis Street – Primary setback 7.3m

The relevant setback policy is shown below:

PO 5.1

Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.

DTS/DPF 5.1

The building line of a building set back from the primary street boundary:

- a) *no more than 1m in front of the average setback to the building line of existing buildings on adjoining sites which face the same primary street (including those buildings that would adjoin the site if not separated by a public road or a vacant allotment)*

The quantitative setback distance to be satisfied is 5.7m which is the average of the adjoining setback minus 1m. The subject site is the second allotment on the street that will be subject to a division with the dwelling located at 7 Lewis Street, which was formally a single-corner allotment being the first. The dwelling has been superimposed over the allotment which indicates where it will lie in context to the dwellings to the west and east.



The policy anticipates primary setbacks being closer to the street where infill development occurs. As allotment sizes decrease because of infill development it is typical for the primary setback of new development to encroach closer to primary boundaries. This is evident in the aerial above that shows 7 Lewis Street containing a primary setback substantially smaller than the original dwellings on the street creating a new standard for infill development. The proposed primary setback is consistent with the emerging setback pattern satisfying PO 5.1.

Side Setbacks

A minor shortfall was noted regarding the western side lower-level setbacks. The walls contain a ceiling height of 3m which result in external wall heights of 3.4m. The numerical side setback warranted for a 3.4m high wall is 1m resulting in a minor numerical shortfall of 80mm. The relevant Zone policy is shown below:

PO 8.1

Building walls are set back from side boundaries to provide:

- a) *separation between buildings in a way that contributes to a suburban character and*
 b) *access to natural light and ventilation for neighbours.*

DTS/DPF 8.1

Other than walls located on a side boundary, building walls are set back from side boundaries in accordance with the following:

- a) where the wall height does not exceed 3m - at least 900mm*
- b) for a wall that is not south-facing and the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings*

The majority of the eastern side wall will be setback 2.2m with only two limited sections being setback 920mm. The orientation of the building will ensure that unreasonable shadowing will not occur, and the setback provides separation consistent with the existing built form in the locality. PO 8.1 is satisfied.

Boundary Development and Overshadowing

A numerical shortfall was noted with respect to the boundary wall height of both garage walls, the percentage of boundary development and also the length of the wall associated with the rear living areas. The relevant Performance Outcome and Performance Feature are shown below:

PO 7.1

Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.

DTS/DPF 7.1

Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below:

- a) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height*
- b) side boundary walls do not:

 - i. exceed 3m in height from the top of footings*
 - ii. exceed 11.5m in length*
 - iii. when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary*
 - iv. encroach within 3m of any other existing or proposed boundary walls on the subject land.**

The height of the boundary walls exceed the anticipated maximum of DPF 7.1 (b)i by 300mm, the length of the boundary wall associated with the rear living areas is 13.9m as opposed to 11.5m and the total percentage length is 54% where 45% is anticipated. Notwithstanding, the variances must be assessed against the performance outcome. The first test is whether the numerical departures result in unreasonable visual impacts.

The boundary walls will be located adjacent to the common driveway of the residential flat building to the west. This area is used to service the units by way of vehicles entering and exiting the site. It is not an area of high amenity value like a private open space area.

The second test is the impacts of overshadowing. The siting of the dwelling is beneficial as the majority of shadow cast during the day will be to the south alleviating overshadowing to the adjoining neighbours. The applicable overshadowing principles are shown below:

PO 3.1

Overshadowing of habitable room windows of adjacent residential land uses in:

- a. neighbourhood-type zone is minimised to maintain access to direct winter sunlight*
- b. other zones is managed to enable access to direct winter sunlight.*

DTS/DPF 3.1

North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.

PO 3.2

Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:

- a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight*
- b. other zones is managed to enable access to direct winter sunlight.*

DTS/DPF 3.2

Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:

- a. for ground level private open space, the smaller of the following:*
 - i. half the existing ground level open space*
 - or*
 - ii. 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m) for ground level communal open space, at least half of the existing ground level open space*

Given the siting of the dwelling, there will be no unreasonable overshadowing of any north-facing windows or private open space areas to the adjoining properties. Shadow diagrams were not required as part of the assessment for this reason.

It is therefore considered that visual impact and overshadowing from the numerical variances noted are not unreasonable therefore PO 7.1 is satisfied.

Aircraft Noise Overlay

The subject site is located in an Aircraft Noise Exposure Overlay with an ANEF rating of both 25 and 30. The relevant policies for the construction of the dwelling in the overlay are shown below:

DO 1

Development sensitive to aircraft noise is designed and located to manage noise intrusion to reduce land use conflict and protect human health.

PO 1.1

Buildings that accommodate activities sensitive to aircraft noise are designed and located to minimise aircraft noise intrusion and provide appropriate interior acoustic amenity.

DTS/DPF 1.1

Buildings accommodating sensitive receivers are not located within an area having an ANEF value of 30 or more.

The applicant has noted on the plans that the dwelling will be built to satisfy Ministerial Building Standard – 010. This Ministerial Building Standard sets out additional provisions for reducing the level of noise transfer into residential buildings in identified areas. This standard applies to new class 1 buildings such as the dwelling that is proposed. The specific details of the construction methods to meet the standard will be determined during the building rules assessment.

The ministerial specifications will ensure that DO 1 and PO 1.1 of the Aircraft Noise Exposure Overlay are satisfied.

CONCLUSION

The application seeks to construct a two storey dwelling that will assimilate well with the existing built form of the locality. It is noted that components of the dwelling do not align with some assessment provisions of the Planning and Design Code. However, the impacts of the shortfalls are not considered to unreasonably impact the adjoining properties. The dwellings will contain an appropriate appearance to the streetscape and will integrate well with the current infill development in the locality.

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 24004969, by MyHomeBuild 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.
2. 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.
3. 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).
4. 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.
5. 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.

OFFICER MAKING RECOMMENDATION

Name: Alexander Stamatopoulos

Title: Development Planner

Date: 28/05/2024