

DEVELOPMENT NO.:	22015893
APPLICANT:	LS Design Construct
ADDRESS:	33A MARINE PDE SEACLIFF SA 5049
NATURE OF DEVELOPMENT:	Two storey detached dwelling with garage wall located on the northern side boundary
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> Established Neighbourhood Overlays: <ul style="list-style-type: none"> Airport Building Heights (Regulated) Affordable Housing Character Area Prescribed Wells Area Regulated and Significant Tree Stormwater Management Urban Tree Canopy Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> Minimum Frontage Minimum Site Area Maximum Building Height (Levels)
LODGEMENT DATE:	12 May 2022
RELEVANT AUTHORITY:	Council Assessment Panel City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.8
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos - Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Technical Services – Stormwater

CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL:

The application seeks a two storey dwelling with a garage wall located on the northern side boundary. The design of the dwelling is inspired by “Hamptons” style architecture with street fronting gable ends to the upper level and lower level portico. The façade of the dwelling is to be clad with weatherboard.

The lower level comprises a double garage, study, laundry, guest bedroom, powder room, kitchen, open living areas and an alfresco. There is 540mm step in the lower level which follows the natural slope of the land. The upper level contains 4 bedrooms, bathroom, lounge and rear facing balcony. Landscaping is proposed throughout including two small trees and various other plantings.

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

Location reference: 33A MARINE PDE SEACLIFF SA 5049

Title ref.: CT 6266/904 **Plan Parcel:** D128995 AL902 **Council:** CITY OF HOLDFAST BAY

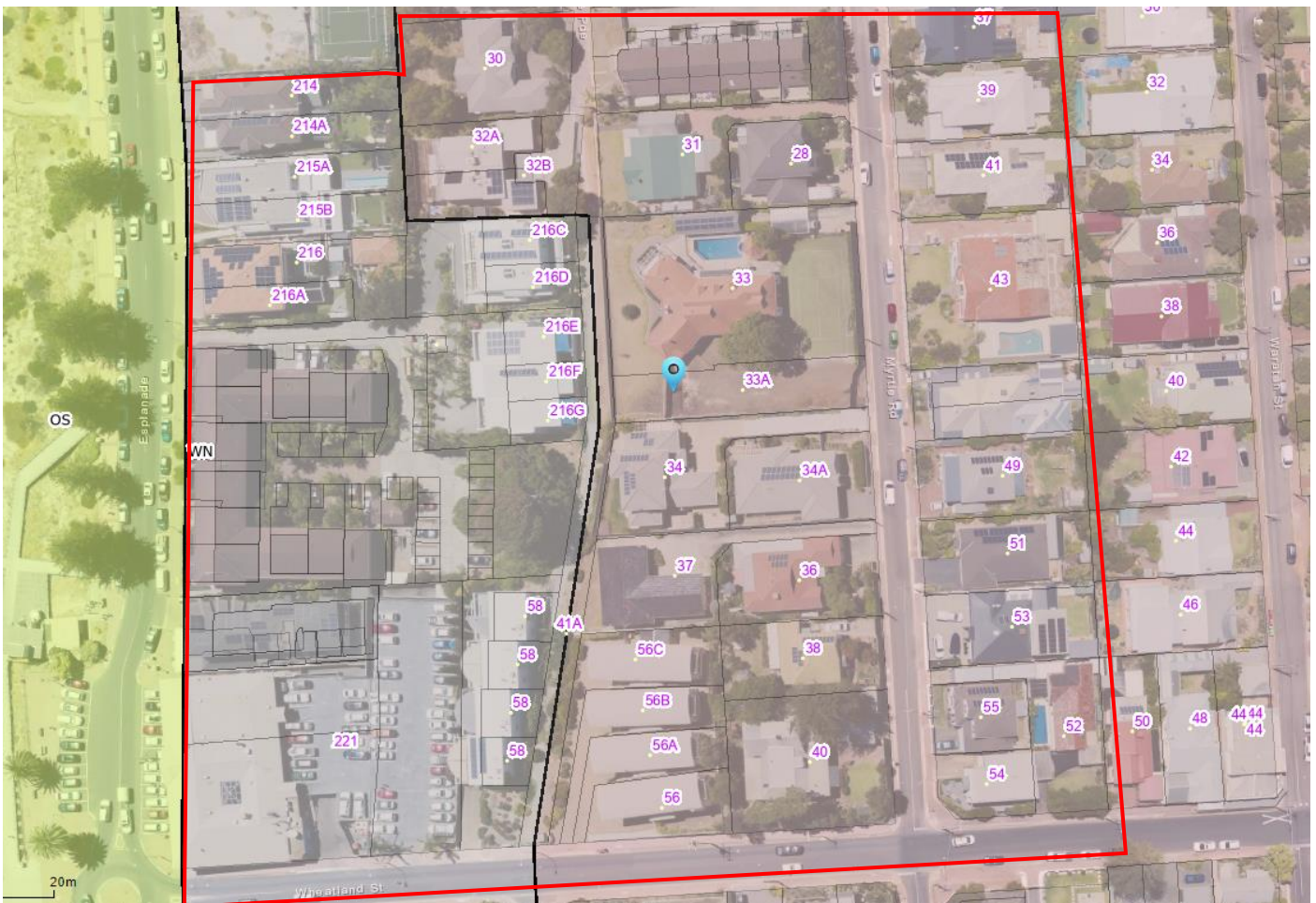
The site contains a frontage to Marine Parade to the west and also Myrtle Road to the east. The depth of the land is 52.12m and the width varies from 9.96m to 11m resulting in a total area of 551sqm. The allotment was formerly associated with the adjoining dwelling to the north and formed part of the site. The allotment will now form its own site with the dwelling proposal. See the image below of the subject land:



The locality includes the area between the Esplanade and Waratah Street. The railway line is a significant feature within the character Area, creating a significant north-south movement and landscape corridor but restricting east-west access and movement.

The subject land is located in the Established Neighbourhood Zone and adjoins the Waterfront Neighbourhood Zone to the west. The dwelling will front Myrtle Road which contains a variety of detached and group dwellings along with residential flat buildings. There are a variety of single two-storey dwellings that present to Myrtle Road. There are examples of three-storey dwellings that front the Esplanade which are an acceptable building height in the in the Waterfront Neighbourhood Zone.

Below is an aerial of the subject site and the locality.



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 development exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1
- **LIST OF REPRESENTATIONS**

Summary of Representors			
Address of Representor	Position	Wish to be heard	Concerns
<i>Andrew Gillis of 34A Myrtle road Somerton Park</i>	<i>Opposes the development</i>	<i>No</i>	<i>The development will result in overshadowing to the northern side of the representors property</i>

- **SUMMARY**
The applicant provided a response to the representations, refer to attachment 3. The response includes a written statement regarding the overshadowing concerns raised. Further, overshadowing plans were produced which shows the extent of shadows cast from two-storey dwelling.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

- **Technical Services – Stormwater**

The application was lodged with finished floor levels which were not of an adequate height. The applicant was advised of this and subsequently raised the levels of the dwelling alleviating the concerns raised.

PLANNING ASSESSMENT

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

Quantitative Provisions

	Proposed	DPF Requirement	Achieved
Building Height	2 levels	1 level	No
Boundary Development	6.9m length 3m height	8m 3m height	Yes Yes
Front Setback	6 metres	6 metres	Yes
Rear Setback	17.6m from the ground and upper level	4 metres at ground level and 6 metres at upper level	Yes
Side Setbacks	Boundary wall 2.7m over 11m Ground level wall 1m and 1.94m Upper level northern wall 1.9m Upper level southern wall 2.69m to 2.74m	Boundary wall 3.2m over 8m Ground level wall 900mm Upper level northern wall 1.9m Upper level southern wall 3m	Yes Yes Yes No
Site Coverage	60 percent	60%	Yes
Private Open Space	216 square metres	60 square metres	Yes
Soft Landscaping	28 percent of the site area	25 percent of the site area	Yes
Front Yard Landscaping	39 percent	30 percent	Yes
Tree Planting	2 small trees	2 small trees or 1 medium tree	Yes

The application satisfies a majority of the quantitative policies of the code. The assessment below will focus on the two shortfalls noted being the building height and southern upper-level setback.

Character area

The Character Area has unique characteristics, having been subdivided and first settled earlier than the adjoining precincts. It is characterised by a sloping landform overlaid with a rectilinear 19th Century pattern of roads resulting in smaller allotment sizes, narrow streets, reduced setbacks and limited street trees.

While there is a diversity of architectural eras and styles evident, the Character Area is characterised by small to medium scale detached dwellings constructed in the 1880s to 1920s west of the railway line, and a similar development scale constructed during the later 1930s to 1960s east of the railway line. These dwelling forms typically vary between one and two storeys in height throughout the Character Area.

The design of the dwelling is appropriate for the locality and the character area. The two-storey dwelling contains a “Hamptons” inspired façade which contains suitable design elements. The building comprises a steep 25-degree roof pitch, a short upper-level roof span, gable end roof forms, double-hung windows and an entrance portico which are architectural styles and built form features anticipated by the Character Area statement. The majority of the façade is clad with weatherboard giving the impression of a coastal home.

Building Height

The relevant policies relating to building height from the Established Neighbourhood Zone and Character Area Overlay are shown below.

The policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome. It does not need to necessarily be satisfied to meet the performance outcome. It also does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

Deemed Performance Features provide a guide or represent one way of achieving the respective Performance Outcome. The Rules of Interpretation continue to state DPF provisions do not need to be satisfied to meet the PO and that each element can be considered on their merits.

Established Neighbourhood Zone assessment provisions:

PO 4.1

Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.

DTS/DPF 4.1

Building height (excluding garages, carports and outbuildings) is no greater than:

(a) the following:

<i>Maximum Building Height (Levels)</i>
<i>Maximum building height is 1 level</i>

Character Area Overlay assessment provisions:

PO 2.2

Development is consistent with the prevailing building and wall heights in the character area.

DPF 4.1 of the zone anticipates that building height should not exceed one building level. PO 4.1 references that buildings contribute to the prevailing character of the neighbouring complimenting nearby buildings. To determine whether a two storey dwelling is appropriate in satisfying PO 4.1 an assessment of the surrounding built form must be considered.

An inspection of the locality was undertaken primarily observing the types of dwellings that front Myrtle Road. Overleaf are a series of photos and an aerial which depict two-storey dwellings close to the subject land.



There are a number of two-storey dwellings with primary frontages to Myrtle Road. The inclusion of the dwelling to the locality will not introduce a foreign built form. Therefore despite DPF 4.1 anticipating a maximum building height of 1 level PO 4.1 is satisfied in that the dwelling *contributes to the prevailing character of the neighbourhood and complements the height of nearby buildings.*

Southern side setback

The upper-level southern side setback of the dwelling varies from 2.69m to 2.74m. DPF 8.1 anticipates walls be setback at least 1.9m plus 1/3 of the wall height above 3m for south facing walls. To comply with DPF 8.1 (b) (iii) the southern upper-level wall will require a 3m setback. From a quantitative perspective the shortfall of 260mm and 310mm is considered to be negligible.

While the DPF policy is not met, the wall despite the setback shortfall, may satisfy the performance outcome.

PO 8.1

Buildings are set back from side boundaries to provide:

- (a) separation between buildings in a way that complements the established character of the locality*
- (a) access to natural light and ventilation for neighbours.*

The intent of the increased setback requirement for southern walls is to minimise the extent of shadowing cast to southern adjoining neighbours. The subject land benefits from being adjacent to a driveway that provides access to a dwelling located on a hammerhead allotment. The driveway provides separation from the dwelling wall and the northern orientated private open spaces of 34A Myrtle Road, Seacliff. With the inclusion of the driveway, the southern upper-level wall is setback approximately 5.2m from the northern boundary of 34 Myrtle Road Seacliff. This setback more than adequate to alleviate overshadowing from the dwelling.

The applicant has provided shadow diagrams that show the extent of existing and proposed overshadowing. The relevant overshadowing policies are shown below:

PO 3.1

Overshadowing of habitable room windows 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.*

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)*
- (b) *for ground level communal open space, at least half of the existing ground level open space.*

The existing shadow diagrams show that the dwelling will result in negligible additional shadowing to the private open space and northern façade of the 34A Myrtle Road, Seacliff. The northern yard of number 34a is shadowed by the existing fence. Given the substantial distance between the dwelling and the private open space, there is little additional shadow cast from the dwelling. Therefore both PO 3.1 and 3.1 are achieved.

CONCLUSION

The proposed dwelling will be a welcome addition to the Character Area. The two-storey built form will be consistent with the existing built form in the locality. The dwelling has been designed accordingly including architectural features that are sympathetic and consistent with the coastal location. Impacts of overshadowing are considered to be negligible as the site is separated by an access driveway which will catch the majority of shadowing.

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 22015893, by LS Design Construct 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. The stormwater disposal system shall cater for a 5 year rainfall event with discharge to the street not to exceed 10 litres per second. Any excess above this flow is to be detained on site.
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. 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. 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.
6. That a fixed blade louvre screen shall be erected on the western end of the first-floor balcony to a minimum height of 1.5 metres above finished floor level and be installed prior to occupation of the dwelling.

OFFICER MAKING RECOMMENDATION**Name:** Alexander Stamatopoulos**Title:** Development Planner**Date:** 29/07/2022