

DEVELOPMENT NO.:	21034273
APPLICANT:	Designtech Studio
ADDRESS:	1/31 BEACH ROAD, BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Upper-level addition located over the existing lower level garage
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Housing Diversity Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) • Minimum Frontage • Minimum Site Area • Maximum Building Height (Levels)
LODGEMENT DATE:	16 Nov 2021
RELEVANT AUTHORITY:	Council Assessment panel
PLANNING & DESIGN CODE VERSION:	2021.16
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner

CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL:

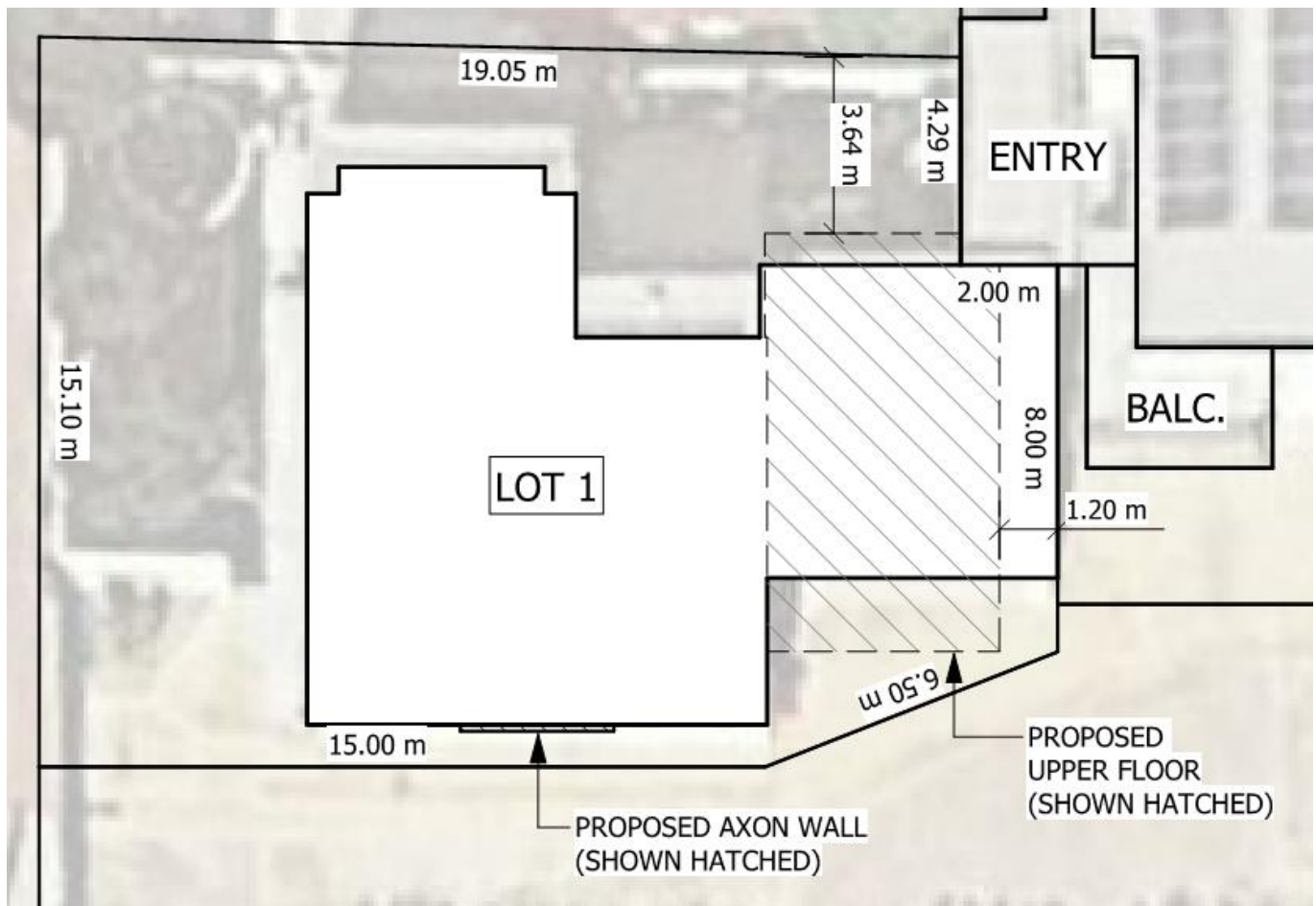
The application proposes an upper-storey addition above the garage and internal alterations to the upper level. The upper level in its current form contains a bedroom (1) with a walk-in robe and ensuite, two separate bedrooms (2 and 3) and a communal bathroom. The application seeks to alter the upper-level floor plan by converting bedrooms 2 and 3 to a study and rumpus area, reconfiguring the bathroom and adding two bedrooms above the existing garage.

The addition contains a flat roof and is clad with Axon cladding finished in monument. A large window is located on the western elevation of the addition and high-level horizontal window is on the eastern side.

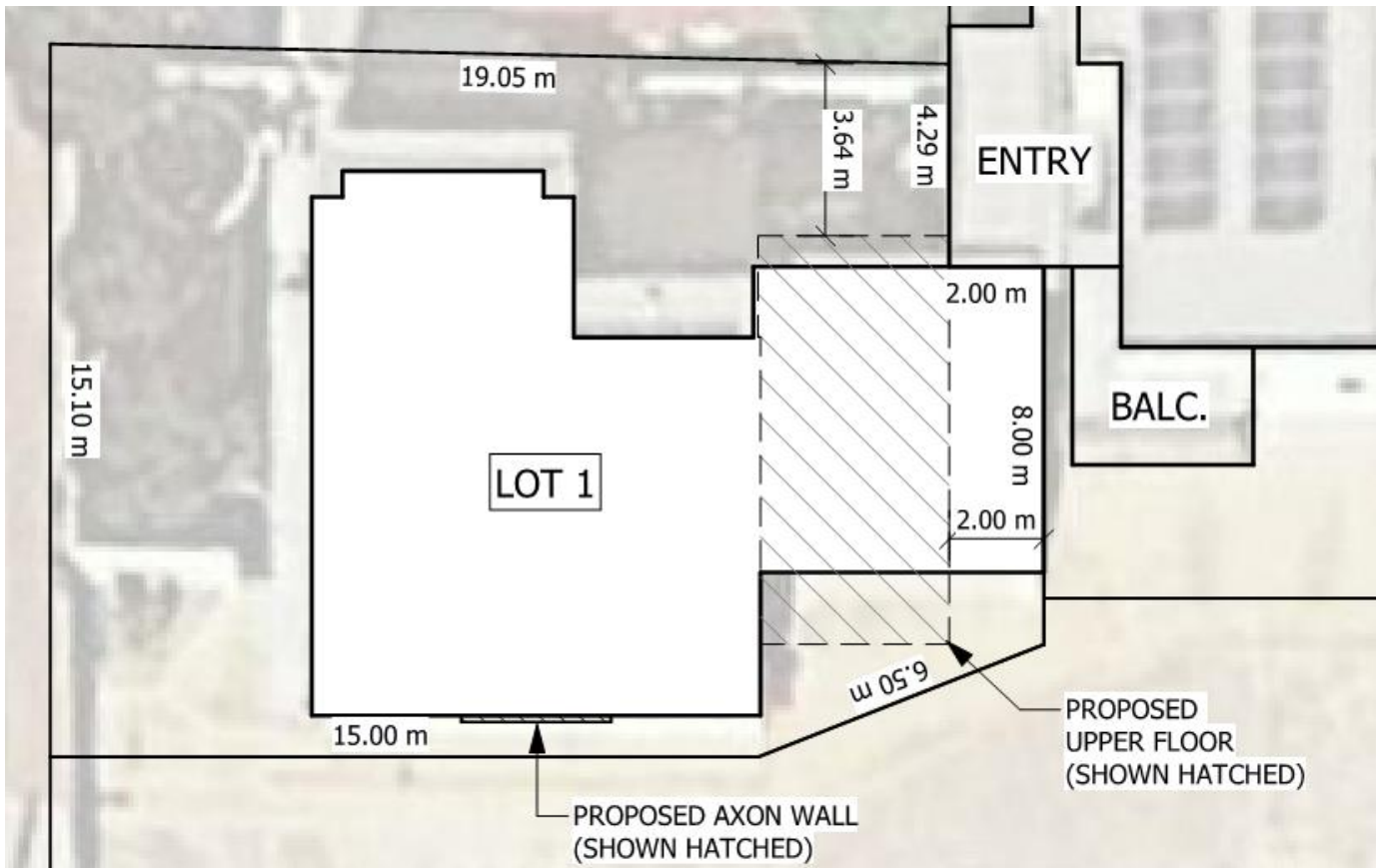
BACKGROUND:

The application was subject to public notification, and one representation was received. In response to the representation the applicant amended the drawings to appease the concerns raised. The amendments made involved the increase of the southern boundary setback from 1.2m to 2m and the decrease of the overall height of the addition by 400mm. The remainder of the works remained unchanged.

The site plan below shows the footprint of the addition as lodged as the top image and the amended scheme on the bottom with the increase in setback.

Initial Scheme

Amended Scheme



SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 31 BEACH RD BRIGHTON SA 5048

Title ref.: CT 5991/615 **Plan Parcel:** C24157 FL1 **Council:** CITY OF HOLDFAST BAY

The subject land is a rectangular-shaped allotment with a frontage of 15.10m and a depth that varies up 19.05m and an area of approximately 297sqm. The dwelling is located on a community title with a common driveway servicing four dwellings. The dwelling contains two storeys, three bedrooms and a double garage. The three other dwellings on the land have the same architectural style and are two storeys. The site contains a sliding security gate adjacent to Beach Road, a common access driveway and a series of pencil pines adjacent to the western side boundary.



The locality is residential and contains various dwelling types varying in height up to two storeys. Infill development is evident with several group dwellings and residential flat buildings along Beach Road and Cedar Avenue. The Seaford train line is located to the east of the dwelling and the west is Brighton Beach within walking distance of the site. Directly adjoining to the west is a two-storey residential flat building, to the east single storey units and to the south a two-storey dwelling that is part of community.

**CONSENT TYPE REQUIRED:**

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:** Dwelling addition: Code Assessed - Performance Assessed
Dwelling alteration or addition
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
The height of the proposed boundary wall exceeds 3m measured from the top of footings
- **LIST OF REPRESENTATIONS**
 - Andrew Rossi of 2/31 Beach Road

SUMMARY OF REPRESENTATIONS

- The southern side boundary setback is not sufficient
- The boundary wall height is not appropriate

The applicant responded to the representation shown in attachments 3 and 3.1.

PLANNING ASSESSMENT

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

Housing Diversity Assessment Provisions

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature				
<p>PO 3.1</p> <p><u>Building height</u> is consistent with the form expressed in any relevant <u>Maximum Building Height Levels Technical and Numeric Variation</u> and <u>Maximum Building Height Metres Technical and Numeric Variation</u>, and is otherwise generally low rise, or complements the height of nearby buildings.</p>	<p>DTS/DPF 3.1</p> <p><u>Building height</u> (excluding garages, carports and outbuildings) is no greater than:</p> <p>(a) the following:</p> <table border="1" data-bbox="790 1115 1417 1357"> <thead> <tr> <th data-bbox="790 1115 1417 1182">Maximum <u>Building Height</u> (Metres)</th> </tr> </thead> <tbody> <tr> <td data-bbox="790 1182 1417 1234">Maximum <u>building height</u> is 9m</td> </tr> <tr> <th data-bbox="790 1234 1417 1301">Maximum <u>Building Height</u> (Levels)</th> </tr> <tr> <td data-bbox="790 1301 1417 1357">Maximum <u>building height</u> is 2 levels</td> </tr> </tbody> </table> <p>(b) in all other cases (i.e. there are blank fields for both maximum <u>building height</u> (metres) and maximum <u>building height</u> (levels)) – 2 building levels up to a maximum height of 9m.</p> <p>In relation to DTS/DPF 3.1, in instances where:</p> <p>(c) more than one value is returned in the same field, refer to the <u>Maximum Building Height (Levels) Technical and Numeric Variation</u> layer or <u>Maximum Building Height (Meters) Technical and Numeric Variation</u> layer in the SA planning database to determine the applicable value relevant to the <u>site</u> of the proposed development</p> <p>(d) only one value is returned for DTS/DPF 3.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.</p>	Maximum <u>Building Height</u> (Metres)	Maximum <u>building height</u> is 9m	Maximum <u>Building Height</u> (Levels)	Maximum <u>building height</u> is 2 levels
Maximum <u>Building Height</u> (Metres)					
Maximum <u>building height</u> is 9m					
Maximum <u>Building Height</u> (Levels)					
Maximum <u>building height</u> is 2 levels					

The addition replicates the two-storey built form of the existing dwelling, and the total height of the addition is 6.9m satisfying the PO 3.1.

Boundary Walls	
<p>PO 6.1</p> <p><u>Dwelling</u> boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining residential properties.</p>	<p>DTS/DPF 6.1</p> <p>Except where the <u>dwelling</u> is located on a <u>central site</u> within a <u>row dwelling</u> or <u>terrace arrangement</u>, side boundary walls occur on only one side boundary and satisfy (a) or (b) below:</p> <p>(a) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height</p> <p>(b) side boundary walls do not:</p> <p>(i) exceed 3m in height from the top of footings</p> <p>(ii) exceed 11.5m in length</p> <p>(iii) when combined with other walls on the boundary of the subject development <u>site</u>, exceed a maximum 45% of the length of the boundary</p> <p>(iv) encroach within 3m of any other existing or proposed boundary walls on the subject land.</p>
Side Boundary Setback	
<p>PO 7.1</p> <p>Buildings walls are set back from side boundaries to provide:</p> <p>(a) separation between dwellings in a way that complements the established character of the locality</p> <p>(b) access to natural light and ventilation for neighbours.</p>	<p>DTS/DPF 7.1</p> <p>Other than walls located on a side boundary, building walls are set back from side boundaries:</p> <p>(a) at least 900mm for a <u>wall height</u> less than 3m</p> <p>(b) at least 900mm m plus 1/3 of the <u>wall height</u> above 3m.</p>
Rear Boundary Setback	
<p>PO 8.1</p> <p><u>Dwelling</u> walls are set back from rear boundaries to provide:</p> <p>(a) separation between dwellings in a way that complements the established character of the locality</p> <p>(b) access to natural light and ventilation for neighbours</p> <p>(c) open space recreational opportunities</p> <p>(d) space for landscaping and vegetation.</p>	<p>DTS/DPF 8.1</p> <p><u>Dwelling</u> walls are set back from the rear boundary at least:</p> <p>(a) 3m for the first <u>building level</u> or 0m where the rear boundary abuts a laneway</p> <p>(b) 5m for any second <u>building level</u></p> <p>(c) 5m plus any increase in <u>wall height</u> over 7m for buildings of 3 building levels and above..</p>

A small portion of the addition wall associated with bedroom three is located on the boundary with the adjoining dwelling (unit 2). The height of the wall exceeds the maximum for boundary development, however the structure will be adjacent to a roofed entrance walkway. As such, the visual impacts of the wall are considered to be minor.

The eastern side setback is 3.64m, which exceeds the quantitative requirement of 2.18m prescribed by DPF 7.1 (a). The rear setback of the addition is 2m, which is a 3m shortfall. The Planning and Design Code does not contain specific overshadowing policies for residential development as it anticipates shadowing to be mitigated by appropriate setbacks as seen in the performance outcomes.

The shadowing diagrams provided by the applicant show the extent of shadowing to the southern rear property during the winter solstice. The shadows show that there will be a sufficient amount of sunlight captured to the north-facing windows and balcony area during the early hours of the morning and later afternoon. The southern neighbouring dwelling benefits from being further setback to the east than the subject dwelling. This results in the majority of the shadow cast over the common driveway area throughout the day.

Overlooking / Visual Privacy (low rise buildings)	
<p>PO 10.1</p> <p>Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.</p>	<p>DTS/DPF 10.1</p> <p>Upper level windows facing side or rear boundaries shared with a residential use in a <u>neighbourhood-type zone</u>:</p> <p>(a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm</p> <p>(b) have sill heights greater than or equal to 1.5m above finished floor level</p> <p>(c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.</p>

The western facing window associated with the upper-level addition contains obscure glazing to 1.8m from the finished floor level. This will minimise views into the rear private open space areas of the adjoining western units satisfying PO 10.1.

CONCLUSION

The proposed dwelling addition achieves the Desired Outcome for the Housing Diversity Neighbourhood Zone and satisfies most of the relevant performance outcomes. The proposed addition is suitable for the dwelling and will not unreasonably impact the immediate adjoining dwellings. The application does not result in unreasonable overshadowing and the visual impacts of the addition are mitigated by its siting on the lot where it primarily adjoins common driveway.

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 21034273, by Designtech Studio 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. That all upstairs windows on the western and eastern elevation 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 or as otherwise approved.
3. 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.

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).

OFFICER MAKING RECOMMENDATION**Name:** Alexander Stamatopoulos**Title:** Development Planner**Date:** 03/02/2022