

<b>DEVELOPMENT NO.:</b>	21017582
<b>APPLICANT:</b>	Salt Studio Libby Warwick
<b>ADDRESS:</b>	7 PORTLAND ST SEACLIFF SA 5049
<b>NATURE OF DEVELOPMENT:</b>	Upper-level addition with wall located on southern side boundary to existing second storey comprising balcony, bathroom, kitchenette, landing deck and external staircase
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Established Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Character Area</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Frontage</li> <li>• Minimum Site Area</li> <li>• Maximum Building Height (Levels)</li> </ul>
<b>LODGEMENT DATE:</b>	5 Jul 2021
<b>RELEVANT AUTHORITY:</b>	Assessment panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2021.8
<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>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Nil

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<b>APPENDIX 1:</b>	<b>Relevant P&amp;D Code Policies</b>
<b>ATTACHMENT 1:</b>	<b>Submitted Plans</b>
<b>ATTACHMENT 2:</b>	<b>Representations</b>

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**DETAILED DESCRIPTION OF PROPOSAL:**

The application is for the construction of an upper-level addition with a wall located on southern side boundary of the existing second storey, comprising a balcony, bathroom, bar area, landing deck and external staircase.

The dwelling contains an existing upper level which is currently used as an attic. The plans show this area to be converted to a living/office area with the addition of a bathroom and kitchenette. Access will be via the existing internal stair case and also via an external staircase which is to be constructed to the eastern side of the dwelling.

The external stair case is located on the eastern side of the dwelling and will contain timber batten screening to maintain privacy for both the occupants and surrounding dwellings. The proposed balcony is located to the north of the existing upper level and will be covered with a raked roof pitched to the south following the existing roof line of the dwelling. The balcony contains 1.7m high louvered screening on the western side and 1m high balustrading on the eastern side.

**BACKGROUND:**

The application was initially lodged with the balcony located to the western side of the dwelling as opposed to the north. The remainder of the application remained the same. The southern side of the balcony was enclosed which resulted in a two-storey wall located on the southern side boundary spanning 2.7m in length. The application was amended to its current form as a result of the representations raised.

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

**Location reference:** 7 PORTLAND ST SEACLIFF SA 5049

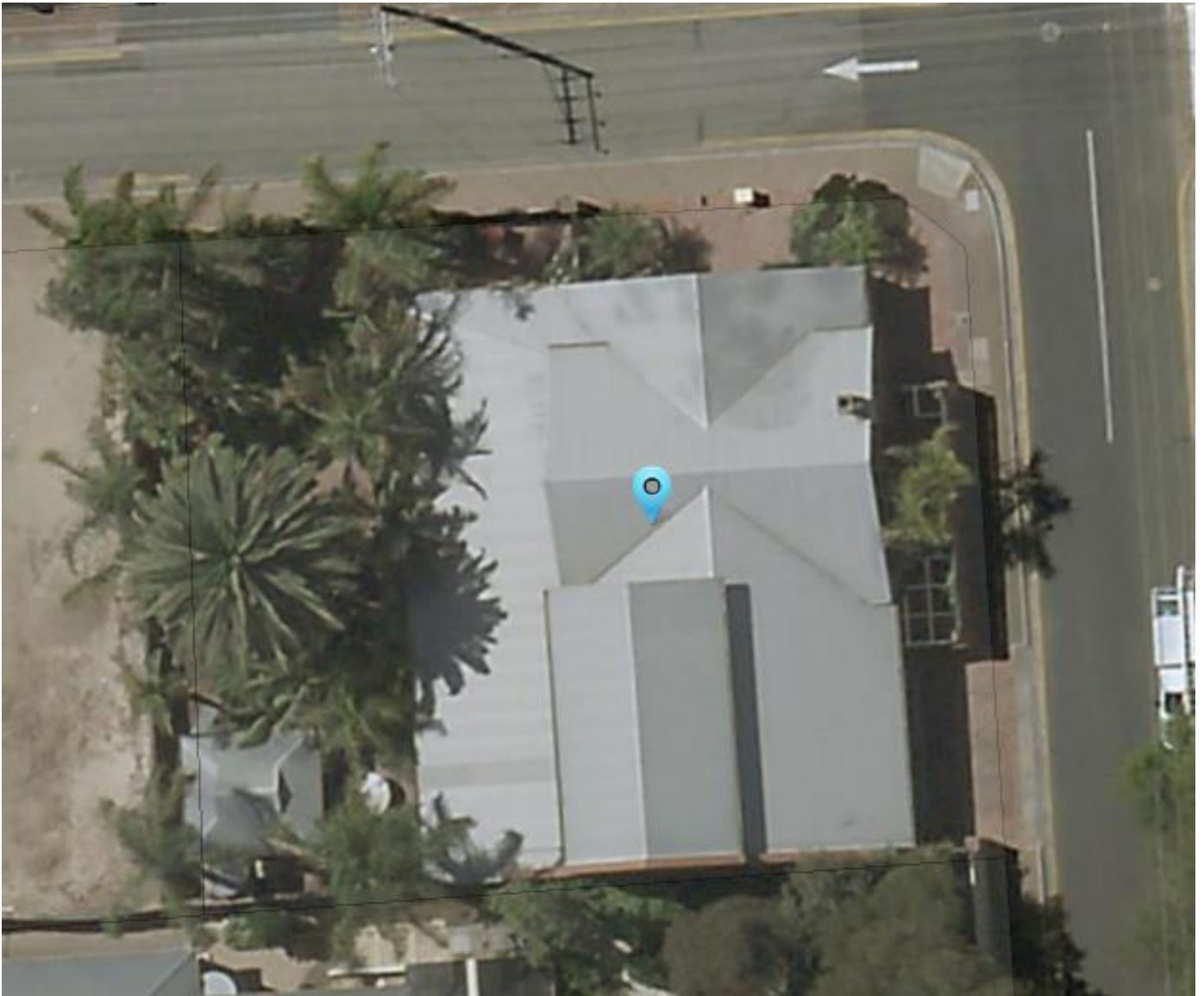
**Title ref.:** CT 5570/419 **Plan Parcel:** F212046 AL93 **Council:** CITY OF HOLDFAST BAY

The subject land is a square shaped allotment with a 23.2m frontage to Portland Street and a 19.5m secondary frontages to Myrtle Road. The site has a total area 537sqm. There is a single-storey detached dwelling with an outbuilding located in the south-western corner. The western side of the site is densely vegetated with various plantings including multiple palm trees. The mature trees on the site are not regulated.

Below is a photo of the site as viewed from the corner of Portland Street and Myrtle Road



Below is an aerial image of the site



The locality is residential in nature and comprises predominantly single-storey detached dwellings. There are few examples of infill development in the locality as the zoning of the locality anticipates minimum site areas in excess of 400sqm resulting in low densities. The locality is seeing a transition where original dwellings are being demolished and being replaced with new development. The original dwellings in the locality are circa 1930's to 1960's built single storey residences displaying hipped and gable roof forms.

The subject land is located amongst single storey detached dwellings located to the east, south and west of the site. A two storey detached dwelling is located on the northern side of Portland Street directly opposite the site. The land is within walking distance of Angus Neill Reserve and Seacliff beach which are within 200 metres.



**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

**PER ELEMENT:** Dwelling alteration or addition  
Dwelling addition: Code Assessed - Performance Assessed

**OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

**REASON**

P&D Code

**PUBLIC NOTIFICATION****REASON**

The proposal exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1.

**LIST OF REPRESENTATIONS**

The representations listed below related to the initial architectural plans that were submitted to the Council.

**Nick Diabiase of 12a Palumbo Avenue Newton**

- Raised concerns regarding overlooking from the western facing balcony.

**Deborah Jaensch of 21 Marine Parade Seacliff**

- The southern boundary wall located to the western side of the existing upper level addition will be visually imposing.
- Concerns of overlooking from the western facing balcony

**Brent Bunting of 10 Portland Street Seacliff**

- Is in support of the application

**Gary Dawe of 23 Myrtle Road Seacliff**

- Is in support of the application

**SUMMARY**

The applicant did not provide a written response to the representations. The applicant did approach the neighbours who raised concerns and submitted amended plans to the Council that alleviated the issues raised. Subsequently, the residents who raised concerns, Mr Diabiase and Ms Jaensch, withdrew their representations as they considered the amended plans as appropriate. The remaining two representations are in support of the development.

**PLANNING ASSESSMENT**

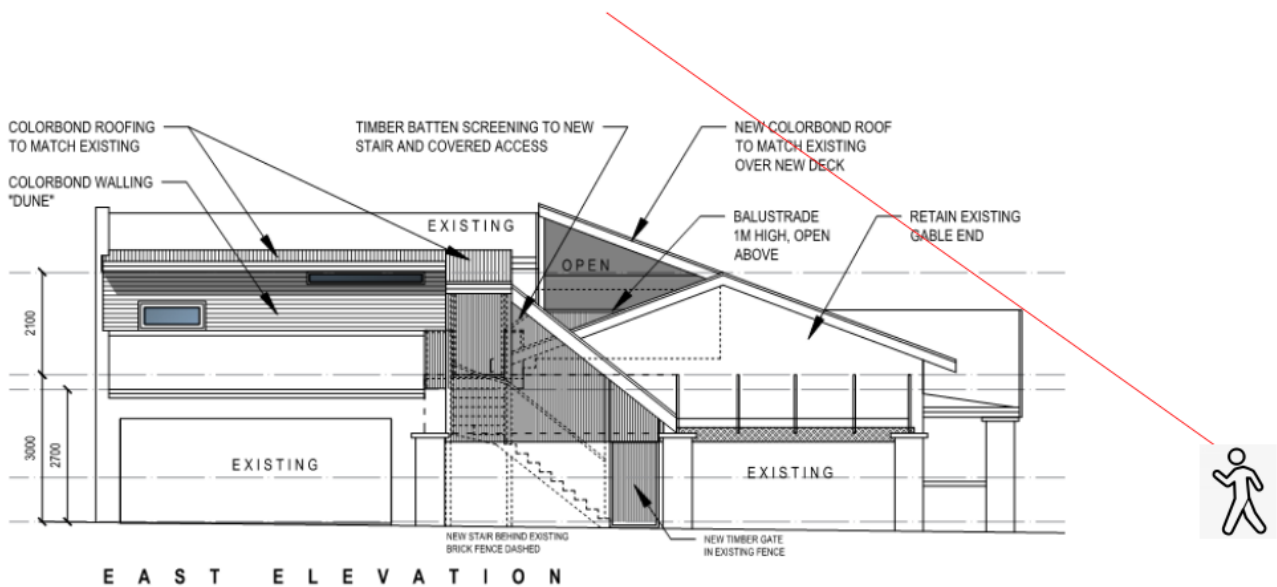
The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Building Height	
<p>PO 4.1</p> <p>Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.</p>	<p>DTS/DPF 4.1</p> <p>Building height (excluding garages, carports and outbuildings) is no greater than:</p> <p>(a) the following:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p style="text-align: center; background-color: #2c3e50; color: white; margin: 0;"><b>Maximum Building Height (Levels)</b></p> <p style="margin: 0;">Maximum building height is 1 level</p> </div> <p>(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) – 2 building levels up to a height of 9m.</p> <p>In relation to DTS/DPF 4.1, in instances where:</p> <p>(c) more than one value is returned in the same field, refer to the <i>Maximum Building Height (Levels) Technical and Numeric Variation layer</i> or <i>Maximum Building Height (Meters) Technical and Numeric Variation layer</i> in the SA planning database to determine the applicable value relevant to the site of the proposed development.</p> <p>(d) only one value is returned for DTS/DPF 4.1(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>

DPF 4.1 of the Established Neighbourhood Zone anticipates building heights to be no higher than 1 level. The application is at variance with this performance feature however satisfies the Performance Outcome. The existing dwelling contains an upper level which the application seeks to increase the footprint of. The overall height of the building will not increase and the addition will be well contained within the existing built form of the dwelling. The addition will not be viewed as a notable element from the Portland Street but rather will complement the roof form of existing dwelling.

<p>PO 4.2</p> <p>Additions and alterations do not adversely impact on the streetscape character.</p>	<p>DTS/DPF 4.2</p> <p>Additions and alterations:</p> <ul style="list-style-type: none"> <li>(a) are fully contained within the roof space of a building with no external alterations made to the building elevation facing the primary street.</li> <li>or</li> <li>(b) meet all of the following:             <ul style="list-style-type: none"> <li>(i) do not include any development forward of the front façade building line.</li> <li>(ii) where including a second or subsequent building level addition, does not project beyond a 45 degree angle measured from ground level at the building line of the existing building.</li> </ul> </li> </ul>
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The additions are not located within the existing roof space of the building however will not be notable elements when viewed from the primary street (Portland Street). Below is a line-of-sight diagram that shows the addition masked by the existing roof form of the dwelling.



The assessment provisions shown below are taken from the Character Area Overlay:

Desired Outcome	
DO 1	Valued streetscape characteristics and development patterns are reinforced through contextually responsive development, design and adaptive reuse that responds to the attributes expressed in the Character Area Statement.



Built Form	
PO 2.1  The form of new buildings and structures that are visible from the public realm are consistent with the valued streetscape characteristics of the character area.	DTS/DPF 2.1  None are applicable.
PO 2.2  Development is consistent with the prevailing building and wall heights in the character area.	DTS/DPF 2.2  None are applicable.
PO 2.3  Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) are consistent with the prevailing characteristics in the character area.	DTS/DPF 2.3  None are applicable.
PO 2.4  Development is consistent with the prevailing front and side boundary setback pattern in the character area.	DTS/DPF 2.4  None are applicable.
PO 2.5  Materials are either consistent with or complement those within the character area.	DTS/DPF 2.5  None are applicable.

### Seacliff Character Area Statement (HoB-C1)

The Character Area Overlay identifies localities that comprise valued character attributes. They can be characterised by a consistent rhythm of allotment patterns, building setting and spacing, landscape or natural features and the scale, proportion and form of buildings and their key elements.

The Character Area Statement of Desired Outcome for the zone contain an emphasis on retaining streetscape character through appropriate design and development to retaining consistency. Typically, the façade of dwellings contain character elements that contribute to the amenity of streetscapes that should retain streetscape dominance when proposing dwelling additions. The addition will have little material impact to the primary frontage of the dwelling as it is nestled between the existing addition and roof line of the dwelling.

The addition will contain a greater presence to the secondary boundary facing Myrtle Road. Typically, secondary frontages are not expected to contain the same level of amenity as the primary façade of a dwelling. It is not uncommon for verandahs, garaging and the side facades of dwellings to be dominant features of secondary street frontages that distort streetscape presence.

Below is the secondary frontage to Portland Street of 23 Myrtle Road which is located to the east of the site which contains various ancillary structures and a large gable end.



Below is the heavily vegetated Secondary frontage of 21 Marine Parade which is to the south of the site.



The built form of the balcony and kitchenette/bathroom addition is considered to be minor in the context of the existing dwelling. The additions are setback in excess of 3m from secondary side boundary and sit within the existing footprint of the dwelling resulting in no additional site coverage. A notable element of the application will be the stair case as it is located within 900mm from Myrtle Road and is clad with vertical timber screening.

The staircase will be roofed and will lead to the upper-level addition therefore gradually increasing in height. The timber screening will increase the visual presence of the streetscape however has practical use case in providing a form of protection for the occupants. The staircase is located adjacent to the secondary street boundary where the

character elements of the dwelling will not be disrupted. Further, the staircase when viewed in comparison to the dwelling will only comprise a portion of the side façade and therefore is not considered to detrimentally impact on streetscape amenity.

<p>PO 10.2</p> <p>Development mitigates direct overlooking from balconies to habitable rooms and <del>private open space</del> of adjoining residential uses in neighbourhood type zones.</p>	<p>DTS/DPF 10.2</p> <p>One of the following is satisfied:</p> <p>(a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace</p> <p>or</p> <p>(b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of:</p> <p>(i) 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land</p> <p>or</p> <p>(ii) 1.7m above finished floor level in all other cases</p>
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Adjoining the site to the west is a single-storey detached dwelling that is currently under construction. The dwelling contains an east-facing alfresco, private open space area and bedroom which are adjacent to the addition. To ensure privacy is maintained the applicant shows 1.7m high louvered screening to the western side of the balcony. The louvers will be angled and will not contain a gap greater than 10mm.

## CONCLUSION

The proposed dwelling addition achieves the Desired Outcome for the Established Neighborhood Zone and also satisfies a majority of the relevant performance outcomes. The development is suitable for the subject land and does not result in an overly dominant structure that will detract from the streetscape amenity.

## RECOMMENDATION

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 21017582, by Salt Studio and Libby Warwick is granted Planning Consent subject to the following reasons/conditions/reserved matters:

**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 a fixed, vertical blade louvre screen that prevents direct views into the adjoining property shall be installed on the western end of the first floor balcony prior to occupation to a minimum height of 1.7 metres above finished floor level. Gaps between the louvres shall be no more than 10mm.
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. 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:** 1/11/2021