

DEVELOPMENT NO.:	22017748
APPLICANT:	City of Holdfast Bay
ADDRESS:	Council verge on the western side of the Esplanade roadway opposite 220 Esplanade Seacliff
NATURE OF DEVELOPMENT:	Appeal Report - Case Number ERD-22-000133 in the matter of City of Holdfast Bay vs Council Assessment Panel of the City of Holdfast Bay
ZONING INFORMATION:	Open Space Zone
LODGEMENT DATE:	26 May 2022
RELEVANT AUTHORITY:	Council Assessment Panel of the City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.9
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Coast Protection Board
REFERRALS NON-STATUTORY:	Nil

Attachments

ATTACHMENT 1: Amended plans dated 12/09/2022

ATTACHMENT 2: Attachments from initial report

Background

At its meeting held on 24 August 2022, the Council Assessment Panel (the Panel) resolved as follows with respect to Development Application Number 22017748 for the construction of an Amenities building located on the Council verge on the western side of the Esplanade roadway opposite 220 Esplanade Seacliff:

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 22017748, by City of Holdfast Bay is REFUSED Planning Consent due to the following reasons:*
 1. *Does not sufficiently resolve excessive bulk and scale facing the Esplanade is at odds with PO 2.1 and 2.2 of the Open Space zone.*

2. *DO1 (c) and PO 2.1 and 2.2 of the design in urban areas provisions through the proposed development and its inclusion of lockers leading to undue public safety risk.*

Design Amendments

Amended plans were received by the applicant which show a reduction in the overall internal floor area of the structure. The lockers located on the western side of the building have been removed from the scheme. The room hosting the DDA and shower room has been amended which now sits in line with the wall of the store and maintenance room. Attachment 2.3 shows the internal floor plan and roof canopy of the amended building. The architects have outlined the original building footprint in a solid red line and the canopy footprint dashed in red. The same notes are made on the elevation drawings shown on attachments 2.5 and 2.6.

The design amendments made are listed below:

Previous Concept: 52m² ground footprint (101m² canopy)

Amended Concept: 46m² ground footprint (91m² canopy)

Greater permeability created on the eastern façade of the building through a re-designed battened wall

- The semi-permeable timber wall, which housed the lockers, has been deleted as have the battens that projected to the parapet.
- The semi-permeable wall has been replaced with a shorter battened wall, that has been reduced in scale and increased in transparency from the original design. The spacings of the battens have been increased and the area for vine growth has been reduced, allowing greater exposure of the interface between the amenities building and adjoining streets and public spaces.
- The space above the battened wall has been kept open to increase visibility, air flow and natural light, permitting sufficient views from passing traffic and eliminating the potential in creating a dark and secluded area.

Building footprint reduced to create more open space

- The amenities building store/maintenance area and northern façade have been significantly reduced to decrease the bulk of the building, creating a larger, open space to the north.
- The canopy of the building has also been reduced to limit the impact of the roof line on nearby vistas and to expand unimpeded sightlines.
- Increased greening areas have been created as a result, maximising the opportunity for planting to improve translucency and softening in and around the building, in lieu of bold, solid elements.
- The corner-less footprint of the building avoids creating 'blind spots' and limits opportunity for anti-social behaviour.

Relocation of outdoor basin to increase accessibility and visibility

- The outdoor basin has been relocated to the northern end of the building, increasing visibility from the east. Originally the outdoor basin location was obscured by the northern façade, however this has been re-designed and re-located to a central location.

- The reduction in building envelope enables greater natural surveillance for users of the outdoor basin and increases the opportunity to see and be seen.

Increase batten detail to entire building

- The batten detail has been developed to include the southern and western facades of the building.
- This will increase the appeal of the building and the space, to encourage legitimate activities and promote a sense of pride in the community's public asset.

Lighting opportunities increased

- A balanced lighting design can be further implemented around and on the building to reduce vulnerable areas.

Planning Assessment

The assessment policies that were the basis for refusal are shown below for reference:

Open Space Zone Assessment Provisions

PO 2.1

Development is designed and sited to be unobtrusive and not spoil the open space character or interrupt views of natural or landscape features.

PO 2.2

Outbuildings are of a scale that mitigates visual impacts of buildings on natural or landscape features.

DTS/DPF 2.2

Outbuildings have a:

- (a) floor area that does not exceed 80m²*
- (b) wall height that does not exceed 3m*
- (c) building height that does not exceed 5m*

Design in Urban Areas Assessment Provisions

DO 1

Development is:

- (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors*

PO 2.1

Development maximises opportunities for passive surveillance of the public realm by providing clear lines of sight, appropriate lighting and the use of visually permeable screening wherever practicable.

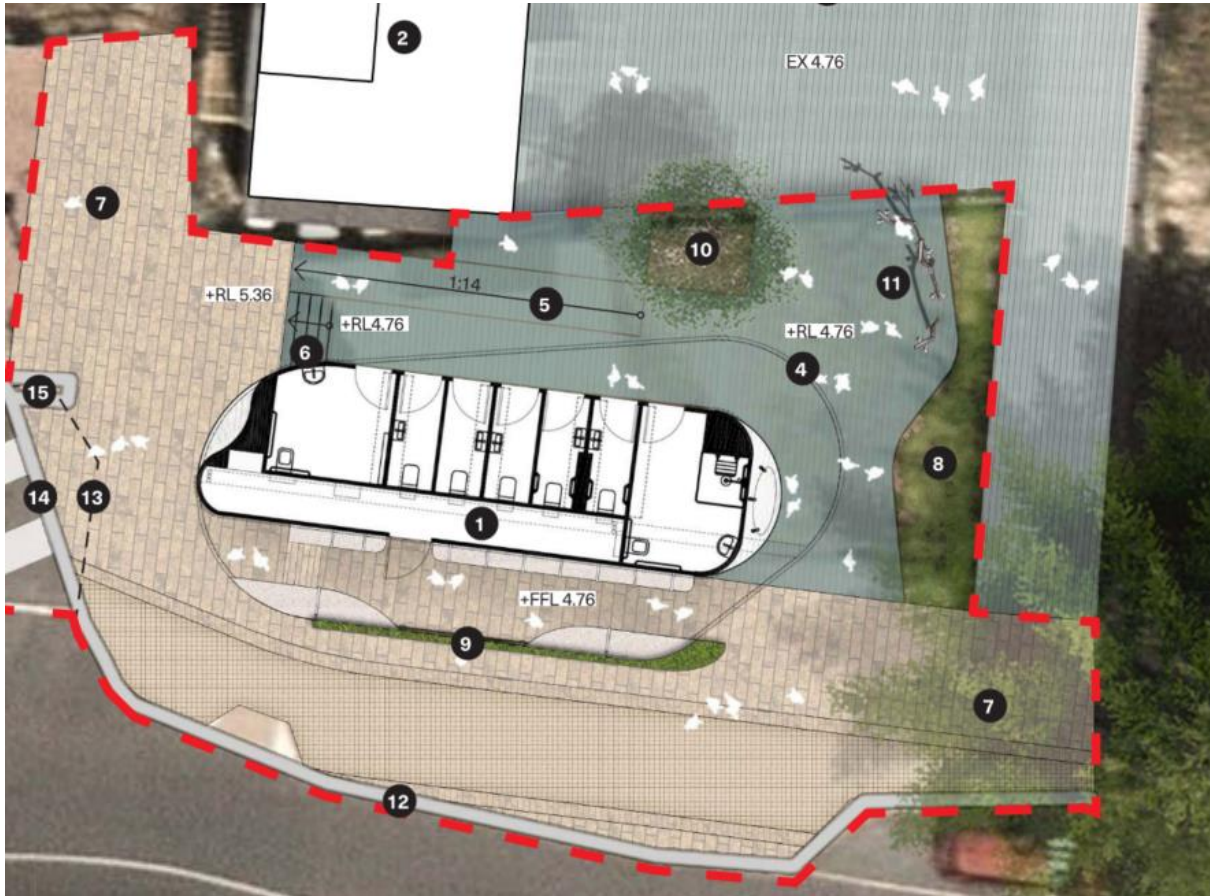
PO 2.2

Development is designed to differentiate public, communal and private areas.

[illegible]

Above: Initial scheme

Below: Amended scheme



The reduction of the building size sees a change in floor area from 52sqm to 46sqm. The decrease in area is noted on the northern side of the building which sees an increase in open space and therefore a larger capture of views from the adjacent lower level buildings satisfying PO 2.1. This has also resulted in an increase in soft landscaping which is a welcome addition to the hardscaped decking area.

The canopy reduction of 10sqm is also notable contributing to the minimisation of the overall scale of the structure. The canopy still overhangs the building providing shelter, however, provides a sense of openness as the lower level walls are well recessed in to the south. The size of the building contains a floor area of 46sqm well below the 80sqm anticipated by DPF 2.2. The scale of the building alleviates visual impacts of buildings on natural and landscape features satisfying PO 2.2 of the Open Space Zone.

The battened wall has been reduced in scale and increased in transparency which will allow for greater passive surveillance, air flow and natural light. The water basin is now located on the northern elevation of the building which is now visible from the east and western sides. The changes made satisfy DO 1(c) and PO 2.1 of Design in Urban Areas.

Conclusion

The scope of the project was to provide ambient accessible facilities for the community which are guided by specific dimensions to meet DDA requirements. These amenities require larger areas than conventional facilities. This must be considered when determining the appropriateness of the application. Notwithstanding, the amendments made to the structure have resulted in a building that still provides adequate functionality whilst now being of a modest scale satisfying the initial reasons for refusal.

RECOMMENDATION

Planning consent

It is recommended that the Council Assessment Panel advise the Environment, Resources and Development Court in the matter of Case Number ERD-22-000133 that the Council Assessment Panel supports Application ID 22017748 as amended subject to the conditions below:

CONDITIONS

Planning Consent

1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation.

ADVISORY NOTES

General Notes

2. 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.
3. 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.
4. 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.
5. 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).
6. 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).

Planning Consent

Advisory Notes imposed by Coast Protection Board under Section 122 of the Act

The proposed access ramp extends over a section of beach which may be vulnerable to coastal hazards such as flooding and erosion. Its seaward footings (especially) and the exit to the sand should be set to a depth which allows for potential scouring or lowering of beach levels.

OFFICER MAKING RECOMMENDATION

Name: Alexander Stamatopoulos

Title: Development Planner

Date: 12/09/2022