

DEVELOPMENT NO.:	24034779
APPLICANT:	Mr John and Elisha Tsoutsikos
ADDRESS:	53 MARINE PDE SEACLIFF SA 5049
NATURE OF DEVELOPMENT:	Variation to Application ID 23037611 for the construction of a pair of two level detached dwellings, fences and retaining walls comprising the addition of a third level to both detached dwellings
ZONING INFORMATION:	<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>Local Heritage Place</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 (Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 12m; row dwelling is 12m; group dwelling is 12m; residential flat building is 12m)</li> <li>Minimum Site Area (Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 400 sqm; row dwelling is 350 sqm; group dwelling is 350 sqm; residential flat building is 350 sqm)</li> <li>Maximum Building Height (Levels) (Maximum building height is 1 level)</li> </ul>
LODGEMENT DATE:	14 Oct 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.18 10/10/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning

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**CONTENTS:**

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

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There is an existing planning consent for development application 23037611 for the Construction of a pair of two level detached dwellings, fences and retaining walls which was granted by the Council Assessment Panel. This proposal comprises a variation whereby an additional (third) level is proposed on each dwelling, with the overall site layout and first two levels remaining unchanged in appearance.

The third levels incorporate the same form of appearance and materials, however, are an increase in building height and levels stepped in from the front, sides and rear, resulting in a negligible visual prominence from key vantage points, such as the street.



Development application 23037611 was granted Planning Consent by the Council Assessment Panel on the 28 August 2024 for the construction of a pair of 2 level detached dwellings, fences and retaining walls. Following receipt of planning consent, the applicant has sought to submit a variation application comprising a third level to each of the proposed dwellings.

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

**Location reference:** 53 MARINE PDE SEACLIFF SA 5049

**Title ref.:** CT 5667/788    **Plan Parcel:** F38192 AL255    **Council:** CITY OF HOLDFAST BAY

The subject site has been vacant for several months following the Council Assessment Panel's approval for the demolition of a local heritage place.

The subject site is a large allotment with a frontage of 30.93 metres and depth of 36.84 metres, resulting in a total site area of 1139 square metres. The land is generally flat, save for a fall at the front of the property down to the street, because of the natural topography of the land, formed by sand dunes, which sit some 2.8 metres above the street level.

The site does not contain any regulated or significant trees, nor any other features that would inhibit the development of the land.



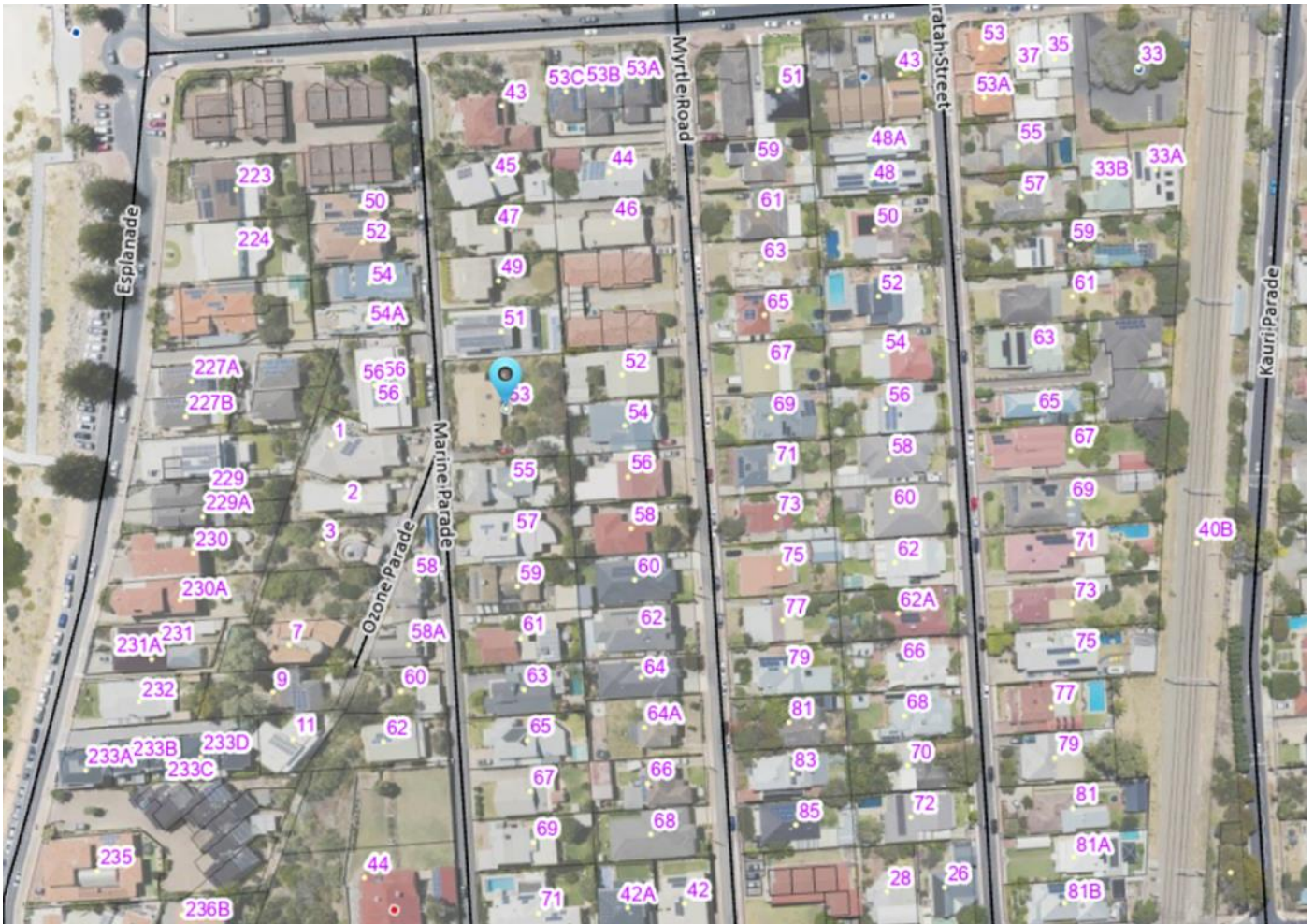


### Locality

The site is in the Established Neighbourhood Zone, Seacliff Character Area, which is defined by 1880s to 1920s housing stock, typically single storey Bungalows and Spanish Mission style Architecture on larger allotments as well as newer housing stock which has been established since the 1970s, with many comprising two storey building form, resulting in a mix of building styles.

The locality contains Local and State Heritage Places (dwellings), all of which are listed based on their architectural significance. Some nearby examples include 40 Myrtle Road, 44, 48 and 45 Wheatland Street and 44 Marine Parade (State Heritage).





**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**

Three levels in a 1 level Zone.

## LIST OF REPRESENTATIONS

A total of 29 representations were received, of which 27 (93 percent) demonstrated support of the proposal.

Summary of Representors		
Address of Representor	Position	Wish to be heard
3 Lascelles Avenue, Hove	Support	No
17 Salisbury Street, Somerton Park	Support	No
8 Soho Street, Warradale	Support	No
55 Marine Parade, Seacliff	Support	Yes
51 Marine Parade, Seacliff	Support	No
51 Marine Parade, Seacliff	Support	No
2 Ivanhoe Avenue, Hove	Support	No
2 Ivanhoe Avenue, Hove	Support	No
30 Seacombe Road, Darlington	Support	No
54 Alfreda Street, Brighton	Support	No
74 Marine Parade, Seacliff	Support	No
60 Myrtle Road, Seacliff	Support	No
74 Marine Parade, Seacliff	Support	No
60 Myrtle Road, Seacliff	Support	No
43 Marine Parade, Seacliff	Support	No
43 Marine Parade, Seacliff	Support	No
55 Marine Parade, Seacliff	Support	No
118 Esplanade, Brighton	Support	No
56 Marine Parade, Seacliff	Support	No
56 Marine Parade, Seacliff	Support	No
21 Myrtle Road, Seacliff	Support	No
58 Marine Parade, Seacliff	Support	No
21 Myrtle Road, Seacliff	Support	No
43 Scholefield Road, Kingston Park	Support	No
43a Wilkins Street, Glengowrie	Support	No
2 Ozone Parade, Seacliff	Support	No
3/41 Young Street, Seacliff	Support	No
42a Maitland Terrace, Seacliff	<b>Against</b>	No
9 Ozone Parade, Seacliff	<b>Against</b>	Yes

The applicant has responded to the representation, referenced as Attachment 4 of the Report attachments. The reply is a detailed, in-depth consideration to the concerns raised by the 2 representors who referenced some concerns with the proposal.

## PLANNING ASSESSMENT

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

**Question of Seriously at Variance**

The proposed development comprises an additional level to an approved pair of 2 level dwellings, resulting in 3 levels in the Established Neighbourhood Zone, Seacliff Character Area. *Dwellings* are an envisaged and appropriate form of development in the Zone.

The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

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

**NORTHERN MOST DWELLING**

*This perspective was taken from the front boundary line on the opposite side of Marine Parade (the 3<sup>rd</sup> level can be seen just above the parapet of the 2<sup>nd</sup> level)*

	Proposed	DPF Requirement	Achieved
<b>Building Height</b>	3 levels Maximum 10.5 metres total building height relative to lowest existing ground level of the site. The maximum wall height relative to the adjacent ground level is 9.2 metres.	1 level	No
<b>Front Setback</b>	Third level 12.97 metres	Dwelling wall 5.8 metres Verandahs or balconies can protrude forward a further 1.5 metres	Yes
<b>Rear Setback</b>	Third level 16.5 metres	6 metres	Yes
<b>Side Setbacks</b>	3 <sup>rd</sup> level has a wall height of 9.2 metres and setback 2.54 metres from the northern side boundary.  3 <sup>rd</sup> level has a wall height of 7.85 and setback 2.8 metres from the southern side boundary.	Wall height above 3 metres should be setback 900mm + 1/3 of the height above 3 metres, therefore 2.9 metres in this case  Wall height above 3 metres should be setback 1.9 metres + 1/3 of the height above 3 metres, therefore 5.51 metres in this case	No 430mm variance  No 270mm variance

#### SOUTHERN MOST DWELLING



*This perspective was taken from the front boundary line on the opposite side of Marine Parade*



	Proposed	DPF Requirement	Achieved
<b>Building Height</b>	3 levels Maximum 11.3 metres total building height relative to lowest existing ground level of the site. The maximum wall height relative to the adjacent ground level is 9.2 metres.	1 level	No
<b>Front Setback</b>	Third level 14.84 metres	Dwelling wall 5.8 metres Verandahs or balconies can protrude forward a further 1.5 metres	Yes
<b>Rear Setback</b>	Third level 8.2 metres	6 metres at ground level	Yes
<b>Side Setbacks</b>	3 <sup>rd</sup> level has a wall height of 8.8 metres and setback 2.54 metres from the northern side boundary.	Wall height above 3 metres should be setback 900mm + 1/3 of the height above 3 metres, therefore 2.8 metres in this case	No 260mm variance
	3 <sup>rd</sup> level has a wall height of 9.2 and setback 2.8 metres from the southern side boundary.	Wall height above 3 metres should be setback 1.9 metres + 1/3 of the height above 3 metres, therefore 3.96 metres in this case	No 960mm variance

### Zone and Character

The subject site is in the Established Residential Zone, Seacliff Character Area. The character is described as follows:

- Buildings circa 1880s to 1920s west of the railway line
- Varying allotment sizes, narrow streets, limited street trees
- Reduced and varied front setbacks
- Visual spacing between dwellings
- Range of architectural styles
- Some remaining examples of bungalows
- Spanish mission influenced architecture
- Rectilinear plan forms
- High modulation and articulation
- Low scale
- Steep roof pitches (25 to 35 degrees)
- Short roof spans
- Hip and gable roofs
- Deep verandahs and porches
- Fine-grain detail in plinths, string courses, projecting sills
- High solid to void ration
- Vertically proportioned openings
- Single storey

- Bricks, stone, render, corrugated iron or terracotta tiled roofing

The proposed dwellings fail to complement the Seacliff Character Area statement in nearly all respects. The only areas in which the new buildings are complementary is with respect to incorporating:

- reduced and varied front setbacks
- Contributing to a range of architectural styles
- Deep verandahs and porches
- Vertically proportioned openings
- Stone and render materials

The inclusion of these building elements is considered to have achieved a reasonable balance between acknowledging the original character, whilst achieving a harmonic visual balance with the current built form within the streetscape. The 3<sup>rd</sup> level has been designed in a way that recedes toward the centre of each building to limit the visual prominence, as highlighted on the streetscape perspective below, which is taken from the front boundary of the property across the street. The visual prominence of the 3<sup>rd</sup> levels is negligible due to the siting of the walls in conjunction with the topography of the land.





### Design, Appearance and Building Height

The locality directly adjacent to the subject site is such that it is characterised by newer housing stock, whereby none of the neighbouring examples of built form contain any architectural elements that would suggest they have contributed to keeping the wider character intact. This section of Marine Parade has a visual character more akin to the kinds of dwellings found in the neighbouring Waterfront Neighbourhood Zone, which accommodates 3 levels, of which is absent of the character referenced in the Character Area Statement.

Part of this is due to the western side of Marine Parade being within the Waterfront Neighbourhood Zone, which doesn't have an Overlay, and allows for 3 level built form. This does not suggest that the Character Statement should be altogether ignored, however it is reasonable to accept that there are notable sections within this locality that the original character is substantially diminished. This section of Marine Parade is clearly at odds with the prevailing Character found elsewhere throughout Seacliff.



As per the streetscape plan above, the design achieves a scale that is complementary to the scale of the adjacent 3 and 2 storey dwellings. It is noted that although the proposed dwellings are 3 level, they are reasonably consistent with the height of the southern adjacent 2 level dwelling due to the topography of the land.

Although the proposed dwellings fail to complement the prevailing character of the Seacliff Character Area, they are well designed, incorporate building materials consistent with the character (stone and render), have a scale consistent nearby and neighbouring buildings and the yards are well landscaped.

Of the 26 buildings between Wheatland Street and as far south as 70 Marine Parade, there are 17 dwellings that exceed 1 level, and 1 dwelling which comprises 3 levels (the northern neighbouring dwelling at 51 Marine Parade).



### **Boundary Setbacks**

Building setbacks associated with the first and second levels were considered as part of the previous application for 2 level dwellings and remain unchanged.

Consideration is therefore focused on the additional 3<sup>rd</sup> levels for each dwelling.

The dwellings have a 3<sup>rd</sup> level which is setback 12.97 and 14.84 metres from the front boundary and at least 6.1 metres behind the front wall of the 2<sup>nd</sup> level, hence resulting in the level not being visually prominent from the street level. The buildings have a maximum wall height of 9.2 metres above the relative natural ground level and setback as close as 2.5 metres from the northern side boundary and 2.8 to 4.4 metres from the southern side boundary.

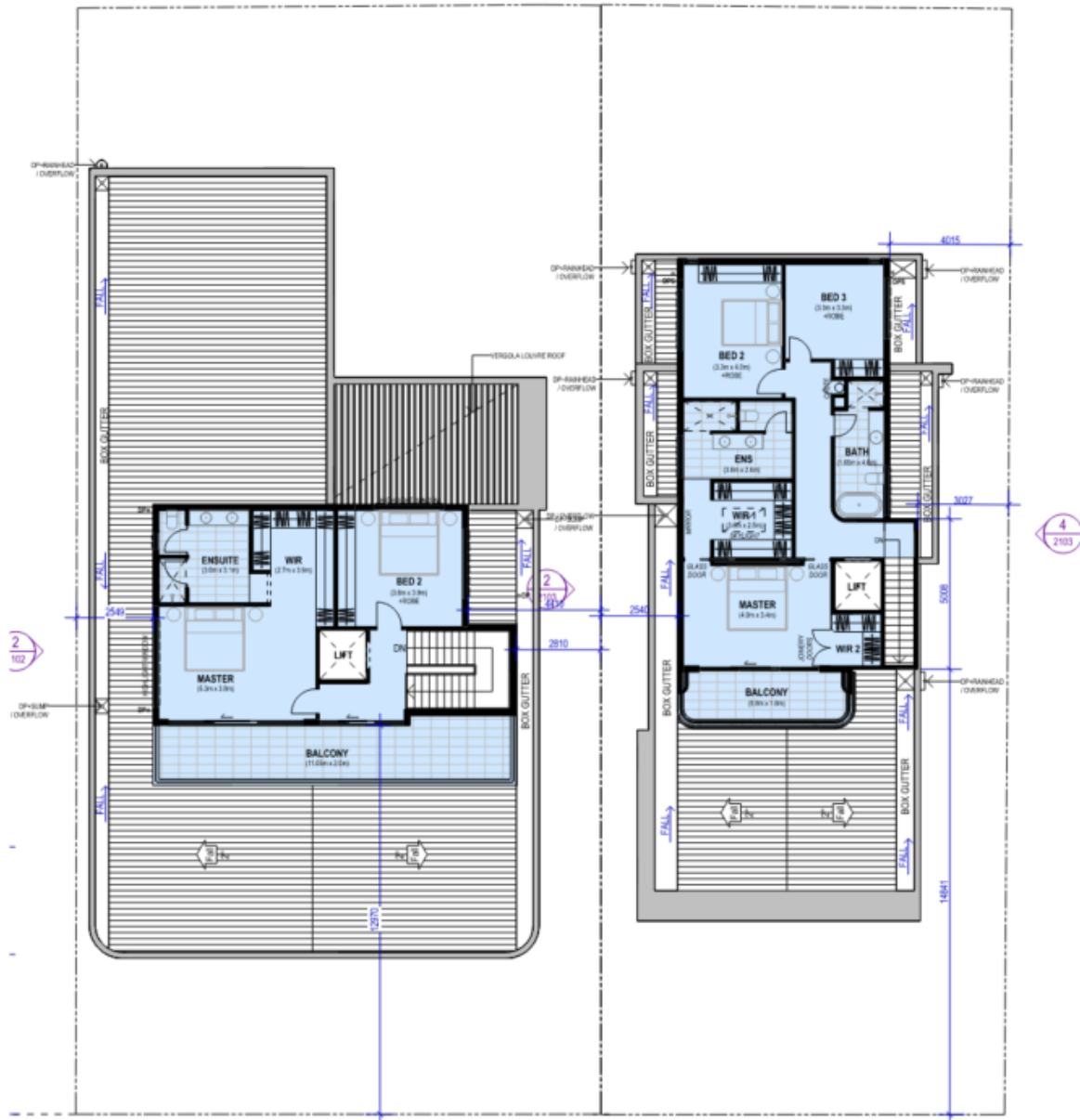
Although the relevant Designated Performance Feature (DPF) seeks a northern setback of 2.9 metres to the northern side boundary and 5.5 metres to the southern side boundary, the DPF is a guide in determining whether the proposal satisfies the relevant Performance Outcome, which in the case here is Established Neighbourhood, Side Boundary Setback, Performance Outcome 8.1 which seeks building setback from side boundaries to provide separation between buildings in a way that complements the established character of the locality and access to natural light and ventilation for neighbours.

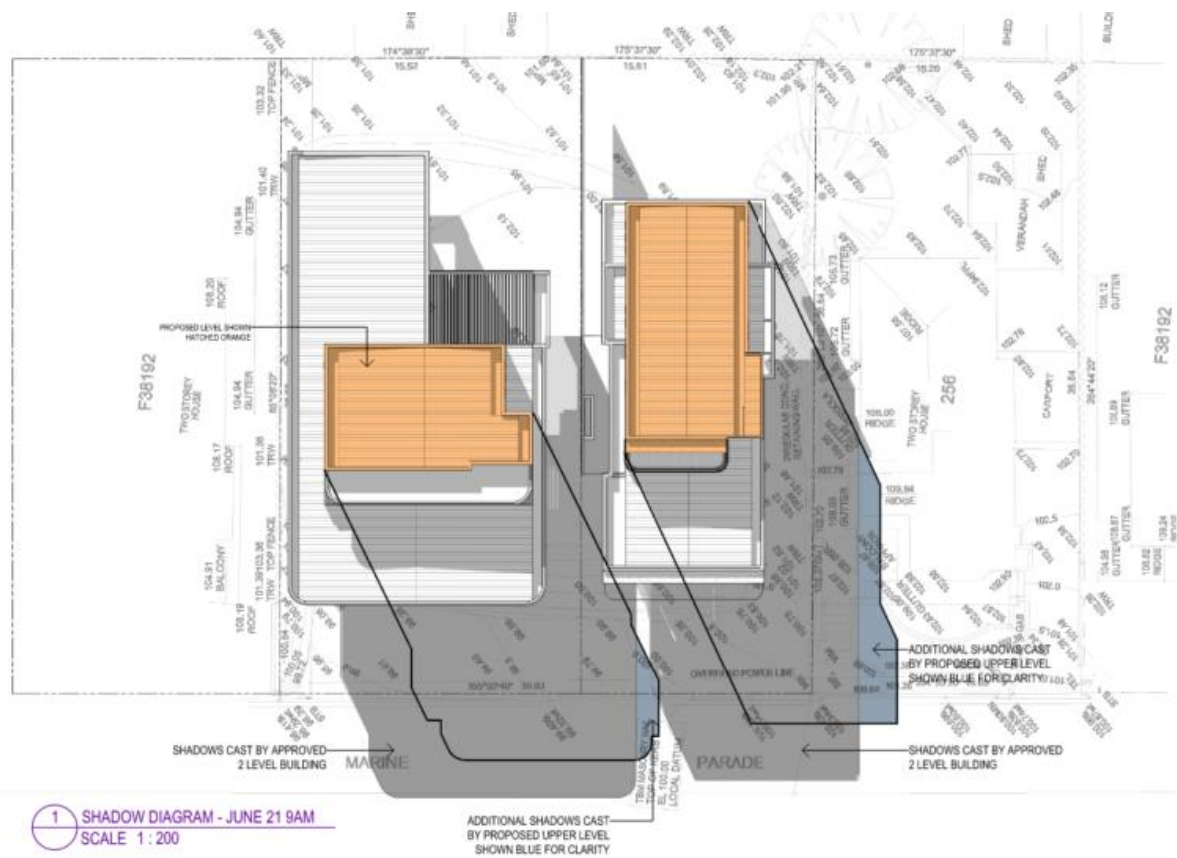
With consideration to the separation between buildings, the proposal is generally separated between 4 metres to the northern and southern adjacent dwellings, which is consistent with the visual separation typically seen throughout the locality.

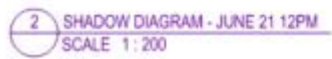
The proposed side setbacks are considered to achieve sufficient access to natural light and ventilation, evident by the fact that the southern adjacent property has access to sunlight between 9am and 12pm during the winter

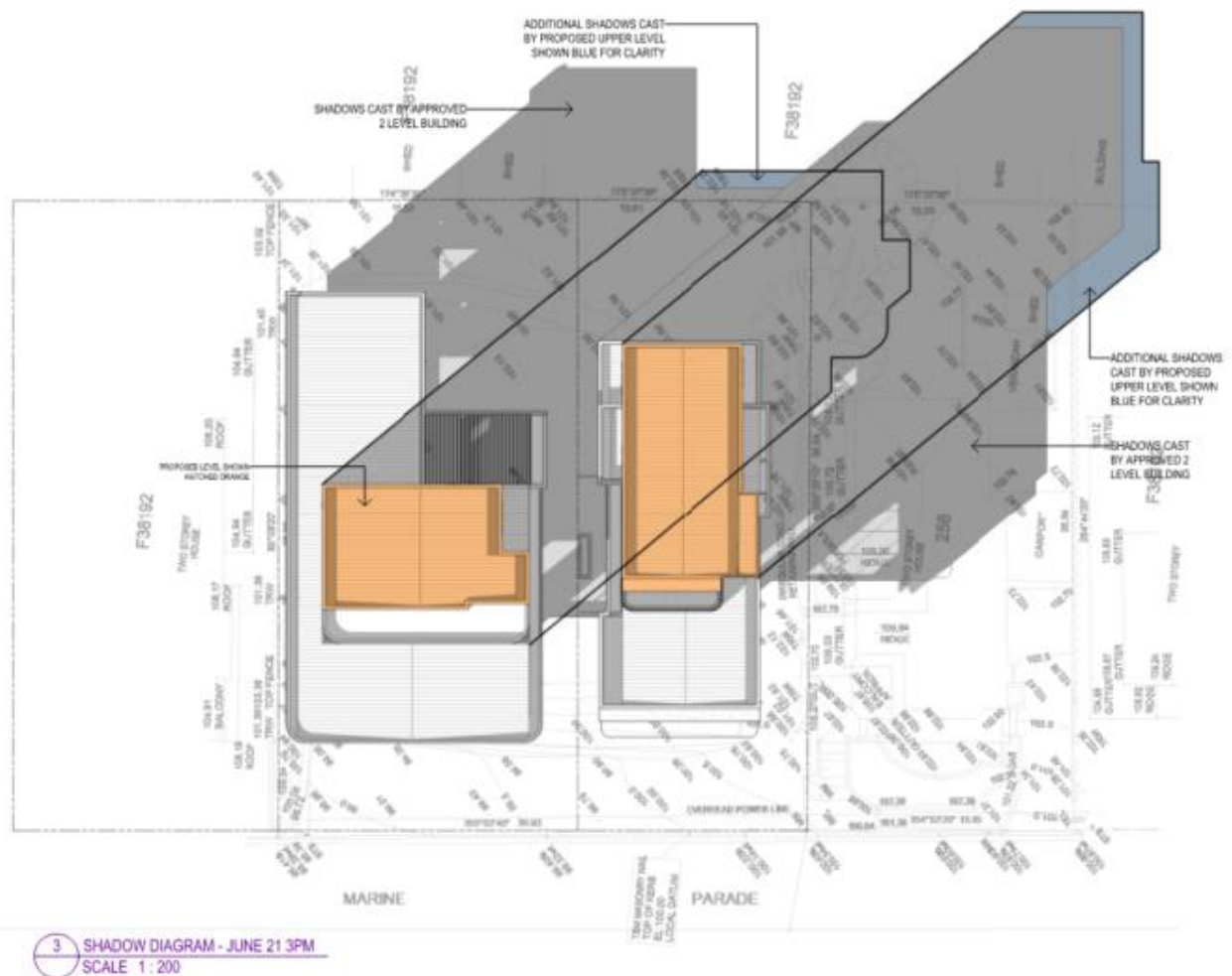


solstice, and based on the shadow diagram submitted, the extent of shadowing cast by the third level is only marginally greater than the approved 2 level dwelling, as a consequence of the increased third level side setback relative to the second level.









## Privacy

Upstairs windows associated with the third level comprise sill heights or obscured glazing up to a minimum height of 1.5 metres on side and rear elevations, as sought by the Design Code.

## CONCLUSION

The proposed development clearly incorporates design elements that fail to satisfy the Design Code, namely the building height and architectural form. It is reasonable to consider the built form in the immediate locality, which is defined by a mix of single and two storey conventional dwellings. Most dwellings along this street would fail to satisfy the Character Statement in the same respect.

This pocket of Seacliff is simply absent from presenting a built form and character that is consistent with the Seacliff Character Area statement. None of the housing stock is original or reflects original form, except for the State Heritage Place at 44 Marine Parade, which is 150 metres south of the subject site.

The proposed buildings are visually consistent with other buildings in the street and are considered to present positively in terms of consistent built form, reinforced by the provision of quality building materials and an emphasis on good landscaping.



**RECOMMENDATION**

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24034779, by Mr John and Elisha Tsoutsikos 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. All previous stamped plans and documentation, including conditions previously granted approval for Development Application ID No. 23037611 are still applicable except where varied by this application and conditions.

**ADVISORY NOTES****Planning Consent****Advisory Note 1**

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

**Advisory Note 2**

The owner/applicant is advised that infrastructure located within Council road reserve (i.e. area between the kerb and allotment boundary) should be designed and constructed (including modified) in accordance with relevant / current Council standards. This includes, but is not limited to, driveway crossovers, alterations to kerbing and footpaths, stormwater easement connections and domestic stormwater connection to the street watertable.

**Advisory Note 3**

If you are a developer or owner-builder, there are important Commonwealth telecommunications rules you need to comply with. For more information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind)

**Advisory Note 4**

The owner/applicant is advised that consent from any relevant easement or encumbrance owner may be required prior to any construction.

Easements may include, but are not limited to: drainage, Council easements (i.e. stormwater, encroachments, access etc), power transmission (SA Power Networks), telecommunications, or other forms of access (such as vehicle) rights of way.

Easements and encumbrances would be registered on the relevant Certificate of Title. The location of easements on the land would be shown on the Deposited Plan. A copy of the Certificate of Title and Deposited Plan can be obtained from the South Australian Integrated Land Information System (SAILIS) at:  
<https://sailis.lssa.com.au/home/auth/login>

**Advisory Note 5**

If excavating, it is recommended you contact Before You Dig Australia (BYDA) ([www.byda.com.au](http://www.byda.com.au)) to keep people safe and help protect underground infrastructure.

**OFFICER MAKING RECOMMENDATION**

**Name:** Dean Spasic

**Title:** Development Officer - Planning

**Date:** 28/01/2025