

DEVELOPMENT NO.:	24039848
APPLICANT:	John Vlachos
ADDRESS:	25 CYGNET CT GLENELG NORTH SA 5045
NATURE OF DEVELOPMENT:	Partial demolition, alterations and 3 level additions to existing 2 level detached dwelling
ZONING INFORMATION:	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Waterfront Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Aircraft Noise Exposure</li> <li>• Airport Building Heights (Regulated)</li> <li>• Building Near Airfields</li> <li>• Coastal Areas</li> <li>• Coastal Flooding</li> <li>• Hazards (Flooding)</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>• Finished Ground and Floor Levels (Minimum finished ground level is 3.2m AHD; Minimum finished floor level is 3.45m AHD)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 3 levels)</li> </ul>
LODGEMENT DATE:	3 Dec 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.21 21/11/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning,

## CONTENTS:

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APPENDIX 1: Relevant P&D Code Policies

ATTACHMENT A: Application Documents

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**DETAILED DESCRIPTION OF PROPOSAL:**

The proposal comprises alterations and third level addition to an existing two level detached dwelling. The third level comprises an external rendered hebel wall which will visually match the existing walling. Windows will be updated to floor to ceiling openings reflecting a more modern form. The roofing will remain flat, the garage opening will be a single wide door and balconies are proposed to the front and rear elevations.

The overall building appearance, height and scale will match the predominant built form character which comprises three levels.

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

**Location reference:** 25 CYGNET CT GLENELG NORTH SA 5045

**Title ref.:** CT 5773/446 **Plan Parcel:** C20542 FL5 **Council:** CITY OF HOLDFAST BAY

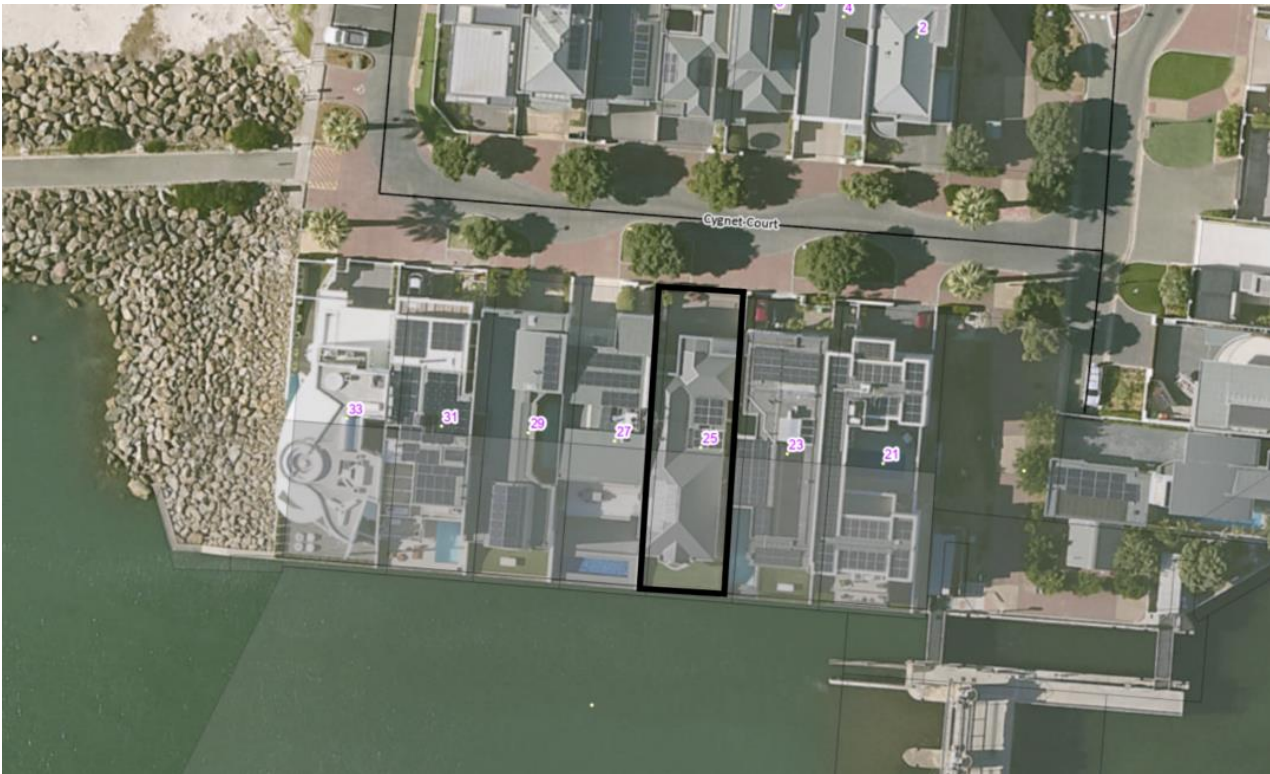
The site is somewhat unique in comparison to typical residential properties in that it directly abuts the Holdfast Shores Marina to the south, hence it has a double frontage by way of a public road to the north and marina to the south.

**Locality**

The dwellings within the immediate vicinity (a radius of 100 metres for the purpose of this assessment) are similar built form and scale, comprising up to 3 levels with the majority having a marina secondary frontage.

Front setbacks are in the range of 6 metres, side setbacks are limited to accommodate multiple levels on narrow allotments (in the range of only 10 metres) and rear setbacks are varied, with an emphasis on outlooks to the Marina and beyond.

The beach is located some 60 metres west of the site as well as a public reserve 60 metres to the north of the site.



### CONSENT TYPE REQUIRED:

Planning Consent

### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**  
Dwelling addition: Code Assessed - Performance Assessed  
Building Alterations: Code Assessed - Deemed to Satisfy  
Dwelling alteration or addition

- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code

## PUBLIC NOTIFICATION

- **REASON**  
boundary wall over 3 metres high and 11.5 metres in length

No statements of representations received.

## 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 alterations and third level additions to an existing two level detached dwelling. It is located in the Waterfront Neighbourhood Zone. Development of this nature is appropriate within the site, locality or in the subject zone for the following reasons.

The Zone specifically envisages dwellings up to 3 levels in height.

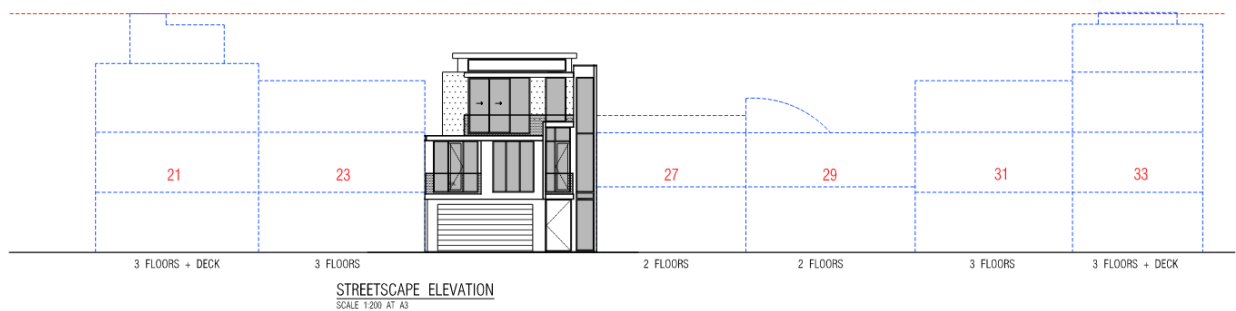
The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

	Proposed	DPF Requirement	Achieved
<b>Building height</b>	3 levels	3 levels	Yes
<b>Front setback</b>	3.9m	Average setbacks of neighbouring dwellings, therefore 3.9m	Yes
<b>Rear setback</b>	5.6 to 9.8m	6m	No <i>400mm variance</i>
<b>Side setbacks</b>	10.4m high wall setback 1 metre	3.5m	No <i>2.5m variance</i>
<b>Side boundary wall</b>	10.8m high x 27.2m long	Maximum 3m high and 11.5m long	No <i>Abuts neighbouring walls</i>
<b>Private open space</b>	90 square metres	60 square metres	Yes
<b>Soft landscaping</b>	0%	20%	No <i>Existing</i>
<b>Site coverage</b>	74 percent	60 percent	No <i>Existing 62%</i>

## Built Form and Height

The proposed built form is consistent with the predominant built form character in the area, where other existing dwellings are mostly three levels in height. As is evident with neighbouring dwellings, due to the narrow allotment widths in the range of 10 metres, buildings are typically either sited on or near side boundaries.

The proposed addition results in a total building height of 11.5 metres, which is consistent with the building height in the locality. Within the streetscape, the development would sit comfortably amongst neighbouring buildings, as demonstrated on the streetscape elevation.



## Boundary Setbacks

The existing building is setback 6 metres from the northern primary street boundary and the proposed front balcony will be setback 3.9 metres from the front boundary, which is consistent with the setbacks of neighbouring balconies.

The building will be setback between 5.6 and 9.8 metres from the rear boundary, which is consistent with the rear setbacks found on neighbouring sites. The rear setback satisfies Performance Outcome 9.1 in that it allows sufficient private open space, landscaping, consistent character when viewed from the waterfront and negligible adverse impacts on adjacent land.

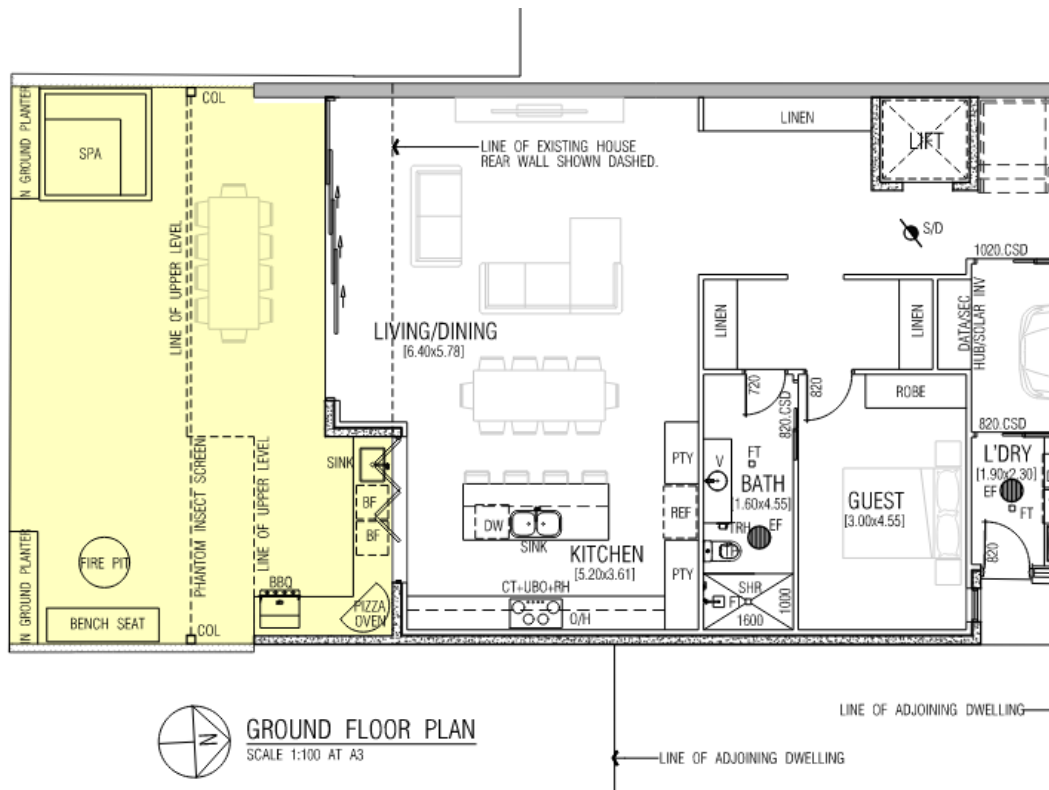
The building has side boundary setbacks which range from on the boundary at the ground, second and third levels as well as setbacks of between 1 and 1.3 metres from the eastern and western side boundaries, which satisfy Performance Outcome 8.1 in that the building separation contributes to the existing suburban character (defined by close setbacks) as well as some walling being located off the boundary to contribute to access to natural light and ventilation for neighbours.



The balconies not located on the front elevation are not shown on the plans as being screened, however the applicant has agreed to a condition being included should planning consent be granted, that requires balcony screens to be established up to a minimum height of 1.7 metres above the balcony floor levels.

The residence was constructed some time ago and does not contain any soft landscaping. The proposed development does not include the provision of any soft landscaping. On balance, given the site currently does not contain any meaningful landscaping, it is reasonable that the addition (which is focused on achieving additional building levels and not resulting in any appreciable increase in roof runoff) does not incorporate any landscaping. Refusing the proposal on the grounds of insufficient soft landscaping would simply default the property to its existing state.

On balance, the development maintains surplus private open space.



## CONCLUSION

The proposed development is considered to complement the nearby built form character and typical of the development both existing and envisaged in the locality.

The primary Design Code shortfall rests with the Designated Performance Feature failing with respect to Boundary Walls DPF 7.1 in that boundary walls should not exceed a height of 3 metres or length of 11.5 metres and Side boundary Setback DPF 8.1 in that the side walls should be setback a distance of 900mm + 1/3 of the height of the wall that exceeds 3 metres from the top of the footings.

Critically, in both instances, the relevant Performance outcomes are satisfied, which is the recognised gauging point as to whether a proposal satisfies relevant design criteria.

On balance, the proposed development is considered to satisfy the Design Code and reflects built form that is complementary to the locality whilst ensuring adverse impacts to neighbouring residents is mitigated.

## 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 24039848, by John Vlachos 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, 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.
3. Upstairs balconies to the rear of the dwelling shall contain fixed screening up to a minimum height of 1.7 metres above the balcony floor level to prevent direct views into adjoining residences.

**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:** 02/04/2025