

DEVELOPMENT NO.:	25013655
APPLICANT:	Abela Design & Drafting Turnbull Built
ADDRESS:	3 SMITH AVENUE, HOVE
NATURE OF DEVELOPMENT:	Two storey detached dwelling, outbuilding (pool room) and swimming pool
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • General Neighbourhood Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	21 May 2025
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.9 15/05/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning,

CONTENTS:

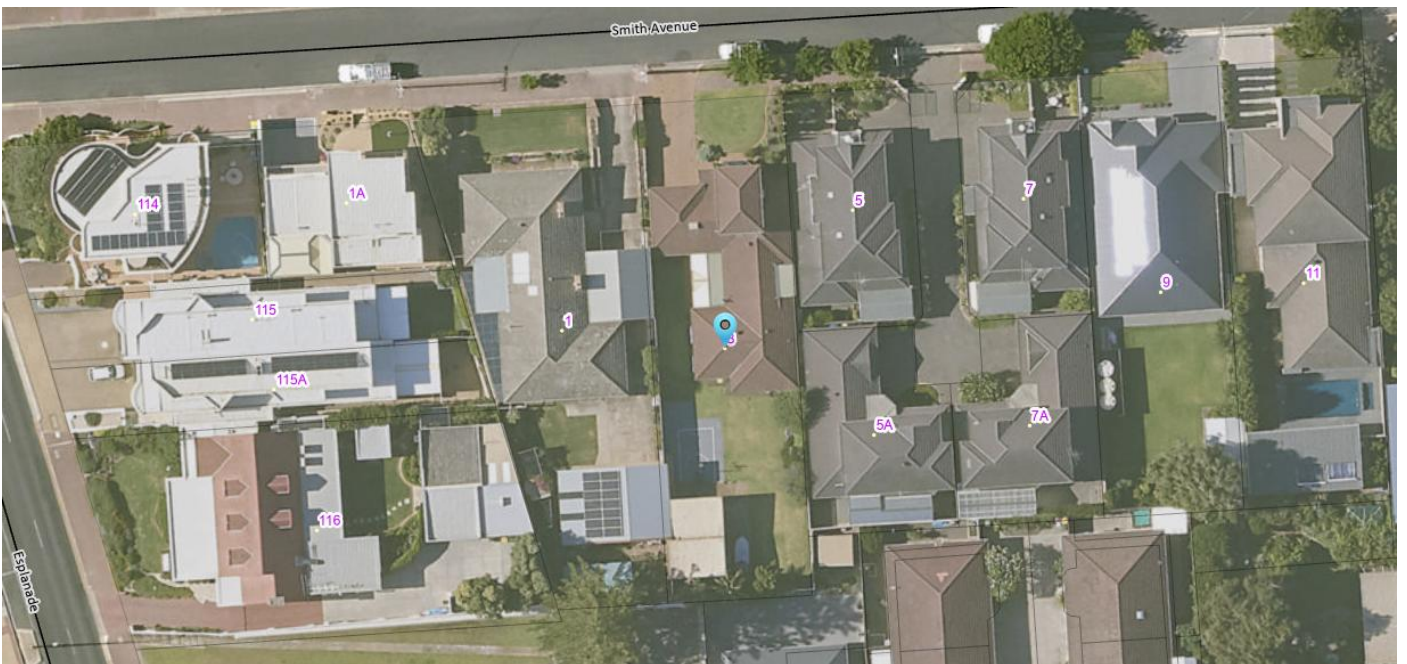
APPENDIX 1:	Relevant P&D Code Policies
ATTACHMENT 1:	Application Documents
ATTACHMENT 2:	Representations

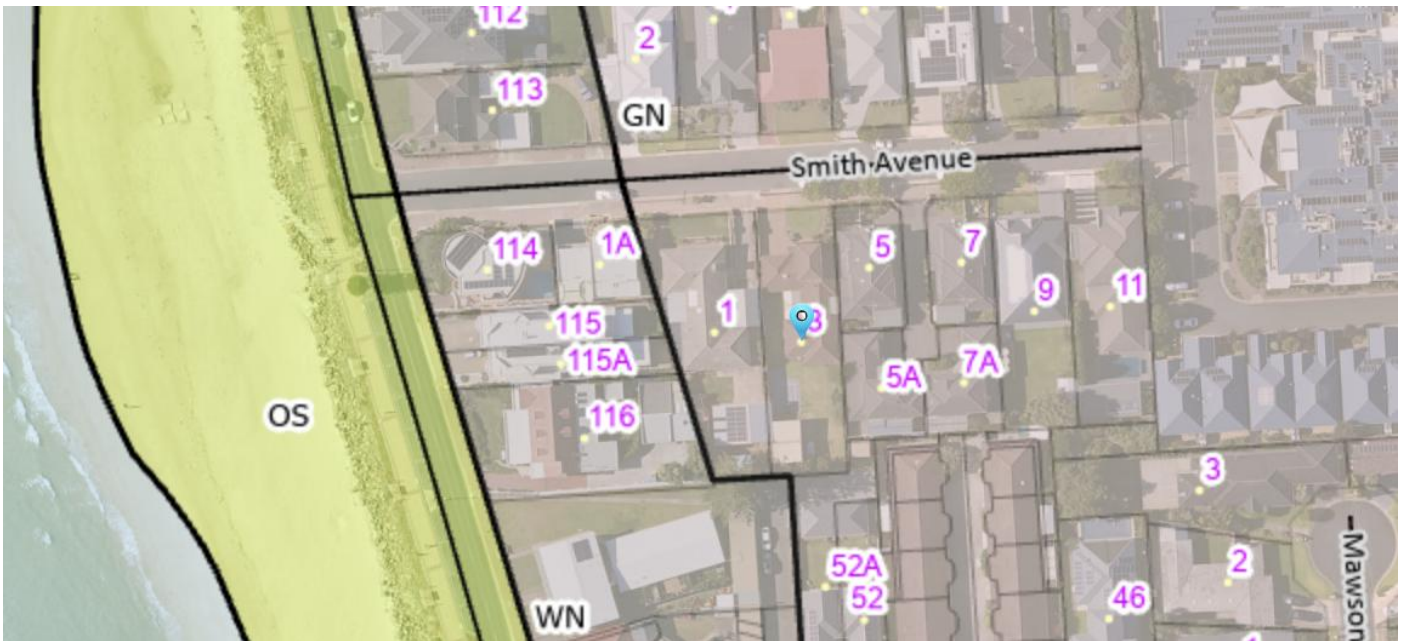
SUBJECT LAND & LOCALITY:**Site Description:**

The subject site is a rectangular shaped allotment of 328 square metres with a northern frontage of 15 metres to Smith Avenue. The site currently contains a two-level detached dwelling with ancillary domestic structures in the rear yard.

**Locality**

The locality is in the General Neighbourhood Zone and described as a residential locality comprising varying housing types of single and two levels. To the west of the site is the Waterfront Neighbourhood Zone, which accommodates built form of up to 3 levels fronting the Esplanade. To the east at the end of Smith Avenue is the Townsend Park retirement community.





CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 Detached dwelling: Code Assessed - Performance Assessed
 Outbuilding: Code Assessed - Performance Assessed
 New housing
 Swimming pool or spa pool and associated swimming pool safety features: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 Code Assessed - Performance Assessed
- **REASON**
 P&D Code

PUBLIC NOTIFICATION

REASON

The wall height of the dwelling exceeds 7m and does not satisfy DPF 4.1 of the Zone. The boundary wall height of the garage exceeds 3m from the top of the footings.

LIST OF REPRESENTATIONS

- Brian Geue of 7 Smith Avenue, Hove, who supports the development with some concerns.
- Robert Morrison of 1 Smith Avenue Hove, who supports the development with some concerns.

Please refer to Attachment 2 for copies of the representations. The concerns relate to obscure glazing heights for overlooking mitigation and the front setback. In response, the applicants amended the plans to increase the windowsill/obscure glazing and balcony screen heights from 1.5m to 1.7m.

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 the construction of a two-level detached dwelling, outbuilding (pool room) and swimming pool. Development of this nature is anticipated and generally appropriate within the General Neighbourhood 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*.

Built Form and Visual Appearance

The proposed 2 level detached dwelling has a high-quality architectural design. It incorporates a flat roof, rendered walls with feature stonework, a high level of glazing, timber front door, and a garage door and curved corners.

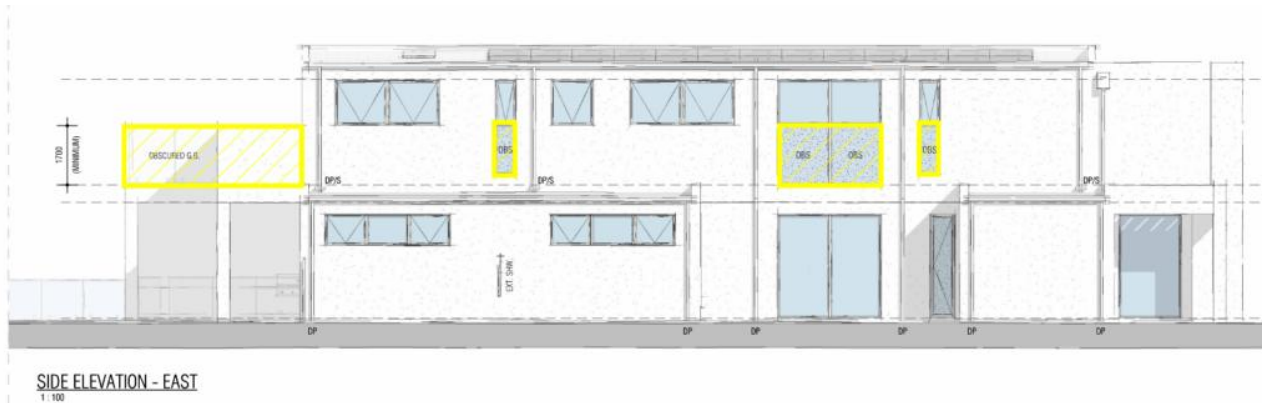
The form and scale of the building is consistent with the large scale-built form evident within the street and wider locality.

The Zone accommodates 2 building levels and a maximum external wall height of 7 metres above the footing. The proposed dwelling comprises 2 building levels and an external wall height of 7.1 metres, which exceeds the maximum Designated Performance Feature 4.1 guide by 100mm. This height exceedance is negligible and acceptable, with the flat roof form having an overall building height well below the suggested maximum of 9m.



Visual Privacy

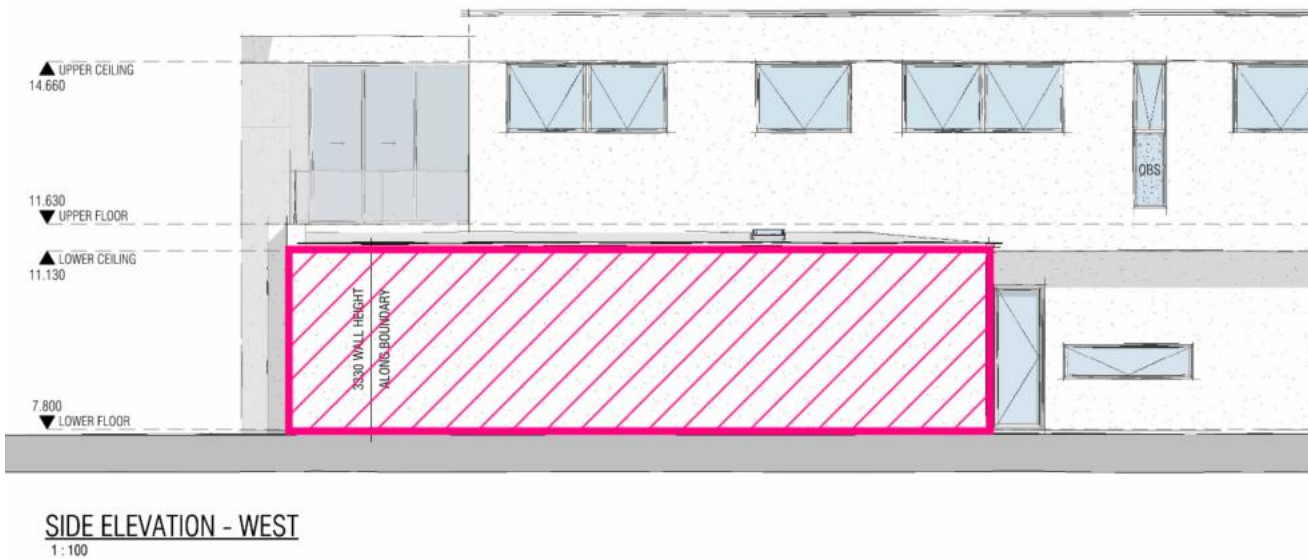
Upstairs windows on the amended plans are designed with windows that are obscured up to a minimum height of 1.7 metres above the upper level floor. This exceeds the minimum 1.5 metres suggested by Design in Urban Areas DPF 10.1. Likewise, the rear balcony also now has screening up to 1.7 metres high on all elevations. This satisfies Design in Urban Areas DPF 10.2, which will ensure direct overlooking into neighbouring residences is satisfactorily mitigated.



Boundary Setbacks

The building is setback 6 metres from the primary street boundary, which satisfies Performance Outcome 5.1 whereby buildings are setback from the primary street boundary to contribute to the existing/emerging pattern of street setbacks in the streetscape. The proposed distance of 6 metres is reflective of the emerging street setback pattern established by new housing stock, particularly as allotments become more compact and the ongoing trend toward larger dwellings continues. Smith Avenue has numerous examples of similar front setbacks, such as the neighbouring group dwellings at 5 and 7 Smith Avenue, as well as the detached dwellings at 1A, 9 and 11 Smith Avenue.

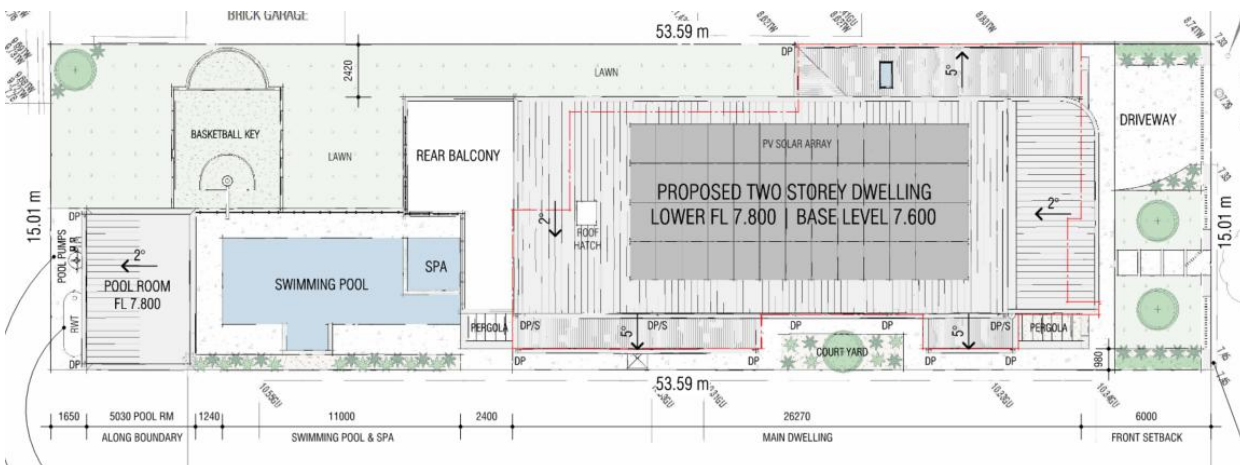
The building has a 13 metre long garage wall located on the western side boundary with a wall height of 3.3 metres above the top of the footing. Zone DPF 7.1 and the public notification table suggest a maximum boundary wall length of 11.5 metres and wall height of 3 metres. However, Performance Outcome 7.1 is satisfied in that the boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties. The garage boundary wall in this case is on the low side, adjacent to the western neighbour's substantial double width carport which is enclosed with timber slats so that visual and overshadowing impacts are limited and acceptable.



The ground level dwelling walls are 3.3 metres high above the footing and setback at least 900mm from the side boundaries. The ground level side boundary setbacks satisfy PO 8.1, in that the walls are set back to provide separation between buildings in a way that contributes to the suburban character, access to natural light and ventilation, provision of adequate private open space and landscaping. When considering DPF 8.1, which is a guide only, the minimum side boundary setback for a 3.3 metre high wall should be 1 metre. The 100mm numerical variance is negligible and the PO is otherwise considered to be satisfied.

The upper-level walls are 7.1 metres high above the footing and setback at least 2.35 metres from the side boundaries. As per the ground level walls, the upper-level walls are setback a sufficient distance that satisfies the fundamental objectives associated with PO 8.1. Further, the 7.1 metre high walls are set back more than 2.2 metres from the side boundaries to satisfy DPF8.1.

The dwelling rear setback comfortably satisfies the 6m sought by Zone DPF 9.1.



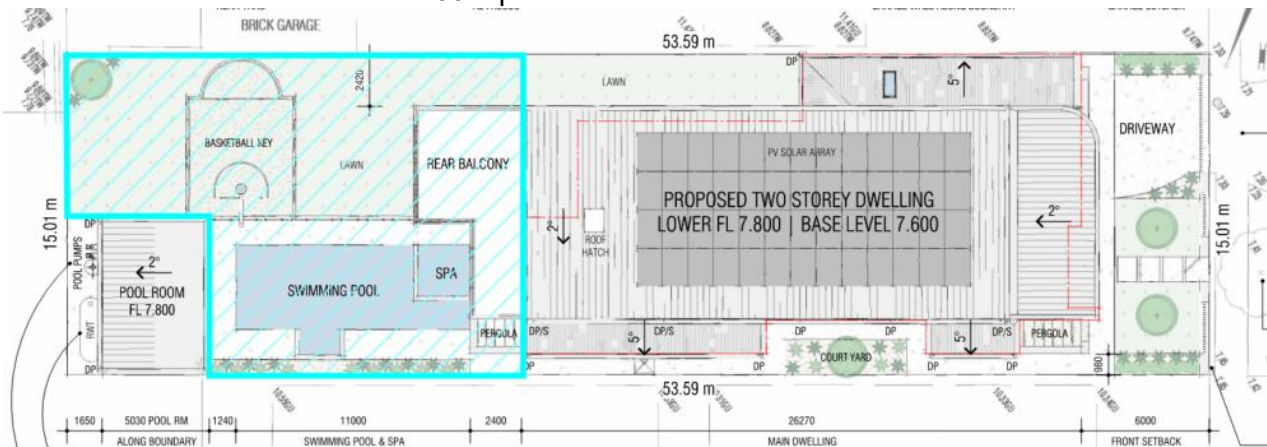
Site Coverage

The proposed development results in site coverage amounting to 44 percent of the site area, well below the maximum 60 percent suggested by DPF 3.1. The proposed site coverage further satisfies PO 3.1 in that it comprises a building footprint that allows for sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.



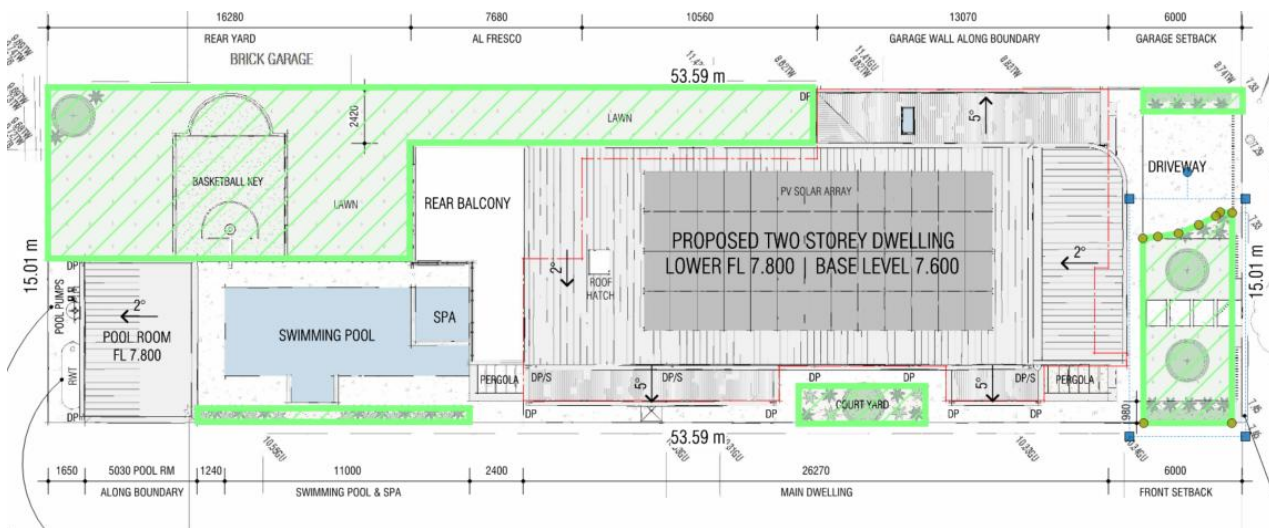
Private Open Space

The proposed development provides for a private open space area of 270 square metres, which far exceeds the desired minimum of 60 square metres.



Soft Landscaping

Soft landscaping amounts to 27 percent of the site area, which exceeds the minimum of 25 percent suggested by Design in Urban Areas DPF 22.1. The landscaping proposed minimises heat absorption and reflection, contributes to shade and shelter, provides stormwater infiltration and biodiversity, and enhances the appearance of land and streetscapes.



Vehicle Access and Car Parking

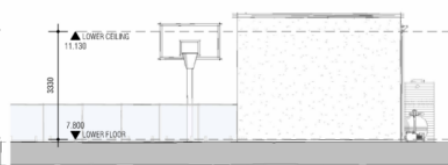
The existing driveway crossover is to be retained. The proposal accommodates 2 under cover car parking spaces and 2 visitor car parking spaces, exceeding the minimum requirement of 2 on-site car parking spaces.

Pool Room

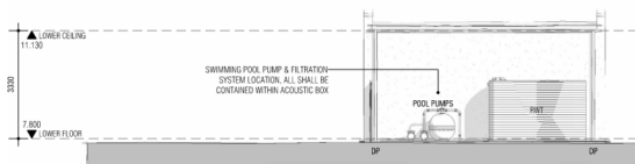
The pool room in the rear yard is located on the eastern side boundary and 1.65 metres from the southern rear boundary and includes a bathroom for use associated with the swimming pool. The building has a 3.87 metre high wall over a length of 5 metres. The height above the suggested 3m is considered negligible in this particular case, particularly as it is adjacent to a shed located to the east. It does not present any unreasonable visual or overshadowing impacts and was not of concern in any representations from the public notification process.



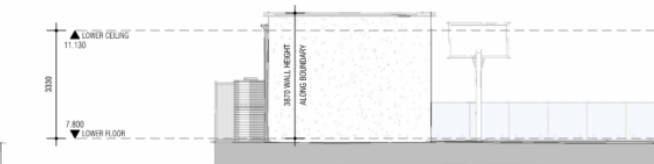
POOL ROOM ELEVATION - NORTH
1:100



POOL ROOM ELEVATION - WEST
1:100



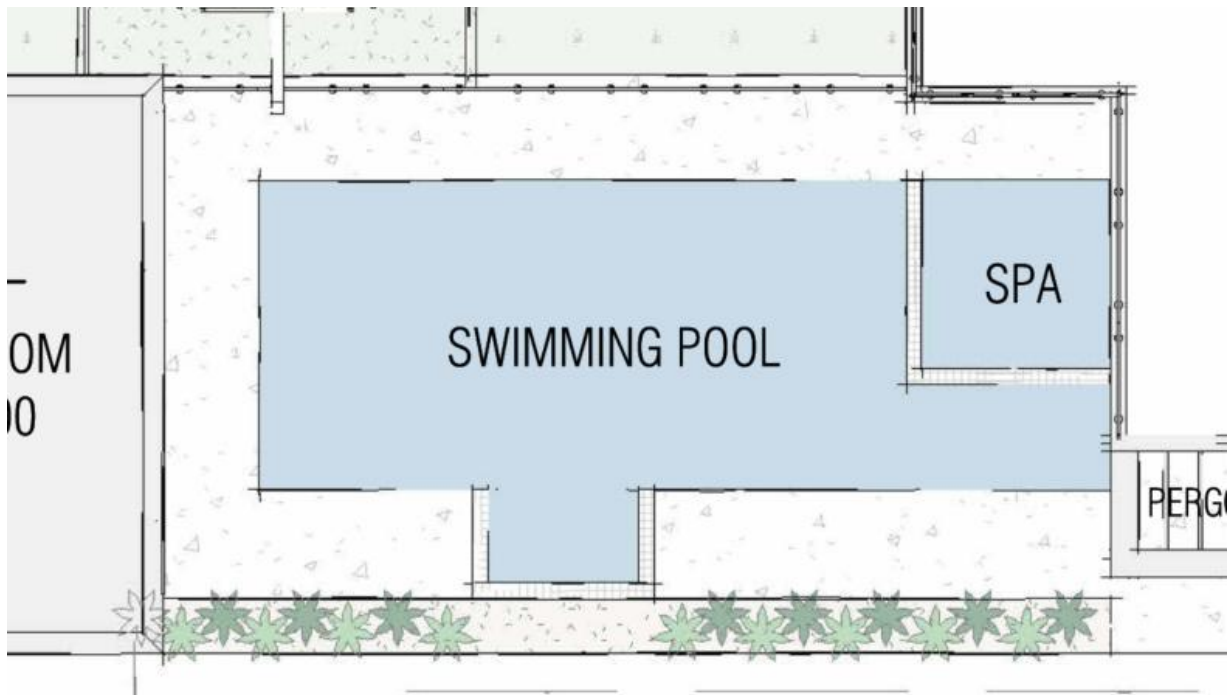
POOL ROOM ELEVATION - SOUTH
1:100



POOL ROOM ELEVATION - EAST
1:100

Swimming Pool

The proposed swimming pool is also located in the rear yard, away from allotment boundaries and does not present any adverse planning impacts. A condition of planning consent is included to manage pool equipment noise.



CONCLUSION

The proposed development is considered to satisfy the Planning and Design Code in all relevant areas. There are only minor shortfalls from some of the Designated Performance Features, including the maximum wall height being 100mm above the suggested 7 metres, and the garage boundary wall having a height that is 300mm greater than the suggested 3 metres and boundary length being 2.5 metres greater than the suggested 11.5 metres.

The wall height variance of 100mm is negligible, particularly as the overall building height is well below the suggested 9m.

The garage boundary wall height and length variance is offset by the fact that it is adjacent to a neighbouring double width carport and driveway. The visual and overshadowing impacts are largely negligible in this context. The neighbouring property has mature landscaping along the common boundary, which will soften the height of the proposed boundary wall. Further, the western neighbour is up to 1 metre higher, so the proposed boundary wall will appear as only 2.1 metres high from the neighbour's visual perspective. The boundary length of 13 metres becomes negligible as it is largely screened by the neighbour's plantings, higher ground level and carport.

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 25013655, by Abela Design & Drafting and Turnbull Built 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.
2. That all upstairs windows, other than facing the street, shall have minimum windowsill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall be obscured, fixed shut and installed prior to occupation of the dwelling.
3. The rear balcony shall have fixed screens to a minimum height of 1.7 metres to all elevations so as to mitigate direct overlooking into neighbouring properties.
4. That landscaping as detailed in the approved plans shall be planted prior to occupation and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
5. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
6. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).
7. 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. All stormwater collected on the site must only be discharged to the street and not on to any adjacent properties.
8. The pool filter pump must be enclosed in such a way that noise levels do not exceed 52 dB(A) between 7am and 10pm on the same day, and 45dB(A) between 10pm and 7am the next day measured at adjoining property boundaries.

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 water table.

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

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) to keep people safe and help protect underground infrastructure.