

DEVELOPMENT NO.:	22017916
APPLICANT:	Hugh Batchelor
ADDRESS:	7 FOURTH AV GLENELG EAST SA 5045
NATURE OF DEVELOPMENT:	Single storey dwelling addition to the rear of the existing dwelling with wall located on the southern side boundary, internal layout alterations & swimming pool.
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Established Neighbourhood Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Character Area • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Minimum Frontage • Minimum Site Area • Maximum Building Height (Levels)
LODGEMENT DATE:	9 June 2022
RELEVANT AUTHORITY:	Council Assessment Panel of the City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.11
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL:

The application seeks the construction of single-storey additions to the rear of the existing dwelling, internal alterations and a swimming pool located in the rear yard. The addition wall spans 11.254m on the southern boundary and contains a wall height of 3.2m from natural ground level. The wall will be finished in a rendered texture coat. The additions take advantage of the northern orientation with the raked ceiling and clerestory windows providing passive heating during winter and an abundance of light capture. Internal alterations to the existing dwelling are required to enable the dwelling to flow with the inclusion of the additions. The swimming pool is located in the rear yard and will contain pool equipment in a sound treated enclosure.

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

Location reference: 7 FOURTH AV GLENELG EAST SA 5045

Title ref.: CT 5852/55 **Plan Parcel:** F7060 AL2 **Council:** CITY OF HOLDFAST BAY

The subject land contains an allotment width varying from 7.83m to 9.15m and contains a depth of 54.86m. The total site area is 480sqm. The site accommodates a dwelling that is associated with a maisonette. The dwelling does not contain a covered parking space as the width from the dwelling wall and northern boundary is not adequate enough to accommodate a carport or garage. Directly adjoining the site to the south is the other half of the maisonette which contains a carport located forward of the building line.

Images of the subject site are shown below







The built form of the locality is mixed and lacks consistent character. There are few examples of character dwellings along Fourth Avenue. The locality is dominated by single-storey residential unit buildings that appear to be built during the 1960's and 1970's. There are 12 unit buildings within a 50m radius of the subject land. The scale of dwellings in the locality are modest with very few examples of two storey buildings. Sandison Reserve is located to the north of the land. The site is in walking distance to the stop 14 Glenelg East of the City to Glenelg tram line.

A aerial of the locality is shown below and outlined in red



CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Swimming pool, spa pool or associated safety features: Code Assessed - Performance Assessed
Dwelling addition: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
The length of the proposed southern boundary wall exceeds 8m.
- **LIST OF REPRESENTATIONS**
Nil

• **SUMMARY**

Nil

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

Nil

PLANNING ASSESSMENT

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

Quantitative Provisions

	Proposed	DPF Requirement	Achieved
Building Height	1 levels	1 level	Yes
Boundary Development	11.25m length 3.2m height	8m 3.2m height	No Yes
Rear Setback	14.95m	4 metres	Yes
Side Setbacks	900mm to 1m (northern side)	1m	Yes
Site Coverage	41 percent	50%	Yes
Private Open Space	142 square metres	60 square metres	Yes
Soft Landscaping	26 percent of the site area	25 percent of the site area	Yes

Character Area

The policy area features predominantly detached dwellings on medium to large sized allotments, set within heavily landscaped settings and mature street trees that collectively create very high quality, low-density living environments. The majority of dwellings were constructed between the 1900s and 1930s. Dwelling configuration is typically double or triple fronted with driveway access down one side of the site and a small set back from the non-driveway side boundary. There are multiple examples of single storey residential flat buildings throughout Glenelg East north of the tram line and south of Anzac Highway.

The Character Area Overlay contains assessment provisions specifically relating to alterations and additions to existing dwellings. PO 3.1 and DPF 3.1 are listed are shown below:

PO 3.1

Additions and alterations do not adversely impact on the streetscape character.

DTS/DPF 3.1

Additions and alterations:

- (a) *are fully contained within the roof space of a building with no external alterations made to the building elevation facing the primary street*
or

(b) meet all of the following:

- (i) do not include any development forward of the front façade building line*
- (ii) any side or rear extensions are no closer to the side boundary than the existing building*
- (iii) do not involve the construction or alteration of a second or subsequent building level.*

The scale of the additions are appropriate as they are single-storey. The additions are located behind the existing dwelling and will not be a visible element of the streetscape. The boundary development is considered to be appropriate as the dwellings are maisonettes on allotments with limited width. It is anticipated that future development to the rear of the dwellings be located on the dividing boundary to maximise living space. PO 3.1 is considered to be satisfied.

Boundary Development

The boundary development assessment provisions, DPF and PO 7.1, of the Established Neighbourhood Zone are shown below. DPF 7.1 (b)(ii) is relevant to the application.

PO 7.1

Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.

DTS/DPF 7.1

Dwellings do not incorporate side boundary walls where a side boundary setback value is returned in (a) below:

(a)

Or

(b) where no side boundary setback value is returned in (a) above, and except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (i) or (ii) below:

- (i) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height*
- (ii) side boundary walls do not:*
 - A. exceed 3.2m in height from the lower of the natural or finished ground level*
 - B. exceed 8m in length*
 - C. when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary*
 - D. encroach within 3m of any other existing or proposed boundary walls on the subject land.*

The circumstances of the dwelling is unique in that the addition boundary wall is an extension of the existing common wall of the maisonettes. The application does not satisfy assessment provisions (b)(ii) B, C and D shown above. Provisions C and D can be excused as the existing wall located on the boundary is common between the two dwellings and is not externally visible. Provision B relating to total length of boundary development exceeds the 8m requirement by 3.25m.

A portion of the boundary wall will be located adjacent to the verandah located to the rear of the adjoining dwelling. The verandah contains a lattice to the northern side which will partially screen 4m of the boundary wall. See photo below:



The remainder, 7.125m of the boundary wall, will be visible to the southern adjoining neighbour. Overshadowing impacts are considered to be minor as the height of the wall is compliant with the relevant boundary wall height policy. Impacts to the verandah area are negligible as the verandah provides shade to the outdoor area. The verandah also benefits from having clear polycarbonate sheeting which will allow light to the area inclusive of the boundary wall being constructed.

From a visual perspective, although the 8m quantitative policy is not met there proposed length is justified. The boundary length from the existing maisonette walls of both properties to the rear boundary is 29.2m. The boundary wall will only comprise 11.25m of the boundary length with a portion being screened by the neighbouring verandah. The wall will only consume 38% of the boundary leaving 62% untouched. PO 6.1 is therefore satisfied as the inclusion of the boundary wall will not result in unreasonable visual and overshadowing impacts to the adjoining property to the south.

Swimming Pool

The relevant assessment provisions from the Design in Urban Areas policies for swimming pools is shown below:

PO 19.3

Fixed plant and equipment in the form of pumps and/or filtration systems for a swimming pool or spa positioned and/or housed to not cause unreasonable noise nuisance to adjacent sensitive receivers.

DTS/DPF 19.3

The pump and/or filtration system is ancillary to a dwelling erected on the same site and is:

- (a) enclosed in a solid acoustic structure that is located at least 5m from the nearest habitable room located on an adjoining allotment*
or
- (b) located at least 12m from the nearest habitable room located on an adjoining allotment.*

The pool equipment is located in the north western corner of the allotment. DPF 19.3 (a) anticipates pool equipment to be at least 5m from adjoining sensitive receivers. The equipment will be located in an acoustic pool enclosure structure which is located approximately 3m of the western adjoining unit, therefore not satisfying the policy.

A fixed domestic machine must not emit a (continuous) noise level greater than 52 dB(A) between the hours of 7 am and 10 pm on any day when measured at a relevant position at a noise affected premise. Because of the need for greater protection during night-time to preserve amenity and minimise sleep disturbance lower permissible noise levels for fixed domestic machines apply. Accordingly, a fixed domestic machine must not emit a (continuous) noise level greater than 45 dB(A) between the hours of 10 pm on any day to 7 am on the next day when measured at a relevant position at a noise affected premise.

Ultimately this is the test to address any disturbance to amenity which takes precedence over the pool equipment distance. A condition has been placed on consent to ensure that the noise emissions from the pool equipment does not impact on the amenity of the immediate locality.

CONCLUSION

The proposed development seeks to enhance the liveability of the existing maisonette. The additions seek to increase the floor area of the existing dwelling while managing impacts to the southern adjoining dwelling. The allotment is limited in width and therefore the depth of the additions are where the floor space can be adequately increased. This has resulted in the boundary wall length exceeding the quantitative requirements. Notwithstanding, when considering the context of both adjoining sites the impacts of the wall are considered to be negligible.

RECOMMENDATION

Planning consent

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 22017916, by Hugh Batchelor 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. 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.
3. That the associated filter pump must be enclosed in such a way that noise levels do not exceed 45db(a) between the hours of 10pm to 7am and 52dB(a) from 7am to 10pm measured at adjoining property boundaries.

OFFICER MAKING RECOMMENDATION

Name: Alexander Stamatopoulos
Title: Development Planner
Date: 02/08/2022