

DEVELOPMENT NO.:	24035929
APPLICANT:	Joel Callander
ADDRESS:	15 STURT ST GLENELG NORTH SA 5045
NATURE OF DEVELOPMENT:	Two level residential flat building comprising 2 dwellings
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Aircraft Noise Exposure • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Character Area • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage for a detached dwelling is 11m; semi-detached dwelling is 11m; row dwelling is 8m) • Minimum Site Area (Minimum site area for a detached dwelling is 350 sqm; semi-detached dwelling is 300 sqm; row dwelling is 250 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level)
LODGEMENT DATE:	25 Nov 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

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BACKGROUND:

A development application for the construction of a two level residential flat building was refused by the CAP on the 28 May 2025 for the following reasons:

- *The form of the upper level building visible from the street is not consistent with the valued streetscape and character of the area.*
- *Building height is not consistent with the prevailing height of the character area.*
- *Architectural detailing, in particular the second level and front verandah, is not consistent with the prevailing character.*
- *The proposed building does not respond to the attributes expressed in the Character Area Statement HoBC5, in particular, the dominant verandah is not consistent with the mid-Victorian era as it is in Bungalow styling.*

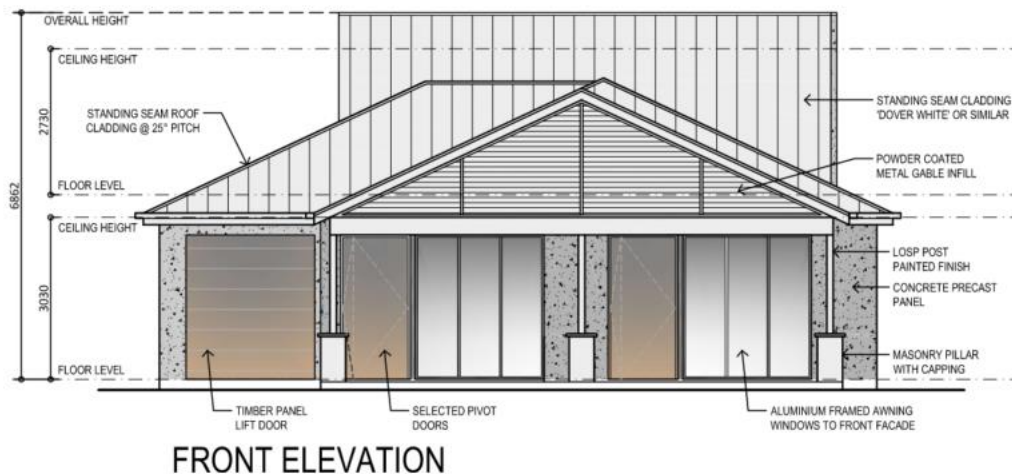
Following the refusal, the applicant lodged an appeal through the Environment, Resources and Development Court (ERD 25/63) in the matter of Joel Callender v Assessment Panel City of Holdfast Bay. The applicant has opted to submit a compromise plan with the aim of addressing the reasons for refusal.



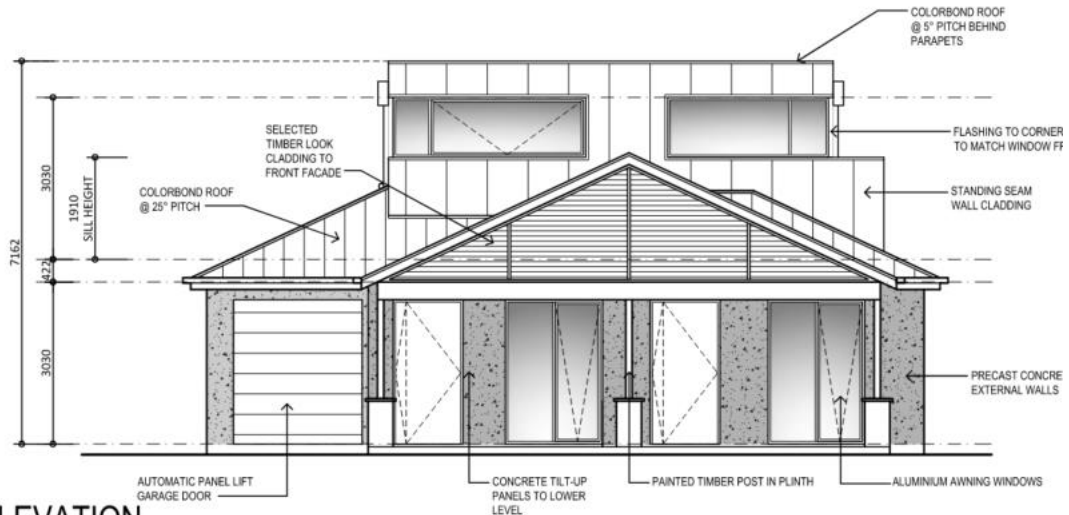
Existing Dwelling

COMPROMISE PLANS

The compromise proposal is set out in the letter from MasterPlan dated 1 July 2025 and the accompanying plans. These amended plans comprise an increased upper level front setback, a reduction in wall height, and changes in roof form and materials:



Compromise Front Elevation



FRONT ELEVATION

Refused Front Elevation

PLANNING ASSESSMENT

Reason for Refusal 1

The form of the upper level building visible from the street is not consistent with the valued streetscape and character of the area.

The compromise plans seek to address this by way of decreasing the building height by 300mm, from 7.1 metres to 6.8 metres. The roof of the ground level component has also been adjusted to obscure the eastern front vertical wall of the upper level. The upper level component has also been set-back a further 2.9 metres from the front verandah, and the street facing windows removed, which reduces its overall visual impact as viewed from the street.

Reason for Refusal 2

Building height is not consistent with the prevailing height of the character area.

The building height has been reduced by 300mm with the aim of addressing this. A detailed analysis of the locality and character area provisions is also provided to demonstrate that the height is consistent with the prevailing height in the locality.

Reason for Refusal 3

Architectural detailing, in particular the second level and front verandah, is not consistent with the prevailing character.

The upper level component has been set-back a further 2.9 metres, from the front verandah, which contributes to the reduction in its visibility and overall visual impact as viewed from the street. The cladding of the upper level wall has been altered to comprise a standing seam cladding, painted dover white, which will match the ground level roof and contrast with the concrete precast panel ground level walls. Windows have also been removed, to contribute to blending in with the ground level roof.

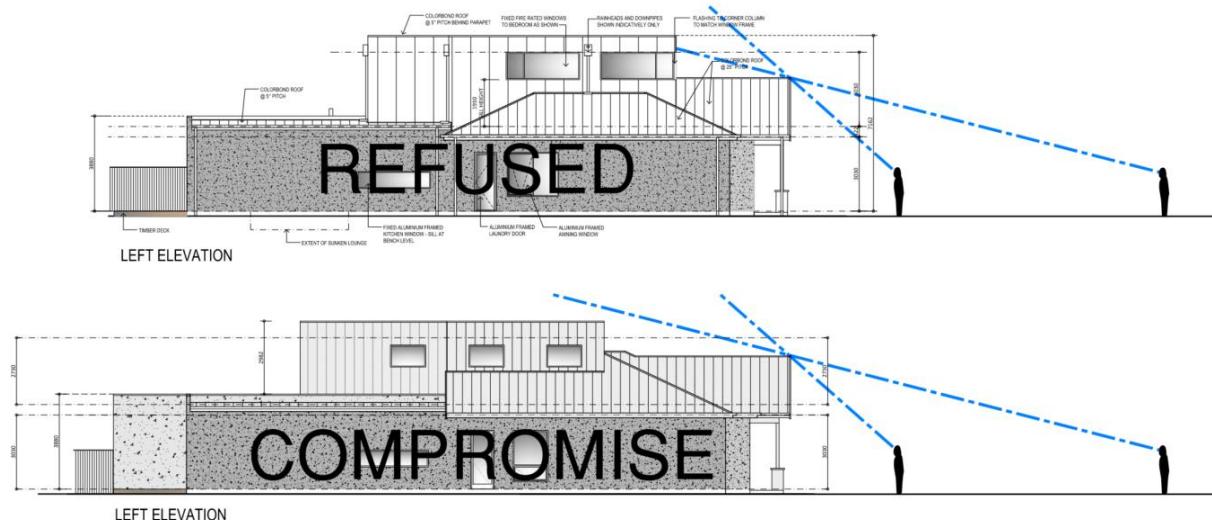
Reason for Refusal 4

The proposed building does not respond to the attributes expressed in the Character Area Statement HoBC5, in particular, the dominant verandah is not consistent with the mid-Victorian era as it is in Bungalow styling.

The front verandah has been reduced in height and scale, but retains a similar form to that of the refused plans. Further assessment is also provided of the Character Area Statement, referencing the existing bungalow being replaced and others in the locality, being an inter-war dwelling style that is expressly contemplated in the Character Area.

CONCLUSION

The compromise plans submitted for the Panel's consideration are considered to positively address the reasons for refusal. They include significant amendments and further information to improve the proposal. The illustration below demonstrates the significance of the changes from the pedestrian level:



The amendments reflect a vast improvement from the refused concept and are considered to sufficiently address the reasons for refusal.

RECOMMENDATION

It is recommended that the Council Assessment Panel advise the Environment, Resources and Development Court in the matter of Case Number ERD 25/63 in the matter of Joel Callender v. Assessment Panel at the City of Holdfast Bay, that it now supports Application ID 24035929 as amended and 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. 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.
4. 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.
5. 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).

6. 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 .

Name: Dean Spasic

Title: Development Officer - Planning

Date: 14/07/2025