

DEVELOPMENT NO.:	23000878
APPLICANT:	Dwayne Scales
ADDRESS:	LOT 60 (NUMBER 4) GILES AV GLENELG SA 5045
NATURE OF DEVELOPMENT:	Variation to application ID 22040700 (two-storey detached dwelling and single storey pool house) - comprising the increase of the western garage boundary wall length from 11.5m to 13m. (4 Giles Avenue Glenelg)
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:	17 Jan 2023
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	22 December 2022
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
ATTACHMENT 2:	Previous Application ID 22040700 Approved Plans

DETAILED DESCRIPTION OF PROPOSAL:

The application seeks a variation to application ID 22040700 (two-storey detached dwelling and single storey pool house) - comprising the increase of the western garage boundary wall length from 11.5m to 13m.

BACKGROUND:

An application was lodged to the Council on 2 December 2022 for the construction of a two-storey detached dwelling and single storey pool house. The application was exempt from notification subject to Table 5 – Procedural Matters of the General Neighbourhood Zone. Planning Consent was subsequently issued.

After the planning consent was issued, the applicant lodged a variation application to increase the western boundary wall length from 11.5m to 13m. The increase in boundary wall length is an exemption from notification as listed in the Table 5 – Procedural Matters of the General Neighbourhood Zone. Therefore public notification is warrant.

It is worth noting that the assessment contained in this report is relevant to the increase in boundary wall length as the every other aspect of the dwelling has received planning consent.

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

Location reference: LOT 60 GILES AV GLENELG SA 5045

Title ref.: CT 6275/131 **Plan Parcel:** D130267 AL60 **Council:** CITY OF HOLDFAST BAY

The subject land houses a two storey detached bungalow that contains a primary frontage of 18.29 metres and a depth of 51.21 metres totalling 936sqm.



Above: Photo of subject site

Below: Locality map showing the subject located in the General Neighbourhood Zone and the dwellings to the north on Maturin Road in the Established Neighbourhood Zone.



The locality comprises varied dwelling types including residential flat buildings, detached and semi-detached dwellings. The existing built form is predominantly single storey in nature with the exception of the residential flat building located at 8 Giles Avenue which contains three levels. The site is adjoined by detached, group and residential flat buildings.

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**
The length of the boundary wall exceeds 11.5m in length as per the Exceptions of Table 5 in the zone.
- **LIST OF REPRESENTATIONS**
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
Boundary Development	13m length or 25% of the total boundary	11.5m and 45%	No
	3m height from footing	3m height from footing	Yes

Boundary Development

The relevant performance outcome and designated performance feature regarding boundary development in the General Neighbourhood Zone is shown below:

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

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 (a) or (b) below:

- a) *side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height*
- b) *side boundary walls do not:*
 - i. *exceed 3m in height from the top of footings*
 - ii. *exceed 11.5m in length*

- iii. *when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary*
- iv. *encroach within 3m of any other existing or proposed boundary walls on the subject land.*

The Code provides Rules of Interpretation which must be applied when assessing a proposed development. It establishes a hierarchy between policies, with the overlays taking precedence over all other policies to the extent of any inconsistency, and provides that Designated Performance Features (DPFs) merely provide a "... guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome (PO) but does not need to necessarily be satisfied to meet the performance outcome".

The increase in boundary length from 11.5m to 13m is considered to result in negligible impacts to the western adjoining neighbour. The wall will be located adjacent to an access driveway in front of the neighbouring dwelling façade. This area of the dwelling is primarily used for access and is not a area of private open space where the boundary wall will be in constant view. Therefore the wall will not result in unreasonable visual impacts.

It must be considered that the total length of the boundary wall is only 25% of the total boundary length. The policy anticipates a further 20% or 10.2m of wall along the boundary provided it does not encroach 3m from any existing walls. Overshadowing impacts will be negligible given the sites orientation to the sun. Any shadows will be cast in the early morning over the neighbouring driveway and will not impact any northern windows or areas of private open space.

For the reasons mentioned above the application satisfies PO 2.1 of the Zone and warrants planning consent.

CONCLUSION

The variation application seeks a minor increase of the boundary wall length of the garage. While it is noted that there is a quantitative shortfall the application satisfies the relevant performance outcome. Visual and overshadowing impacts are considered to be negligible therefore putting the application in a position to receive planning consent.

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 23000878, by Dwayne Scales 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 existing conditions associated with Application ID 22040700 remain valid and still apply except where varied by this approval.

OFFICER MAKING RECOMMENDATION

Name: Alexander Stamatopoulos

Title: Development Planner

Date: 03/03/2023