

DEVELOPMENT NO.:	24005851
APPLICANT:	Ric Hambrook
ADDRESS:	21 MYRTLE RD SEACLIFF SA 5049
NATURE OF DEVELOPMENT:	Appeal Report - Two storey detached dwelling
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Character Area • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 12m; row dwelling is 12m; group dwelling is 12m; residential flat building is 12m) • Minimum Site Area (Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 400 sqm; row dwelling is 350 sqm; group dwelling is 350 sqm; residential flat building is 350 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level)
LODGEMENT DATE:	29 Feb 2024
RELEVANT AUTHORITY:	Environment, Resources and Development Court
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.3 15/02/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

CONTENTS

ATTACHMENT A:	Amended plans
ATTACHMENT 1:	Initial application attachments

Background

At its meeting held on 22 May 2024, the Council Assessment Panel resolved as follows to refuse application Number 24005851 for a two-storey detached dwelling located at 21 Myrtle Road Seacliff.

Development Application number 24005851, by Ric Hambrook is refused planning consent due to the following reasons:

- 1. The building footprint does not provide sufficient space around the building to limit visual impact (PO 3.1), particularly to the valued streetscape characteristics of the character area (PO 2.1). (namely North elevation)*
- 2. The building height does not contribute to the prevailing character of the neighbourhood. PO 4.1 and PO 2.2.*
- 3. Western, northern and southern boundary setbacks do not satisfactorily complement the established character of the area PO 8.1 and PO 2.4. Specifically the front elevation in relation to 15 Myrtle Road (its direct neighbour) and first level walls facing north. Due to the bulky style and height of the verandah pillars, these in visual effect become the main frontage.*

Since the refusal was issued an appeal was lodged to the ERD Court to seek a compromise. The applicant has provided amended plans to address the reasons for refusal.

Plan Amendments

The changes to the proposal comprise:

- Ground floor Myrtle Road setback from the front face of the verandah has been increased by 900mm (6730mm)
- Ground floor Portland Street setback has been increased by 600mm (1914mm)
- Upper floor side (northern) setback has been increased by 800mm (3000mm)
- Upper floor Portland Street setback has been increased by 760mm (3600mm)
- Ground floor parapet wall heights to the verandah have been lowered in height by 600mm which faces both Myrtle Road and Portland street.
- Ground floor parapet wall heights have been lowered for the remainder of the ground floor by 200mm.
- Removal of the rear balcony.

Planning Assessment

An array of changes have been made to the design with the intent of minimising the scale of the dwelling. The setbacks to the primary, northern, and secondary boundaries have been increased by notable amounts. The primary setback to the front verandah has increased by 900mm and the height of the parapet walling has been decreased by 600mm. The primary setback is now 6.73m, where DPF 5.1m anticipates 6.8m. The 70mm shortfall is considered to be negligible and coupled with the decrease in the verandah's scale the frontage of the dwelling is less prominent.

Below are the amended and initial front elevations of the dwelling to draw comparisons.



6 Elevation 1
SCALE 1 : 100

Above: Amended elevation

Below: Original elevation



1 Elevation 1 - a
SCALE 1 : 100

The increase in setbacks have reduced the building footprint of the dwelling from 855sqm to 804sqm. The decrease in floor area has resulted in the site coverage being reduced from 54% to 50% satisfying DPF 3.1 and PO 3.1 of the Zone. The upper-level side setbacks to the northern and southern sides of the dwelling exceed the numerical minimums stated in DPF 6.1 and 8.1m of the Zone. The table below shows the proposed setbacks and the DPF requirement.

Component	Proposed	DPF Requirement	Achieved
Side Setbacks	Northern Upper-level wall 3m	2.4m relative to the 7.1m wall height	Yes
	Southern upper-level wall 3.6	Secondary street setback 900mm	Yes

The increase in setbacks to both upper levels alleviate impacts to the immediate locality. The increased northern side setback decreases the width of the upper level and increases the separation to the northern dwelling minimising the visual mass of the dwelling. The southern side of the dwelling that faces Portland Street will not be as prominent as the upper-level setback has been substantially increased from 2.84m to 3.6m. Notwithstanding, Portland Street

does not contain a consistent streetscape of dwellings with primary frontages that front the road. The majority of allotments along Portland Street between Waratah Street and Marine Parade contain secondary frontages to the streetscape, most used for access to garaging. Most of the few dwellings that contain a primary frontage to Portland Street lack the façade design characteristics anticipated by the Character Area.

The two-storey built form of the dwelling remains however the design changes and increased setbacks have decreased its overall scale. The applicant provided further context of the existing two-storey dwellings in the locality that should be considered as the Zone anticipates development to contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings. The removal of the rear balcony also mitigates concerns of overlooking.

Overall, the changes made are considered reasonable and address the reasons for refusal.

RECOMMENDATION

Planning Consent

It is recommended that the Council Assessment Panel advise the Environment, Resources and Development Court in the matter of Case Number ERD-24-000046 that the Council supports Application ID 24005851 as amended subject to the conditions below:

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. 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.
3. 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).
4. 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.
5. That the finished level of the crossover at the property boundary shall be a minimum of 75mm above the top of kerb in accordance with AS2890.1, and the maximum gradient of the driveway shall not be greater than 5% across the footpath, with the invert profile conforming to AS2876.

Furthermore, the footpaths on either side shall be graded to the driveway preventing tripping hazards at this junction, without any steep grades along the footpath.

The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.

OFFICER MAKING RECOMMENDATION

Name: Alexander Stamatopoulos

Title: Development Planner

Date: 29/05/2024