

DEVELOPMENT NO.:	24037064
APPLICANT:	Peter Tynan
ADDRESS:	11 BRIGHTON RD GLENELG SA 5045
NATURE OF DEVELOPMENT:	Construct two storey additions to the rear of an existing consulting rooms, car park and landscaping
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Employment <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Building Near Airfields • Future Road Widening • Hazards (Flooding - General) • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	6 Nov 2024
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.19 24/10/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Michael Gates Development Services (Planning and Building) Lead
REFERRALS NON-STATUTORY:	Development Engineer

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APPENDIX 1: Relevant P&D Code Policies

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DETAILED DESCRIPTION OF PROPOSAL:

This application is for the partial demolition of a building comprising consulting rooms, and construction of two storey addition to add additional consulting rooms and parking spaces at the rear of the site. The site currently comprises a villa with pedestrian access from Brighton Road, and vehicle access from Scott Street to the rear of the site. The site currently comprises 4 consulting rooms, with a reception area, waiting room, kitchen and a small lean to at the rear. The site currently has 6 parking spaces.

The proposal includes the demolition of the lean to at the rear of the building and construction of 205sqm of new floor area raised above the ground to provide undercover parking at the rear of the site. The proposal will retain the existing consulting rooms on the ground floor and increase the parking to 9 on site spaces, with upstairs comprising a waiting room, office, 4 consulting rooms and a meeting room. The upper storey additions are to be built to the southern boundary, and 1.2 metres from the western boundary. The additions will be constructed with rendered precast concrete on the southern and eastern walls, while the north and west facing walls will be metal sheet cladding. The additions have an uneven pitched roof to allow for high level north facing windows to maximise natural light into the building.

BACKGROUND:

A similar application was lodged in 2022 and was publicly notified but comprised the additions at the rear being built at ground level, removing most of the parking spaces. The proposal received representations and was then withdrawn by the applicant before a determination was made.

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

Location reference: 11 BRIGHTON RD GLENELG SA 5045

Title ref.: CT 5488/602 **Plan Parcel:** F6530 AL52 **Council:** CITY OF HOLDFAST BAY

The subject site is located on Brighton Road, approximately halfway between Anzac Highway and Augusta Street. The site is a regulated shape allotment, with a width of 15 metres and total area of approximately 640 square metres. The site has pedestrian access to Brighton Road and vehicle access to Scott Street. The existing building is setback 6 metres from Brighton Road, consistent with the setback pattern of the buildings to the north. The front yard is well landscaped and surrounded by a 2.1 metre metal fence.

The site is located in the Employment Zone, with the Zone boundaries Brighton Road and Scott Street, but excludes the residential flat building at the southern end, and the shops at the northern end which also front to Anzac Highway. The subject site, and the five buildings directly to the north are all located within the Employment Zone but appear to have characteristics listed in the Character Area Overlay which covers the adjacent Established Neighbourhood Zone immediately to the west of the subject site. None of the buildings are heritage listed, and none have ever been identified in previous heritage surveys.

The amenity of the site is heavily impacted by the amount of vehicle movements along Brighton Road, which is a major transport route which is also frequented by trucks and is part of a bus route.



Aerial photo of the subject site



Photo of the site fronting Brighton Road



Photo of the building showing the front landscaping

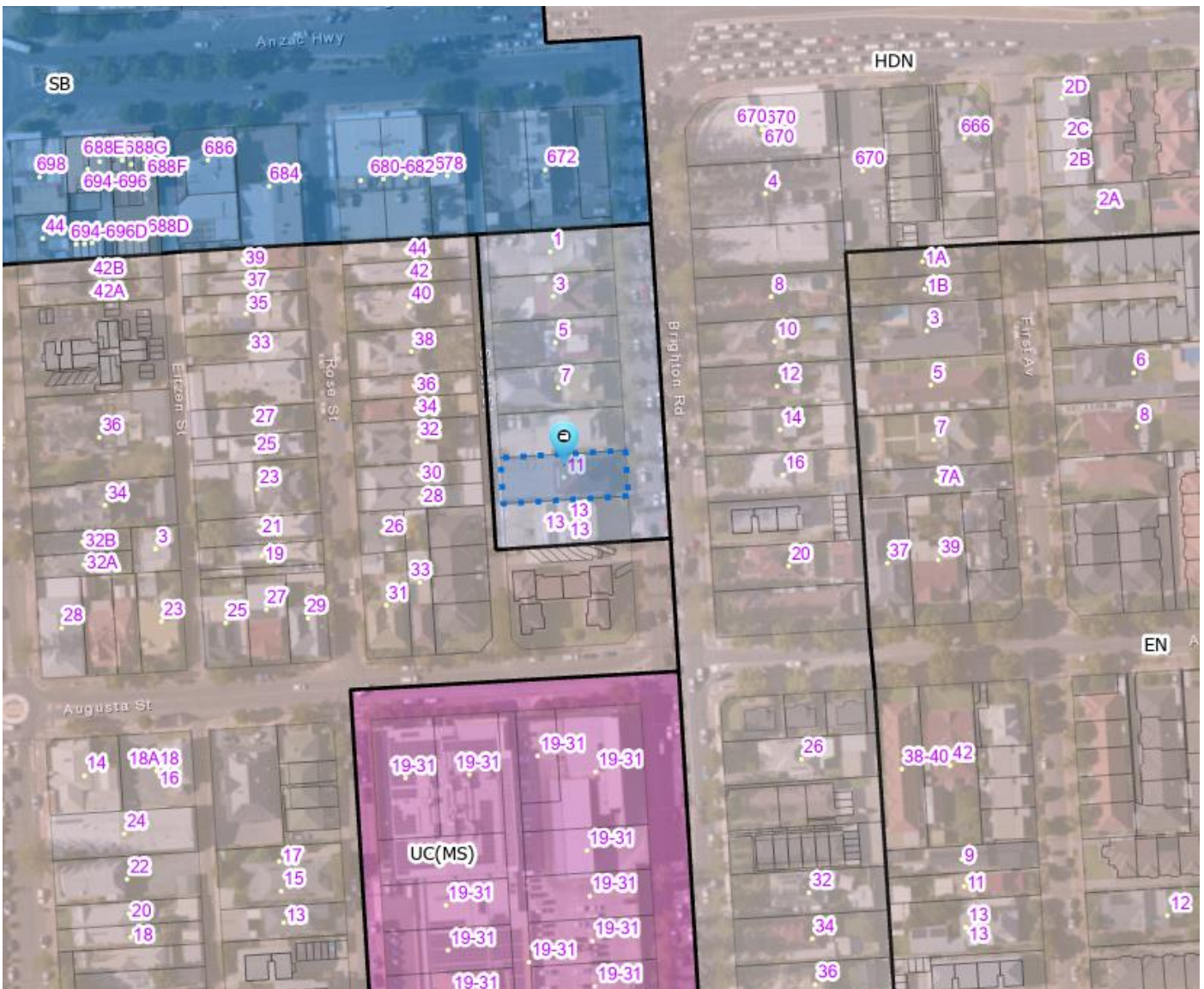


Photo of the building showing the front landscaping

Locality

The locality has a large range of uses which is due to the locality comprising five different Zones with multiple overlays applying across the area, with those being the Employment Zone, Suburban Business Zone, Housing Diversity Zone, Established Neighbourhood Zone with both Character Area Overlay and Historic Area Overlay and the Urban Corridor (Main Street) Zone.

Land uses in the locality comprise a mix of consulting rooms and offices in the Employment Zone, shops and offices in the Suburban Business Zone, offices and dwellings in the Neighbourhood Zones and a large-scale shopping centre in the Urban Centre Main Street Zone. Buildings in the locality are a mix of one to two storey, with the shopping centre being of a larger scale. The locality is heavily impacted by the volume of traffic along Brighton Road and Anzac Highway which lowers the amenity of the area.



Aerial photo of the locality

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

● **PER ELEMENT:**

Demolition

Consulting room: Code Assessed - Performance Assessed

Partial demolition of a building or structure: Code Assessed - Performance Assessed

● **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

● **REASON**

P&D Code

PUBLIC NOTIFICATION

- **REASON**

Development involves consulting rooms adjacent a site in a Neighbourhood Zone used for residential purposes.

- **LIST OF REPRESENTATIONS**

Representor	Address	Position	To be heard	Comments
B Scholz	30 Rose St Glenelg	Opposes the Development	Yes	Opposes access via Scott Street due to traffic concerns. Concerns about overshadowing
H Mitchell	32 Rose St Glenelg	Opposes the Development	Yes	Insufficient landscaping Shortfall of parking Bulk and scale Overshadowing

- **SUMMARY**

The majority of the concerns raised relate to vehicle access from Scott Street and the shortfall of onsite parking in relation to additional consulting rooms. Concerns were also raised about the built form being inappropriate for the locality which will result in significant overshadowing of the properties in the adjacent Established Neighbourhood Zone.

The applicant has provided a response outlining their position and why they think the amount of parking is appropriate. They have also provided overshadowing diagrams that demonstrate the proposal will result in minimal overshadowing, even during winter solstice when overshadowing will be at the extreme. The applicant confirmed the amount of landscaping provided significantly exceeds the minimum requirements of the Code.

AGENCY REFERRALS

No external referrals required.

INTERNAL REFERRALS

The application was referred to Council's Development Engineer to assess the impact of the shortfall in parking spaces. Council's Development Engineer is in support of the proposal in that whilst there is a shortfall of parking spaces, the overflow of parking will not unreasonably impact the amenity of the locality given the large volume of traffic in the area and that public transport is easily accessible from the site in the form of buses and trams.

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 additions to an existing consulting room facility. The development is located in the Employment Zone and maintains the existing use on the site. Development of this nature is appropriate for the Employment Zone and locality.

The proposed development is considered not to be 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*.

Quantitative Provisions

Criteria	Proposal	DPF	Satisfied
Building Height	2 Storeys	2 Storeys	Yes
Front Setback	Existing	n/a	n/a
Side Setbacks	0m & 3m	No requirement	Yes
Rear Setback	1.2m	30 degree building envelope	No
Landscaping	15%	10%	Yes
Parking spaces	9	32	No

Land Use

The proposal does not alter the existing approved use as consulting rooms, which are a preferred type of development for the Employment Zone. Therefore, the land use is considered to be appropriate for the site and Zone

Building Height

The proposed development is for the construction of two storey additions to the rear of the existing building. PO 3.5 specifies that building height should be consistent with the TNV that is applied over the Zone. In this instance the TNV specifies a building height of no greater than 2 levels or 9 metres. The proposal does not exceed either of those guidelines. The proposal is considered to satisfy PO3.5 of the Employment Zone.

Setbacks, Design & Appearance

As the building is being retained at the front of the site the proposal does not alter the front setback. The Code does not specify side setbacks except to be able to cater for access to the rear of the building. As the site already has direct rear access, this provision is considered not to be relevant to this assessment. As the Employment Zone does not specify any other setback in relation to side boundaries, it is considered acceptable to build to the southern boundary. It is noted that the boundary wall abuts a car park and a solid wall of the adjacent property. As the site is located in the Employment Zone, the policy does not consider overshadowing or built form impact from boundary development.



Photo showing the neighbouring property to the south



Photo of a similar development fronting Scott Street

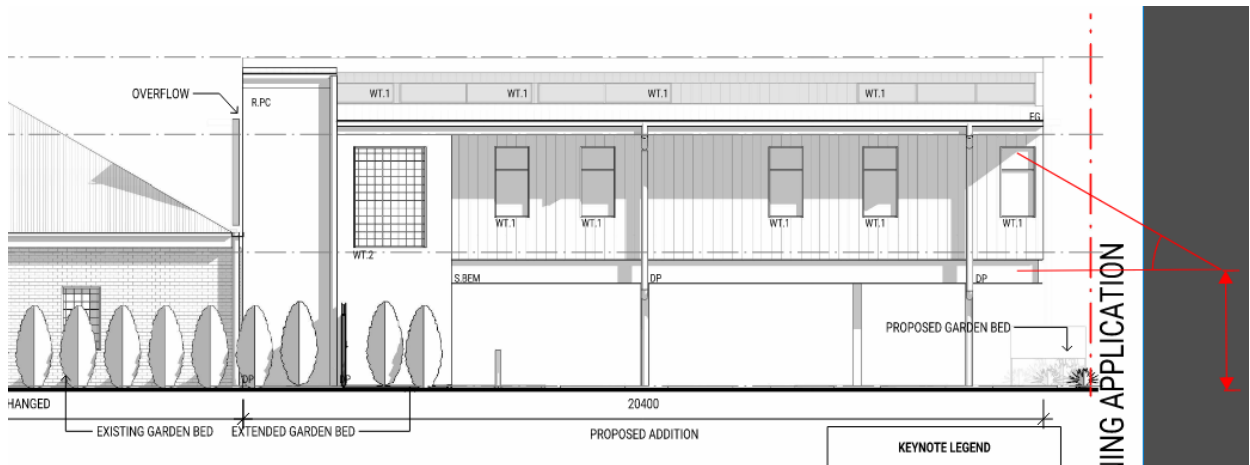
Character

It is noted that the site is located in the Employment Zone, which does not make any reference to the retention of character buildings, as they are not usually found in the Zone. The subject building, whilst not heritage listed in any form, does display characteristics sought to be retained in the adjacent Established Neighbourhood Zone that has a Character Overlay. The retention of the front portion of the building is considered a positive for the streetscape and the overall character of the locality. It is noted that the site was sold in 2022 to the current owner, with the site sold in a condition that required a significant amount of maintenance. The current owner has restored the building to a much improved condition and has planted a significant amount of landscaping in the front of the building, compared to when the property was sold. The building now presents well to the street, behind a large fence and has much improved landscaping to welcome clients to the site.



Photo from realestate.com.au as presented for sale in 2022

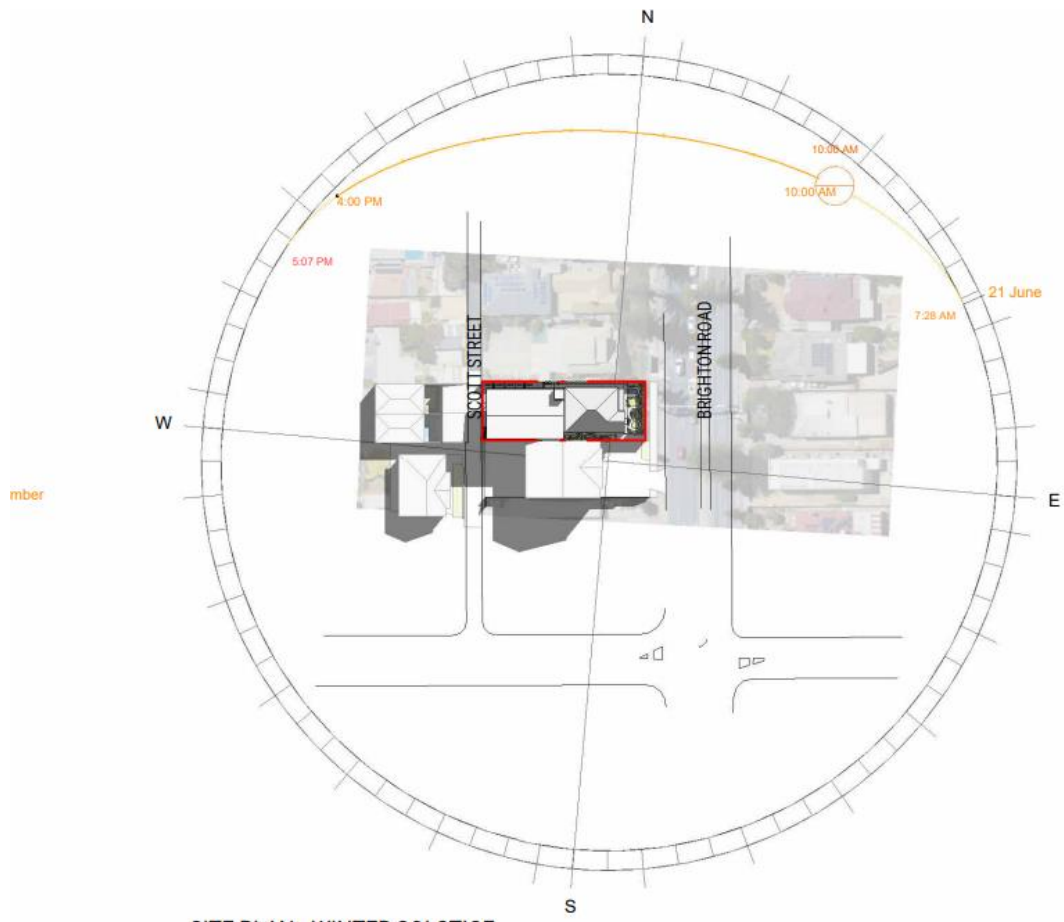
The built form at the rear of the site is consistent with the requirements of the Employment Zone, and due to the site being separated by a road at the rear of the site, the build form is considered not to impact on the character of the Established Neighbourhood Zone due to none of the adjacent dwellings fronting Scott Street, with the exception of the units on the corner of Augusta Street. It is noted that none of the dwellings on Rose Street have opening onto Scott Street, with the street characterised by garages on the western side, and open car parks on the eastern side. Whilst proposed additions do not meet the requirements of the 30-degree building envelope as shown in DPF 3.6 of the Employment Zone, given the streetscape character of Scott Street, which has no dwelling frontages, the proposal is considered acceptable in this instance as shortfall only impacts on the garages of the residential properties. The built form outside of the building envelope will not result in any unreasonable overshadowing, or visual bulk.



I North elevation showing the 30-degree building envelope from the boundary of the residential property



Photo showing the garage dominance of the western side of Scott Street



SITE PLAN - WINTER SOLSTICE
JUNE 21 2025, 10 AM
SCALE - 1:2000

Overshadowing diagram for the winter solstice



SITE PLAN - WINTER SOLSTICE

JUNE 21 2025, 10 AM

SCALE - 1:2000

3D - WINTER SOLSTICE

3D winter solstice modelling



Photo showing the garage doors that will be overshadowed in the morning of the winter solstice

Traffic Impact, Access and Parking

The existing consulting rooms currently operate with 4 consulting rooms, with the proposal to increase to 8 consulting rooms. With 6 parking spaces currently on site, there is currently a shortfall of 10 spaces.

This development increases the parking demand by an additional 16 spaces but only provides an additional 3 spaces, so has a shortfall of 13 spaces. Both the applicant's traffic consultant and Council's Development Engineer consider the access and amount of parking acceptable in this instance. A previously mentioned, considered is given to the retention of the existing building and the character it provides to the streetscape. The existing building could be demolished and a new building constructed with more parking spaces, the retention of the existing building is considered important in this instance and the compensation is that there is a shortfall in parking spaces. It is noted that there is a reasonable amount of on street parking available on Augusta Street, and given the high volume of traffic in the locality, the additional parking will not unreasonably impact on the amenity of the locality. The site is in close proximity to public transport with a bus stop located in front of the site and the tram line within easy walking distance.



Photo of the existing car park at the rear of the site



Photo showing the rear of the neighbouring properties to the south

Overshadowing

Both representors raised concerns in relation to overshadowing from the subject site. The representors are located at 30 and 32 Rose Street Glenelg, are both west of the site and separated by Scott Street. Of note, 32 Rose Street is located to the northwest of the subject and therefore will not be overshadowed, which has been sufficiently demonstrated in the overshadowing diagrams.

In regard to 30 Rose Street, the overshadowing diagrams show the garage doors, and a small portion of the garage roof will be overshadowed during the winter solstice in the morning. The diagrams demonstrate 30 Rose Street will still receive the requirement amount of direct sunlight in the winter solstice as required by the Planning and Design Code.

Signage

The proposal does not include any additional signage from what is already located on the site.

CONCLUSION

This development application is considered to be a project that retains the character of the building, whilst increasing the floor area to make it a viable use for future operations. As the site is located in the Employment Zone,

demolition of the building is an exempt form of development and a two-storey boundary to boundary development constructed in its place, which could easily accommodate more parking at the rear.

This development maintains the existing front setback, landscaping and streetscape character. The built form at the rear of the site is consistent with the provisions of the Employment and will not unreasonably impact on the amenity of the locality or cause any unreasonable overshadowing to the adjacent Established Neighbourhood Zone. Whilst the proposal does result in a shortfall of parking space, both the consultant and Council Traffic Engineer are satisfied that the proposal will not result in unreasonable traffic and parking if approved. Given that, the proposal is considered to warrant Development Plan Consent subject to conditions.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is considered not to be 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 24037064, by Peter Tynan 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 each car parking space shall conform to the applicable Australian Standard. Such car parking spaces shall be line marked with continuous white lines along the whole of each side of each car parking space prior to the use of the development herein approved and such line marking shall be maintained in good condition at all times to the reasonable satisfaction of the Council.
3. That the development herein approved shall operate between the hours of 7am to 7pm Monday to Saturday inclusive unless written approval to vary the times is given by council.
4. 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

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 watertable.

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.

OFFICER MAKING RECOMMENDATION

Name: Michael Gates

Title: Development Services (Planning and Building) Lead

Date: 5 March 2025