

DEVELOPMENT NO.:	24019750
APPLICANT:	JAM Constructions Pty Ltd Trading as James Michael Homes Pty Ltd
ADDRESS:	10 CROSBY ST SOUTH BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Construct a 2 Storey Dwelling, with retaining walls up to 1.6m
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	8 Jul 2024
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.12 04/07/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Michael Gates Development Services (Planning and Building) Lead
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	None

CONTENTS:

APPENDIX 1: Relevant P&D Code Policies
ATTACHMENT : Representations**ATTACHMENT : Application Documents****ATTACHMENT : Response to Representations**

DETAILED DESCRIPTION OF PROPOSAL:

This application is for the construction of a two-storey detached dwelling, retaining walls and fences. The dwelling has the garage located on the southern boundary on top of a 1.3 high retaining wall. The dwelling comprises 4 bedrooms, an office, two living areas, a terrace outdoor area and an upper-level balcony to the northern side. The facade comprises a variety of materials including feature stonework, timber panels, and a corrugated roof with a 15° pitch.

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

The subject site is located on the western side of Crosby Street, approximately 40 metres north of the intersection with Young Street. The site is a regular shaped allotment with a single storey detached dwelling currently on the site. The existing dwelling has a floor level lower than the footpath and has some small landscaping scattered around the property.



Photo showing the subject site



Photo showing the adjacent dwelling to the south



Photo showing the adjacent dwelling to the north

Location reference: 10 CROSBY ST SOUTH BRIGHTON SA 5048

Title ref.: CT 5672/51 **Plan Parcel:** D4694 AL8 **Council:** CITY OF HOLDFAST BAY

Locality

The locality is predominately residential but comprises three different Zones. The site is located in the General Neighbourhood Zone, with the sites immediately to the west located in the Waterfront Neighbourhood Zone, and the Open Space Zone is located to the south and further west of the site. Development in the locality is comprised of entirely of dwellings in the form of detached dwellings and residential flat buildings. Dwellings in the General Neighbourhood Zone range between 1 and 2 stories, whilst to the west along the Esplanade dwellings generally range between 2 and 3 stories.

The locality is considered to have a relatively high level of amenity with a large public park in close proximity to the west of the site, and beach within easy walking distance. Due to the area originally being sand dunes there is a slight undulation to the topography with some dwellings on the eastern side of Crosby Street sitting quite high compared to street level.



Aerial image of the locality, with a pin located on the subject site



Aerial image showing the different Zones in the locality

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Fences and walls: Code Assessed - Performance Assessed
 - Detached dwelling: Code Assessed - Performance Assessed
 - Fence: Code Assessed - Performance Assessed
 - Retaining wall: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code

PUBLIC NOTIFICATION

- **REASON**

Overall height of the dwelling exceeds 9m from existing ground level

- **LIST OF REPRESENTATIONS**

Name	Address	Support/Oppose	Wishes to be heard	Concerns
Nas Elisa	Not provided	Opposes	No	Too many trees being removed, not enough replacements

The applicant has provided a response detailing how many trees will be planted on the site to compensate for the removal of the existing trees, which are not regulated.

AGENCY REFERRALS

No external referrals required.

INTERNAL REFERRALS

No internal referrals required.

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 a residential development in the General Neighbourhood Zone, which comprises predominately dwellings in the immediate 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

	Proposed	Designated Performance Feature	Satisfies Performance Outcome
Building Height	9.3m (to lowest point on the site)	2 storey / 9 metres	Satisfied, proposal contributes to the low-rise suburban character
Front Setback	8.2m	Average 5.5m	Satisfied, contributes to the existing pattern
Rear Setback	10.3m	4m	Satisfied
Height on Boundary	3.03m	3m	Satisfies Performance Outcome
Length on Boundary	7.65m	11.5	Satisfies Performance Outcome

Side Setbacks	0m / 1.6m	0m / 0.9m	Satisfies Performance Outcome
Upper-Level Side Setbacks	3.7m / 2.4m south side (mostly at 3.8m)	1.9m / 2.9m (south side)	Small shortfall on the southern side
Private Open Space	40%	25%	Satisfies Performance Outcome
Site Coverage	37%	60%	Satisfies Performance Outcome
Soft Landscaping	28%	25%	Satisfies Performance Outcome
Front Soft Landscaping	51%	30%	Satisfies Performance Outcome

Land Use

The existing residential use of the land is not being altered by this development and is considered appropriate for the Zone.

Building Height

The proposed dwelling has an overall height of 7.6 metres above the finished floor level, and wall height just over 6 metres. These requirements meet the DPF for the General Neighbourhood Zone. The main issue with the development is that is proposed to raise the level of the site up to a maximum height of 1.6 metres above the existing site levels. There are several reasons for this proposal. There reasons are to ensure the stormwater is appropriately removed from the site, as the floor level of the existing dwelling is lower than the street. The second reason is that the substantially large dwelling that is under construction next door to the north, and by raising the site it will lessen the overshadowing impacts from that building.

The overall height of the dwelling is compatible with other dwellings in the locality, which comprises of two storey dwellings that are sited significantly above street level due to the undulating topography. Therefore, it is considered that the proposal satisfies Performance Outcome 4.1 in that the building contributes to the low-rise suburban character. The additional fill proposed will not be visually dominating to the street given that the dwelling currently is sited lower than street level.

The fill that is being introduced to the site requires retaining walls up to a height of 1.6 metres (on the western boundary) to stabilise the site. There is considered to be no impact to either the front boundary, which will be tapered and landscaped, and to the north due to that site being located higher. The main impacts are to the west and south. The property to the west has significant landscaping at the rear of their property which will screen the majority of the retaining. The property to the south is a semi-detached dwelling on a relatively small allotment. Whilst they do have an outdoor area to the north of their building, it is a small area and not level and does not appear to be used as a primary area of private open space as it also abuts the carport. Therefore, the height of the retaining wall, and overshadowing impacts of the wall and garage on the boundary are considered to be acceptable in this instance.

Setbacks, Design & Appearance

The design of the dwelling is considered to complement the existing character of the streetscape. The proposal includes a variety of materials on the front facade to break up the mass of the dwelling and includes a low roof pitch of 15 degrees which reduces the visual mass of the roof. A feature stone wall and timber panelling on both levels adds visual interest to the dwelling and is considered appropriate for the General Neighbourhood Zone.

The dwelling is considered to be well designed to maximise solar access with large north facing windows on both levels to open onto main living areas. The dwelling also includes large eaves of up to 900mm which assist with both visual articulation and provide shading for the dwelling.

The proposal satisfies all of the Desired Performance Features requirements in regards to setbacks except for a small portion of the upper level on the southern side. The front setback, rear setback and side setbacks will all complement the existing setback patterns. The large rear setback provides a large amount of private open space and separation between the neighbouring dwellings.

The garage is set on the eastern boundary for a length 8.7 metres, and 3 metres above the top of the footings which satisfies the boundary development requirements in the General Neighbourhood Zone. Most of the dwelling is set well back from the northern boundary to allow for private open space with a northern orientation and will later include a swimming pool.

Most of the upper storey is set 3.8 metres from the southern boundary, with a small section set 2.4 metres, with the area circled in red below.

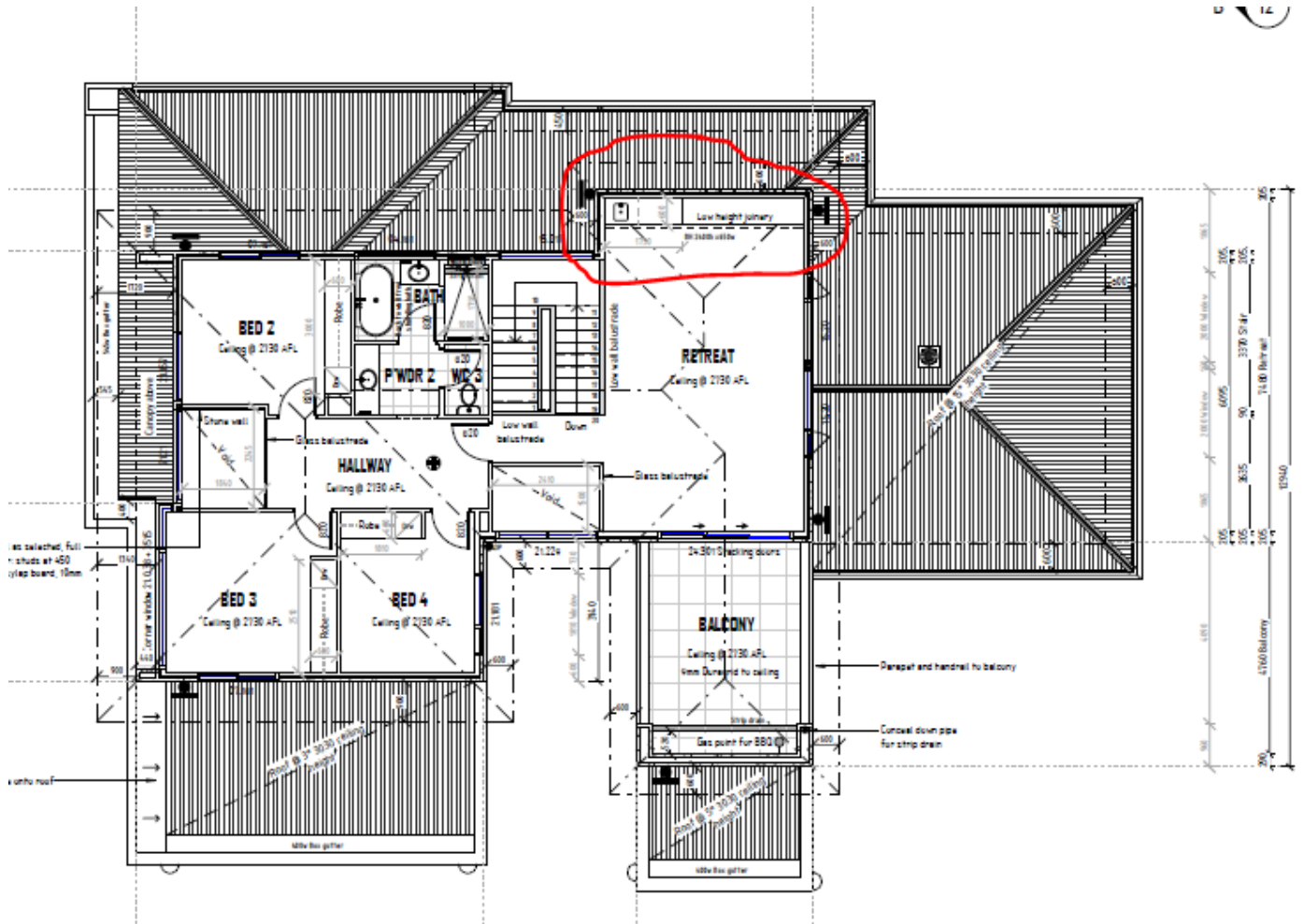


Image showing the upper level

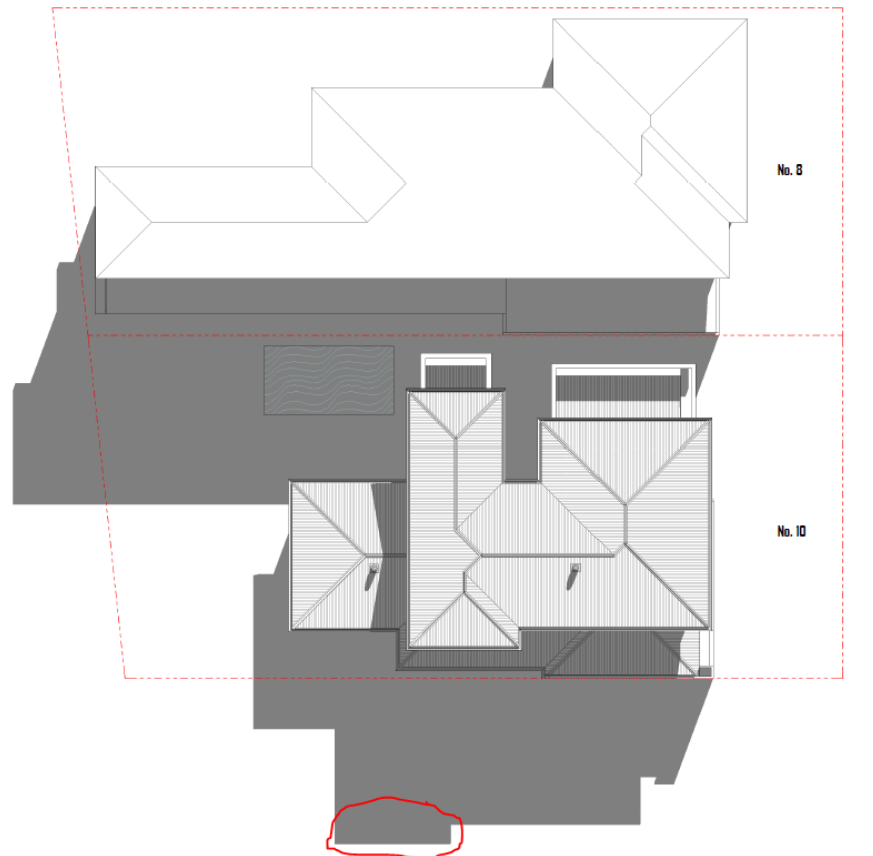
The applicant has provided an overshadowing diagram which demonstrates there is little difference in overshadowing between the area that has a compliant setback, and the area which has a shortfall. The proposed area that protrudes closer to the boundary is considered not to be visually dominant and given the limited additional overshadowing, is considered reasonable in this instance.

The image below has the shadow caused by the protruding upper storey area circled in red. This diagram shows the additional overshadowing is of a minor difference.

Shadow Diagram

1 : 200

WINTER SOLSTICE 12 PM _ 21ST JUNE

***Over shadowing diagram of the proposed dwelling*****Site Coverage, Private Open Space & Soft Landscaping**

The proposed dwelling is located on a large allotment of 770 square metres, with reasonable setbacks to the front and rear. As a result, the proposal easily satisfies the Desired Performance Features for site coverage, private open space, soft landscaping and front landscaping.

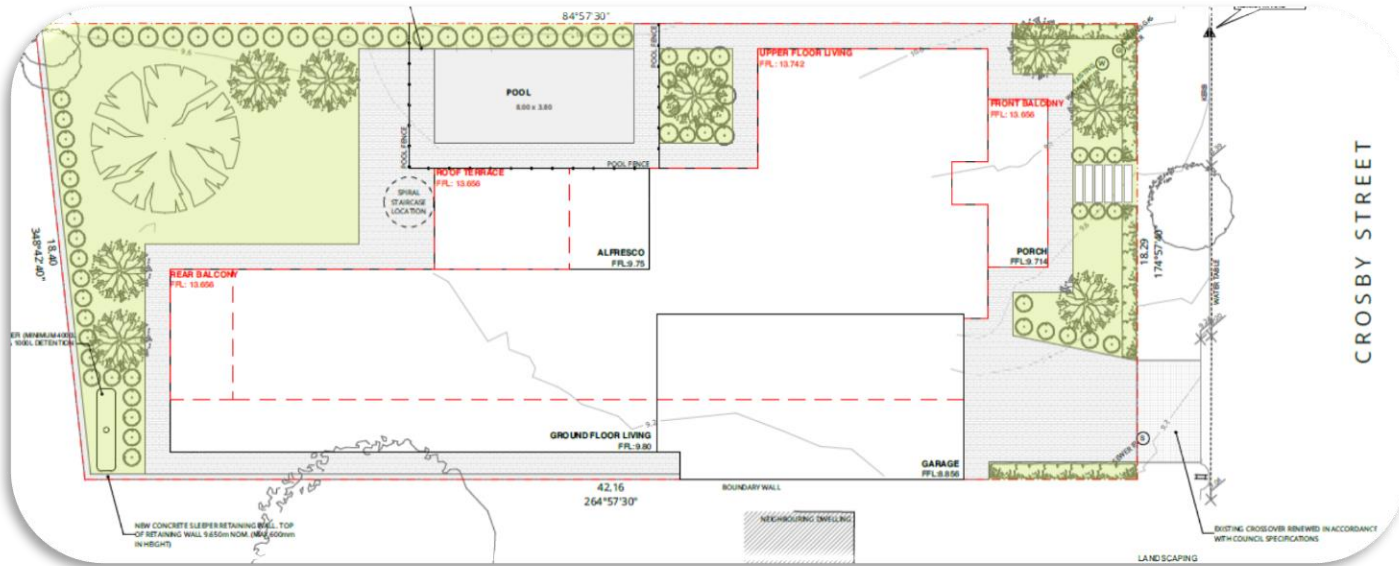
Over half the front yard will be provided as soft landscaping and only 37% of the site will be built over and 28% of the site, over 215 square metres will be kept as private open space behind the dwelling.

The private open space is considered to be appropriately orientated to maximise natural light by having a northern orientation. The site level is proposed to be raised to ensure that the private open space area is not completely overshadowed by the adjacent property to the north.

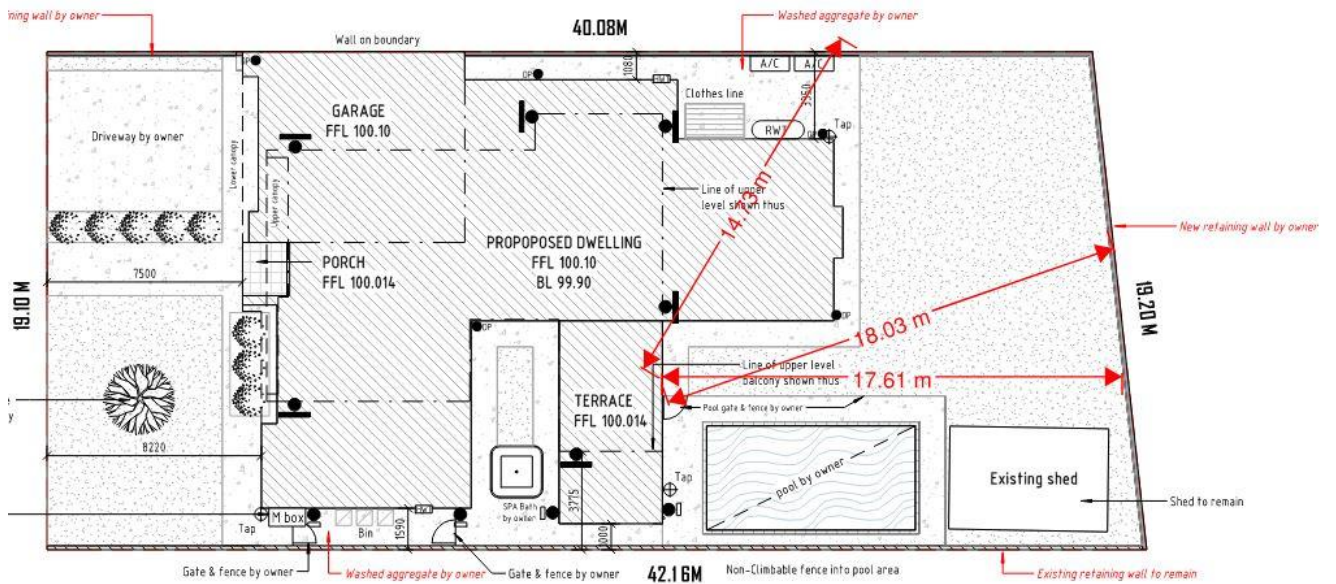
Privacy

The proposal includes an upper-level balcony on the northern side of the dwelling that does not include screening. The design is considered reasonable in this instance given there will be no direct overlooking to the north due to the orientation of the dwelling to the north and western boundary is located more than 15 metres away. As outlined in Code, privacy measures are not required for private open space areas more than 15 metres away. A site plan of the neighbouring property to the north is shown below demonstrating the balcony will not overlook the adjacent dwelling.

A standard condition is included in the recommendation in regards to window treatment to maintain privacy to neighbouring properties as there are upper storey windows that may overlook adjacent dwellings at the rear of the upper level.



Site plan of the adjacent dwelling to the north showing no areas of private open space visible from the south



Imagine showing distance to boundaries from the balcony

Traffic Impact, Access and Parking

A double garage will provide covered off street parking for two vehicles which satisfies the parking requirements of the Code. The driveway is of a modest gradient and is well within the requirements of the Australian Standards in regards to gradient transitions and the crossover width is suitable for the size of the allotment and is well clear of any street trees or infrastructure.

CONCLUSION

On balance the proposed development is considered to reasonably accord with the relevant principles in the Planning and Design Code and will not unreasonably impact on the amenity of the locality. The design of the dwelling complements the existing character in the streetscape and is appropriately setback from boundaries to provide visual space around the dwelling.

The dwelling is proposed to be raised a significant amount from the existing site levels, however, the reasons for the design are considered acceptable and will not result in unreasonable overshadowing. The proposed dwelling will not unreasonably impact on the amenity of either the adjacent dwellings or locality and is considered to warrant support.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered 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 24019750, by JAM Constructions Pty Ltd Trading as James Michael Homes Pty Ltd 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. 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).
3. 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.
4. 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.
5. 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.

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.

OFFICER MAKING RECOMMENDATION

Name: Michael Gates
Title: Development Services (Planning and Building) Lead
Date: 05/09/2024