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|--|---|
| DEVELOPMENT NO.: | 24005851 |
| APPLICANT: | Ric Hambrook |
| ADDRESS: | 21 MYRTLE RD SEACLIFF SA 5049 |
| NATURE OF DEVELOPMENT: | 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: | Assessment panel at City of Holdfast Bay |
| 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 |

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| | |
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| ATTACHMENT 1: | Application Documents |
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DETAILED DESCRIPTION OF PROPOSAL:

The application is for the construction of a two-storey detached dwelling. There is an existing swimming pool located on the site which is to be retained and incorporated into the development. The dwelling contains a total floor area of 855sqm. The lower level comprises a four car garage, store, theatre room, home office, guest bedroom with walk-in robe and ensuite, bar, wine room, kitchen open living areas, alfresco, gym, zen room, separate bathroom, laundry and a mud room. The outdoor area comprises the existing swimming pool, a grassed central yard and also a zen garden.

The upper level comprises five bedrooms, makeup room, walk in robes and ensuites, a separate bathroom, open living area, store and a balcony that faces the rear yard. All upper-level windows that do not face a road contain obscure glazing to 1.5m from the FFL or louvred privacy screening. Landscaping is shown throughout the dwelling with multiple plantings in the front and rear yards. Access will be via an existing crossover which will be shortened in width to suit the driveway. The dwelling is highly articulated and draws influence from Spanish Mission-style architecture.

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

Location reference: 21 MYRTLE RD SEACLIFF SA 5049

Title ref.: CT 5238/51 **Plan Parcel:** F18833 AL162 **Council:** CITY OF HOLDFAST BAY

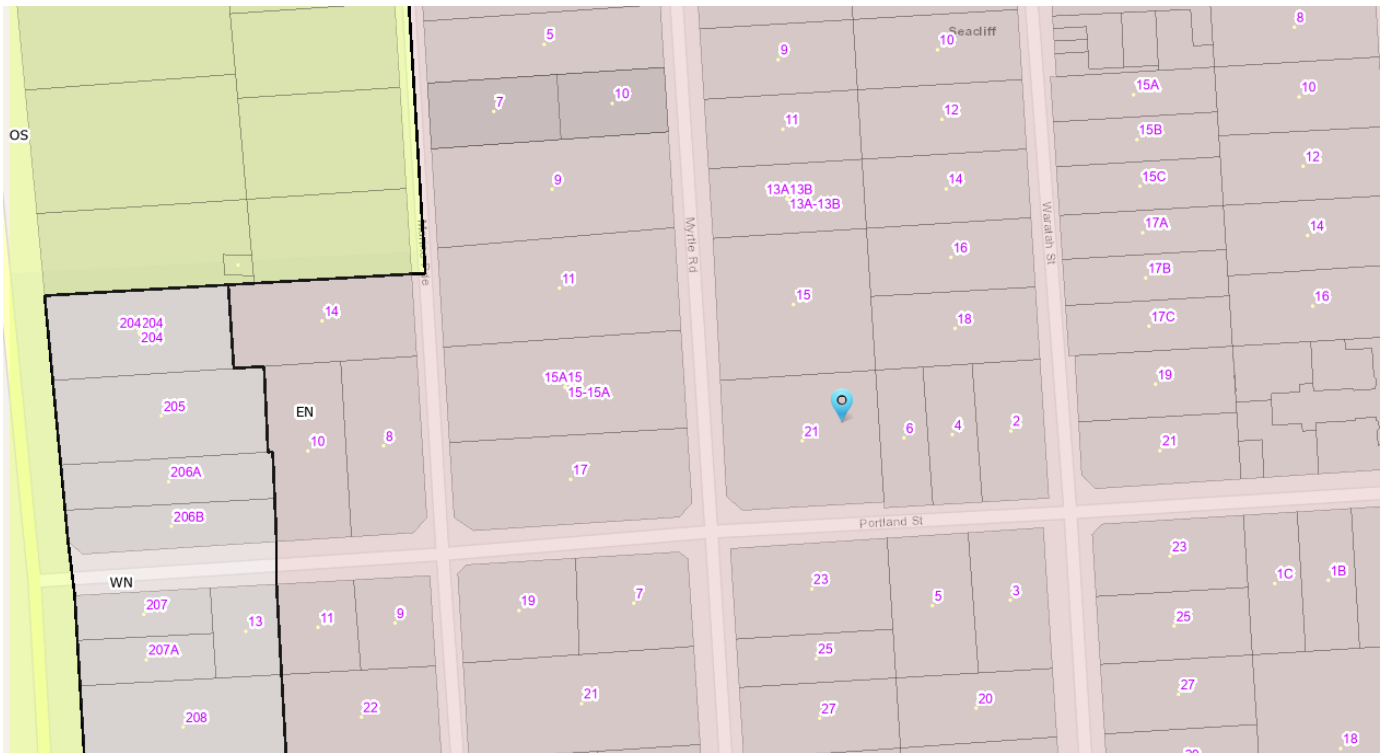
The site contains a frontage to Myrtle Road to the west and also Portland Street to the south. The depth of the land is 35m and the width 29.2m resulting in a total area of approximately 1031sqm. The allotment currently hosts a single-storey detached dwelling with a swimming pool. Large trees are located on the site of which none are regulated/significant. See the image below of the subject land:



Above: Streetscape image of the subject site

The subject land is located in the Established Neighbourhood Zone and a Character Area. The locality includes the area between the Esplanade and Waratah Street. The railway line is a significant feature within the Character Area, creating a significant north-south movement and landscape corridor but restricting east-west access and movement. The dwelling will front Myrtle Road and contain a secondary setback to Portland Road. The locality primarily comprises detached dwellings varying to two storeys in height. There are examples of three-storey dwellings that front the Esplanade which are an acceptable building height in the Waterfront Neighbourhood Zone further west of the subject land. Below is an aerial of the subject site and the locality.





The aerial above shows the locality with the Zoning overlay applied. The majority of the locality is located in the Established Neighbourhood Zone, with the Waterfront Neighbourhood and Open Space Zones located further to the west of the site.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 New housing
 Dwelling: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 Code Assessed - Performance Assessed
- **REASON**
 P&D Code

PUBLIC NOTIFICATION

- **REASON**
 The dwelling exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1

- LIST OF REPRESENTATIONS

| Summary of Representors | | | |
|---|---------------------------------|------------------|---|
| Address of Representor | Position | Wish to be heard | Comments |
| <i>Olivia Ford of 16 Burrington Street Hallet Cove</i> | <i>Supports the development</i> | <i>No</i> | <ul style="list-style-type: none"> - The design of the dwelling is suitable for the locality - The dwelling will set a high standard for future development |
| <i>Peter Pavlik of 21 Waratah Street Seacliff</i> | <i>Opposes the development</i> | <i>No</i> | <ul style="list-style-type: none"> - The two-storey dwelling is out of character with the locality - Reduction in greenery on the site is excessive |
| <i>Diane Ranck of 3 Waratah Street Seacliff</i> | <i>Opposes the development</i> | <i>No</i> | <ul style="list-style-type: none"> - The development exceeds the height limitations of the locality and will affect the look and feel of the locality |
| <i>David Skull of 10 Myrtle Road Seacliff</i> | <i>Supports the development</i> | <i>No</i> | <ul style="list-style-type: none"> - The dwelling does not invade anyone's privacy or views. - The dwelling suits the locality |
| <i>Courtney Smallcombe of 10 Myrtle Road Seacliff</i> | <i>Supports the development</i> | <i>No</i> | <ul style="list-style-type: none"> - The proposal is appropriate and suited to the neighbourhood |
| <i>Margaret and Lewis Vincent of 2 Portland Street Seacliff</i> | <i>Oppose the development</i> | <i>Yes</i> | <ul style="list-style-type: none"> - The dwelling exceeds height expectations of the zone - Overlooking will occur from the upper-level balcony - The dwelling will set an unwanted precedent for the locality |
| <i>Anne Swanson of 4 and 6 Portland Street Seacliff</i> | <i>Opposes the development</i> | <i>Yes</i> | <ul style="list-style-type: none"> - Overlooking will occur from the rear balcony - The angled louvred screens over the rear windows is not adequate to restrict views - Two-storey development is not envisaged by the Zone |
| <i>John Tsoutsikos of 53 Marine Parade Seacliff</i> | <i>Supports the development</i> | <i>No</i> | <ul style="list-style-type: none"> - Supports the development as submitted |
| <i>Pat Lake of 15 and 17 Marine Parade Seacliff</i> | <i>Supports the development</i> | <i>No</i> | <ul style="list-style-type: none"> - The design of the dwelling suits the locality |
| <i>Harry Tsoutsikos of 51 Marine Parade Seacliff</i> | <i>Supports the development</i> | <i>No</i> | <ul style="list-style-type: none"> - The design of the dwelling is suits the locality |



Above: Representation map showing representors who oppose the development.

- SUMMARY**

The applicant responded to the representations, refer to attachment 3. The applicant engaged URPS who have responded to the concerns raised by referencing the the relevant policies of the Planning and Design Code. The response touches on the building height of the dwelling, overlooking and streetscape character.

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. The application is not seriously at variance with the provisions of the Planning and Design Code as the Desired Outcomes and Performance Outcomes of the Established Neighbourhood Zone anticipate residential development as an appropriate form of development.

Quantitative Provisions

| | Proposed | DPF Requirement | Achieved |
|-------------------------------|--|---|--|
| Building Height | 2 levels | 1 level | No |
| Primary Setback | 5.5m (Verandah) 7.1m (garage) and 7.9m (dwelling) | 6.8 metres | Minor shortfall |
| Rear Setback | 6.1m ground level and 9.7m upper level | 4 metres at ground level and 6 metres at upper level | Yes |
| Side Setbacks | Ground level northern walls 1m and 1.1m Upper-level northern wall 2.2m Ground and upper-level southern wall (secondary street setback) | 1.16m & 1.26m relative to the wall heights of 3.8m (garage) and 4.2m (zen room & pool/WC). 2.4m relative to the 7.1m wall height Secondary street setback 900mm | Minor shortfalls Minor shortfall Yes |
| Site Coverage | 54 percent | 50% | Minor shortfall |
| Private Open Space | 260 square metres | 60 square metres | Yes |
| Soft Landscaping | 22% percent of the site area | 25 percent of the site area | Minor shortfall |
| Front Yard Landscaping | 50 percent | 30 percent | Yes |
| Tree Planting | 19 small trees and 8 medium trees | 1 large tree, 2 medium trees or 4 small trees | Yes |

Streetscape Character and Dwelling Design

The Character Area has unique characteristics, having been subdivided and first settled earlier than the adjoining precincts. It is characterised by a sloping landform overlaid with a rectilinear 19th Century pattern of roads resulting in smaller allotment sizes, narrow streets, reduced setbacks and limited street trees.

While there is a diversity of architectural eras and styles evident, the Character Area is characterised by small to medium scale detached dwellings constructed in the 1880s to 1920s west of the railway line, and a similar development scale constructed during the later 1930s to 1960s east of the railway line. These dwelling forms typically vary between one and two storeys in height throughout the Character Area.

The dwelling contains design elements that are anticipated in the Character Area Statement. The Character Area Statement speaks about the “influence” of Spanish mission architecture as an appropriate architectural style. The design of the dwelling is influenced by Spanish Mission style architecture evident through the arched windows and openings of the lower-level verandah. Also, the dwelling contains a stucco-like textured finish to parts of the dwelling wall.

An excerpt of the Character Area Statement relating to design is shown below

| | |
|---|---|
| Architectural styles, detailing and built form features | <p>Range of architectural styles.</p> <p>Still some remaining examples of bungalows west of the railway line.</p> <p>Influence of Spanish Mission style architecture.</p> <p>Rectilinear plan forms.</p> <p>High degree of modulation and articulation.</p> <p>Low scale.</p> <p>Steep roof pitches in the order of 25 to 35 degrees.</p> <p>Short roof spans.</p> <p>Hip and gable roof forms.</p> <p>Deep verandahs and porches.</p> <p>Fine-grain detail in elements such as plinths, string courses, projecting sills.</p> <p>High solid to void ratio.</p> <p>Vertical proportions in windows and doors.</p> |
|---|---|

The dwelling is not a replica of a traditional Spanish Mission style dwelling as it does not contain features such as low-pitched hip/gable roofing, broad overhanging eaves and clay/red terracotta roof tiles. The lower-level verandah has been emphasised in the design as a feature to minimise the appearance of the upper-level as it is stated in the Character Area Assessment Provisions that buildings should not exceed one storey. The dwelling satisfies a part of design criteria of the Character Area Statement as the dwelling is “influenced” by Spanish Mission architecture and contains rectilinear plan forms, a high degree of modulation and articulation and a deep front verandah albeit with a modern design approach.

The Character Area Statement does anticipate a range of architectural styles which is consistent with the locality. Seacliff is not a Character Area that contains a consistent form of architectural styles and this variety is anticipated to progress as stated in the Character Area Statement.

Building Height

The relevant policies relating to building height from the Established Neighbourhood Zone and Character Area Overlay are shown below.

Established Neighbourhood Zone assessment provisions:

PO 4.1

Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.

DTS/DPF 4.1

Building height (excluding garages, carports and outbuildings) is no greater than:

(a) the following:

| <i>Maximum Building Height (Levels)</i> |
|---|
| <i>Maximum building height is 1 level</i> |

Character Area Overlay assessment provision:

PO 2.2

Development is consistent with the prevailing building and wall heights in the character area.

The policy includes a standard outcome, DPF 4.1, which will generally meet the corresponding performance outcome if satisfied. However, in this case the DPF is not achieved. Notwithstanding, the DPF does not need to be satisfied to meet the performance outcome.

PO 4.1 references that buildings contribute to the prevailing character of the neighbouring nearby buildings. To determine whether a two-storey dwelling is appropriate in satisfying PO 4.1 an assessment of the surrounding built form must be considered.

An inspection of the locality was undertaken primarily observing the types of dwellings that front Myrtle Road. Overleaf are a series of photos and an aerial which depict two-storey dwellings close to the subject land.



There are several two-storey dwellings with primary frontages to Myrtle Road. The inclusion of the dwelling to the locality will not introduce a foreign-built form. Therefore, despite DPF 4.1 anticipating a maximum building height of 1 level PO 4.1 is satisfied in that the dwelling *contributes to the prevailing character of the neighbourhood and complements the height of nearby buildings.*

Primary Setback

The assessment provisions below reference primary street setbacks of the Established Neighbourhood Zone.

PO 5.1

Buildings are set back from primary street boundaries consistent with the existing streetscape.

DTS/DPF 5.1

Buildings setback from the primary street boundary in accordance with the following table:

| Development Context | Minimum setback |
|---|--|
| <i>There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is not on a corner site.</i> | <i>The setback of the existing building.</i> |

Only one dwelling adjoins the subject land to the north, therefore, to satisfy the DPF the dwelling needs to match the setback of the dwelling. The dwelling located to the north contains a primary setback of 7.3m. The closest part of the dwelling (excluding the verandah) is setback 7.1m (garage) and 7.9m (dwelling wall). The majority of the dwelling wall is well setback behind 7.3m with only the garage and verandah encroaching forward. The verandah is a welcome design element to the dwelling and despite being setback 5.5m from the primary boundary plays a role in minimising the upper-level presence. Notwithstanding, the test is whether PO 5.1 is achieved, which references consistency with the existing streetscape.

Below are the primary setbacks of the existing dwellings not of the site:

7 Myrtle Road – 4.9m

9 Myrtle Road – 5.3m

11 Myrtle Road – 6.1m

13 Myrtle Road – 7m

15 Myrtle Road – 6.8m

The dwellings to the north of the site are a combination of new and old housing stock that contain primary setbacks that are consistent with the proposed dwelling. There are two examples of recently constructed conventional-style two-storey dwellings, 7 and 13 Myrtle Road, where the upper levels are not entirely recessed behind the lower level increasing streetscape prominence. The upper-level balcony of the proposed dwelling is setback 7.8m and the upper level dwelling wall 10.1m from the primary boundary emphasising the lower level as the prominent aspect of the dwelling to the streetscape. The remaining elements of the building façade contain primary setbacks consistent with the dwellings to the north. PO 5.1 is satisfied.

Northern Side Setback

A shortfall relating to the northern lower and upper-level walls of the dwelling were noted.

PO 8.1

Buildings are set back from side boundaries to provide:

- a) *separation between buildings in a way that complements the established character of the locality*
- b) *access to natural light and ventilation for neighbours.*

DTS/DPF 8.1

Other than walls located on a side boundary in accordance with Established Neighbourhood Zone DTS/DPF 7.1, building walls are set back from the side boundary:

- a) *no less than:*
- b) *in all other cases (i.e., there is a blank field), then:*
 - i. *where the wall height does not exceed 3m measured from the lower of natural or finished ground level - at least 900mm*
 - ii. *for a wall that is not south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level*

The lower-level wall associated with the garage has a side setback of 1m where it warrants a 1.16m setback due to its 3.8m high wall. The wall associated with the Zen room, pool and WC has a side setback of 1.1m where it warrants a 1.26m setback due to its 4.2m high wall. The upper-level northern wall is setback 2.2m for the side boundary however warrants a 2.4m setback due to its 7.1m wall height. The shortfalls are negligible and enable adequate separation to the northern dwelling to be achieved. The walls also benefit from being directly south of the northern neighbour where access to sunlight will remain unchanged. Visual impacts are insignificant as the northern wall of the dwelling appears to be adjacent to a service courtyard of the neighbouring dwelling and the primary private open space. PO 8.1 is satisfied.

Site Coverage

The site coverage of the dwelling is 54% resulting in a 4% exceedance contrary to DPF 3.1(a).

PO 3.1

Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.

DTS/DPF 3.1

Development does not result in site coverage exceeding:

In instances where:

- a) *no value is returned (i.e. there is a blank field), then a maximum 50% site coverage applies*

The 4% numerical variance is not substantial. The site contains adequate vehicle access and vehicle parking, domestic storage, outdoor clothes drying areas, rainwater tank provision, private open space, landscaping and convenient storage of household waste and recycling receptacles satisfying PO 3.1.

Soft Landscaping

A minor numerical soft landscaping shortfall of 3% was noted across the site. As the site is over 450sqm in area the quantitative requirement to satisfy is 25% of the site. The development contains a total of 22% soft landscaping.

PO 22.1

Soft landscaping is incorporated into development to:

- a) *minimise heat absorption and reflection*
- b) *contribute shade and shelter*
- c) *provide for stormwater infiltration and biodiversity*
- d) *enhance the appearance of land and streetscapes.*

DTS/DPF 22.1

Residential development incorporates soft landscaping with a minimum dimension of 700mm provided in accordance with (a) and (b):

- a) *a total area for the entire development site, including any common property, as determined by the following table:*

| <i>Site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</i> | <i>Minimum percentage of site</i> |
|--|-----------------------------------|
| <i><150</i> | <i>10%</i> |
| <i>150-200</i> | <i>15%</i> |
| <i>>200-450</i> | <i>20%</i> |
| <i>>450</i> | <i>25%</i> |

- b) *at least 30% of any land between the primary street boundary and the primary building line.*

PO 1.1

Trees are planted or retained to contribute to an urban tree canopy.

DTS/DPF 1.1

Tree planting is provided in accordance with the following:

| Site size per dwelling (m ²) | Tree size* and number required per dwelling |
|--|---|
| <450 | 1 small tree |
| 450-800 | 1 medium tree or 2 small trees |
| >800 | 1 large tree or 2 medium trees or 4 small trees |

*refer Table 1 Tree Size

| Table 1 Tree Size | | | |
|-------------------|-------------------------|-------------------------|---|
| Tree size | Mature height (minimum) | Mature spread (minimum) | Soil area around tree within development site (minimum) |
| Small | 4 m | 2m | 10m ² and min. dimension of 1.5m |
| Medium | 6 m | 4 m | 30m ² and min. dimension of 2m |
| Large | 12 m | 8m | 60m ² and min. dimension of 4m |

The development incorporates open space and landscaping areas that minimise hard paved surfaces. The plantings chosen, particularly to the front of the dwelling, complement the built form and reduce the visual impact of the dwelling. Taller and broader plantings are placed in the front yard of the building to enhance the appearance of development to the streetscape. It is also worth noting that the front yard landscaping exceeds the numerical percentage anticipated by the policy by 20% which is a positive outcome to contrast the proposed dwelling.

The Urban Tree Canopy Overlay anticipates 1 Large, 2 medium or 4 small trees to be planted on the site. A total of 19 small trees (dwarf date palm) will be planted on the site, 4 in the front yard and 15 in the rear yard along with 8 medium trees (Canary island date palm) 4 in the front and 4 in the rear yard. The amount of plantings are well above the anticipated minimums and supplement the minor numerical percentage shortfall.

CONCLUSION

The proposed dwelling will be a welcome addition to the Character Area that contains a built-form that is not foreign to the locality. The dwelling has been designed accordingly and includes design features that are anticipated by the Character Area Statement that aim to mitigate the upper-level prominence. The majority of the residential development principles are satisfied with only a few numerical shortfalls noted that are not detrimental to the overall merits of the application.

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 24005851, by Ric Hambrook 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. 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.
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. 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. That all upstairs windows, other than those facing the street, shall have minimum window sill heights of 1.5 metres above finished floor level. Any glass below 1.5 metres shall be obscure and fixed shut or contain screening louvers and be installed prior to occupation of the dwelling.
6. That a fixed obscured screen is erected on the first-floor rear balcony to a minimum height of 1.5 metres above finished floor level and be installed prior to occupation of the dwelling.

OFFICER MAKING RECOMMENDATION**Name:** Alexander Stamatopoulos**Title:** Development Planner**Date:** 01/05/2024