

<b>DEVELOPMENT NO.:</b>	24007372
<b>APPLICANT:</b>	THINK ARCHITECTS
<b>ADDRESS:</b>	39 GOWER ST GLENELG EAST SA 5045
<b>NATURE OF DEVELOPMENT:</b>	Construct a single storey dwelling with swimming pool
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Established Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Building Near Airfields</li> <li>• Character Area</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 14m; semi-detached dwelling is 14m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 600 sqm; semi-detached dwelling is 600 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 1 level)</li> </ul>
<b>LODGEMENT DATE:</b>	20 Mar 2024
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at City of Holdfast Bay
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2024.5 14/03/2024
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Michael Gates Development Services (Planning and Building) Lead
<b>REFERRALS STATUTORY:</b>	None
<b>REFERRALS NON-STATUTORY:</b>	None

**CONTENTS:**

**APPENDIX 1: Relevant P&D Code Policies**

**ATTACHMENT : Representations**

**ATTACHMENT : Application Documents**

### **DETAILED DESCRIPTION OF PROPOSAL:**

This application is for the construction of a single storey detached dwelling and swimming pool. The existing dwelling on the site will be demolished to make way for the new dwelling, which will have the garage located on the eastern boundary and pool in the northeastern corner of the site. The dwelling is single storey with 3 metre high ceilings, rendered front facade with feature stone pillars and timber look double garage door. The dwelling has a corrugated roof at an 18 degree pitch.

The main face of the dwelling is setback 6 metres from the street, with the garage setback at 8.2 metres. The garage is set on the eastern boundary for a length of 13.1 metres. The dwelling is setback 8 metres from the rear boundary as to provide a large area of private open space.

### **SUBJECT LAND & LOCALITY:**

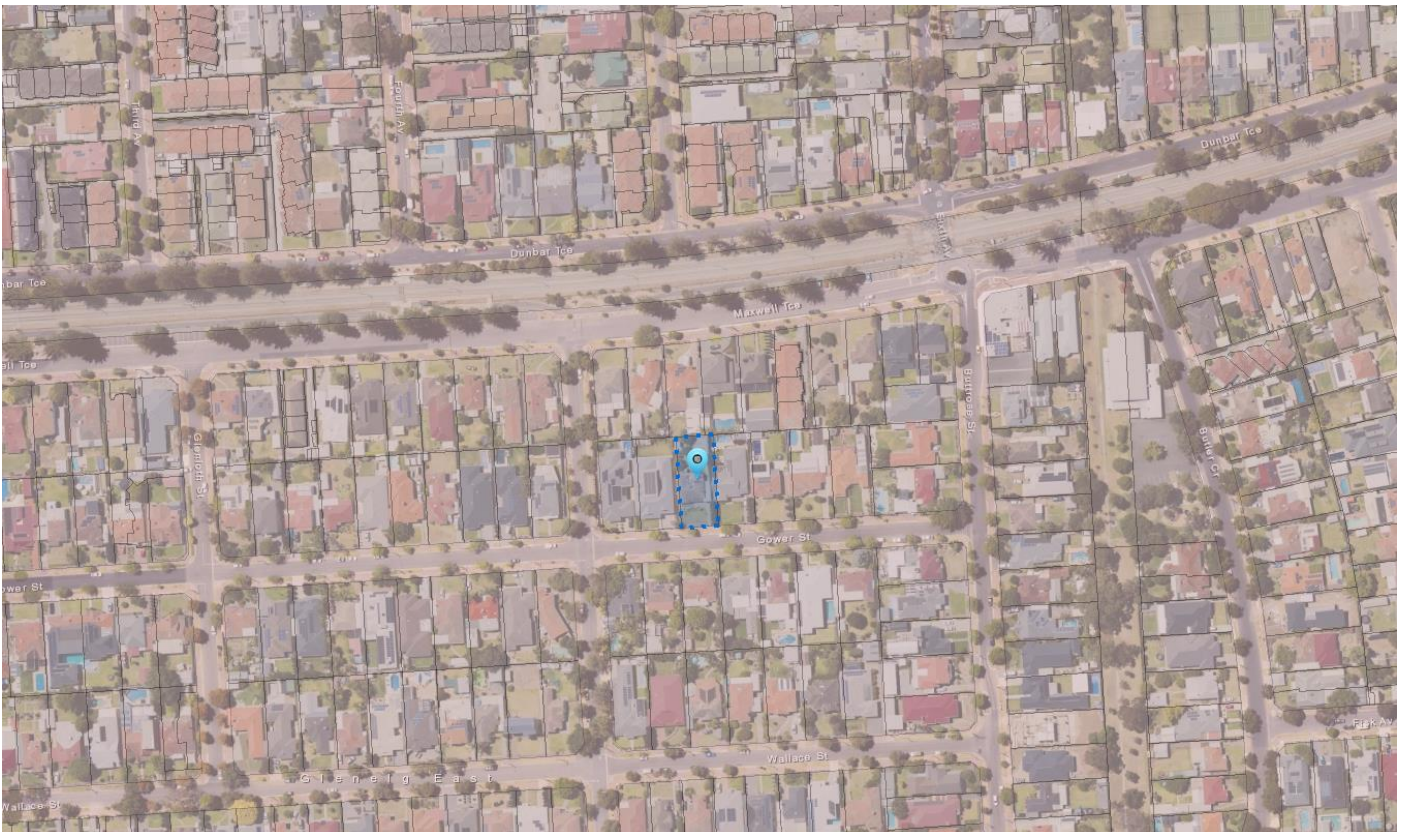
#### **Site Description:**

**Location reference:** 39 GOWER ST GLENELG EAST SA 5045

**Title ref.:** CT 5687/246 **Plan Parcel:** F7732 AL3 **Council:** CITY OF HOLDFAST BAY

The allotment is a regular shaped allotment with a frontage of 17.3 metres, depth of 43.6 metres and total area of 757 square metres. The site is relatively flat and does not contain any regulated or significant trees. There is currently a single storey detached dwelling on the site which will be demolished.

#### **Locality**



The subject site is located in the Established Neighbourhood Zone and the locality is made up entirely of residential dwellings. To the north of the site is the tram lines which denotes a fairly distinct pattern of development. North of

the tram lines the area is made up of a large percentage of residential flat buildings, whilst south of the tram lines is nearly all detached dwellings with very little sub-division.

Development along Gower Street in the immediate locality comprise single storey dwellings that are of a modest scale, with low pitch roofs comprising of both tiles and corrugated sheets. Front setbacks along Gower Street vary, with newer dwellings being set closer to the street as demonstrated in the image below.



*Photo of the subject site*



*Aerial photo showing the street setbacks*

**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**  
 Swimming pool or spa pool and associated swimming pool safety features: Code Assessed - Performance Assessed  
  
 New housing  
 Detached dwelling: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
 Code Assessed - Performance Assessed
- **REASON**  
 P&D Code

**PUBLIC NOTIFICATION**

- **REASON**  
 Length of garage wall on the boundary.
- **LIST OF REPRESENTATIONS**
- 41 Gower Street, support with concerns, does not wish to be heard by the Panel

There was one representation received from the adjacent owner to the east. They support the proposal with some concerns and do not wish to make a representation to the Panel. Their concerns relate to the fence along the shared boundary and wishing to attach a clothesline to the boundary wall. These matters do not constitute development and are a matter that can be resolved separately between the two neighbours.

## PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

### Seriously at Variance

This application is for a residential dwelling in the Establish Neighbourhood Zone. Dwellings are a desired form of development in the Established Neighbourhood Zone and is consistent with the pattern of development in the locality. Therefore, the proposal is considered not to be seriously at variance with the Planning and Design Code.

### Quantitative Provisions

	Proposal	CODE PDF	Met / Variance
Allotment Size	757sqm	n/a	n/a
Site coverage	52.8%	50%	No, minor departure
Height	Single storey	Single storey	Yes
Soft landscaping	21%	25%	No
Front soft landscaping	50%	30%	Yes
Front setback	6 metres	10 metres	No
Side setbacks	0.9m/ 0m	0.9m / 0m	Yes
Length on boundary	13.1m	8m	No
Private Open Space	226 sqm	60sqm	Yes
Rear setback	8 metres	4 metres	Yes

### Land Use

The residential use is consistent with the desired character for the Zone and the pattern of development in the locality.

### Building Height

The Character overlay acknowledges the predominate single storey character of the area, and the Zone Performance Outcome for the Established Neighbourhood Zone seeks dwellings of no more than one storey. The proposal for a single storey dwelling is considered to satisfy the Performance Outcome for height of the Zone.

### Setbacks, Design & Appearance

The proposal fails to satisfy four of the quantitative desired performance outcomes listed in the table above. Those being site coverage, soft landscaping, front setback and length of the garage on the boundary.

The amount of site coverage proposed exceeds the desired performance feature by 2.8%, or 12 sqm. The additional 12sqm of site coverage is considered to be a minor departure, and the overall development is considered to be consistent with the pattern of development in the area and provides sufficient space around the building to limit visual impact and ventilation and therefore satisfies Performance Outcome 3.1.

Similarly, the shortfall of soft landscaping is also considered to be a minor departure. 21% of the site will be provided as soft landscaping, which is a shortfall of 4%. Importantly, 50% of the front yard is provided as soft landscaping. A total of 155 square metres is provided as soft landscaping which will minimise heat absorption, contribute shade and

shelter, provide stormwater infiltration and enhance the streetscape. Therefore, the development is considered to satisfy PO 22.1.

The garage is proposed eastern boundary for a length of 13.1 metres, which is significantly longer than the DPF of 8 metres. Adjacent property at 41 Gower appears to use the western side of their dwelling as a service area with their clothesline located there. Having reviewed the floor plan of the neighbouring house, it shows there are no habitable windows facing the proposed garage, only a laundry area, so the development is considered to have minimal impact on the neighbours. Notably, the neighbours did not raise objection the garage wall on the boundary, or the length of the wall in their representation, other than asking to attach their clothesline to the wall. Despite the additional length on the boundary, the development is considered reasonable in this instance.

The dwelling is set 900mm off the western boundary in accordance with the requirement of the Planning and Design Code.



***Photo showing clothesline of neighbouring property at 41 Gower***

As shown earlier in the report there is a mix setback pattern along Gower Street. The original dwellings in the low tend to be smaller dwellings setback further from the street, with front yards predominantly comprising lawn area with low level plantings. New dwellings tend to be of a larger size and set closer to the street. Whilst the dwelling does not meet the average setback of the adjacent dwellings that would be of no real assistance. If the dwelling were to meet the average, it would be at odds with the setback of both dwellings given the large difference in the setback of the two adjacent dwellings. The proposed setback is consistent with the pattern to the west and is considered to complement the character of the streetscape. The proposed landscape plan is consistent with dwellings along Gower Street and 50% of the front yards will be soft landscaping.

The proposal provides nearly four times the required amount of private open space with 226 square metres of open space at the rear of the dwelling and the rear setback of 8 metres is double the requirement of the Code.

### Character

The subject site is located in an area with a character overlay. The character statement for area lists of wide range of dwellings, predominately Spanish mission and Tudors which have high pitch roofs. In this instance the locality comprises more austerity type dwellings with low pitch roofs. The proposed dwelling picks up on that character with the roof pitch and materials and is considered to complement the character of the area.

Built Form	
PO 2.1 The form of new buildings and structures that are visible from the public realm are consistent with the valued streetscape characteristics of the character area.	DTS/DPF 2.1 None are applicable.
PO 2.2 Development is consistent with the prevailing building and wall heights in the character area.	DTS/DPF 2.2 None are applicable.
PO 2.3 Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) are consistent with the prevailing characteristics in the character area.	DTS/DPF 2.3 None are applicable.
PO 2.4 Development is consistent with the prevailing front and side boundary setback pattern in the character area.	DTS/DPF 2.4 None are applicable.
PO 2.5 Materials are either consistent with or complement those within the character area.	DTS/DPF 2.5 None are applicable.

***Table showing built form provision for the Character Overlay***

In the context of the immediate locality, the proposal is considered to accord with the above performance outcomes for the Character Area Overlay. The dwelling is design to complement both the original and newer dwellings in the streetscape and proposes to use materials that are consistent with the prevailing pattern of development with similar wall heights and roof pitch.

The entry porch is of a similar size and scale in the prevailing streetscape, as are the front and side setbacks. Therefore the proposal is considered to meet the requirements of the Character Area Overlay and will not unreasonably impact on the prevailing character of the streetscape.





*Photos of dwellings in the immediate locality*



*Photos of dwellings in the immediate locality*

**Traffic Impact, Access and Parking**

The proposal shows that more than 2 vehicles can be parked on the site in accordance with the Planning and Design Code and the crossover will not impact on any street trees or infrastructure.

**Environmental Factors**

There are planning concerns relating to the swimming pool as the pool pump equipment is to be kept inside a noise proof enclosure and a condition is recommended about the requirement to minimise the noise impacts.

The dwelling will have a rainwater of 5,000 litres, 1,000 litres of which is detention. This meets the requirements of the Planning and Design Code.

The landscape plan shows that trees will be planted in accordance with the planting requirement of the Planning and Design Code. This has been reinforced with a condition of this requirement included in the recommendation.

**CONCLUSION**

On balance the proposal is considered to reasonably accord with the relevant provisions within the Planning and Design Code and will not unreasonably impact on the amenity of the locality. The design of the dwelling is considered to complement to character of the locality despite a marginal shortfall in the front setback requirement. Overall the dwelling is considered to be in accordance with the character statement for the area and therefore warrants Planning Consent being granted.

**RECOMMENDATION**

Planning Consent be granted.

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 24007372, by THINK ARCHITECTS 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. 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.
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 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.

6. That the associated filter pump must be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.

**OFFICER MAKING RECOMMENDATION**

**Name:** Michael Gates

**Title:** Development Services (Planning and Building) Lead

**Date:** 6 May 2024