

<b>DEVELOPMENT NO.:</b>	23037611
<b>APPLICANT:</b>	John and Elisha Tsoutsikos
<b>ADDRESS:</b>	53 MARINE PDE SEACLIFF SA 5049
<b>NATURE OF DEVELOPMENT:</b>	Construction of a pair of two level detached dwellings, fences and retaining walls
<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>• Character Area</li> <li>• Local Heritage Place</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 12m; semi-detached dwelling is 12m; row dwelling is 12m; group dwelling is 12m; residential flat building is 12m)</li> <li>• 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)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 1 level)</li> </ul>
<b>LODGEMENT DATE:</b>	3 Jan 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 2023.19 - 21 December 2023
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Dean Spasic Development Officer - Planning

**CONTENTS:**


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**APPENDIX 1: Relevant P&D Code Policies**
**ATTACHMENT 2: Representations****ATTACHMENT 1: Application Documents****ATTACHMENT 3: Response to Representations**

### DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for the construction of two 2 level detached dwellings on land that is currently vacant. Marine Parade is on a slope, so the dwellings are slightly elevated at points relative to the topography of the road.

The proposed dwellings present as conventional flat roofed 2 level buildings using contemporary design features, including the use of arcs and curves against timber panelling, rendered walls and sandstone and large openings.

Landscaping is heavily incorporated into the design, including soft landscaping to the front yards as well as landscaping incorporated into one of the front balconies.

Retaining up to 965mm in height with fences up to 2500mm above the retaining wall height forms part of the proposed, due to a build-up of land.



### BACKGROUND:

The subject site has been vacant for several months following the Council Assessment Panel's approval for the demolition of a local heritage place.

### SUBJECT LAND & LOCALITY:

#### Site Description:

**Location reference:** 53 MARINE PDE SEACLIFF SA 5049

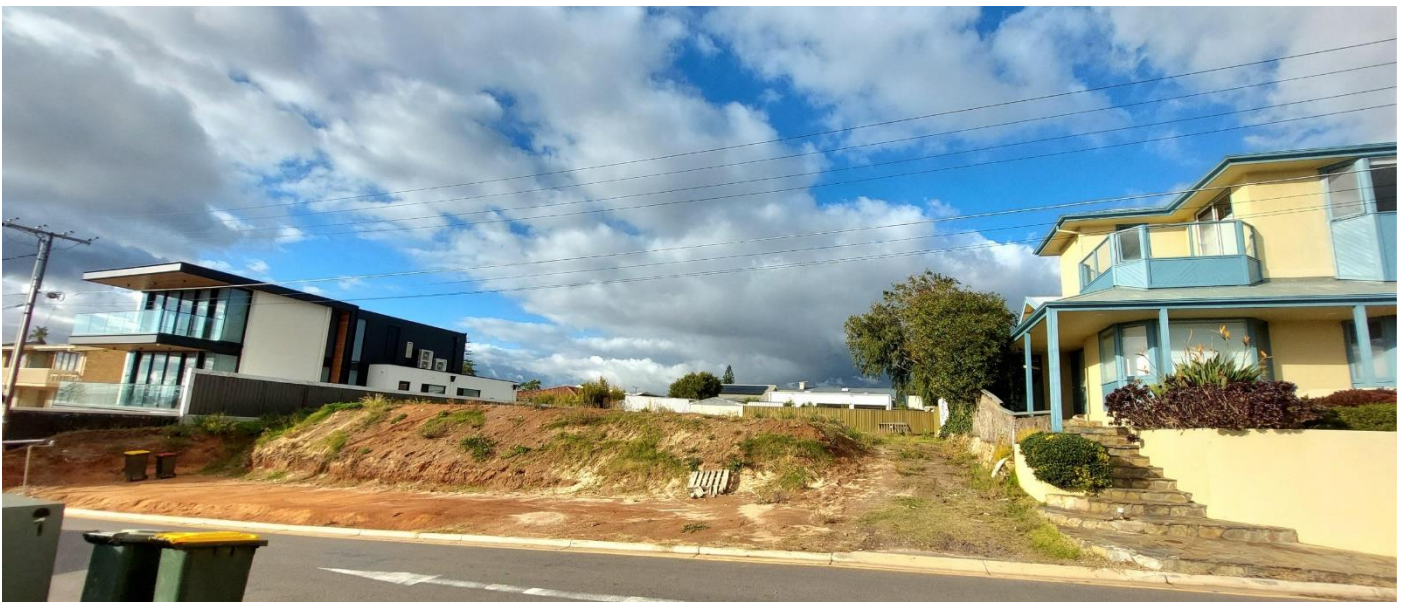
**Title ref.:** CT 5667/788

**Plan Parcel:** F38192 AL255

**Council:** CITY OF HOLDFAST BAY

The subject site is a large allotment with a frontage of 30.93 metres and depth of 36.84 metres, resulting in a total site area of 1139 square metres. The land is generally flat, save for a fall at the front of the property down to the street, because of the natural topography of the land, formed by sand dunes.

The site does not contain any regulated or significant trees, nor any other features that would inhibit the development of the land.

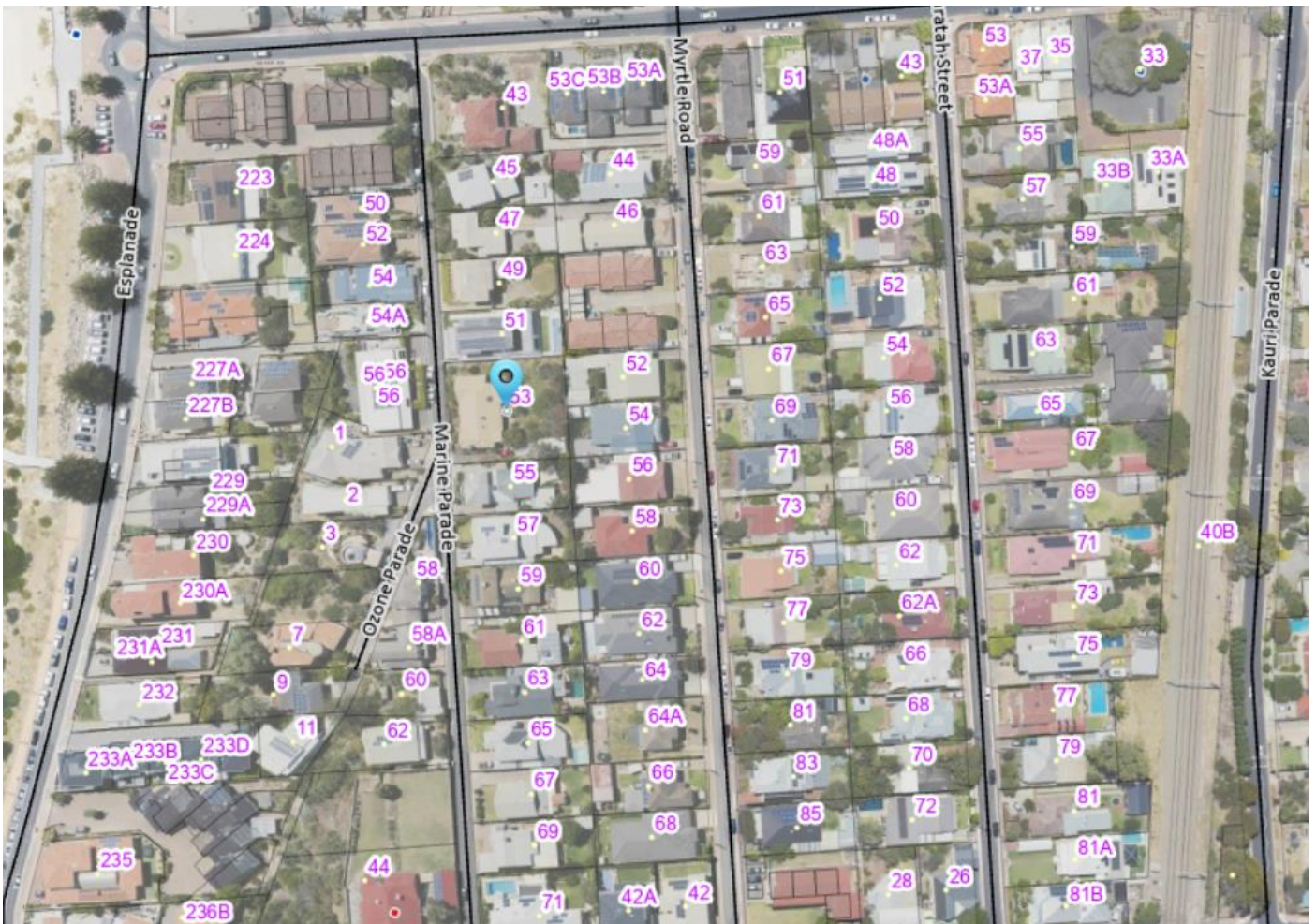




### Locality

The site is in the Established Neighbourhood Zone, Seacliff Character Area, which is defined by 1880s to 1920s housing stock, typically single storey Bungalows and Spanish Mission style Architecture on larger allotments as well as newer housing stock which has been established since the 1970s, with many comprising two storey building form, resulting in a mix of building styles.

The locality contains Local and State Heritage Places (dwellings), all of which are listed based on their architectural significance. Some nearby examples include 40 Myrtle Road, 44, 48 and 45 Wheatland Street and 44 Marine Parade (State Heritage).



### CONSENT TYPE REQUIRED:

Planning Consent

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One. The proposal is considered to not be seriously at variance with the Design Code, as the Zone anticipates residential land use in the form of dwellings and the proposal achieves the desired densities.

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**  
Detached dwelling: Code Assessed - Performance Assessed  
New housing
- Fences: Code Assessed - Performance Assessed  
Fences
- Retaining Wall: Code Assessed - Performance Assessed  
Retaining
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code

**PUBLIC NOTIFICATION**

- **REASON**  
more than 1 level building
- **LIST OF REPRESENTATIONS**

A total of 14 statements of representations were received, with 13 being in support of the proposal.

<i>Summary of Representors</i>			
<b>Address of Representor</b>	<b>Position</b>	<b>Wish to be heard</b>	<b>Comments</b>
51 Trumara Road, Marino	Support	No	NIL
51 Trumara Road, Marino	Support	No	NIL
17 Salisbury Street, Somerton Park	Support	No	great for the suburb profile.
56 Marine Parade, Seacliff	Support	No	NIL
21 Myrtle Road, Seacliff	Support	No	I own a local real estate agency and live one street over from this proposed development. We need more coastal development like this to bring cashed up downsizers into the area to free up larger homes in other suburbs for younger families that are struggling to find homes. Unfortunately finding land in areas like this is becoming more scarce so we need to do our part to help the housing crisis by approving well thought out proposals such as this.

<i>Summary of Representors</i>			
21 Myrtle Road, Seacliff	Support	No	I often walk past this site and feel the new homes proposed fit in well with other homes on the street. The house to the left of this site is one of the newer homes on the street and has brought up the value of other homes in the area as would the proposed two new homes.
60 Myrtle Road, Seacliff	Support	No	Everybody deserves to build their dream home in Seacliff like everyone else
60 Myrtle Road, Seacliff	Support	No	a beautiful house for a young couple and their family.
69 Lockwood Road, Burnside	Support	No	The suburb of seacliff deserves more dwellings like what is proposed within this request. This will only enhance the appearance of the suburb.
2 Ozone Parade, Seacliff	Support	No	NIL
51 Marine Parade, Seacliff	Support	No	We live next door to this proposed development and very much support it. They are well considered designs that will enhance our street. Full support from an adjoining neighbour.
54 Alfreda Street, Brighton	Support	No	I walk past marine parade very often. I am a local and love the street and the suburb. This development looks fantastic and will contribute greatly to our great suburb.
29 Dicky Beach Close, Dicky Beach, QLD	Support	No	The 2 bedroom house on site 2 does not have a bathroom on the plan. It has toilets but no showering/bathing facilities in the house
58 Myrtle Road, Seacliff	Oppose	Yes	Objects to the three and two levels at it will increase shade over her property. Would prefer single storey only.

The applicant has responded to the representation as follows:

- The overwhelming support for the proposal is noted
- The representation from 58 Myrtle Road incorrectly describes the proposal as a 3 storey, which is not the case here, which it was originally lodged as. Furthermore, 58 Myrtle Road is located some 15 metres from the subject site, therefore this development will not overshadow the representors property.

#### **PLANNING ASSESSMENT**

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

## NORTHERN MOST DWELLING



	Proposed	DPF Requirement	Achieved
<b>Site Area</b>	645 square metres	400 square metres	Yes
<b>Frontage</b>	17.5 metres	9 metres	Yes
<b>Building Height</b>	2 levels Maximum 8.6 metres total building height relative to lowest existing ground level of the site. 6.5 metres above existing ground level abutting the siting of building.	1 level	No
<b>Front Setback</b>	Dwelling wall 5.9 metres Balcony 4.4 metres	Dwelling wall 5.8 metres Verandahs or balconies can protrude forward a further 1.5 metres	Yes
<b>Rear Setback</b>	5.4 metres (1 level at rear of site)	4 metres at ground level	Yes

	<b>Proposed</b>	<b>DPF Requirement</b>	<b>Achieved</b>
<b>Side Setbacks</b>	<p>Northern side wall is 5.4 metres high above the retaining level of the northern adjacent property and setback 1.29 metres.</p> <p>Southern side wall is 5.2 metres high above the existing ground level of the southern adjacent property and setback between 1.8 and 2.8 metres.</p> <p>Garage wall 2.6 metres high above the existing ground level and located on the southern side boundary (abutting the proposed southern-most dwelling) over a length of 9.6 metres</p>	<p>Wall height above 3 metres should be setback 900mm + 1/3 of the height above 3 metres, therefore 1.7 metres in this case</p> <p>Wall height above 3 metres should be setback 1.9m + 1/3 of the height above 3 metres for southern side setbacks, therefore 2.6 metres</p> <p>Boundary walls up to 3 metres high over a length of 11.5 metres.</p>	<p>No Shortfall 410mm</p> <p>No Shortfall 800mm for the section of wall comprising the rear verandah</p> <p>Yes</p>
<b>Site Coverage</b>	55 percent	60%	Yes
<b>Private Open Space</b>	227 square metres	60 square metres	Yes
<b>Soft Landscaping</b>	26 percent of the site area	25 percent of the site area	Yes
<b>Front Yard Landscaping</b>	40 percent	30 percent	Yes
<b>Tree Planting</b>	11 small trees 5 medium trees	1 medium tree	Yes



## SOUTHERN MOST DWELLING



	Proposed	DPF Requirement	Achieved
<b>Site Area</b>	500 square metres	400 square metres	Existing
<b>Frontage</b>	13.4 metres	9 metres	Existing
<b>Building Height</b>	2 levels Maximum 7.2 metres total building height relative to lowest existing ground level of the site. 6.5 metres above existing ground level abutting the siting of building.	1 level	No
<b>Front Setback</b>	Dwelling wall 6.6 metres Balcony 5.4 metres	Dwelling wall 5.8 metres Verandahs or balconies can protrude forward a further 1.5 metres	Yes
<b>Rear Setback</b>	11.9 metres (1 level at rear of site)	4 metres at ground level	Yes
<b>Side Setbacks</b>	Northern side wall is 5.4 metres high above the retaining level of the northern adjacent property and setback 2.2 to 2.8 metres.  Southern side wall is 6.6 metres high above the existing ground level of the southern adjacent property and setback between 2.2 and 2.8 metres.	Wall height above 3 metres should be setback 900mm + 1/3 of the height above 3 metres, therefore 1.7 metres in this case  Wall height above 3 metres should be setback 1.9m + 1/3 of the height above 3 metres for southern side setbacks, therefore 3.1 metres.	No Shortfall 500mm to 800mm  No Shortfall 900mm to 1.3 metres
<b>Site Coverage</b>	42 percent	60%	Yes

	<b>Proposed</b>	<b>DPF Requirement</b>	<b>Achieved</b>
<b>Private Open Space</b>	191 square metres	60 square metres	Yes
<b>Soft Landscaping</b>	30 percent of the site area	25 percent of the site area	Yes
<b>Front Yard Landscaping</b>	55 percent	30 percent	Yes
<b>Tree Planting</b>	12 small trees 1 medium tree	1 medium tree	Yes

### **Zone and Character**

The subject site is in the Established Residential Zone, Seacliff Character Area. The character is described as follows:

- Buildings circa 1880s to 1920s west of the railway line
- Varying allotment sizes, narrow streets, limited street trees
- Reduced and varied front setbacks
- Visual spacing between dwellings
- Range of architectural styles
- Some remaining examples of bungalows
- Spanish mission influenced architecture
- Rectilinear plan forms
- High modulation and articulation
- Low scale
- Steep roof pitches (25 to 35 degrees)
- Short roof spans
- Hip and gable roofs
- Deep verandahs and porches
- Fine-grain detail in plinths, string courses, projecting sills
- High solid to void ration
- Vertically proportioned openings
- Single storey
- Bricks, stone, render, corrugated iron or terracotta tiled roofing

The proposed dwellings fail to complement the Seacliff Character Area statement in nearly all respects. The only areas in which the new buildings are complementary is with respect to incorporating:

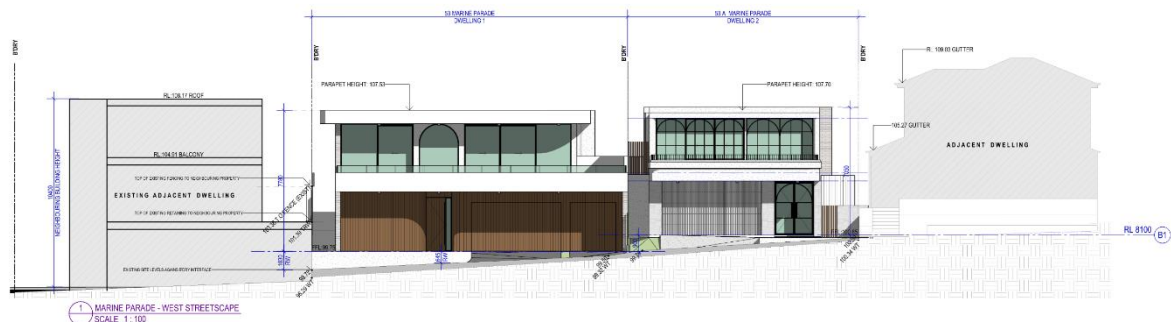
- reduced and varied front setbacks
- Contributing to a range of architectural styles
- Deep verandahs and porches
- Vertically proportioned openings
- Stone and render materials

The inclusion of these building elements is considered to have achieved a reasonable balance between acknowledging the original character, whilst achieving a harmonic visual balance with the current built form within the streetscape. A pitched roof would have been a worthy addition, however the flat roof reduces the overall building height and scale. Furthermore, from the street perspective, a pitched roof would have limited visibility due to the fact the site sits on a sand dune, elevated above the road level.



### Design, Appearance and Building Height

The locality is such that it is characterised by newer housing stock, whereby none of the neighbouring examples contain any architectural elements that would suggest they have contributed to keeping the wider character intact. This section of Marine Parade has a visual character more akin to the kinds of dwellings found in the General Neighbourhood Zone, absent of the character referenced in the Character Area Statement. Part of this is due to the western side being within the Waterfront Neighbourhood Zone, which doesn't have an Overlay, and allows for 2 level built form. This does not suggest that the Character Statement should be altogether ignored, however it is reasonable to accept that there are notable sections within this locality that the original character is substantially diminished.



As per the streetscape plan above, the design achieves a scale that is complementary to the scale of the 2 adjacent 3 and 2 storey dwellings. It is noted that although the proposed dwellings are 2 level, they are lower than the height

of the neighbouring dwellings and therefore project a scale that is reasonable in the context of the building setting on this section of Marine Parade.

Although the proposed dwellings fail to complement the prevailing character of the Seacliff Character Area, they are well designed, incorporate building materials consistent with the character (stone and render), have a scale consistent nearby and neighbouring buildings and the yards are well landscaped.

Of the 26 buildings between Wheatland Street and as far south as 70 Marine Parade, there are 18 dwellings that are 2 or 3 level. This equates to 70 percent of the buildings along Marine Parade being greater than 1 level.

The dwellings are sited in such a way that site coverage is modest (54 and 42 percent) particularly when considering the relevant Designated Performance Feature anticipates a maximum, coverage of 60 percent of the site area.

The dwellings also achieve ample private open space areas (193 and 160 square metres), which is substantially greater than the minimum of 60 square metres anticipated by the relevant Designated Performance Feature.



### **Boundary Setbacks**

The buildings are setback a suitable distance from the street boundaries, that being up to 1 metre forward of the building setbacks of neighbouring dwellings, which are setback 5.8 metres. The northern dwelling is setback 5.9 metres and the southern dwelling is setback 6.6 metres. The front balconies protrude forward 1.5 and 1.2 metres from the primary setbacks, as anticipated by the Design Code.

The buildings are setback 5.4 to 11.9 metres from the rear boundary, which exceeds the minimum of 4 metres sought by the relevant Designated Performance Feature.

The side boundary setbacks fail the relevant Designated Performance Features, however the numerical shortfalls are considered modest, particularly as the greater shortfalls are internally within the development site, between each of the proposed dwellings. On the external northern boundary, the numerical shortfall is only 410 metres (with nil overshadowing consequences). On the external southern boundary, the shortfall is in the range of 900mm to 1.3 metres, however overshadowing impacts are somewhat negligible in that the southern adjacent building has a combination of vegetation and trellis in front of most of the building elevation, which provides shade to the building. It is noted that there are 2 north facing windows to the section of the northern elevation, the smaller of which is a



bathroom window. The rear-most window appears to be a bedroom window, which is setback some 2 metres from the northern boundary. This together with the proposed building setback of 2.2 metres, results in a total building separation of some 4.2 metres, which gives adequate separation in providing natural light to the southern adjacent property.



### Solar Access

The site is on an east to west axis, with the rear yards facing east.

The northern dwelling has been designed with the bedrooms having north facing windows, however the living areas and alfresco are east and west orientated, which is further exacerbated by insufficient eaves to the eastern and western elevations and hence greater exposure to the heat from the summer sun.



The southern dwelling achieves a better orientation with living rooms, with the lounge and kitchen having north facing windows, however again, there is insufficient eaves over the western elevation. The northern elevation of the alfresco is mostly screened by a wall enclosing the outdoor barbeque, which is a missed opportunity for winter sunlight.

The dwelling on the southern adjacent site is setback some 4 metres from the southern wall of the proposed dwelling, therefore there is sufficient accessibility to sunlight for their north facing windows. It is noted that the southern adjacent property has vegetation along its northern boundary.

### **Landscaping**

The proposed sites are heavily landscaped with both well exceeding the minimum expectation of 1 tree per dwelling. Each site has 16 trees and will result in a total of 32 trees.

Soft landscaping is also generous with the northern site containing 26 percent and the southern site containing 30 percent, which exceeds the minimum of 25 percent. Front landscaping equates to 40 to 55 percent of the front yards, exceeding the minimum of 30 percent.

The proposed landscaping that will contribute to the visual amenity of the site from both neighbouring properties and the public road.

### **Privacy**

Upstairs windows comprise sill heights or obscured glazing up to a minimum height of 1.5 metres on side and rear elevations, as sought by the Design Code.

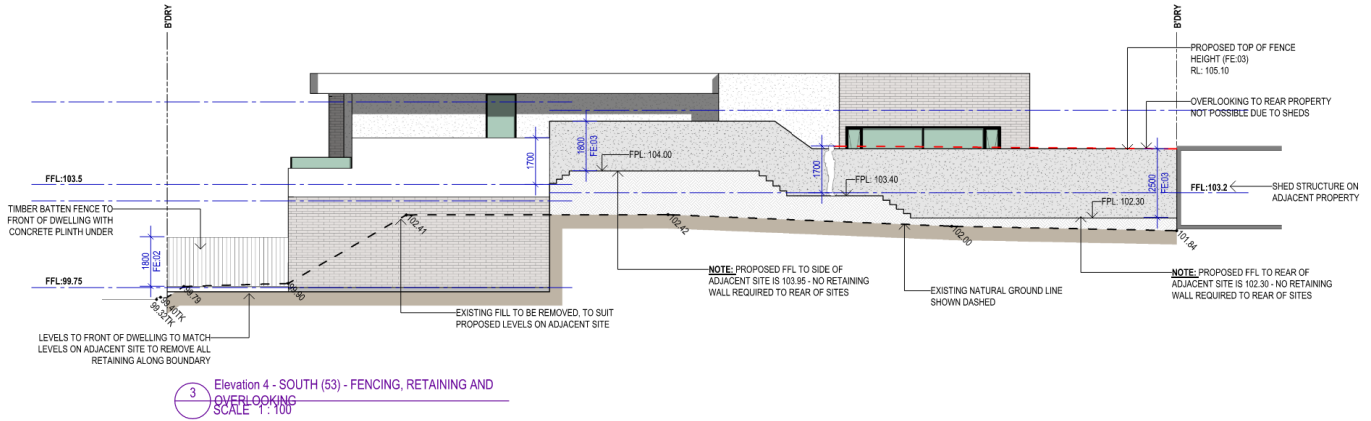
Along the existing rear boundary, there are sheds on the neighbouring land, which are over 3 metres tall, along with existing retaining and fences, hence the nature of built form along the rear boundary is already elevated, as shown in the photo below:



The land slopes downwards from the south to the north, hence retaining is required to accommodate flat bench levels and facilitation of usable and convenient private open space.

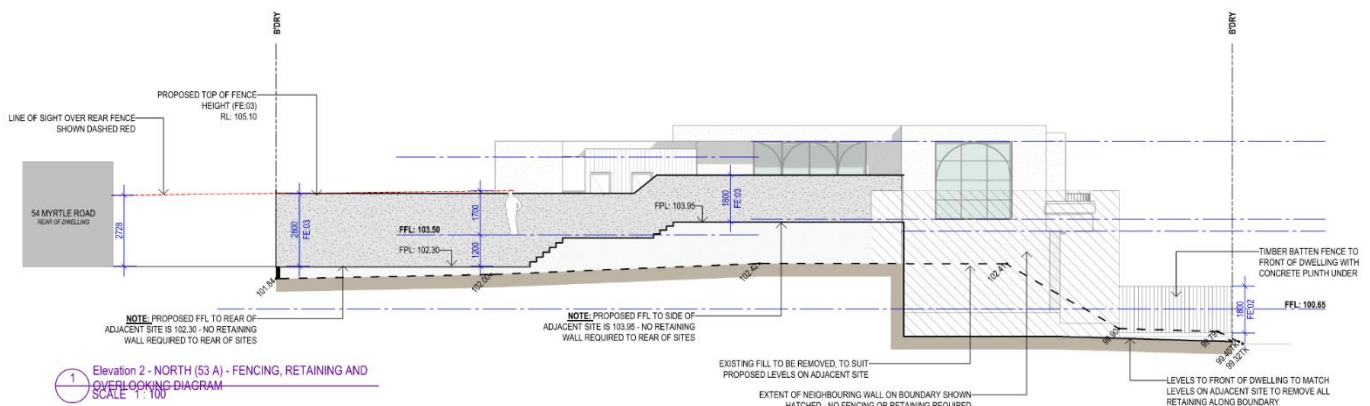
Regarding the northern-most dwelling, the finished floor level is dropped by 300mm at the rear half of the dwelling, resulting in a floor level that is 900mm above the design level of the rear yard, due to retaining up to 965 metres in height. A 2500mm high boundary fence is sought to ensure visual privacy is achieved.

The following provides a perspective of the view from the rear alfresco of the northern-most dwelling:



Regarding the southern-most dwelling, the finished floor level is dropped by 600mm at the rear half of the dwelling, resulting in a floor level that is 900mm above the design level of the rear yard, due to the retaining wall which is up to 810mm in height. A 2500mm high boundary fence is sought to ensure visual privacy is achieved. Views to the south-east and south of the site are further obstructed by a screen to the southern elevation of the rear alfresco.

The following provides a perspective of the view from the rear alfresco of the southern-most dwelling:



## Retaining and Fences

The proposal incorporates retaining walls up to 965mm in height with 2500mm high fences above, resulting in a total boundary height of up to 3465mm. In residential settings, the design code accommodates earth works on sloping land comprising fill of up a vertical height of 1 metre. The 2500mm high fences in lieu of the more common 1800mm fence height is a result of the build-up of land in balance with achieving a suitable level of visual privacy for neighbouring properties.

The applicant has attempted to address this through a combination of stepping the rear section of the dwellings 300 to 600mm lower and raising the rear yard design level by up to 965mm with 2500mm high fences on top. It is typically encouraged that buildings are designed to minimise earthworks to limit disturbance to natural topography, however it is noted that the nominated finished floor level at the front of each dwelling is sought to achieve views to the sea.

**CONCLUSION**

The proposed development clearly incorporates design elements that fail to satisfy the Design Code, namely the building height and architectural form. It is reasonable to consider the built form in the immediate locality, which is defined by a mix of single and two storey conventional dwellings. Most dwellings along this street would fail to satisfy the Character Statement in the same respect.

This pocket of Seacliff is simply absent from presenting a built form and character that is consistent with the Seacliff Character Area statement. None of the housing stock is original or reflects original form, except for the State Heritage Place at 44 Marine Parade, which is 150 metres south of the subject site.

The proposed buildings are visually consistent with other buildings in the street and are considered to present positively in terms of consistent built form, reinforced by the provision of quality building materials and an emphasis on good landscaping.

The proposal is considered to support the Design Code in all other areas in terms of site coverage, private open space, landscaping, visual privacy, vehicle accessibility and boundary setbacks sufficient in achieving adequate light and ventilation for neighbouring properties.

**RECOMMENDATION**

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 23037611, by John and Elisha Tsoutsikos 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 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.
3. That landscaping as detailed in the approved plans shall be planted prior to occupation and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased.

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. 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).

**ADVISORY NOTES**

Planning Consent

To be determined

**OFFICER MAKING RECOMMENDATION****Name:** Dean Spasic**Title:** Development Officer - Planning**Date:** 29/07/2024