

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **24 APRIL 2019**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **MICHAEL GATES**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS: **1. LOCALITY PLAN**
2. PROPOSED PLAN
3. REFERRAL RESPONSE FROM DPTI

HEARING OF REPRESENTORS **NOT APPLICABLE**
 HEARING OF APPLICANT **NOT APPLICABLE**

DA NO.	:	110/00921/18
APPLICANT	:	JASON GREEN
LOCATION	:	219-221 SEACOMBE ROAD, SEACLIFF PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	LAND DIVISION CREATING TWO ADDITIONAL ALLOTMENTS (2 INTO 4)
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	DPTI
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT AND LAND DIVISION CONSENT BE GRANTED

1. Site and Locality

The subject site is located on the northern side of Seacombe Road, on the intersection with Stewart Road. The site has a frontage of 20.11 metres to Seacombe Road and 45.72 metres to Stewart, a depth of 27.43 metres with a total area of 1,389 square metres. There is currently a single storey dwelling and associated outbuildings on the site, which comprises two allotments. There is a gentle gradient across the site is that drops down from Seacombe Road to the north, and there is no vegetation of any significance on the site.



Aerial photo of the subject site

The locality is entirely residential and is made up of a mix of detached dwellings on medium allotments, group dwelling developments and some residential flat buildings. The amenity of the locality is considered to be of a medium level, with housing in the locality generally of an older stock, with no public areas of open space and only small scale vegetation. The amenity is further impacted by the volume of traffic along Seacombe Road that results in noise and associated impacts.



Aerial photo of the site marked in red, and the locality marked in yellow.

2. Development Assessment Process

Pursuant to relevant Environment, Resources and Development Court Case law, consideration to the land division must be made prior to determination of a land use development application. The applicant has provided a corresponding land use application, but the land division application must be determined first, as to see if the site is suitable to be divided to house four dwellings.

As the dwellings will be constructed on undersized allotments, they will also be presented to the Panel for determination.

3. Proposed Development

The development proposes a Torrens title land division creating four new allotments from the two existing allotments. Three of the allotments will have frontages onto Stewart Street of 10.5 metres each, with a depth of 30.48 metres, with total areas of 320 square metres each. The southern corner allotment will have a frontage of 14.22 metres to Stewart Street and secondary frontage to Seacombe Road and total area of 429 square metres. No party walls are shown on the plan of division and therefore the proposal is considered to be for detached dwellings.

Residential Zone Principle of Development Control 7 seeks allotments of 400m² and 12 metre frontages for detached dwellings. Therefore the allotments are undersized in regards to both the frontages and site areas, with the exception of the southern allotment.

4. Public Consultation

The land division is a category 1 form of development as per Schedule 9 of the Development Regulations 2008 as the proposal does not result in more than four additional allotments. Therefore public notification was not required.

5. Assessment

HOLDFAST BAY (CITY) DEVELOPMENT - ASSESSMENT - LAND DIVISION - COUNCIL WIDE PRINCIPLES OF DEVELOPMENT CONTROL

<p>1. When land is divided:</p> <p>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</p> <p>(b) a sufficient water supply should be made available for each allotment</p> <p>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</p> <p>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</p>	Complies.
<p>2. Land should not be divided if any of the following apply:</p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <p>(i) an existing road</p> <p>(ii) a proposed public road</p> <p>(iii) access to a public road via an internal roadway in a plan of community division</p> <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the wastewater treatment plant to which subsequent development will be connected does not have sufficient capacity to handle the additional wastewater volumes and pollutant loads generated by such development</p> <p>(f) the area is unsewered and cannot accommodate an appropriate onsite wastewater disposal system within the allotment that complies with (or can comply with) the relevant public and environmental health legislation applying to the intended use(s)</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct</p> <p>(h) the allotments unreasonably restrict access to publicly owned land such as recreation areas</p>	Complies, the allotments are of a regular rectangular shape
<p>6. The design of a land division should incorporate:</p> <p>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</p> <p>(b) new road and allotment access points providing appropriate separation distances from existing road junctions or level crossings</p>	Not applicable.

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(c) safe and convenient access from each allotment to an existing or proposed road or thoroughfare (d) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones (e) suitable land set aside for useable local open space (f) public utility services within road reserves and where necessary within dedicated easements (g) the preservation of significant natural, cultural or landscape features including State and local heritage places (h) protection for existing vegetation and drainage lines (i) where appropriate, the amalgamation of smaller allotments to ensure coordinated and efficient site development (j) the preservation of significant trees.	
7. Land division should result in allotments of a size suitable for their intended use.	Complies in that the allotment will be suitable for residential purposes
8. Land division should facilitate optimum solar access for energy efficiency.	Complies.
11. Allotments should have an orientation, size and configuration to encourage development that: (a) minimises the need for earthworks and retaining walls (b) maintains natural drainage systems (c) faces abutting streets and open spaces (d) does not require the removal of native vegetation to facilitate that development (e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.	Complies.
17. The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of: (a) the size of proposed allotments and sites and opportunities for on-site parking (b) the availability and frequency of public and community transport (c) on-street parking demand likely to be generated by nearby uses	Complies. The driveway design for the associated land use allows on-street parking for 1 vehicle directly in front of the site.
18. The design of the land division should provide at least one readily accessible on-street car parking space adjacent to every two allotments created, except along an arterial road.	Complies. See above.
18. The division of land should occur only where it will maintain the traditional pattern and size of allotments.	Complies, the proposal is reasonably consistent with the pattern of development in the locality.

HOLDFAST BAY (CITY) DEVELOPMENT – ASSESSMENT – RESIDENTIAL ZONE AND POLICY AREAS– OBJECTIVES AND PRINCIPLES OF DEVELOPMENT CONTROL

RESIDENTIAL ZONE	
Objectives	
1. A residential zone comprising a range of dwelling types, including a minimum of 15% affordable housing.	Not applicable.
2. Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.	Complies.
3. Development that contributes to the desired character of the zone.	Complies.

RESIDENTIAL ZONE (Cont)	
Desired Character	
<p>(c) semi-detached dwellings, where site considerations permit.</p> <p>Development outside of the policy areas will generally be single storey in height in the areas east of Brighton Road, and up to two storeys in height in the areas west of Brighton Road. Buildings will be both domestic and contemporary in design and character to support and reinforce the essentially suburban character through typical domestic design forms, low front fencing and landscaping. Landscaping will help define the public realm and private property boundaries, and substantial landscaped front yards will contribute to the locality, with the retention of mature trees. Development will have side and rear building setbacks that incorporate an access path on one side, with on-boundary built form limited in height, length and location to the equivalent of typical open carports or garaging. Vehicle garaging will be set back clearly behind the immediately adjacent part of the front building facade. Development will enhance and protect streetscape character by minimising driveway access points and width of crossovers and driveways.</p>	
<p>Undercroft car parking will also be avoided on flat sites and sites that slope down from the street level. Buildings will be stepped and articulated at the front elevation to achieve visual relief and architectural interest as viewed from the street.</p>	
Desired Character Statement	The allotments are undersized in both frontage and area, but is considered relatively consistent with the pattern of development, and being a large corner site.
Principles of Development Control	
<p>1. The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> • affordable housing • domestic outbuilding in association with a dwelling • domestic structure • dwelling • dwelling addition • small scale non-residential use that serves the local community, for example: <ul style="list-style-type: none"> • child care facility • health and welfare service • open space • primary and secondary school • recreation area • supported accommodation. 	Complies.
<p>3. Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</p>	Complies.
<p>6. Development should not be undertaken unless it is consistent with the desired character for the zone.</p>	Complies.

Principles of Development Control (Cont)			
7. A dwelling should, except where specified in a particular policy area or precinct, have a minimum site area (and in the case of group dwellings and residential flat buildings, an average site area per dwelling) and a minimum frontage to a public road not less than that shown in the following table:	Site area (square metres)	Minimum frontage (Except for allotments in the form of a hammerhead configuration)	
Detached	400 minimum	12 metres	Does not comply with frontages or site area.

6. Summary of Assessment

Seriously at Variance

Seriously at Variance Pursuant to Section 35(2) of the *Development Act, 1993* the proposal is not seriously at variance with the Holdfast Bay Council Development Plan.

Land use

The proposed land division does not alter the existing residential use of the land and therefore the land use is considered acceptable for the Residential Zone.

Residential Zone

The proposal does not accord with the Residential Zone requirements for allotment sizes and frontages, with a significant shortfall of 80 squares metres per allotment, excluding the southern corner allotment. The Desired Character statement for the Residential Zone makes reference to subdivision across the Zone outside of Policy Areas and lists a hierarchy of how infill should take place. In order of preference, those being:

1. *Increased dwelling numbers on allotments with dual road frontages;*
2. *Low scale dwellings at the rear of large allotments; and*
3. *Semi-detached dwellings where site considerations permit.*

The site has dual road frontages and is within a locality where corner allotments have been divided for smaller allotments. Reading further, the Desired Character statement states:

Landscaping will help define the public realm and private property boundaries, and substantial landscaped front yards will contribute to the locality, with the retention of mature trees. Development will have side and rear building setbacks that incorporate an access path on one side, with on-boundary built form limited in height, length and location to the equivalent of typical open carports or garaging. Vehicle garaging will be set back clearly behind the immediately adjacent part of the front building facade. Development will enhance and protect streetscape character by minimising driveway access points and width of crossovers and driveways.

The Desired Character statement is reinforced by Principle of Development Control 7 that states that detached and semi-detached dwellings should be developed on allotments with frontages greater than 12 metres. Whilst the allotments do not meet the frontage requirement, the 10.5 metres provided is considered to be acceptable to meet the above requirement. Furthermore, the applicant

has provided a corresponding land use application that demonstrates dwellings can be constructed on the allotments that satisfy the above requirements with front and side setbacks consistent with the locality. Therefore the proposal is considered to accord with Residential Zone PDC 3.

In regards to maintaining the pattern of development, it is considered that frontages take precedent over allotment area sizes as when viewed from the street, as most allotments are, the width of allotments is highly noticeable, whereas it is often difficult to get a grasp of how deep an allotment is. So whilst the allotments are relatively undersized for detached dwellings, the shortfall in comparison to semi-detached is considered to be minor. The frontages are reasonably similar to the properties on the opposite side of Stewart Avenue, being two residential flat building, and the two properties directly to the north of the site. Therefore the proposal is considered to accord with Residential Zone PDC 6.

The plan of division will result in regular shaped allotments that will allow for four dwellings to be constructed that match the pattern of development. Therefore the proposal is considered to accord with the requirements of Land Division Section PDC 6.

Access

All four allotments will have access from a public road that will not impact on any existing street infrastructure or trees. All driveways will be of a suitable gradient and will be able to provide off street parking for two vehicles in accordance with Table HoB/1.

7. DPTI Referral

As the site is located on an arterial road (Seacombe Road) and will result in new crossovers within 25 metres of an arterial road the application was referred to DPTI. No concerns were raised by the Department in their response.

8. Conclusion

Whilst the proposal is for the division of land to create allotments smaller than the minimum requirement as prescribed for the Residential Zone, the proposal is considered to be relatively consistent with the pattern of development in the area.

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality, it is considered that the proposal satisfies the relevant provisions of the Development Plan. The plan of division is broadly consistent with the Desired Character of the Residential Zone and will not detrimentally impact upon the amenity of the adjoining properties of the locality. Accordingly, the proposal warrants Development Plan Consent, Land Division Consent and Development Approval subject to conditions.

9. RECOMMENDATION

- 1. The proposed development is NOT seriously at variance with the policies in the Development Plan.**

2. **Following a detailed assessment of the proposal against the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Approval to Development Application 110/00921/18 for a Torrens Title land division creating two allotments from one allotment at 219-221 Seacombe Road Seacliff Park subject to the following conditions**
 1. **The development shall be undertaken as shown on the plan of division prepared by Alexander Symonds Surveys, unless varied by any subsequent conditions imposed herein.**
 2. **That the applicant shall advise Council in writing of the demolition of all buildings, structures, footings, pipes and other deleterious materials have been removed from the site in order that Section 51 Clearance may be granted.**
 3. **Payment of \$7253 into the Planning and Development Fund (1 allotment @ \$7253/allotment). Payment may be made by credit card via the internet www.edala.sa.gov.au <<http://www.edala.sa.gov.au>> or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide, 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.**
 4. **The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. The alteration of internal drains to the satisfaction of SA Water is required. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.**
 5. **A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.**