

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

ATTACHMENTS: **1. LOCALITY PLAN**
2. PROPOSED PLANS
3. SUPPORTING LETTER FROM APPLICANT

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

DA NO.	:	110/00184/19
APPLICANT	:	MARIA KOURTESIS AND PETER WADMORE
LOCATION	:	63 ROSSALL ROAD, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	TORRENS TITLE LAND DIVISION CREATING TWO ALLOTMENTS FROM ONE ALLOTMENT
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	DEVELOPMENT APPROVAL

1. Site and Locality

The subject site is located on the southern side of Rossall Road approximately 160 metres east of the Esplanade. The property and surrounding locality are located in the Residential Zone. The immediate locality is characterised by a predominance of single and two storey detached dwellings on larger allotments. The immediate locality is showing signs of transitioning to larger dwellings and modern forms of architecture, as old dwelling stock is being replaced by newer dwellings. Beyond the immediate locality there is a predominance of single and two storey detached dwellings, however, due to the proximity to the Esplanade, there are also some group dwellings, residential flat buildings and hammerhead style allotments (four located within the immediate locality). Overall, the surrounding locality mostly displays a mix of original allotments and housing stock with some infill redevelopment, and newer replacement single dwellings.

Refer to Attachment 1

2. Proposed Development

The proposed development seeks to redevelop an existing allotment by creating two allotments, both facing the street. This results in two equal site areas of 390 square metres and frontages of 9.14 metres each.

Refer to Attachment 2

Development Assessment Data

Allotment	Proposed	Development Plan	Development Plan Satisfied?
1 (eastern-most)	Site area 390 square metres	Minimum site area of 400 square metres	No
	Frontage width 9.14 metres	Minimum frontage width of 12 metres	No 2.86m variance
2 (western-most)	Site area 390 square metres	Minimum site area of 400 square metres	No
	Frontage width 9.14 metres	Minimum frontage width of 12 metres	No 2.86m variance

3. Public Notification

The land division application is a Category 1 development in accordance with the Development Regulations 2008 and therefore not subject to public notification.

4. Development Plan Provisions

The following tables contain a detailed assessment of the proposal against the provisions in the Holdfast Bay (City) Development Plan consolidated 2 June 2016:

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT

General Section – Design & Appearance	
Objectives	Assessment
1 Development of a high standard and appearance that responds to and reinforce positive aspects of the local environment and built form.	Balanced. Whilst the side-by-side allotments reinforce the established rhythm of allotment formation within the locality, facilitating dwellings that front the street for a positive future built form outcome, they are presented in a narrower configuration than the prevailing character in the street.
Principles	
16. Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.	Complies. The side-by-side allotment configuration ensures that entry points to future dwellings provide perceptible and direct access from public street frontages, which cannot otherwise be achieved through a hammerhead arrangement.

General Section – Land Division	
Objectives	Assessment
1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under-utilised infrastructure and facilities.	Complies. The side-by-side allotment configuration reinforces the established orderly pattern of division along Rossall Road.
2 Land division that creates allotments appropriate for the intended use.	Complies. The proposed allotments are intended for residential use.
3 Land division layout that is optimal for energy efficient building orientation.	Complies. The side-by-side allotment configuration facilitates deep backyards (which is less likely through a hammerhead arrangement) which is important in this case as the private open spaces of each proposed allotment is south-facing and inherently sunlight deficient.
Principles of Development Control	Assessment
1 When land is divided: <ul style="list-style-type: none"> (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 (b) a sufficient water supply should be made available for each allotment (c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare. 	Complies
2 Land should not be divided if any of the following apply: <ul style="list-style-type: none"> (a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use (b) <u>any allotment will not have a frontage to one of the following:</u> <ul style="list-style-type: none"> (i) <u>an existing road</u> (ii) a proposed public road (iii) access to a public road via an internal roadway in a plan of community division (c) 	Complies. The proposed development will have all new allotments facing the street. Complies. The proposal seeks Torrens Titled allotments, meaning that an internal roadway (i.e. hammerhead configuration) is unwarranted.
7 Land division should result in allotments of a size suitable for their intended use.	Complies. The side-by-side allotment configuration ensures maximum sized allotments where land is not wasted for the provision of internal roadways otherwise required as part of a hammerhead arrangement.
8 Land division should facilitate optimum solar access for energy efficiency.	Complies. The side-by-side allotment configuration facilitates deep backyards (which is not possible through a hammerhead arrangement) which is essential in this case as the private open spaces of each proposed allotment is south-facing and inherently sunlight deficient.

General Section – Land Division	
Objectives	Assessment
<p>11 Allotments should have an orientation, size and configuration to encourage development that:</p> <ul style="list-style-type: none"> (a) minimises the need for earthworks and retaining walls (b) maintains natural drainage systems (c) <u>faces abutting streets and open spaces</u> (d) does not require the removal of native vegetation to facilitate that development (e) will not overshadow, dominate, encroach on or otherwise <u>detrimentially affect the setting of the surrounding locality.</u> 	<p>Complies. The side-by-side allotment configuration ensures that future dwellings will face the street. Also, by avoiding the 'stacked' arrangement of dwellings resulting from hammerhead allotments, the existing dwellings on either side are spared the detrimental bulk, scale and overshadowing that potentially comes with such arrangements.</p>
<p>13 The arrangement of roads, allotments, reserves and open space should enable the provision of a stormwater management drainage system that:</p> <ul style="list-style-type: none"> (a) contains and retains all watercourses, drainage lines and native vegetation (b) enhances amenity (c) integrates with the open space system and surrounding area. 	<p>Complies. The side-by-side allotment configuration ensures that future dwellings will face the street, integrating directly with the street, thereby providing occupants with direct access to the public realm (as opposed to being segregated from the street and located at the back of another dwelling in a ' Hammerhead arrangement).</p>
<p>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:</p> <ul style="list-style-type: none"> (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) <u>on-street parking demand likely to be generated by nearby uses.</u> 	<p>Complies</p>
<p>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.</p>	<p>Complies</p>
General Section – Orderly & Sustainable Development	
Objectives	Assessment
<p>1 Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.</p>	<p>Complies. The conventional land division proposed follows the established pattern along Rossall Road in a configuration which allows the two dwellings to face the street, avoiding the need to segregate one of the dwellings at the rear of the other. The side-by-side arrangement would ensure that occupants were not isolated from the street and exposed to safety risks at the rear of another dwelling.</p>

General Section – Residential Development	
Objectives	Assessment
1 Safe, convenient, pleasant and healthy living environments that meet the full range of needs and preferences of the community.	Complies. The side-by-side arrangement would ensure that occupants are not isolated from the street and exposed to potential safety risks of an unsurveilled house at the rear of another dwelling.
2 A diverse range of dwelling types and sizes available to cater for changing demographics, particularly smaller household sizes and supported accommodation.	Complies. There are few side-by-side allotments with narrow frontages to offer choice for residents and the opportunity to ‘age-in-place’ in the locality in the familiarity of a dwelling that fronts the street. The proposed configuration enables residents to reside in a smaller dwelling without the need to abandon their outlook onto the street, which would occur if forced to reside in a hammerhead allotment.
6 Increased affordable housing opportunities through land division and the conversion of buildings to a residential use.	Complies (as per above)
Principles	Assessment
3 Residential allotments should be of varying sizes to encourage housing diversity.	Complies. The proposed allotments offer choice for residents to reside in a smaller dwelling without the need to be segregated on a hammerhead allotment.
6 Entries to dwellings should be clearly visible from the streets that they front to enable visitors to identify a specific dwelling easily.	Complies. The side-by-side allotment configuration ensures that entry points provide perceptible and direct access from public street frontages, which cannot otherwise be achieved through a hammerhead arrangement.
General Section – Transportation & Access	
Principles	Assessment
27 Except where located within the Residential Character Zone, a dwelling should only be developed on an allotment in the form of a hammerhead or battleaxe configuration (including for group dwellings) where all of the following are achieved: (b) the driveway or ‘handle’ portion of the allotment is located in a manner that is compatible to the prevailing pattern of development...	Complies. The prevailing character of development in the locality is defined by side-by-side allotments with dwellings facing the street. As such, the proposal reinforces this pattern (albeit with narrower frontages), and the site would offend Principle 27 if fashioned in a hammerhead arrangement.
Residential Zone	
Objectives	Assessment
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.	Balanced. Whilst the prevailing character of development in the locality is reinforced by the proposed side-by-side allotments, the allotment frontages are much narrower than the prevailing widths.

Residential Zone																			
Desired character																			
Development outside of the Policy Areas will be suburban in nature and evolve in response to progressive infill development of existing individual sites and through consolidation of sites to form larger comprehensive redevelopment opportunities. Infill development outside of the Policy Areas will not compromise the suburban character but will progressively increase dwelling densities through unobtrusive small-scale developments. In this regard, infill development will have a comparable height, mass, scale and setbacks to that of existing dwellings in the relevant locality.	Balanced. The side-by-side allotments repeats the pattern found along Rossall Road, albeit in tighter configuration with narrower frontages. The benefit, however, could be that the ensuing dwellings would be less obtrusive than the alternative infill option, which will require two stacked dwellings in an unfamiliar hammerhead arrangement.																		
The zone's primarily suburban character outside of the policy areas is defined by detached dwellings on individual allotments. Infill development in these suburban areas will contribute to the city's housing diversity through development opportunities that (in order of preference): <ul style="list-style-type: none"> (a) increase dwelling numbers on allotments that have dual road frontages (b) provide low scale dwellings at the rear of large allotments with street frontages wide enough to accommodate appropriate sited and sized driveway access and landscaping semi-detached dwellings, where site considerations permit. 	Balanced. The premise for accommodating dwellings at the rear of others is that they be sited on 'large allotments'. The proposed allotments are created at the margins with narrow frontages. However, there needs to be an assessment as to whether the intent of the Development Plan is better served by creating allotments in a configuration that does not concede a large section of land for vehicle access way (being the 'handle' of a hammerhead allotment).																		
Principles of Development Control	Assessment																		
3 Except where specified in a particular policy area, 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.	Complies																		
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:	Does not comply. The allotments measure 390m ² as opposed to the prescribed 400m ² . Furthermore, the frontages of 9.14 metres are well short of the prescribed 12 metre minimum.																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #e0e0e0;">Dwelling type</th> <th style="background-color: #e0e0e0;">Site area (square metres)</th> <th style="background-color: #e0e0e0;">Minimum frontage (Except for allotments in the form of a hammerhead configuration)</th> </tr> </thead> <tbody> <tr> <td>Detached</td> <td>400 minimum</td> <td>12 metres</td> </tr> <tr> <td>Semi-detached</td> <td>350 minimum</td> <td>12 metres</td> </tr> <tr> <td>Group dwelling</td> <td>350 average</td> <td>12 metres</td> </tr> <tr> <td>Residential flat building</td> <td>350 average</td> <td>12 metres</td> </tr> <tr> <td>Row dwelling</td> <td>350 minimum</td> <td>10 metres</td> </tr> </tbody> </table>	Dwelling type	Site area (square metres)	Minimum frontage (Except for allotments in the form of a hammerhead configuration)	Detached	400 minimum	12 metres	Semi-detached	350 minimum	12 metres	Group dwelling	350 average	12 metres	Residential flat building	350 average	12 metres	Row dwelling	350 minimum	10 metres	
Dwelling type	Site area (square metres)	Minimum frontage (Except for allotments in the form of a hammerhead configuration)																	
Detached	400 minimum	12 metres																	
Semi-detached	350 minimum	12 metres																	
Group dwelling	350 average	12 metres																	
Residential flat building	350 average	12 metres																	
Row dwelling	350 minimum	10 metres																	

5. Summary of Assessment

Zone and Land Use

The Residential Zone anticipates a predominately low-density suburban form with the progressive redevelopment of existing individual sites. Allowances for infill developments are designed to contribute to housing diversity through development opportunities via increasing dwelling numbers on allotments that have dual road frontages and low scale dwellings at the rear of large allotments.

The proposed development is finely balanced in that it accords with the Desired Character of the Residential Zone by facilitating low-density development with allotments in a formation that continues the typical pattern of detached dwellings on individual allotments that have frontage to the street. However, the allotments are not presented in the prescribed formation or width, in that they are neither of hammerhead arrangement or 12 metres wide. The Desired Character statement

for the Residential Zone references infill development that contributes to housing diversity by way of the division of corner allotments and hammerhead developments, which is a clear shortcoming of this proposal.

It must be acknowledged that the subject site could accommodate two allotments of 350m² for group dwelling accommodation in a hammerhead formation as of right, although the intent for preferencing hammerhead allotments needs to be understood before dismissing alternative allotment configurations. Where the broad intent for preferencing hammerhead allotments is not achievable, then pursuing such a design based solely on a guiding provision in the Development Plan needs broader thinking. The intent behind the promotion of hammerhead allotments in the Residential Zone is essentially twofold: 1. To retain as much of the traditional streetscape character as possible by retaining the existing dwelling and concealing any infill to the rear; and 2. To ensure that new dwellings that face the street are sited on allotments of sufficient width so as to mitigate against an architecture that is disproportionate relative to the prevailing built form character.

However, in the case of the allotment at 63 Rossall Road, the existing dwelling on the allotment cannot be retained if the land is to be divided due to its deep setback to the street; it must be replaced with a new dwelling. A hammerhead configured land division would only serve to facilitate two tandem dwellings, retaining neither the established built form character offered by the existing dwelling on the land nor the allotment pattern intended by the balance of provisions in the Development Plan. A hammerhead arrangement would, however, provide a wider frontage to the road-facing dwelling to enable existing building proportions evident along Rossall Road to be replicated, and thereby retaining some of the established built form character. Garages and driveways would appear noticeably narrower in the context of a wide frontage allotment, front yards would cater for a greater amount of landscaping, and dwellings would potentially have a reduced vertical scale on a wider allotment compared with the narrow allotment equivalent. The proposal is therefore finely balanced as to which aspects of the Development Plan take precedence.

Land Division

The proposed Torrens Title division comprises the creation of two allotments of 390m², where the Development Plan anticipates a minimum site area of 400m² per detached dwelling or 350m² for semi-detached dwellings. The property is located in a prescribed Residential Code area, which, in any event, allows for site areas as low as 350m². The proposed division comprises frontages that are notably under the width anticipated by the Development Plan, which seeks a minimum frontage of 12 metres per dwelling. The proposal comprises a pair of sites with equal frontages of 9.14 metres.

In assessing the frontage width shortfall, regard is given to the pattern of development within the immediate locality. There are no other allotments within the immediate locality that have frontages that are less than 12 metres. When considering the areas outside of the immediate locality, there are limited examples of allotments with frontages that are less than 12 metres wide. Further, there are examples of group dwellings and residential flat buildings to which those patterns of development are expressly different from the pattern of division typically found and predominant within the locality (detached dwellings).

Where applying the quantitative provisions of the Development Plan, the subject site would accommodate either a single detached dwelling or a pair of group dwellings with a parcel of common land for vehicle access and manoeuvring. Therefore, and as of right, the subject site could accommodate a group dwelling development in a hammerhead configuration. There are four

examples of group dwellings in the general locality. Therefore, the trend towards consolidating allotments in the locality has been by way of the hammerhead method. A side-by-side division would therefore be a noticeably new way of dividing land in the locality; one without precedent.

Some of the shortcomings in pursuing a side-by-side land division, which is characterised by narrow frontages, include their potential to accommodate dwellings that:

- have garages which appear disproportionately wide relative to the dwelling frontage;
- have separate driveways located in close proximity to one another;
- have reduced areas of front yard for effective landscaping; and
- display a compressed design that is architecturally at odds with the proportionality of conventional dwellings in the locality.

Some of the counter arguments to pursuing a hammerhead arrangement stem from the adverse impacts typically associated with this form of land division, which may result in:

- a front dwelling that is located closer to the street due to shallower allotments, with reduced solar access to a constricted area of private open space;
- an expansive and unusable driveway, which can also be a blight along the side of the allotment;
- a group dwelling development that results in the rear-most dwelling being located directly adjacent to the private open space areas of neighbouring properties and therefore further decreasing amenity by way of visual intrusion, noise impacts, and overshadowing; and
- accommodation that has a propensity to cause a sense of social isolation for its occupants, who are denied a direct outlook to the street, causing a disconnection from the public realm and a sense of fear and anxiety due to the secluded and unsurveilled nature of their dwelling.

Ultimately, a shortfall of frontage width by way of 2.86 metres per dwelling is not considered so severe that a development comprising a hammerhead configuration is regarded as a better overall planning outcome. It is important to note that the proposed division fails two quantitative Development Plan provisions, which relate to allotment size and frontage width. The allotment size deficiency is minor. The frontage width provision is more fundamental, but as with all other Development Plan provisions, serves as a guide in achieving a form of development that is suitable for the subject site and surrounding locality. The proposal is considered to deliver a better overall planning outcome on the balance of social, built form, and environmental provisions, if not the technical criteria.

Conclusion

The merits of this application are finely balanced, as there is a tension between the quantitative provisions in the Development Plan that prescribe minimum dimensions, and the qualitative provisions that focus on liveability. It is considered that a shortfall in the prescribed frontage width should not be the determining factor in assessing the holistic merits of the proposed development, particularly as the alternative allotment configuration offends a number of Development Plan provisions. The proposed division satisfies the Desired Character for the Residential Zone by way of contributing to a primarily suburban setting that is defined by detached dwellings on individual allotments that reflect a low-density suburban form and will support unobtrusive small-scale development. While the proposal falls short of the guiding provision relating to allotment widths and configuration, the assessment needs to look more broadly. The side-by-side allotments sought by the proponent would achieve conformity with the balance of provisions, particularly those that seek to mitigate the broader social impacts that result from creating allotments that compel a style of accommodation that disconnects occupants both physically and socially from the public realm, and

overlook the meaningful benefits that come from the causal encounters and connection with the community that come from residing in a dwelling that faces the street.

6. 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 110/00184/19 for a Torrens Title land division creating two allotments from one allotment at 63 Rossall Road, Somerton Park subject to the following conditions:

PLANNING CONDITIONS

1. The proposal shall be implemented as shown on the plan of division prepared by Fyfe, Reference 66658/1/1 dated 01/03/2019 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.