

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **26 JUNE 2019**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **DEAN SPASIC**
DEVELOPMENT OFFICER PLANNING

ATTACHMENTS: **1. LOCALITY PLAN**
2. PROPOSED PLANS
3. PLANNING CONSULTANTS REPORT

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

DA NO.	:	110/00227/19
APPLICANT	:	STATE SURVEYS
LOCATION	:	58 HARROW ROAD, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	TORRENS TITLE LAND DIVISION CREATING TWO ALLOTMENTS FROM ONE ALLOTMENT AND CONSTRUCTION OF A PAIR OF TWO STOREY SEMI-DETACHED DWELLINGS
EXISTING USE	:	DETACHED DWELLING
REFERRALS	:	NIL
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT

1. Site and Locality

The subject site is located on the northern side of Harrow Road, in between the Esplanade and Prior Road. The site has an area of 892 square metres and a frontage of 18.29 metres.

The locality comprises a mix of site areas and dimensions and varying housing stock, from one to two storey and of varying ages. The predominant dwelling form is single and two storey detached dwellings on larger allotments, with some examples of hammerhead and sites with narrow frontages.

2. Background

A land division was lodged (110/00972/18) late 2018 which was refused on delegation on the 29 January 2019. This application was absent of any supporting documentation, such as a concept plan detailing how the site could be developed as a result of the proposed division. The reasons for refusal reflected the Residential Zone Desired Character Statement, specifically *the proposal not consistent with the pattern of development in the locality and that the proposal fails the minimum anticipated frontage width of 12 metres per dwelling.*

The applicant appealed this decision via the Environment Resources and Development Court however withdrew the appeal prior to any meaningful Court process with the aim of re-lodging the varied land division proposal with the context shifted to a division which supports a pair of semi-detached dwellings.

The new application comprises a party wall provision through the centre of the site as well as the inclusion of the construction of a pair of two storey semi-detached dwellings.

The amendment to the form of division and semi-detached dwellings offer a new context for the Panel's consideration, which is different to what was previously refused by Council Administration.

3. Proposed Development

The development proposes a Torrens Title land division creating two allotments from one allotment, with site areas of 446 m² and frontages of 9.14 and 9.15 metres respectively.

The Development Plan anticipates a minimum site area of 350 m² per dwelling for semi-detached dwellings (the plan of division includes a party wall provision) and minimum frontage of 12 metres per dwelling.

The proposal also includes the construction of a pair of two storey semi-detached dwellings, whereby if the first part of the assessment is supported (land division), the proposed dwellings are designed in such a way that comply with the Residential Code provisions, with a positive architectural addition comprising an integrated façade resulting in the appearance of one dwelling, thus further diminishing the value of the frontage width shortfall.

4. Public Consultation

The development is assigned as Category 1, not requiring public notification.

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

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
2 Land division that creates allotments appropriate for the intended use.	Complies
3 Land division layout that is optimal for energy efficient building orientation.	Complies
4 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.	Complies
5 Land division restricted in rural areas to ensure the efficient use of rural land for primary production and avoidance of uneconomic infrastructure provision.	Complies

Principles of Development Control	Assessment
<p>1 When land is divided:</p> <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 proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare. 	Complies
<p>2 Land should not be divided if any of the following apply:</p> <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) any allotment will not have a frontage to one of the following: <ul style="list-style-type: none"> (i) an existing road (ii) a proposed public road (iii) access to a public road via an internal roadway in a plan of community division (c) the intended use of the land is likely to require excessive cut and/or fill (d) it is likely to lead to undue erosion of the subject land or land within the locality (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 (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) 	Complies
<p>5 Land divisions should be designed to ensure that areas of native vegetation and wetlands:</p> <ul style="list-style-type: none"> (a) are not fragmented or reduced in size (b) do not need to be cleared as a consequence of subsequent development. 	Complies

Principles of Development Control (Cont)	Assessment
<p>6 The design of a land division should incorporate:</p> <ul style="list-style-type: none"> (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 (b) new road and allotment access points providing appropriate separation distances from existing road junctions or level crossings (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. 	Complies
<p>7 Land division should result in allotments of a size suitable for their intended use.</p>	Complies
<p>8 Land division should facilitate optimum solar access for energy efficiency.</p>	Complies
<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) 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
<p>12 The layout of a land division should keep flood-prone land free from development.</p>	Complies
<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 	Complies
<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) on-street parking demand likely to be generated by nearby uses. 	Complies

Principles of Development Control (Cont)	Assessment
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
General Section, Orderly and Sustainable Development	
Objectives	Assessment
1 Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.	Complies
2 Development occurring in an orderly sequence and in a compact form to enable the efficient provision of public services and facilities.	Complies
3 Development that does not jeopardise the continuance of adjoining authorised land uses.	Complies
4 Development that does not prejudice the achievement of the provisions of the Development Plan.	Complies
Principles of Development Control	
1 Development should not prejudice the development of a zone for its intended purpose.	Complies
3 Urban development should form a compact extension to an existing built-up area.	Complies
5 Development should be located and staged to achieve the economical provision of public services and infrastructure, and to maximise the use of existing services and infrastructure.	Complies
7 Vacant or underutilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.	Complies
Residential Zone	
Objectives	Assessment
1 A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.	Complies
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. The zone contains the majority of the city's living areas, which are of predominantly low-density suburban form, but within policy areas include medium-to-high density forms of housing on the coast, along key transport corridors and within Glenelg, as well as coordinated development opportunities within large institutional sites. The zone includes five policy areas, three of which cater for coastal development, one for the City's residential institutions (including Minda and Masonic Homes) and one for medium density development along the key transit routes of Brighton Road, Anzac Highway, Tapleys Hill Road and along sections of the Seaford railway transit corridor.	Complies
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.	Complies

Residential Zone (Cont)	
Objectives	Assessment
<p>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):</p> <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 (c) semi-detached dwellings, where site considerations permit. 	
<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. 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>	
<p>Residential development outside of the policy areas will utilise materials and finishes that respond to the character of the immediate locality and utilise brick, stone and rendered finishes to provide visual interest to facades. Development will also incorporate architectural design and detailing that responds to localised character by way of fenestration, doorways, windows, eaves and roof forms. Development will be setback and orientated to minimise impacts of the privacy of neighbouring residents.</p>	

Principles of Development Control	Assessment																		
<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																		
Development listed as non-complying is generally inappropriate.	Complies																		
Development should not be undertaken unless it is consistent with the desired character for the zone.	Complies																		
<p>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:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Site area (square metres)</th> <th>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	<p>Site areas comply Frontage widths do not comply</p>
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

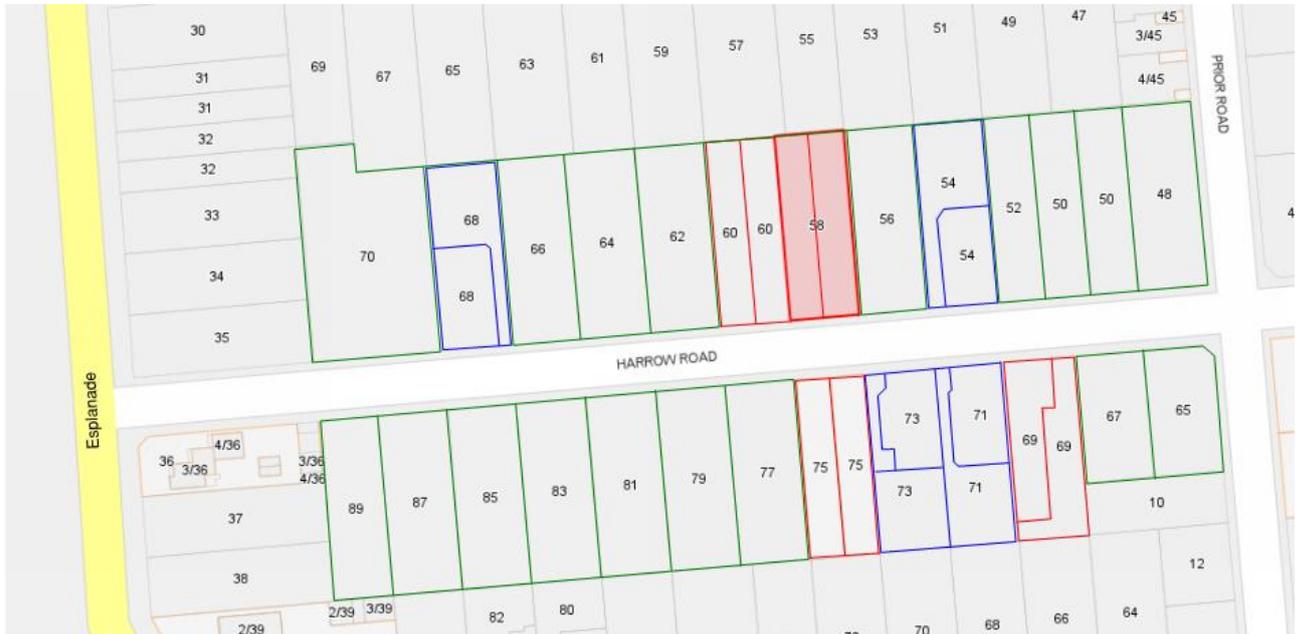
Zone and Land use

The proposal is considered to adhere to the Desired Character Statement and Residential Zone requirements, which includes infill development to increase dwelling densities of varying housing styles. Although the site frontages are less than the minimum outlined in the Development Plan, the proposed division is considered to satisfy every other relevant provision with respect to the division of land, compatibility with nearby division patterns and built form and use of land.

Pattern of Division within Immediate Locality

For the purpose of this assessment, the immediate locality is defined by the sites which front Harrow Road, between the Esplanade and Prior Road. There are a total of 33 sites (including the subject site) within the immediate locality.

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Of these sites, 19 are larger allotments whereby the minimum site area of 400 square metres and minimum frontage of 12 metres are achieved (this includes the subject site in its current state). This amounts to 57 percent of the sites, and which therefore reflects the predominant land division character.

Eight (8) of these sites are hammerhead development sites (both forward-most and rear-most sites). This amounts to 24 percent of the sites, and hence the second most occurring form of division within the immediate locality. Of the hammerhead sites, only 3 achieve the minimum site area anticipated for the respective form of division. Although some are just under the minimum site area requirement, there are examples where the site area only achieves 360 and 382 square metres, which are not considered good planning outcomes, particularly when considering the design limitations and impacts for such sites. The result of these kinds of divisions, and evident with the eight examples here, is the prevailing character of the rear-most dwellings and associated minor domestic structures being located directly adjacent to neighbouring rear yards and hence adversely impacting on the general amenity for neighbouring residents by way of noise, visual impacts, traffic movements adjacent to side boundaries and reduced separation between rear yards and neighbouring buildings.

Finally, sites with narrow frontages account for 6 of the sites within the immediate locality. This amounts to 18 percent of the sites. Although being the least predominant form of division in the immediate locality, they do exist close to the subject site, including west and immediately south. Such sites have been developed both in the past and very recently. Irrespective of when such sites were developed, the fact is that they form part of the development character within the immediate locality. The proposal, along with most other examples of narrow frontages, accommodate semi-detached dwellings, which is specifically listed in the Desired Character Statement found in the Residential Zone.

The proposed plan of division therefore is compatible with the existing land division character of the immediate locality, which would be defined predominately containing older housing stock (detached) on larger allotments, however also one that has been subject to slow paced infill development, which has spanned over a long period of time (say, from circa 1970s) with a mixture of hammerhead and narrow frontage sites supporting semi-detached dwellings.

The proposed division incorporates a party wall along the common central boundary and associated two storey semi-detached dwellings with a façade which results in the two dwellings appearing as one dwelling. This form of development reduces the value of the frontage width shortfall, whilst architecturally reflective of the kind of built form that the Zone (and Residential Code principles) envisages.

Site Areas and Frontages

The site areas for both proposed allotments exceed the minimum requirements (446 square metres). The site frontages however are below those prescribed (9.14 and 9.15 metres respectively).

The 6 sites currently found within the immediate locality, which have frontages less than 12 metres per dwelling, are not considered to adversely detract from the general amenity of the immediate or wider locality. These sites accommodate dwellings which contribute positively to the residential character of the locality and are not such that visually stand out as properties that detract from the visual amenity and character. It is difficult to form the view that the average person would observe the existing 6 narrow frontage sites (or development site) with the opinion that a poor planning outcome has occurred. A walk down Harrow Road presents as a pleasant residential environment with varying housing stock and forms, all within the context of what one would expect in a residential street. The six narrow frontage allotments do not feature as sites that are visually incompatible with the streetscape environment. The long driveways associated with hammerhead sites, are the visual elements in the streetscape that appear 'out of place', and visually and physically break-up what is otherwise a pleasant residential streetscape.

The proposed division is considered to satisfy every relevant Development Plan provision besides part of Residential Zone, Principle of Development Control 7 which seeks a minimum site area of 350 square metres per semi-detached dwelling and a minimum *12 metre frontage per dwelling*.

General Section, Land Division, Principle of Development Control 2 anticipates land division that creates allotments appropriate for the intended use. The proposed allotments, particularly as they have site areas beyond the minimum anticipated requirement, are considered appropriate for their intended use, which is to accommodate a pair of dwellings that are designed in such a way that satisfy the design criteria for new dwellings. The proposed sites, whether the frontage is 9 metres or 12 metres, will not compromise the existing streetscape character or amenity of adjacent land.

In summary, an allotment with a frontage width of 9.14 metres is not considered to significantly compromise the existing pattern of division found within the immediate locality nor will it compromise the amenity and proper use of the subject land or that of owners/occupiers of adjacent land or even the wider City.

Two Storey Semi-Detached Dwellings

The two storey semi-detached dwellings have been designed in such a way that they satisfy all parts of Schedule 4, Part 2B New Dwellings (Residential Code) and therefore warrant planning approval. The buildings have been specifically designed to incorporate a façade which appears as one two storey dwelling, which diminishes the value of any frontage width consideration. As per the North Elevation Plan and Perspective, this has been achieved by way of using a pitched roof over both dwellings, as well as the use of an A-symmetrical design which includes the use of timber paneling over the ground level of *Res 1* in order to conceal the front entry door and garage door. This design technique has been used on other properties within Holdfast Bay and is visually appealing due to the use of a natural material (timber) and achieves the desired objective of concealment.

6. Conclusion

It is clear that the land division fails to satisfy the minimum frontage requirements of the Development Plan, however on balance the proposal fails only one of 31 provisions relating to the assessment of land division in the Residential Zone. The other component of the proposal, a pair of two storey semi-detached dwellings, satisfies the Residential Code design criteria. The proposal satisfies minimum site area requirements, is appropriate for the intended use and will accommodate built form that is compatible and in context with the built form found within the immediate locality.

7. 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 provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00227/19 comprising a Torrens title land division creating two allotments from one allotment and construction of a pair of two storey semi-detached dwellings at 58 Harrow Road, Somerton Park.**

PLANNING CONDITIONS

- 1. The proposal shall be implemented as shown on the plan of division prepared by State Surveys, Reference 18530 dated 14/03/2019 and plans prepared by Regent Homes, Job No 1738/1739, Drawing No PD01, PD1A, PD02, PD03, PD04 and PD05, dated 12/04/2019 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. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard. On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.**

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4. **Payment of \$7253 into the Planning and Development Fund (1 allotment(s) @ \$7253/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.**
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 State Commission Assessment Panel for Land Division Certificate purposes.**