

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **24 JULY 2019**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
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ATTACHMENTS: **1. LOCALITY PLAN**
2. PROPOSED PLAN

DA NO.	:	110/00007/19
APPLICANT	:	FINESSE BUILT
LOCATION	:	35 PATAWALONGA FRONTAGE, GLENELG NORTH
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 Patawalonga Frontage having a frontage facing east adjacent to the Patawalonga Lake. The property and surrounding locality are located in the Residential Zone. A predominance of single dwellings characterises the immediate locality to the west of the site in the form of residential flat buildings and detached dwellings. The built form along Patawalonga Frontage is generally two storeys in height comprising a mix of detached dwellings and residential flat buildings. Low and medium density dwellings are found in the immediate locality.

Refer to Attachment 1

2. Proposed Development

The proposed development seeks to redevelop an existing allotment by creating two allotments, both fronting the street. This results in site areas of 389 and 394m² and frontages of 8.64 and 8.94 metres each. An associated land use application, DA 110/00953/18, depicts the dwellings that are proposed on the site which is an item on the same CAP agenda as this proposal.

Refer to Attachment 2

Development Assessment Data

Allotment	Proposed	Development Plan	Development Plan Satisfied?
1 (Southern-most)	Site area 389 square metres	Minimum site area of 350 square metres	Yes
	Frontage width 8.64 metres	Minimum frontage width of 12 metres	No 3.36m variance
2 (Northern-most)	Site area 394 square metres	Minimum site area of 350 square metres	Yes
	Frontage width 8.94 metres	Minimum frontage width of 12 metres	No 3.06m variance

3. Public Notification

The land division application is a Category 1 development pursuant to Schedule 9 Part 1 2 (f) of the Development Regulations.

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 Patawalonga Frontage
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 west facing deep backyards allowing sunlight to be captured from mid to late afternoon.

General Section – Land Division (Cont)	
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 (d) 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) <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 	<p>Complies. The proposed development will have all new allotments facing the street.</p> <p>Complies. The proposal seeks Torrens Titled allotments, meaning that an internal roadway (i.e. hammerhead configuration) is unwarranted.</p>
7 Land division should result in allotments of a size suitable for their intended use.	Complies
8 Land division should facilitate optimum solar access for energy efficiency.	Complies
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>detrimentally affect the setting of the surrounding locality.</u> 	Complies. The side-by-side allotment configuration ensures that future dwellings will face the street.
<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. 	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.
<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
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 & Sustainable Development	
Objectives	Assessment
1 Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.	Complies. The conventional land division proposed follows the established pattern along Patawalonga Frontage in a configuration which allows the two dwellings to face the street.
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.
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.
Principles	Assessment
3 Residential allotments should be of varying sizes to encourage housing diversity.	Complies
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.
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.
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 Patawalonga Frontage, albeit in tighter configuration with narrower frontages.
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).

General Section – Orderly & Sustainable Development (Cont)		
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:	Balanced. The allotments contain a site area large enough to house semi-detached dwellings. The frontages of 8.64 and 8.94 metres are well short of the prescribed 12 metre minimum.	
	Dwelling type	Site area (square metres)
		Minimum frontage (Except for allotments in the form of a hammerhead configuration)
	Detached	400 minimum
	Semi-detached	350 minimum
	Group dwelling	350 average
	Residential flat building	350 average
	Row dwelling	350 minimum
		12 metres
		12 metres
		12 metres
		12 metres
		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 addresses 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.

Although the Desired Character references infill development that contributes to housing diversity by way of the division of corner allotments and hammerhead developments, the predominant intention is to achieve a character predominately defined by detached dwellings on individual allotments. For example, where there is a site of 800 square metres with a frontage of 24 metres, the Desired Character would ultimately anticipate the division of two allotments fronting the street in preference to a hammerhead division. Although housing diversity, including hammerhead development, is encouraged and allowed in the Residential Zone, the choice remains for a predominance of detached dwellings on individual allotments fronting the street.

The subject site could accommodate two allotments of 350m² for group dwelling accommodation in a hammerhead formation, although the intent for preferencing hammerhead allotments needs to be understood before dismissing alternative allotment configurations. Where the broad purpose for espousing hammerhead allotments is not achievable, then pursuing such a design based solely on a single guiding provision in the Development Plan needs rethinking.

Land Division

The proposed Torrens Title division comprises the creation of two allotments of 394m² and 389m² where the Development Plan anticipates a minimum site area of 400m² per detached dwelling or 350m² for semi-detached dwellings. 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 consists of a pair of sites with frontages of 8.64m and 8.94m. Where focusing on the qualitative provisions of the Development Plan, the proposal is satisfactory in that it demonstrates a high level of planning merit and reflects a form of development that is more traditional and typical of residential localities.

Ultimately, a shortfall of frontage width by way of 2.55 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 only one quantitative Development Plan provision, which is concerning the frontage width. The frontage width provision, like 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 demonstrates a good planning outcome in terms of accommodating future built form that is capable of achieving the relevant development plan provisions concerning new dwellings as demonstrated by the associated land use application. Having two future dwellings fronting the street will be consistent with the existing pattern of development fronting Patawalonga Frontage. Which is characterised by dwellings with eastern outlooks that take advantage of views of the Patawalonga Lake and the Adelaide Hills in the distance. As an alternate to the proposed, a hammerhead style division would be feasible. However it is not seen as a desirable planning outcome as it will be out of character with the existing built form along the street along with the fact that an opportunity to obtain high amenity views of the Patawalonga Lake and Adelaide Hills will be restricted for the dwelling at the rear.

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 specified frontage width should not be the determining factor in assessing the holistic merits of the proposed development, particularly as the alternative allotment configuration offends many 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 casual 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 110/00007/19 for a Torrens Title land division creating two allotments from one allotment at 35 Patawalonga Frontage, Glenelg North subject to the following conditions:

PLANNING CONDITIONS

1. The proposal shall be implemented as shown on the plan of division prepared Symonds Ryan and Cornish reference number 181202 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. 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.

The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees. 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.