

ITEM NO: 6.1
 REPORT NUMBER: 280/21

DEVELOPMENT NO.:	21008907
APPLICANT:	Dechellis Homes
ADDRESS:	41 BALMORALAV NORTH BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Single storey detached dwelling
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	7 Jun 2021
RELEVANT AUTHORITY:	Assessment panel
PLANNING & DESIGN CODE VERSION:	2021.7
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner

CONTENTS:

APPENDIX 1: Relevant P&D Code Policies

ATTACHMENT 1: Application Documents

ATTACHMENT 2: Representations

ATTACHMENT 3: Response to Representations

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DETAILED DESCRIPTION OF PROPOSAL:

The application is for the construction of a single storey detached dwelling with a garage wall located on the western side boundary. The dwelling contains a double garage, four bedrooms, living areas, laundry, study and an alfresco to the rear. Landscaping is proposed to the front and rear with small and tall shrubs, ground cover and tree plantings. The existing crossover is located on the western side of the allotment and will be widened to accommodate the new driveway.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 41 BALMORAL AV NORTH BRIGHTON SA 5048

Title ref.: CT 5644/801 **Plan Parcel:** D3078 AL71 **Council:** CITY OF HOLDFAST BAY

The subject land contains a rectangular shaped allotment with a frontage of 16m and a depth of 57.35m resulting in an area of approximately 917sqm. Currently the site accommodates a single storey detached dwelling with ancillary structures in the form of outbuildings. Two large trees are located in the front and rear yard of the allotment however are not identified as 'regulated' and are not subject to planning controls.

Below is a photo of the existing dwelling on the site



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Below is an aerial of the site

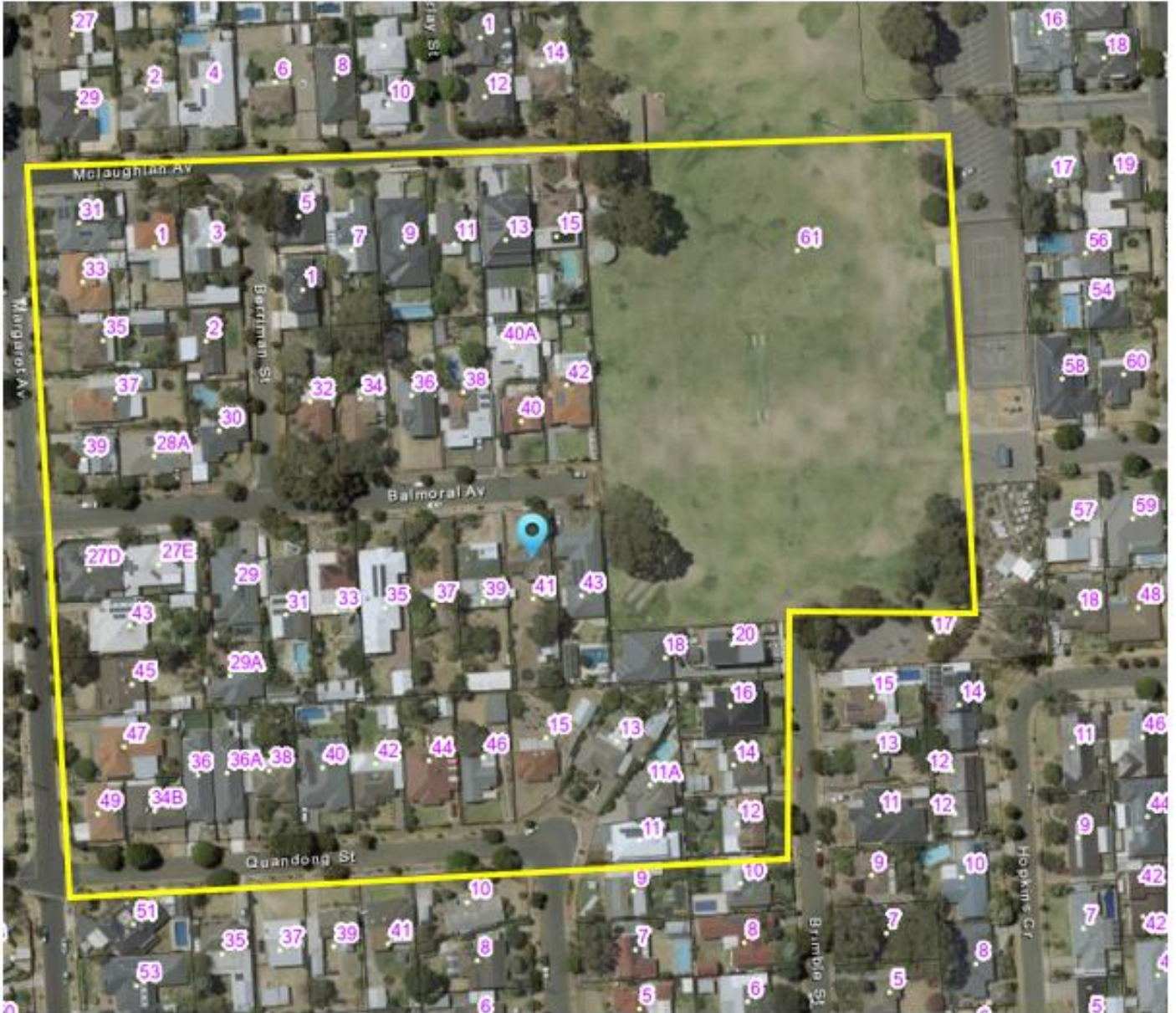


The locality is residential in nature and is primarily comprised of single-storey detached dwellings. There are some examples of infill development in the locality where 27 and 29 Balmoral Avenue, 18 Brimble Street and 36 Quandong Street were divided to create two allotments from one. The density of the locality is low.

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The primary setback pattern along the southern side of Balmoral Avenue is varied where recent infill development has resulted in dwellings being located closer to the street than older dwellings. Bowker Oval is located to the east of the site which is a Council reserve that is available for use to the public. The subject land is adjoined by single storey detached dwellings to the west, east and south of the site. The entire locality highlighted below is in the General Neighbourhood zone.

The aerial of the locality is shown below



CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:** New housing
 Detached dwelling: Code Assessed - Performance Assessed

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- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

The application was subject to notification as the height of the boundary wall exceeds 3m from the top of the footing as listed in Section 3 Column B of Table 5 – Procedural Matters – Notification of the General Neighbourhood Zone. A total of two representations were received one in support of the development application who does not wish to be heard and the other supporting the development with some concerns who wishes to be heard before the Council Assessment Panel.

- **LIST OF REPRESENTATIONS**
 - David McLeod of 42 Balmoral Avenue North Brighton
 - Saody Lee of 39 Balmoral Avenue North Brighton who would like to be heard before the panel
- **SUMMARY**
 - No evidence of survey conducted
 - Concerns raised regarding potential encroachment of the boundary wall on to the representors property
 - A number of concerns relating to the potential issues that may arise during construction of the dwelling including the alterations to the existing fence, security of the site and required access from the representors property for the builder to construct the boundary wall.

The applicant provided a response to the representation which is shown in attachment 3.

PLANNING ASSESSMENT

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

Land Use - General Neighbourhood Zone Assessment Provisions

Desired Outcome	
DO 1	Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

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Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
<p>PO 1.1</p> <p>Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood.</p>	<p>DTS/DPF 1.1</p> <p>Development comprises one or more of the following:</p> <ul style="list-style-type: none"> (a) Ancillary accommodation (b) Community facility (c) Consulting room (d) Dwelling (e) Educational establishment (f) Office (g) Place of Worship (h) Pre-school (i) Recreation area (j) Residential flat building (k) Retirement facility (l) Shop (m) Student accommodation (n) Supported accommodation

The General Neighbourhood Zone predominantly anticipates residential land uses with the exception for small scale non-residential land uses. The application proposes a single storey detached dwelling which achieves the desired outcome for the zone and a dwelling is listed in DPF 1.1 an anticipated land use therefore satisfying PO 1.1.

Building Height - General Neighbourhood Zone Assessment Provisions

Building Height	
<p>PO 4.1</p> <p>Buildings contribute to a low-rise suburban character.</p>	<p>DTS/DPF 4.1</p> <p>Building height (excluding garages, carports and outbuildings) no greater than:</p> <ul style="list-style-type: none"> (a) 2 building levels and 9m and (b) wall height that is no greater than 7m except in the case of a gable end.

The zone anticipates two storey building heights with maximum wall heights of 7m and overall total heights of 9m. The dwelling contains 3m high walls with 2.7m high internal ceilings and total height of 5.7m which are well within the parameters of the zone.

Setbacks, Design & Appearance - General Neighbourhood Zone Assessment Provisions

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Primary Street Setback

<p>PO 5.1</p> <p>Buildings are setback from primary..street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.</p>	<p>DTS/DPF 5.1</p> <p>The building..line of a building set back from the primary..street boundary:</p> <ul style="list-style-type: none"> (a) no more than 1m in front of the average setback to the building..line of existing buildings on adjoining sites which face the same primary..street (including those buildings that would adjoin the site if not separated by a public road or a vacant allotment) (b) where there is only one existing building on adjoining sites which face the same primary..street (including those that would adjoin if not separated by a public road or a vacant allotment), no more than 1m in front of the setback to the building..line of that building or (c) not less than 5m where no building exists on an adjoining site with the same primary..street frontage.
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The adjoining property to the north of the site contains a primary setback of 10.3m and the dwelling to the south 9.7m to the façade. The policy allows for the proposed dwelling to be located 1m in front of the average setback of the adjoining properties which is 9m. The dwelling contains a setback of 9m to the garage and 8.2m to the forward most portion of the dwelling with the portico and blade wall located slightly forward.

The majority of the façade is compliant with the 9m quantitative requirement with only a small portion located 800mm forward of 9m. The quantitative shortfall is not considered to detrimental to the merits of the proposed setback as the majority of the façade is set back 9m. The portion that is located forward will sit in line with the front verandah of the eastern adjoining dwelling which is a dominant feature of the dwelling as it spans across the majority of the façade.

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Side boundary setback	
<p>PO 8.1</p> <p>Building walls are set back from side boundaries to provide:</p> <p>(a) separation between dwellings in a way that contributes to a suburban character and</p> <p>(b) access to natural light and ventilation for neighbours.</p>	<p>DTS/DPF 8.1</p> <p>Other than walls located on a side boundary, building walls are set back from side boundaries:</p> <p>(a) at least 900mm where the wall height is up to 3m</p> <p>(b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m and</p> <p>(c) at least 1900mm plus 1/3 of the wall height above 3m for walls facing a southern side boundary.</p>
Rear boundary setback	
<p>PO 9.1</p> <p>Dwelling walls are set back from rear boundaries to provide:</p> <p>(a) separation between dwellings in a way that contributes to a suburban character</p> <p>(b) access to natural light and ventilation for neighbours</p> <p>(c) private open space</p> <p>(d) space for landscaping and vegetation.</p>	<p>DTS/DPF 9.1</p> <p>Dwelling walls are set back from the rear boundary at least:</p> <p>(a) if the size of the site is less than 301m²—</p> <p>(i) 3m in relation to the ground floor of the dwelling</p> <p>(ii) 5m in relation to any other building level of the dwelling</p> <p>(b) if the size of the site is 301m² or more—</p> <p>(i) 4m in relation to the ground floor of the dwelling</p> <p>(ii) 6m in relation to any other building level of the dwelling.</p>

The dwelling will have adequate side setbacks where the eastern side wall is setback 902mm and the western side wall is located 3.23m from the side boundaries. The policy seeks a 3m rear setback to the rear dwelling wall where 13.6m is proposed.

Site Coverage	
<p>PO 3.1</p> <p>Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.</p>	<p>DTS/DPF 3.1</p> <p>The development does not result in site coverage exceeding 60%.</p>

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The dwelling contains a site coverage of 45% of the allotment.

Boundary Walls	
<p>PO 7.1</p> <p>Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.</p>	<p>DTS/DPF 7.1</p> <p>Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below:</p> <ul style="list-style-type: none"> (a) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height (b) side boundary walls do not: <ul style="list-style-type: none"> (i) exceed 3m in height from the top of footings (ii) exceed 11.5m in length (iii) when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary (iv) encroach within 3m of any other existing or proposed boundary walls on the subject land.

The proposed garage wall located on the boundary contains a 3.3m height and spans 7.2m in length. The 330mm excess height will not adversely impact the western neighbours as the garage wall will be located adjacent to an access driveway.

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General Development Policies – Design in Urban Areas Assessment Provisions

Residential Development – Low Rise	
External appearance	
<p>PO 20.1</p> <p>Garaging is designed to not detract from the streetscape or appearance of a <u>dwelling</u>.</p>	<p>DTS/DPF 20.1</p> <p>Garages and carports facing a street:</p> <ul style="list-style-type: none"> (a) are situated so that no part of the garage or carport will be in front of any part of the <u>building line</u> of the <u>dwelling</u> (b) are set back at least 5.5m from the boundary of the <u>primary street</u> (c) have a garage door / opening width not exceeding 7m (d) have a garage door / opening width not exceeding 50% of the <u>site</u> frontage unless the <u>dwelling</u> has two or more building levels at the <u>building line</u> fronting the same public street.
<p>PO 20.2</p> <p><u>Dwelling</u> elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.</p>	<p>DTS/DPF 20.2</p> <p>Each <u>dwelling</u> includes at least 3 of the following design features within the building elevation facing a <u>primary street</u>, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway:</p> <ul style="list-style-type: none"> (a) a minimum of 30% of the building wall is set back an additional 300mm from the <u>building line</u> (b) a porch or portico projects at least 1m from the building wall (c) a balcony projects from the building wall (d) a verandah projects at least 1m from the building wall (e) eaves of a minimum 400mm width extend along the width of the front elevation (f) a minimum 30% of the width of the upper level projects forward from the lower level primary <u>building line</u> by at least 300mm (g) a minimum of two different materials or finishes are incorporated on the walls of the front building elevation, with a maximum of 80% of the building elevation in a single material or finish.

The proposed garage width of the dwelling is 5m which equates to 31% of the frontage and is compliant with DPF 20.1. The façade of the dwelling contains design features (b), (e) and (g) as listed in DPF and therefore satisfies PO 20.2

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Traffic Impact, Access and Parking

General Development Policies – Design in Urban Areas Assessment Provisions

<p>PO 23.3</p> <p>Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for street tree planting, domestic waste collection, landscaped street frontages and on-street parking.</p>	<p>DTS/DPF 23.3</p> <p>Driveways and access points satisfy (a) or (b):</p> <p>(a) sites with a frontage to a public road of 10m or less, have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site.</p> <p>(b) sites with a frontage to a public road greater than 10m:</p> <p>(i) have a maximum width of 5m measured at the property boundary and are the only access point provided on the site.</p> <p>(ii) have a width between 3.0 metres and 3.2 metres measured at the property boundary and no more than two access points are provided on site, separated by no less than 1m.</p>
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The existing crossover is proposed to be widened to a total of 5m. As the site contains a frontage width over 10m a 5m wide crossover achieves the abovementioned policy. Two mandatory conditions were placed on the recommendation for consent with regard to rainwater tank sizes and landscaping.

CONCLUSION

The proposed dwelling achieves the Desired Outcome for the General Neighbourhood Zone and also satisfies a majority of the relevant performance outcomes. The proposed dwelling is suitable for the subject land and does not result in an overdevelopment of the site allowing adequate space for the provision of landscaping and a primary setback that is consistent with the established pattern of the locality.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 21008907, by Dechellis Homes is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

Planning Consent

1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

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2. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).
3. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
4. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
5. The stormwater disposal system shall cater for a 5 year rainfall event with discharge to the street not to exceed 10 litres per second. Any excess above this flow is to be detained on site.

General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate —
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

OFFICER MAKING RECOMMENDATION

Name: Alexander Stamatopoulos

Title: Development Planner

Date: 11/08/2021