

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **25 SEPTEMBER 2019**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **DEAN SPASIC**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS: **1. LOCALITY PLAN**
2. PROPOSED PLAN

DA NO.	:	110/00480/19
APPLICANT	:	FYFE PTY LTD
LOCATION	:	41-43 MARLBOROUGH STREET, BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	TORRENS TITLE LAND DIVISION CREATING FOUR ALLOTMENTS FROM THREE ALLOTMENTS
EXISTING USE	:	FOUR DWELLINGS
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION		DEVELOPMENT APPROVAL SUBJECT TO CONDITIONS

1. Site and Locality

The subject site comprises land associated with 41 and 43 Marlborough Street, each currently containing two dwellings. The total site area is 1773 square metres. The land is located on the southern side of Marlborough Street and in between the Esplanade and Seaview Terrace.

The locality comprises a predominance of older housing stock of single and two storey built form, however also has examples of newer housing stock. The Residential Zone encourages a variety of built form and land division configurations, including hammerhead.

Refer to Attachment 1

2. Background

A land use application (110/00487/19) has been submitted in support of the proposed land division application and is presented to the Panel for assessment following its consideration of the land division application.

3. Proposed Development

The proposed development seeks undertake a torrens title division creating four allotments from three allotments, of which the current site contains a total of 4 dwellings.

Refer to Attachment 2

Development Assessment Data

Allotment	Proposed	Development Plan	Existing	Development Plan Satisfied?
830	Site area 369 square metres Frontage width 10.21 metres	Minimum site area of 400 square metres Minimum frontage width of 12 metres	Site area 1002 square metres <u>supporting 1 dwelling</u> Frontage width 19.66 metres	No
831	Site area 345 square metres Frontage width 10.21 metres			No
832	Site area 368 square metres Frontage width 10.21 metres		Site area 300 square metres <u>supporting 2 dwellings</u> Frontage width 11.55 metres	No
833 (hammerhead)	Site area 554 excluding access handle Access handle 4 metres wide	Minimum site area of 400 square metres excluding access handle Minimum driveway width 2.5 metres	Site area 378 square metres <u>supporting 1 dwelling</u> Access driveway 3.4 metres	Yes Yes

4. Public Notification

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

5. 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 – 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
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) 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) (g) any allotments will straddle more than one zone, policy area or precinct (h) the allotments unreasonably restrict access to publicly owned land such as recreation areas. 	Complies
7 Land division should result in allotments of a size suitable for their intended use.	Complies

General Section – Land Division	
Principles of Development Control (Cont)	Assessment
8 Land division should facilitate optimum solar access for energy efficiency.	Complies
11 Allotments should have an orientation, size and configuration to encourage development that: <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
12 The layout of a land division should keep flood-prone land free from development.	Complies
13 The arrangement of roads, allotments, reserves and open space should enable the provision of a stormwater management drainage system that: <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
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: <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
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.	Complies
Desired Character	
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.	
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.	

Residential Zone	
Desired Character (Cont)	
<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 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>	
Objectives	Assessment
<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>Land Use</p> <p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ domestic outbuilding in association with a dwelling ▪ domestic structure ▪ dwelling ▪ dwelling addition ▪ small scale non-residential use that serves the local community, for example: <ul style="list-style-type: none"> - child care facility - health and welfare service - open space - primary and secondary school - recreation area ▪ supported accommodation. 	Complies
<p>3 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.</p>	Complies

Residential Zone			
Principles of Development Control (Cont)		Assessment	
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	
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

6. Summary of Assessment

Zone and Land Use

The Residential Zone anticipates a predominately low-density suburban form, reflect progressive infill development of existing individual sites and unobtrusive small-scale developments.

The primarily suburban character is defined by detached dwellings on individual allotments. Infill developments will contribute to housing diversity through development opportunities via increasing dwelling numbers on allotments, including semi-detached dwellings, where site considerations permit.

The proposed development addresses the desired character by way of accommodating infill redevelopment at a density which does not alter from the current situation. Further, the form of division complements the primarily suburban character that is defined by dwellings on individual allotments (i.e. torrens title allotments).

Frontages

Although the frontages of Allotments 830, 831 and 832 are less than 12 metres, the shortfall is only 1.79 metres per allotment. Further, the existing site comprises one allotment with a frontage of 19.6 however the other allotment supports two dwellings facing the street with average frontages of only 5.75 metres. The proposed division will result in more uniform frontages.

Site Areas

The Development Plan anticipates a minimum site area of 400 square metres per detached dwelling. Although the proposal comprises site areas that are less than 400 square metres across Allotments 830, 831 and 832, the shortfall is considered reasonable in the context of the development site for the following reasons:

- the density does not change in comparison to the existing situation;
- the average site area across the site is 444 square metres per dwelling; and
- the Development Plan accommodates row dwellings with minimum site areas of 350 square metres with minimum frontages of 10 metres per dwelling, which could be achieved here.

Detached dwellings however are considered a more desirable outcome when considering building scale implications associated with row dwellings.

Conclusion

The proposed land division is considered to reasonably satisfy the Development Plan, particularly as the density of development will not change, i.e. there are currently 4 dwellings and the proposal will result in the accommodation of 4 dwellings.

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 Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Approval to Development Application 110/00480/19 for a Torrens title land division creating four allotments from three allotments subject to the following conditions:**

PLANNING CONDITIONS

- 1. The proposal shall be implemented as shown on the plan of division prepared by FYFE Pty Ltd, Reference 27179/1/1, Drawing No. 27179-1-1-SV-DA1-ROQA, Revision 0 Dated 11/06/2019 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. 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.**
- 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.**