

TO: **COUNCIL ASSESSMENT PANEL**  
 DATE: **27 MARCH 2019**  
 SUBJECT: **DEVELOPMENT ASSESSMENT REPORT**  
 AUTHOR: **CRAIG WATSON**  
**TEAM LEADER DEVELOPMENT ASSESSMENT**

ATTACHMENTS:

- 1. LOCALITY PLAN**
- 2. PROPOSAL PLANS**
- 3. MUNICIPAL PLANNING SERVICES REPORT ON BEHALF OF APPLICANT**
- 4. REPRESENTATION**
- 5. APPLICANT'S RESPONSE TO REPRESENTATION**
- 6. HERITAGE COMMENTS**

HEARING OF REPRESENTORS **NIL**  
 HEARING OF APPLICANT **NIL**

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DA NO.	:	<u>110/00789/18</u>
APPLICANT	:	<u>GLENELG DAY SURGERY</u>
LOCATION	:	<u>24 GORDON STREET, GLENELG</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL CHARACTER ZONE POLICY AREA 14</u>
NATURE OF DEVELOPMENT	:	<u>MERIT</u>
PROPOSAL	:	<u>VARIATION TO DA 110/01134/17 (CHANGE OF USE FROM PLACE OF WORSHIP TO PRIVATE HOSPITAL (SPECIALIST DAY SURGERY) WITH ASSOCIATED INTERNAL FITOUT AND FAÇADE UPGRADES (NON-COMPLYING)) BY MAKING ALTERATIONS AND ADDITIONS COMPRISING TWO STOREY ADDITIONS TO THE NORTHERN BOUNDARY</u>
EXISTING USE	:	<u>PRIVATE HOSPITAL UNDER CONSTRUCTION</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>THREE</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS</u>

## 1. Site and Locality

The subject site is located on the eastern side of Gordon Street, the second allotment south of Augusta Street and extends between Gordon Street and Eitzen Street. It has a frontage of 15.24 metres to both streets and area of 743.3m<sup>2</sup>.

The land is occupied by what was the Church of Christ Glenelg and Community Centre. The building is currently being developed as a private hospital in accordance with recent approvals.

The locality comprises a mix of residential and commercial land uses primarily of single storey construction. Although within the Residential Character Zone there are a significant number of non-

residential uses including an office at 22 Gordon Street, an art gallery at 26 Gordon Street and motor repair premises (presently vacant) at 28 Gordon Street. All three of the non-residential buildings are listed as Local Heritage Places within the Development Plan.

*Refer to Attachment 1*

## **2. Background**

DA 110/01134/17 for a change in use from church to private hospital with internal and external alterations (non-complying) was granted development plan consent following concurrence by SCAP on 20 June 2018. Development Approval was issued on 17 October 2018.

DA 110/00620/18 to amend the hours of operation to Monday to Friday between 7:30am and 8am and Saturday 9am to 1pm was deemed to be of a minor nature and granted development approval on 30/08/18.

DA 110/00789/18, the subject DA, originally comprised two storey additions to the northern boundary and a new entry with wall on the southern boundary and plant platform on the existing roof adjoining the southern boundary. Following a category 3 public notification one representation concerning the two storey additions and car parking was received. The applicant resolved to separate the northern and southern components by submitting a separate application (110/00003/19) for the entry and plant platform and amending the subject application to include only the northern two storey additions. Given the representation did not refer to the southern alterations that application was granted development plan consent on 8 January 2019.

Other internal alterations previously considered to be minor and approved with the development approval include enlargement of the mezzanine and floor layout alterations. These were considered minor given they involved no external changes and the number of consultants and hence parking considerations did not change.

## **3. Proposed Development**

This application is solely for an extension of the mezzanine to the northern boundary involving external alterations. The alterations will comprise construction of a two storey wall, 6.45 metres high for a length of 20.67 metres along the northern boundary. The additions will be comprise rendered off-white hebel panels with the street elevation being finished with express-jointed 'harditex' also painted off-white to match the existing building.

Due to new legislation the size of the theatres, recovery rooms, central sterilising department and associated areas will need to be increased to meet the new standards. In particular the additional floor area subject of this application will provide for additional storage and circulation areas which will allow the building to function better.

*Refer to Attachments 2 and 3*

#### 4. Public Consultation

The application was subject to a Category 3 public notification. One representation was received. The representation from the owner of the adjoining property at 22 Gordon Street concerns the increased floor area and potential additional parking demand.

*Refer to Attachment 4*

The applicant has responded to the representation.

*Refer to Attachment 5*

#### HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – NON RESIDENTIAL DEVELOPMENT – COUNCIL WIDE – PRINCIPLES OF DEVELOPMENT CONTROL

Design and Appearance	
1. The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.	Complies.
2. Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise: (a) the visual impact of the building as viewed from adjoining properties (b) overshadowing of adjoining properties and allow adequate sun light to neighbouring buildings.	Complies. The proposed boundary wall will have no visual or shading impact on the adjoining site given the location of the existing building on the adjoining site.
5. Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.	Complies.
8. The design of multi-storey buildings should not detract from the form and materials of adjacent State and local heritage places listed in <i>Table HoB/ 5 - State Heritage Places</i> or in <i>Table HoB/4- Local Heritage Places</i> .	Complies. Plans have been amended in accordance with Council's heritage consultant's advice.
9. Development on land adjacent to a State or local heritage place, as listed in <i>Table HoB/5 - State Heritage Places</i> or in <i>Table Hob/4 - Local Heritage Places</i> , should be sited and designed to reinforce the historic character of the place and maintain its visual prominence.	Complies.
10. The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: (a) windows of habitable rooms (b) upper-level private balconies that provide the primary open space area for a dwelling (c) solar collectors (such as solar hot water systems and photovoltaic cells).	Complies.
11. Development should minimise direct overlooking of habitable rooms and private open spaces of dwellings through measures such as: (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct	No additional impacts.

<b>Design and Appearance (Cont'd)</b>	
(b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms (c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.	
16. Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas. The development will significantly reduce demand for on-street parking compared with	Complies.
<b>Heritage Places</b>	
6. Development that materially affects the context within which the heritage place is situated, including development on adjoining properties and on nearby properties where there would be an influence upon the character, integrity and setting, should be compatible with the heritage place. It is not necessary to replicate historic detailing, however design elements that should be compatible include, but are not limited to: (a) scale, bulk and form (b) width of frontage (c) boundary setback patterns (d) proportion and composition of design elements such as rooflines, window and door openings, fencing and landscaping (e) colour and texture of external materials.	Complies. The additions are setback from the main face of the adjacent heritage building to minimise impacts.
10. Development of a State or Local Heritage Place, or development on land adjacent to a State or Local Heritage Place should conserve, maintain, enhance and reinforce the historic character of individual buildings and/or the existing streetscape character by exhibiting architectural and roof-form designs, street frontage widths, front and side boundary set-backs, materials, colours, fences and landscape settings which complement and give prominence to historic buildings or their detailing.	Complies.
<b>Interface between Land Uses</b>	
1. Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following: (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants (b) noise (c) vibration (d) electrical interference (e) light spill (f) glare (g) hours of operation (h) traffic impacts.	Complies.
2. Development should be sited and designed to minimise negative impact on existing and potential future land uses considered appropriate in the locality.	Complies.
6. Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.	Complies.

<b>Orderly and Sustainable Development</b>	
1. Development should not prejudice the development of a zone for its intended purpose.	Complies.
9. Development should be undertaken in accordance with the following Structure Plan Map and Concept Plan Maps: (a) <i>Structure Plan Map HoB/1 - Holdfast Bay</i> (b) <i>Structure Plan Map HoB/2 - Brighton and Hove District Centre</i> (c) <i>Concept Plan Map HoB/1 - Jetty Road and Moseley Square</i> (d) <i>Concept Plan Map HoB/2 - Car Parking Areas</i> (e) <i>Concept Plan Map HoB/3 - Foreshore and Patawalonga</i> (f) <i>Concept Plan Map HoB/4 - Buckle Street</i> (g) <i>Concept Plan Map HoB/5 - Extent - Glenelg Foreshore and Patawalonga Zone.</i>	Does not comply with residential use but site has existing use rights for non-residential use.
<b>Transport and Access</b>	
5. Land uses that generate large numbers of visitors such as shopping centres and areas, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by existing transport networks and encourage walking and cycling.	Complies.
8. Development should provide safe and convenient access for all anticipated modes of transport.	No on-site parking available.
14. Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.	Does not comply however the development will not generate additional parking demand compared with that approved.
<b>Cycling and Walking</b>	
20. Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including: (a) showers, changing facilities and secure lockers (b) signage indicating the location of bicycle facilities (c) secure bicycle parking facilities.	Bicycle parking to be provided on southern side of building as part of the original approval.
40. Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with zone requirements or, if not specified by the zone, <i>Table HoB/1 - Off Street Vehicle Parking Requirements</i> (with resultant numerical figure rounded to the nearest whole number) unless all the following conditions are met: (a) the site is located within the <b>Glenelg Policy Area 2</b> (b) an agreement is reached between the Council and the applicant for a reduced number of parking spaces (c) a financial contribution is paid into the Council Car Parking Fund specified by the Council, in accordance with the gazetted rate per car park.	No parking provided on-site but the additions will not generate additional parking demand from that approved given the number of consulting rooms and doctors will remain the same.

**HOLDFAST BAY (CITY) DEVELOPMENT – ASSESSMENT – RESIDENTIAL CHARACTER ZONE AND POLICY AREAS – OBJECTIVES AND PRINCIPLES OF DEVELOPMENT CONTROL**

<b>RESIDENTIAL CHARACTER ZONE</b>	
<b>Objectives</b>	
1. A residential zone primarily accommodating single storey detached dwellings on individual allotments, while providing opportunities for compatible infill development, and the preservation of the existing development patterns and built form.	The development is not for residential use but it does preserve the existing development patterns and built form.
2. Development that is designed to reflect the traditional character elements of the area, particularly as presented to the streetscape	Complies. No substantial change to the streetscape.
3. Development that contributes to the desired character of the zone.	The development will not compromise the desired character as it preserves the existing built form and non-residential use.

<b>Desired Character</b>	
Development in the zone also displays and will continue to display mature landscaping and biodiversity. Development will contribute to the character of the zone through the retention, conservation and enhancement of the existing desirable features as articulated in the various policy areas. Residential development and its landscaping will dominate and be consistent with and contribute to the character of the policy area in which it is located. Development should retain existing older style dwellings of attractive appearance and sound condition which are consistent with the desired character of the policy area.	Complies.
<b>Principles of Development Control</b>	
1. The following forms of development are envisaged in the zone: <ul style="list-style-type: none"> <li>• affordable housing</li> <li>• domestic outbuilding in association with a dwelling</li> <li>• domestic structure</li> <li>• dwelling</li> <li>• dwelling addition</li> <li>• small-scale non-residential use that serves the local community, for example:               <ul style="list-style-type: none"> <li>• child care facility</li> <li>• open space</li> <li>• primary and secondary school</li> <li>• recreation area</li> <li>• supported accommodation.</li> </ul> </li> </ul> 2. Development listed as non-complying is generally inappropriate.	Does not comply but associated with an approved use.  Is for a reasonable expansion to an approved non-complying land use.
3. Non-residential development should be of a nature and scale that: <ul style="list-style-type: none"> <li>(a) serves the local community</li> <li>(b) is consistent with the character of the locality</li> <li>(c) does not detrimentally impact on the amenity of nearby residents.</li> </ul>	Complies.
5. Development should not be undertaken unless it is consistent with the desired character for the zone.	The development is associated with an approved non-residential use and will have no impact on the existing character or compromise attainment of the objectives for the wider Zone.

<b>STREETSCAPE CHARACTER (GLENELG AND GLENELG NORTH) POLICY AREA 14</b>	
<b>Objectives</b>	
1. Preservation of the existing development patterns and built form of the policy area.	Complies.
3. Development that contributes to the desired character of the policy area.	Complies.

<b>STREETSCAPE CHARACTER (GLENELG AND GLENELG NORTH) POLICY AREA 14</b>	
<b>Desired Character</b>	
Relative to other residential areas, development in the policy area will be slow and progressive, resulting in the existing predominant character being maintained, albeit in a modified form, with increasing numbers of new dwellings as older dwellings are replaced with contemporary,	Development maintains the existing built form character and is associated with an approved land use.

<b>STREETSCAPE CHARACTER (GLENELG AND GLENELG NORTH) POLICY AREA 14 (Cont'd)</b>	
<p><b>Desired Character</b></p> <p>sympathetically designed buildings and housing forms that respond to new lifestyle choices. Development will reinforce the character of the policy area established by the existing mix of predominantly small-scale traditional dwelling types, and complement those dwelling types through appropriate mass, composition, architectural detailing, materials and colours. New buildings will incorporate pitched roof forms together with veranda and portico elements. Where row dwellings are a dominant feature in the streetscape, new buildings may also incorporate parapets to front facades. Development will be single storey in scale and exhibit typical residential design forms that are complementary to the predominant established character of the policy area. There may be some circumstances where site dimensions enable two-storey development, primarily for detached dwellings, provided this development contributes to the streetscape through other key characteristics (eg development footprint, height, massing and architectural detail) that will match or relate closely to those of the established detached dwellings in the locality. Front setbacks will be consistent with those of adjacent sites, creating a uniform street elevation defined by landscaped front yards that contribute to the established streetscape character. Development will utilise visible hip or gable roof forms, and materials and finishes that respond to the character of the immediate locality, including brick, stone and rendered finish providing 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, utilising materials that are generally dark in colour to limit glare and reflection. Garaging will be located clearly behind the alignment of the adjacent domestic portion of the dwelling with front and side setbacks that reflect predominant setbacks of sites in the locality. Driveway design will also be subsidiary to the domestic built form with the use of a single vehicle crossover point for each dwelling and landscaping that provides breaks to expanses of hardstand surfaces.</p>	
<p><b>Principles of Development Control</b></p> <p>1. The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>• detached dwelling</li> <li>• domestic outbuilding in association with a dwelling</li> <li>• domestic structure</li> <li>• dwelling addition</li> <li>• row dwelling</li> <li>• semi detached dwelling.</li> </ul>	<p>Does not comply but associated with an approved non-residential use.</p>

<b>Principles of Development Control</b>	
2. The following forms of development should not be developed within the policy area: (a) group dwellings (b) residential flat buildings (c) dependent accommodation (d) development that incorporates the establishment of undercroft areas for the garaging of vehicles (e) development in the form of a hammerhead/battleaxe configuration.	Complies.
3. Development should not be undertaken unless it is consistent with the desired character for the policy area.	Complies.

## 5. Summary of Assessment

### Amenity

The addition will have no impact on 22 Gordon Street, however will have potential impact on the art gallery and dwelling at 26 Gordon Street and the dwelling at 16 Augusta Street, both properties adjoining the subject site to the north. The visual impacts, particularly on 26 Gordon Street will be minimised due to existing rear boundary walls on that property. While it may be viewed from the rear yard on 16 Augusta Street the visual impact is minimised due to:

- Its location at the south western corner only of that property;
- Partial screening by an existing tree; and
- Wall height and scale compared with the larger existing building on the subject site.

Neither property will be overshadowed by the addition.

Air-conditioning requirements for the addition will be serviced by the centrally located plant platform on the roof as previously approved.

Having regard to the above it is considered that the development is consistent with Interface between Land Uses Principles 1, 2 and 6.

### Parking

The representation from the owner of 22 Gordon Street concerns the lack of on-site parking and the potential additional parking demand generated by the additional floor area. It also concerns the alleged use of the carpark on that site by patrons of the former church without approval.

No car parking is available on the subject site, however the Panel, in considering the original application 110/01134/17 was satisfied that having regard to Table HoB/1 in the Development Plan, the medical centre will generate significantly less parking demand compared with the former church use. The parking demand as required by Table HoB/1 is based on the number of consulting rooms. The additional floor area (57.7m<sup>2</sup>) will not include any additional consulting rooms or operating theatres but will instead provide for additional storage and circulation areas to satisfy standards now required by the South Australian Healthcare Act 2008. The addition will therefore have no impact on parking demand.

### **Built Form**

The subject site is not within a Historic Conservation Area and the building has no heritage status within the Development Plan. Nevertheless the building is adjacent to Local Heritage Places at 22 and 26 Gordon Street. The additions will have no impact on 22 Gordon Street but are immediately adjacent to 26 Gordon Street (former fire station). Council's heritage advisor considers the upper storey addition to be simple in form and relatively low in scale and recommended that the addition be setback behind the parapet of the former Fire Station building rather than in line with the parapet as was originally proposed and to adopt a single colour that co-ordinates with the existing building. The plans have been amended to include a 500mm setback behind the parapet of the adjacent building and an off-white colour to match the existing building.

The development as amended is considered to be reasonably consistent with Design and Appearance Principle 9 and Heritage Places Principles 6 and 10.

### **6. Conclusion**

The development is not seriously at variance with the Development Plan and has merit for approval for the following reasons:

- The addition will not generate any appreciable visual, shading, noise or other adverse impacts on residential amenity;
- The proposal will not increase the number of consulting rooms or theatres and will therefore not increase parking demand;
- The building addition will have no impact on the character of the adjacent Local Heritage Places; and
- The additional floor area will provide for a more functional layout which meets the current Health Care guidelines.

### **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 110/00789/18, subject to the following conditions:**

**1. That the design and siting of all buildings and structures and site works shall be as shown on the amended plans as listed below submitted to and approved by Council unless varied by any subsequent conditions imposed herein:**

- **Proposed site/floor plans Rev B dated 22/01/19**
- **Part ground floor plan east dated 18/12/18**
- **Part ground floor plan west dated 14/07/18**
- **Proposed elevations Rev B dated 22/01/19**
- **Roof plan dated 4/03/19.**

2. That conditions numbered 1 to 3 and 5 to 7 of 110/01134/17 and condition 1 of 110/00620/18 as listed below remain valid where relevant:

**110/01134/17**

1. That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. That the premises shall be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.
3. That the premises shall not be used, directly or indirectly, for the purpose now approved until all work has been completed in accordance with the plan approved and the conditions of consent have been complied with, except those conditions that continue to apply.
5. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.
6. That the applicants or other persons, for the time being, making use of the development now approved, shall cultivate, tend and nurture the trees or, shrubs or lawns intended to be established upon the subject land, replacing from time to time, any trees, shrubs or lawns which shall die or become diseased with others of the same respective varieties or of such varieties as the Council shall approve in writing.
7. That all mechanical plant and equipment, including air conditioners, should be selected, designed, and installed to comply with the following mandatory criteria:
  - a. Noise level not to exceed 52dB(A) between the hours of 7am and 10pm when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007\*, and
  - b. Noise level not to exceed 45dB(A) between the hours of 10pm and 7am when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007\*, and
  - c. Where marked with an \* the above noise levels must include a penalty for each characteristic where tonal/modulating/impulsive/low frequency characteristics are present in accordance with the Environment Protection (Noise) Policy 2007.

**110/00620/18**

1. That the hours of operation shall be:
  - Monday to Friday 7:30am to 8pm; and
  - Saturday 9am to 1pm.