

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **23 JANUARY 2019**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **CRAIG WATSON**
 ATTACHMENTS: **1. LOCALITY PLAN**
2. PROPOSED PLANS
3. PLANNING REPORT ON BEHALF OF APPLICANT
4. HERITAGE IMPACT STATEMENT ON BEHALF OF APPLICANT
5. ARBORIST REPORTS ON BEHALF OF APPLICANT
6. IRRIGATION REPORT ON BEHALF OF APPLICANT
7. ARBORIST REPORT ON BEHALF OF COUNCIL
8. HERITAGE REPORT ON BEHALF OF COUNCIL

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

DA NO.	:	110/00447/17
APPLICANT	:	CRAIG AND LEA HARGRAVES
LOCATION	:	75 WHYTE STREET, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	ALTERATIONS AND ADDITIONS LOCAL HERITAGE PLACE (SOMERLEA), CONSTRUCTION OF TWO STOREY GUEST HOUSE AND REMOVAL OF A REGULATED TREE (WILLOW MYRTLE)
EXISTING USE	:	DETACHED DWELLING AND OUTBUILDINGS
REFERRALS	:	NIL
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	REFUSAL

1. Site and Locality

The subject site is of an irregular shape with a frontage to Whyte Street of 10.44 metres and to John Miller Reserve of 54.35 metres and has a total area of 4,446m². The site comprises a substantial stone fronted local heritage item known as Somerlea. The dwelling is set well back from Whyte Street but can be seen from the Esplanade across the Reserve. A single storey garage located in the south eastern corner and a three car carport adjacent the southern boundary are accessed by a long driveway from Whyte Street. The residence is surrounded by an established garden including a row of Norfolk Island Pine trees aligning the western side of the driveway and which are visible from most parts of the locality.

The locality comprises a mix of single and two storey detached dwellings. John Miller Reserve and children's playground are immediately to the west and the Somerton Yacht Club is to the south west.

2. Background and Development Assessment Process

DA 110/00364/09 to retain Somerlea and construct three two storey dwellings on the subject site and another two, two storey dwellings on a separate lot facing Whyte Street was granted Development Approval in 2010. That approval has lapsed.

Prior to lodging the subject application plans were submitted for preliminary comment. At that time, following an initial assessment by Council administration and heritage advisor some changes were made to the concept however the applicant was advised of remaining concerns relating to the scale of the northern additions, its visual relationship to the historic building and Development Plan non-compliances with regard to wall heights and boundary setback.

The application as originally submitted included removal of a significant Norfolk Island Pine. In addition to the above concerns Council Administration advised that it could not support the removal of the tree. The applicant then asked for the application to be placed on hold and submitted a separate application for the tree's removal. That application was refused by Council Administration. An appeal to the ERD Court was determined on technical grounds i.e. whether a small protuberance of the tree within 10 metres of a swimming pool was part of the trunk or roots of the tree. The Court overturned the refusal finding that the protuberance was part of the trunk and the tree was not therefore a regulated tree within the meaning of Regulation 6A of the Development Regulations 2008 given that it was less than 10 metres from the pool. The tree was subsequently removed and no longer forms part of this application.

3. Proposed Development

The development proposes:

- Internal and external alterations to Somerlea including demolition of internal walls, fireplaces and basement stairs and construction of new internal walls, replacement of non-original additions at southern end with new office and study, removal of windows, widening of openings and insertion of new doors on the western elevation, modification of roof to form new deck with access through the roof from the new northern addition, demolition of section of northern verandah and creation of opening in northern wall to form a new access way to new additions to the north of the dwelling and conservation of historic fabric;
- Construction of a substantial addition to the north of Somerlea comprising two storey living area, swimming pool, balconies and basement carpark, linked to Somerlea by a glazed walkway;
- Replacement of garage in south eastern site corner with two storey guest house, to be used by family members, friends and visitors;
- Construction of a tennis court adjacent to John Miller Reserve and new privacy and security wall along the western boundary;
- Construction of new driveway entrance gates to the Whyte Street frontage; and
- Removal of one regulated tree comprising a Willow Myrtle from near the eastern boundary.

Development Data

Aspect	Proposed	Required/Allowed	Compliance
Site Area	No change to existing 4446m ²	400m ²	Maintains status quo
Site Frontage	No change to existing 10.44m	12m	Maintains status quo
Building height (walls)	8.4m	7m	No
Northern addition	7m	7m	Yes
Guest house			
Site coverage	Less than 50%	Max 50%	Yes
Setbacks from John Miller Reserve	6.1m to 6.8m	Nil prescribed from public reserve	Not applicable
Side boundaries	2.5m for most of its length	4.9m at western end	No
Northern addition	2.25m eastern boundary	3m	No
Guest house	and 2.55m southern boundary		
Car Parking Provision	9	2	Yes
Somerlea	4	2	
Guest house			
Private Yard Space	Exceeds 20% of site	Min 20% of site	Yes

4. Public Consultation

The application is a category 1 as the guest house is not a separate dwelling but rather a house to be used by guests associated with occupants of the main dwelling.

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

Crime Prevention	
1. Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.	Complies.
2. Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.	Complies.
3. Development should provide a robust environment that is resistant to vandalism and graffiti.	Complies.
7. Site planning, buildings, fences, landscaping and other features should clearly differentiate public, communal and private areas.	Complies.
8. Buildings should be designed to minimise and discourage access between roofs, balconies and windows of adjoining dwellings.	Complies
Design and Appearance	
1. Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: (a) building height, mass and proportion (b) external materials, patterns, colours and decorative elements (c) roof form and pitch (d) façade articulation and detailing (e) verandahs, eaves, parapets and window screens.	Contemporary design but significantly higher with greater mass than smaller scale developments to the north.

Design and Appearance (Cont)	
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.	No walls are sited on a boundary.
3. The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties or drivers.	Complies.
5. Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.	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 (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.	Complies – External screens to northern elevation of northern addition and no windows to eastern elevation of guest house and high level windows on southern elevation of guest house.
14. Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.	Complies.
15. Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.	Complies.
16. Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.	Complies.
Energy Efficiency	
1. Development should provide for efficient solar access to buildings and open space all year around.	Generally complies.
2. Buildings should be sited and designed: (a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings (b) so that open spaces associated with the main activity areas face north for exposure to winter sun (c) to promote energy conservation by maintaining adequate access to winter sunlight to the main ground level of living areas of existing dwellings on adjoining land.	Complies.

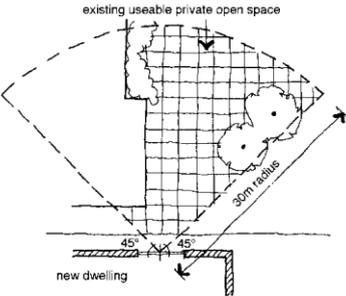
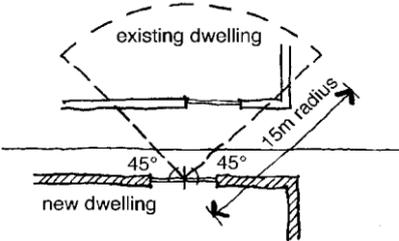
Energy Efficiency (Cont)	
3. Except for buildings that take advantage of coastal views, development should promote the efficient consumption of energy through the use of larger but appropriately shaded windows on the north and east building surfaces and smaller windows on the south and west building surfaces.	Complies.
Hazards	
1. Development should be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of hazards.	Complies.
3. There should not be any significant interference with natural processes in order to reduce the exposure of development to the risk of natural hazards.	Complies.
4. Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.	Complies.
14. Development, including land division, should not occur where site contamination has occurred unless the site has been assessed and remediated as necessary to ensure that it is suitable and safe for the proposed use.	Complies.
Landscaping, Fences and Walls	
1. Development should incorporate open space and landscaping and minimise hard paved surfaces in order to: (a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components) (b) enhance the appearance of road frontages (c) screen service yards, loading areas and outdoor storage areas (d) minimise maintenance and watering requirements (e) enhance and define outdoor spaces, including car parking areas (f) maximise shade and shelter (g) assist in climate control within and around buildings (h) minimise heat absorption and reflection (i) maintain privacy (j) maximise stormwater re-use (k) complement existing vegetation, including native vegetation (l) contribute to the viability of ecosystems and species (m) promote water and biodiversity conservation (n) establish buffers to adjacent development and areas.	Complies.
2. Landscaping should: (a) include mature vegetation, the planting of locally indigenous species where appropriate and species tolerant of salt-laden winds near the coast (b) be oriented towards the street frontage (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.	Additional planting proposed.
3. Landscaping should not: (a) unreasonably restrict solar access to adjoining development (b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding (c) introduce pest plants (d) increase the risk of bushfire (e) remove opportunities for passive surveillance (f) increase leaf fall in watercourses (g) increase the risk of weed invasion (h) obscure driver sight lines (i) create a hazard for train or tram drivers by obscuring sight lines at crossovers.	Complies.

Landscaping, Fences and Walls (Cont)	
<p>5. Fences and walls, including retaining walls, should:</p> <ul style="list-style-type: none"> (a) not result in damage to neighbouring trees (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street (e) assist in highlighting building entrances (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land (h) be constructed of non-flammable materials. 	Proposed 2.1 metre masonry fence adjoining reserve complements height of existing fencing.
Orderly and Sustainable Development	
1. Development should not prejudice the development of a zone for its intended purpose.	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.
<p>9. Development should be undertaken in accordance with the following Structure Plan Map and Concept Plan Maps:</p> <ul style="list-style-type: none"> (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> 	Complies.
Residential Development	
<p>1. Residential allotments and sites should maximise solar orientation and have the area and dimensions to accommodate:</p> <ul style="list-style-type: none"> (a) the siting and construction of a dwelling and associated ancillary outbuildings (b) the provision of landscaping and private open space (c) convenient and safe vehicle, pedestrian and cycling access and parking (d) water sensitive design systems that enable the storage, treatment and reuse of stormwater. 	Generally complies
5. Residential development should be designed to ensure living rooms have an external outlook.	Complies.
8. The vertical distance between any lower floor of a building and the natural ground level should not exceed 1.5 metres at any point to minimise the depth of excavation and/or height of filling of land, as illustrated by the figure below:	Complies.
<p>10. The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to:</p> <ul style="list-style-type: none"> (a) windows of habitable rooms (all rooms excluding bathrooms, laundries and hallways), particularly living areas (b) ground-level private open space (c) upper-level private balconies that provide the primary open space area for any dwelling (d) access to solar energy. 	Complies.

Residential Development (Cont)							
11. Development should ensure that north-facing windows to habitable rooms (all rooms excluding bathrooms, laundries and hallways) of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 5 pm on the 21 June.	Complies.						
12. Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9 am and 3 pm on 21 June to at least the smaller of the following: (a) half of the existing ground-level open space (b) 35 square metres of the existing ground-level open space (with at least one of the area's dimensions measuring 2.5 metres). Development should not increase the overshadowed area by more than 20 per cent in cases where overshadowing already exceeds these requirements.	Complies.						
13. Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.	Complies.						
14. Garages and carports facing the street should not dominate the streetscape and should be designed in accordance with the following: (a) have a maximum total width of garage or carport openings of 6 metres or 50 per cent of the dwelling frontage width, whichever is the lesser (b) be located at least 0.5 metres behind the main face of the associated dwelling (c) where it is in the form of an enclosed double carport or garage, be setback at least 8 metres from the primary road frontage and incorporate one of the following: (i) two individual doors with a distance of not less than 300 millimetres between them (ii) double tilt-up doors with moulded door panels having a maximum width of no more than 5 metres (d) be constructed of materials that integrate with those of the associated dwelling, or pre-coloured treated metal.	Complies. No garages directly face the streets.						
16. Residential outbuildings, including garages and sheds, should not be constructed unless in association with an existing dwelling.	Complies.						
19. Except where specified in a particular zone, policy area or precinct or Residential High Density Zone, the main face of a building should be set back from the primary road frontage in accordance with the following table:	Complies.						
<table border="1"> <thead> <tr> <th>Setback difference between buildings on adjacent allotments with frontage to the same primary street</th> <th>Setback of new building</th> </tr> </thead> <tbody> <tr> <td>Up to 2 metres</td> <td>The same setback as one of the adjacent buildings, as illustrated below:</td> </tr> <tr> <td>Greater than 2 metres</td> <td>At least the average setback of the adjacent buildings.</td> </tr> </tbody> </table>	Setback difference between buildings on adjacent allotments with frontage to the same primary street	Setback of new building	Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:	Greater than 2 metres	At least the average setback of the adjacent buildings.	
Setback difference between buildings on adjacent allotments with frontage to the same primary street	Setback of new building						
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:						
Greater than 2 metres	At least the average setback of the adjacent buildings.						
20. Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to: (a) minimise the visual impact of buildings from adjoining properties (b) minimise the overshadowing of adjoining properties.	Northern addition is of large scale with insufficient side boundary setback.						

Residential Development (Cont)														
<p>21. Residential development (other than where located on a boundary) should be setback from side and rear boundaries in accordance with the following parameters:</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Side walls with a height up to (and including) 3 metres at any point above the natural ground level.</td> <td>1 metre</td> </tr> <tr> <td>Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground.</td> <td>1.5 metres plus an additional 500mm for every metre in height above 4 metres.</td> </tr> <tr> <td>Side walls greater than 6 metres at any point above the natural ground level</td> <td>2.5 metres plus the increase in wall height above 6 metres</td> </tr> <tr> <td>Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level</td> <td>4 metres</td> </tr> <tr> <td>Rear boundary setback for a building of two or more storeys with a wall height more than 3 metres above natural ground level</td> <td>6 metres</td> </tr> </tbody> </table>		Parameter	Value	Side walls with a height up to (and including) 3 metres at any point above the natural ground level.	1 metre	Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground.	1.5 metres plus an additional 500mm for every metre in height above 4 metres.	Side walls greater than 6 metres at any point above the natural ground level	2.5 metres plus the increase in wall height above 6 metres	Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level	4 metres	Rear boundary setback for a building of two or more storeys with a wall height more than 3 metres above natural ground level	6 metres	<p>Does not comply. Northern addition 2.5 metres for most of its length (4.9 metres recommended based on wall height). Guest house 2.2 to 2.5 metres (3 metres recommended based on wall height).</p>
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Side walls with a height up to (and including) 3 metres at any point above the natural ground level.	1 metre													
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<p>27. Carports and garages should be set back from road and building frontages so as to:</p> <ul style="list-style-type: none"> (a) contribute to the desired character of the area (b) not adversely impact on the safety of road users (c) provide safe entry and exit (d) not dominate the appearance of dwellings from the street 		<p>Complies.</p>												
<p>28. Site coverage (the proportion of a site covered by ground floor level buildings and structures including dwelling, garage, carport, verandas and outbuildings but excluding unroofed pergolas and unroofed balconies) should not exceed the following values:</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Site with an area less than or equal to 300 square metres</td> <td>60 per cent</td> </tr> <tr> <td>Site with an area greater than 300 square metres</td> <td>50 per cent</td> </tr> </tbody> </table>		Parameter	Value	Site with an area less than or equal to 300 square metres	60 per cent	Site with an area greater than 300 square metres	50 per cent	<p>Complies – small site coverage significantly less than 50%.</p>						
Parameter	Value													
Site with an area less than or equal to 300 square metres	60 per cent													
Site with an area greater than 300 square metres	50 per cent													
<p>29. Site coverage should be limited to ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (a) vehicle parking (b) domestic storage (c) outdoor clothes drying (d) a rainwater tank (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles 		<p>Complies.</p>												

Residential Development (Cont)	
<p>31. Private open space (land available for exclusive use by residents of each dwelling) should be provided for each dwelling (including a dwelling within a residential flat building) and should be sited and designed:</p> <p>(a) to be accessed directly from the internal living areas of the dwelling (b) generally at ground level to the side or rear of a dwelling and screened for privacy (c) to take advantage of but not adversely affect natural features of the site (d) to minimise overlooking from adjacent buildings (e) to achieve separation from bedroom windows on adjoining sites (f) to have a northerly aspect to provide for comfortable year-round use (g) to not be significantly shaded during winter by the associated dwelling or adjacent development (h) to be shaded in summer.</p>	Complies.
<p>32. Dwellings and residential flat buildings at ground level should include private open space that conforms to the requirements identified in the following table:</p>	Complies.
Site area of dwelling - 250 square metres or greater.	
Minimum area of private open space - 20 per cent of site area.	Complies.
<p>Provisions Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. One part of the space should be directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p>	
<p>33. Private open space should not include driveways, front yards (except where it is a group dwelling that has no frontage to a public road and the private open space is screened from adjacent dwellings), effluent drainage areas, rubbish bin storage, sites for rainwater tanks and other utility areas and common areas such as parking areas and communal open space.</p>	Complies.
<p>34. Private open space at ground level should be designed to provide a consolidated area of deep soil (an area of natural ground which excludes areas where there is a structure underneath, pools and non-permeable paved areas) to:</p> <p>(a) assist with ease of drainage (b) allow for effective deep planting (c) reduce urban heat loading and improve micro-climatic conditions around sites and buildings.</p>	Complies.
<p>40. Except for buildings of 3 or more storeys in the Minda Incorporated Brighton Campus, upper level windows, balconies, terraces and decks that overlook habitable room windows or private open space of dwellings should maximise visual privacy through the use of measures such as sill heights of not less than 1.7 metres or permanent screens having a height of 1.7 metres above finished floor level.</p>	Complies.

Residential Development (Cont)	
<p>41. Where development is greater than single storey (excluding the Minda Incorporated Brighton Campus):</p> <p>(a) any upper storey window that directly overlooks the private open space of an adjoining residential property that is within 30 metres from the vertical centre line of the overlooking window and beyond a 45 degree angle from the plane of the wall containing the overlooking window (as illustrated by the figure below) should be glazed in fixed obscure glass or have window sills a minimum of 1.7 metres above the upper floor level:</p> 	<p>Complies.</p>
<p>(b) any upper storey window that directly overlooks habitable rooms (all rooms excluding bathrooms, laundries and hallways) of residential buildings that are within 15 metres from the vertical centre line of the overlooking window and beyond a 45 degree angle from the plane of the wall containing the overlooking window (as illustrated by the figure below) should be glazed in fixed obscure glass or have window sills a minimum of 1.7 metres above the upper floor level:</p>  <p>(c) any upper storey balcony should be located and/or designed to avoid directly overlooking the private open space of adjoining residential properties and into habitable rooms (all rooms excluding bathrooms, laundries and hallways) of other dwellings.</p>	<p>Complies.</p>
<p>42. Noise generated by fixed noise sources such as air conditioning units and pool pumps should be located, designed and attenuated to avoid causing potential noise nuisance to adjoining landowners and occupiers.</p>	<p>Standard air-conditioning condition recommended, if consent is granted.</p>
Siting and Visibility	
<p>4. Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:</p> <p>(a) the profile of buildings should be low and the rooflines should complement the natural form of the land</p> <p>(b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land</p> <p>(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.</p>	<p>Although reasonably articulated the northern addition is significantly larger than existing adjacent dwellings to the north. A reduction in height will improve relationship with adjacent dwellings and Somerlea.</p>

Siting and Visibility (Cont)	
<p>8. Development should be screened through the establishment of landscaping using locally indigenous plant species:</p> <p>(a) around buildings and earthworks to provide a visual screen as well as shade in summer, and protection from prevailing winds</p> <p>(b) along allotment boundaries to provide permanent screening of buildings and structures when viewed from adjoining properties and public roads</p> <p>(c) along the verges of new roads and access tracks to provide screening and minimise erosion.</p>	Substantial landscaping on-site with lower forms adjacent John Miller Reserve so as to maintain coastal views.
Transport and Access	
8. Development should provide safe and convenient access for all anticipated modes of transport.	Complies.
<p>21. On-site secure bicycle parking facilities should be:</p> <p>(a) located in a prominent place</p> <p>(b) located at ground floor level</p> <p>(c) located undercover</p> <p>(d) located where surveillance is possible</p> <p>(e) well lit and well signed</p> <p>(f) close to well used entrances</p> <p>(g) accessible by cycling along a safe, well lit route.</p>	Sufficient area to accommodate bicycle parking.
<p>29. Development should be provided with safe and convenient access which:</p> <p>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</p> <p>(b) provides appropriate separation distances from existing roads or level crossings</p> <p>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</p> <p>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties</p>	Complies – maintains existing access.
<p>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:</p> <p>(a) the site is located within the Glenelg Policy Area 2</p> <p>(b) an agreement is reached between the Council and the applicant for a reduced number of parking spaces</p> <p>(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.</p>	Complies.
41. Development should be consistent with Australian Standard AS: 2890 - Parking facilities.	Complies.

Transport and Access (Cont)	
<p>42. Vehicle parking areas should be sited and designed in a manner that will:</p> <ul style="list-style-type: none"> (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network (c) not inhibit safe and convenient traffic circulation (d) result in minimal conflict between customer and service vehicles (e) avoid the necessity to use public roads when moving from one part of a parking area to another (f) minimise the number of vehicle access points onto public roads (g) avoid the need for vehicles to reverse onto public roads (h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points (i) not dominate the character and appearance of a site when viewed from public roads and spaces (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas (k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles. 	Complies.
45. Parking areas should be sealed or paved in order to minimise dust and mud nuisance.	Complies.
46. To assist with stormwater detention and reduce heat loads in summer, vehicle parking areas should include soft (living) landscaping.	Complies.
<p>49. On-site vehicle parking should be provided having regard to:</p> <ul style="list-style-type: none"> (a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons. (d) availability of on-street car parking. (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers). 	Complies.
<p>51. The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</p> <ul style="list-style-type: none"> (a) not face the primary street frontage (b) be located to the rear of buildings with access from a shared internal laneway (c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building. 	Complies.
Heritage Places	
<p>1. A heritage place spatially located on <i>Overlay Maps – Heritage</i> and more specifically identified in <i>Table HoB/5 - State Heritage Places</i> or in <i>Table HoB/4- Local Heritage Places</i> should not be demolished, destroyed or removed, in total or in part, unless either of the following apply:</p> <ul style="list-style-type: none"> (a) that portion of the place to be demolished, destroyed or removed is excluded from the extent of the listing identified in the <i>Table(s)</i> (b) the structural condition of the place represents an unacceptable risk to public or private safety and the place cannot reasonably be rehabilitated. 	Complies. Although external alterations to Somerlea are proposed, they will not adversely impact the heritage character and proposed conservation works will substantially contribute to the heritage character.

Heritage Places (Cont)	
<p>2. Development of a State or local heritage place should retain those elements contributing to its heritage value, which may include (but not be limited to):</p> <ul style="list-style-type: none"> (a) principal elevations (b) important vistas and views to and from the place (c) setting and setbacks (d) building materials (e) outbuildings and walls (f) trees and other landscaping elements (g) access conditions (driveway form/width/material) (h) architectural treatments (i) the use of the place. 	Complies.
<p>3. Development of a State or local heritage place should be compatible with the heritage value of the place.</p>	Does not comply. Scale and proportions of northern addition will diminish prominence of the heritage place.
<p>4. Original unpainted plaster, brickwork, stonework, or other masonry of existing State or local heritage places should be preserved, unpainted.</p>	Complies.
<p>5. New buildings or building additions should not be placed or erected between the front street boundary and the façade of existing State or local heritage places.</p>	Northern addition is to the side and forward of the heritage place and will not significantly disrupt existing views of the heritage place however given the scale of the addition its siting forward of the heritage place will tend to dominate the heritage building.
<p>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:</p> <ul style="list-style-type: none"> (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. 	Does not comply. A reduction in the height and dimensions of the northern addition will achieve better compatibility with the heritage place.
<p>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.</p>	Does not comply. The scale and height of the northern additions adversely impact on the prominence of the heritage place.

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT - REGULATED TREES – COUNCIL WIDE – PRINCIPLES OF DEVELOPMENT CONTROL

Principles of Development Control	
1. Development should have minimum adverse effects on regulated trees.	Does not comply – one regulated tree is to be removed.
2. A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply: (a) the tree is diseased and its life expectancy is short (b) the tree represents an unacceptable risk to public or private safety (c) the tree is causing damage to a substantial building or structure of value (d) development that is reasonable and expected would not otherwise be possible (e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.	Complies. The regulated tree (Willow Myrtle) is in poor health and its removal is required to allow construction of the guest house.
3. Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.	There are no reasonable treatments available to improve the tree's health.

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

RESIDENTIAL ZONE	
Objectives	
1. A residential zone comprising a range of dwelling types, including a minimum of 15% affordable housing.	Complies.
2. Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.	Existing dwelling density is maintained.
3. Development that contributes to the desired character of the zone.	The northern addition is not small scale and does not have a comparable height, mass, scale and setbacks to that of existing dwellings on adjoining sites.
Principles of Development Control	
1. The following forms of development are envisaged in the zone: <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.
6. Development should not be undertaken unless it is consistent with the desired character for the zone.	Does not comply.
9. Dwellings and/or residential flat buildings should be setback a minimum of 1 metre from one side boundary to incorporate pedestrian access.	Complies.

5. Summary of Assessment

Building Scale and Setbacks

The Desired Character for the Policy Area encourages unobtrusive small scale developments up to two storeys in height, with comparable height, mass, scale and setbacks to that of existing dwellings in the locality. Specifically Residential Zone Principle 8 requires a maximum wall height of 7 metres and Residential Development Principle 21 requires side boundary setbacks of 2.5 metres to 3 metres for the guest house and 4.9 metres from the northern boundary to the northern addition (both based on wall height).

The guest house located in the south eastern corner of the site has minor non-compliances with the prescribed setbacks at approximately 2.2 metres from the eastern boundary and 2.5 metres from the southern boundary. The building will not significantly shadow adjoining properties, shadows over the eastern property occurring only during the latter part of the afternoon while the adjoining southern property has a deep rear yard that is shaded by existing trees. The building is relatively unobtrusive with walls heights less than the maximum prescribed.

The northern addition to Somerlea has more substantial non-compliances with prescribed height and setbacks. While the setback from John Miller Reserve (6.1 to 6.8 metres) is considered reasonable in comparison with the northern adjacent dwellings, the buildings height and scale cannot be described as small scale and unobtrusive. Given the slope of the site the wall height varies from approximately 6.9 metres at the eastern end to 8.4 metres at the western end. The wall height at the western end exceeds the maximum prescribed (7 metres) and the overall proportions are considerably larger than those of the existing dwellings to the north as best seen in the streetscape elevations from John Miller Reserve. The setback from the northern boundary (2.5 metres for most of its length) is significantly less than that prescribed (4.9 metres) given the wall height at its western end. Given the buildings siting, its height and dimensions will impact on the prominence of Somerlea (see Heritage Impact).

The proposed security and privacy fencing up to 2.1 metres adjoining the John Miller Reserve is reasonably compatible with existing fencing.

Heritage Impact

Two heritage architects have examined the impact on Somerlea a Local Heritage Place. Both agree that the guest house is sufficiently removed from Somerlea and will have no significant impact on the heritage character. It is considered that Heritage Places Principles 5 and 6 requiring the appropriate siting and design of new buildings to ensure compatibility with heritage places has been satisfied.

The internal alterations to Somerlea involve removing most walls and creating a new floor layout. While it would be desirable to retain as much of the internal historic fabric as possible the interior is not included in the heritage listing of the building, which is confined to the overall external form of the house including original materials and details. The demolition of non-original additions to the southern end and porch in-fill at the northern end are supported by both architects as they detract from the heritage value and are not included in the extent of heritage listing. The modifications to the western verandah including removal of its southern section are supported by both architects as to is the roof deck, which is discreetly located within the existing roof well and will not be visible from the public realm. The proposed study in the south western corner of the dwelling is also supported by both architects, it being modest in scale and simple in detail, which maintains the prominence of the historic dwelling. Council's architect has some concern with alterations to the western elevation including replacement of windows with larger doors with new brick quoins "*...as it confuses an understanding of the early appearance of the dwelling.*" He acknowledges however that the ability of improving light and sea views will improve amenity and "*although not desirable, is arguably supportable taking into account the conservation of more significant fabric and the positive aspects of dwelling adaptation.*" The conservation of the historic fabric including the repairs to damaged stone and brick walls, window frames and sashes, barge boards and capping and other works as detailed in the Heritage Impact Statement are of course a positive aspect of the development. Having regard to the opinions of the heritage architects it is considered that the alterations to Somerlea are consistent with Heritage Places Objectives 1 and 2 requiring conservation

and adaptive use of heritage places and Principles 1, 2, 3 and 4 requiring retention of important heritage elements and alterations that are compatible with the heritage value.

Amendments to the scale and materials of the proposed fence on the western boundary (reduction in height from 2.6 metres as originally proposed to 2.1 metres and use of stone, timber and brick is generally supported by Council's architect.

Both architects agree that the opening in the northern wall and construction of the glazed link to the northern addition is acceptable having regard to its relative lightness and transparency. There is disagreement in terms of the impact of the northern addition however. Council's architect has concern regarding the substantial scale of the northern addition, which will visually dominate Somerlea. In his opinion the additions do not relate well to the scale and proportions of the historic dwelling, which has a strong horizontal emphasis, and will diminish its prominence. Although the drawings indicate the additions approximate height of the roof ridge of Somerlea, Council's architect considers the suggested relationship will not be obvious due to the additions projecting forward of the historic dwelling and the roof of that dwelling pitches back towards the east.

Having regard to the above it is considered that the height and scale of the northern additions are not compatible with the historic dwelling and are not consistent with Heritage Places Principles 6 and 10.

Regulated Trees

The development includes the removal of a regulated Willow Myrtle. Reports from two arborist's have been received. References in both to the Norfolk Island Pine are no longer relevant.

The Willow Myrtle is located in the south eastern corner of the site. Both arborist's advise that the tree is in poor health and in severe decline with no reasonable treatments to improve its health. Both support its removal. Although contributing to the amenity of the locality, having regard to the arborists' reports it is considered that its removal is supported by Regulated Trees Principle 2(a) in that the tree is diseased and its safe useful life span is relatively short.

Other Matters

The development will have a low site coverage and retains a large amount of open space incorporating the existing garden and additional landscape works, particularly along the eastern boundary. The development will not impact existing access arrangements and significantly exceeds the minimum prescribed on-site parking requirements. No significant overshadowing or overlooking of adjoining properties will occur, however the scale and location of the northern addition will have amenity and character impacts.

Conclusion

Conservation works to Somerlea are a positive and desirable aspect of the development. The alterations to the heritage place are also supported by both heritage architects and relevant Development Plan policies. The scale and design of the northern addition however will adversely impact the prominence of the heritage place and due to its height requires substantially larger setbacks to the northern boundary to satisfy other Development Plan requirements. Consideration should be given to a reduction in the height and scale of the northern addition and its setback from the western boundary to provide greater compatibility with the heritage place. An appropriate scale

reduction may also resolve setback issues from the northern boundary and reduce visual impacts on dwellings to the north. Amendments suggested by Council's architect comprising an increase in western setback, lowering of all floor levels and reducing overall scale including the entrance hall and massing of the pool, terrace and roof at the front have been discussed with but declined by the applicant.

Having regard to the above it is considered that on balance the development is sufficiently at variance with the Development Plan to warrant its refusal.

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 provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the proposed development is sufficiently at variance with the Development Plan and that Development Application 110/00447/17 be refused Development Plan Consent for the reason that it is contrary to Council Wide Design and Appearance Principles 1, 8 and 9, Heritage Places Objectives 3 and Principles 2 (a), (b) and (f), 3, 6 and 10, Residential Development Principles 20, 21 and 22. More specifically, the application does not meet the intent of the Development Plan in relation to:**
 - **Scale and siting of the northern addition;**
 - **Setbacks from the northern boundary; and**
 - **Impact on the heritage character and prominence of a heritage place.**