

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **28 APRIL 2021**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **A STAMATOPOULOS**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS: **1. LOCALITY MAP**
2. PROPOSAL PLANS

DA NO.	:	110/01048/20
APPLICANT	:	DOMAIN BUILDING GROUP
LOCATION	:	2/21 ALMA STREET GLENELG SOUTH
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL CHARACTER ZONE (HISTORIC CONSERVATION) – NEW GLENELG POLICY AREA 11
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	INTERNAL ALTERATIONS, TWO STOREY DWELLING ADDITION AND SWIMMING POOL
REFERRALS	:	NIL
CATEGORY	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

1. Site and Locality

The subject dwelling is a late 1800s single-fronted cottage. It is of high integrity and makes a positive contribution to streetscape character. The subject site is within the New Glenelg Policy Area 11 of the Residential Character Zone and within a Historic Conservation Area. The subject dwelling is the middle cottage in a row of three which contain near identical built forms. The character of the immediate locality is mixed as there are post 1960's built dwellings amongst character homes built pre 1940s. The majority of dwellings in the immediate locality contain single storey built forms, however there are examples of two storey dwellings to the south and north of the subject site.

2. Proposed Development

The proposed development includes an upper storey addition, alterations and additions at the rear of the subject dwelling and internal alterations. The lower level contains 2 bedrooms as existing and to the rear are open living areas leading to a timber deck and swimming pool. The upper level contains an additional two bedrooms, open living area labelled as rumpus and separate bathroom and water closet.

The upper level addition is comprised of Scyon Axon 133 cladding in a Wallaby colour, monument coloured aluminium window frames and a galvanised custom orb roof pitched at 22.5°. The upper level cantilevers over the lower storey which forms a verandah that overlooks the swimming pool. The application has been amended a series of times during the course of the assessment process and is now in a position where it is supported by the Council's heritage architect.

3. Development Data

DEVELOPMENT DATA			
Aspect	Proposed	Development Plan	Compliance
Upper Level Addition Side Setbacks			
- Northern Side	900mm	2.5m	<u>1.6m shortfall</u>
- Southern Side	On boundary	2.5m	<u>2.5m shortfall</u>
Rear Setback			
Upper Level	5m	6m	<u>1m shortfall</u>
Lower Level	7.5m	4m	Complies
Total Wall Height	6.5m	7m	Complies
Site Coverage	67%	<u>60%</u>	<u>7% exceedance</u>
Private Open Space	42.4sqm	<u>35sqm</u>	

4. Procedural Matters

The application is a category 1 development subject to Schedule 9 Part 1 2 (b) of the Development Regulations.

Part 1—Category 1 development

2 Except where the development is classified as non-complying under the relevant Development Plan, any development which comprises—

(a) the construction of any of the following (or of any combination of any of the following):

(i) 1 or more detached dwellings;

(ii) 1 or more single storey dwellings;

(iii) 1 or more sets of semi-detached dwellings, provided that no such dwelling is more than 2 storeys high;

(iv) 3 or more row dwellings or 1 or more additional row dwellings, provided that no such dwelling is more than 2 storeys high; or

(b) the alteration of, or **addition to, a building so as to preserve the building as, or to convert it to, a building of a kind referred to in paragraph (a)**

5. Development Plan Provisions

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

RESIDENTIAL CHARACTER ZONE	
Objectives	
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.	New Glenelg Policy Area 11 anticipates conventional 2 storey dwellings
2. Development that is designed to reflect the traditional character elements of the area, particularly as presented to the streetscape.	Complies

RESIDENTIAL CHARACTER ZONE (Cont)	
Objectives	
3. Development that contributes to the desired character of the zone.	Complies
RESIDENTIAL CHARACTER ZONE	
Desired Character	
The zone comprises a number of policy areas in the areas of Glenelg, Glenelg East, Glenelg North, Glenelg South, Brighton and Seacliff. The zone displays and will continue to display strong heritage and historic character created by original subdivision patterns, low-density character, street layouts and concentrations of early dwelling styles including bungalows, cottages, villas and tudors. 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.	
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 - open space - primary and secondary school - recreation area ▪ supported accommodation. 	Complies
2. Development listed as non-complying is generally inappropriate.	The proposal is not a non-complying development
5. Development should not be undertaken unless it is consistent with the desired character for the zone.	Complies
NEW GLENELG POLICY AREA 11	
Objectives	
1. An area of heritage value where heritage character and integrity is conserved and reinforced.	Complies
4. Development that contributes to the desired character of the policy area.	Complies

NEW GLENELG POLICY AREA 11	
Desired Character	
<p>The policy area comprises an area subdivided by John Bentham Neales in 1850, with the area on the western side subdivided into large allotments, and smaller, narrow, regularly spaced allotments created in the eastern sections from Hastings Street to Brighton Road. Over time, many of the larger allotments were re-subdivided into smaller allotments, with the 1870s and 1880s being the most intense residential development phase until the 1920s when remaining vacant allotments were developed for housing.</p> <p>This policy area represents typical residential development in Glenelg based on the early subdivision patterns and containing excellent examples of all domestic architectural types, styles and periods from the largest of seaside mansions to the humblest of workers cottages.</p> <p>Development within the policy area will primarily be single storey detached dwellings and single storey semi-detached dwellings that complement the late Victorian and early 20th Century housing predominant in the locality. Development of buildings, or in the vicinity of buildings, constructed in the late Victorian and early 20th Century periods will conserve and enhance their distinctive features including their wall heights, roof forms, scale, external detailing, external materials and fencing.</p> <p>Development will conserve and enhance the cohesive streetscapes of the policy area, particularly those east of Moseley Street, having regard to predominant building setbacks, scale, external materials, fencing and appearance of existing dwellings in the locality. Likewise, the rows of Norfolk Island Pines planted on Broadway and Partridge Street, and the oaks in Moseley Street, are notable elements that also contribute to the character of the policy area.</p>	
Principles of Development Control	
<p>1. The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ detached dwelling ▪ domestic outbuilding in association with a dwelling ▪ domestic structure ▪ semi detached dwelling. 	Dwelling addition is not envisaged in the policy area
<p>2. Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	Complies
<p>4. A building should not exceed 2 storeys above existing natural ground level.</p>	Complies

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – GENERAL SECTION – HISTORIC CONSERVATION AREA

NEW GLENELG POLICY AREA 11	
Objectives	
<p>1. The conservation of areas of historical significance</p>	Complies
<p>2. Development that promotes, conserves and enhances the cultural significance and historic character of identified places and areas.</p>	Complies
<p>3. Development that complements the historic significance of the area.</p>	Complies
<p>4. Development that contributes to the desired character of the policy area.</p>	Complies

NEW GLENELG POLICY AREA 11 (Cont)	
Principles of Development Control	
1 Development should not be undertaken unless it is consistent with the desired character for the Historic Conservation Area.	Complies
6 Development should take design cues from the existing historic built forms. In doing this, it is not necessary to replicate historic detailing; however design elements for consideration should be compatible with building and streetscape character and should include but not be limited to: (a) scale, bulk and form (b) width of frontage (c) boundary setback patterns (d) proportion and composition of design elements such as roof lines, pitches, window and door openings, verandas, fencing and landscaping (e) colour and texture of external materials (f) visual interest.	Does not comply – see assessment
7 Development should: (a) restore and rehabilitate existing places of historic value (b) incorporate compact extensions to buildings of a scale, bulk and external appearance that are sympathetic and compatible with the historic character of these places (c) conserve, enhance and reinforce the historic significance of buildings and streetscapes.	(a) Complies (b) Does not comply (c) Complies
13 Second storey additions to single storey dwellings should achieve one or more of the following: (a) a sympathetic two storey addition that uses existing roof space or incorporates minor extensions to the roof space at the rear of the dwelling (b) a second storey within the roof space, where the overall building height, scale and form is compatible with existing single-storey development in the policy area (c) second storey windows having a total length less than 30 per cent of the total roof length along each elevation.	Does not comply

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – GENERAL SECTION – RESIDENTIAL DEVELOPMENT

Residential Development	
5. Residential development should be designed to ensure living rooms have an external outlook.	Complies
10. The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to: (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.	Does not comply – see assessment
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.	Does not comply – see assessment

Residential Development (Cont)		
20. Dwellings should be set back from allotment or site boundaries to: (a) contribute to the desired character of the area (b) provide adequate visual privacy by separating habitable rooms (all rooms excluding bathrooms, laundries and hallways) from pedestrian and vehicle movement.		Does not comply
21. Residential development (other than where located on a boundary) should be setback from side and rear boundaries in accordance with the following parameters:		
Parameter	Value	
Side walls with a height up to (and including) 3 metres at any point above the natural ground level	1 metre	N/A
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	N/A
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	Does not comply
Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level	4 metres	Complies
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	Does not comply
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:		7% variance
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	
29 Site coverage should ensure sufficient space is provided for: (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles.		Complies

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 habitable rooms of the dwelling (b) to be generally at ground level (other than for residential flat buildings) and 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 (i) to minimise noise and air quality impacts that may arise from traffic, industry or other business activities within the locality (j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</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> <table border="1" data-bbox="199 918 885 1294"> <thead> <tr> <th>Site area of dwelling</th> <th>Minimum area of private open space</th> <th>Provisions</th> </tr> </thead> <tbody> <tr> <td>250 square metres or greater</td> <td>20 per cent of site area</td> <td>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.</td> </tr> <tr> <td>Less than 250 square metres</td> <td>35 square metres</td> <td>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater. One part of the space is directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</td> </tr> </tbody> </table>	Site area of dwelling	Minimum area of private open space	Provisions	250 square metres or greater	20 per cent of site area	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.	Less than 250 square metres	35 square metres	Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater. One part of the space is directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.	Complies	
Site area of dwelling	Minimum area of private open space	Provisions									
250 square metres or greater	20 per cent of site area	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.									
Less than 250 square metres	35 square metres	Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater. One part of the space is directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.									
<p>40. Development should protect privacy by minimising direct overlooking from upper level windows and external balconies, terraces and decks to habitable rooms (all rooms excluding bathrooms, laundries and hallways) windows and useable private open spaces of other dwellings.</p>	Complies										
<p>41. Where development is greater than single storey:</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>(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>	Complies										

6. Summary of Assessment

The application contains elements that are contrary to the intent of the Holdfast Bay Development Plan. The following assessment will touch on aspects of the application which requires further discussion, primarily being the overall built form, setbacks and overshadowing of the addition.

Built Form

The demolition of the rear building elements and the lower level alterations are acceptable as they will not impact on the streetscape appearance of the subject dwelling. Internal alterations are acceptable for similar reasons. The upper storey additions have a simple form with a 22.5 degree roof and window reveals and shades that provide some articulation to the walls.

PDC 13 of the General Section – Historic Conservation Area anticipates:

13 Second storey additions to single storey dwellings should achieve one or more of the following:

- (a) a sympathetic two storey addition that uses existing roof space or incorporates minor extensions to the roof space at the rear of the dwelling*
- (b) a second storey within the roof space, where the overall building height, scale and form is compatible with existing single-storey development in the policy area*
- (c) second storey windows having a total length less than 30 per cent of the total roof length along each elevation.*

The Desired Character of the Zone and Policy speaks of ensuring that the heritage fabric of streetscapes are not compromised by additional development. It is not uncommon for additions with built forms similar to the proposed to be erected on character buildings. While the addition is not located within the roof space it is not considered to be a prominent structure when viewed from the street.

The addition is located at the rear of the cottage where it contains a substantial 12.4m setback from the primary boundary and 10m from the cottage façade. The front and middle chimneys will not be impacted by the proposal. The addition is considered to be a suitable outcome for the site where it presents as a backdrop to the cottage and by doing so rehabilitating the building by providing additional living areas to what is a dwelling with limited living areas consistent with PDC 7(a) and (c) shown below:

7 Development should:

- (a) restore and rehabilitate existing places of historic value*
- (b) incorporate compact extensions to buildings of a scale, bulk and external appearance that are sympathetic and compatible with the historic character of these places*
- (c) conserve, enhance and reinforce the historic significance of buildings and streetscapes.*

The application was referred to Council's consulting heritage architect throughout the assessment process where three revision of the proposal were assessed. The proposal in its current form is supported by heritage consultant, a summary of the comments is shown below:

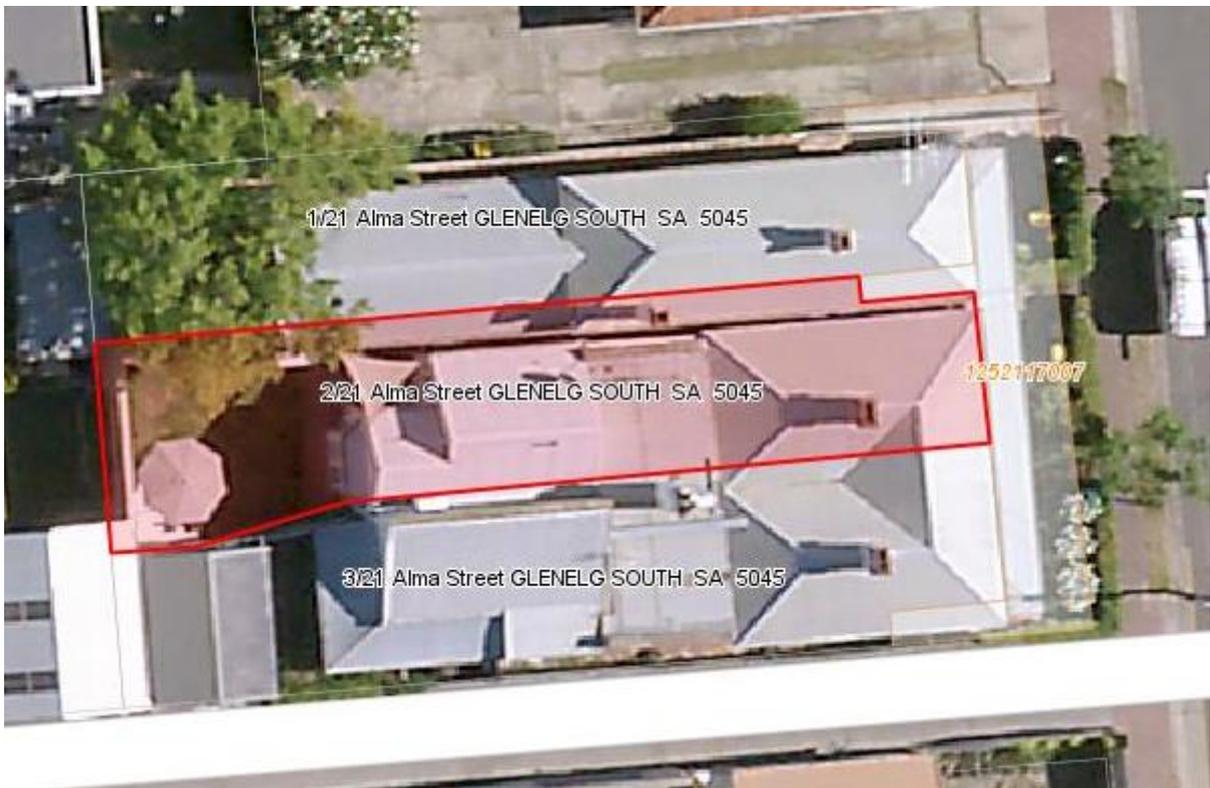
The increased front setback of the upper-storey addition and the reduction in overall height (and bulk) are important, positive changes. The retention of the second chimney is an important aspect of consistency with relevant policy. The simple, restrained architectural form and detailing is reasonably compatible with the historic cottage. Proposed materials and colours are also compatible with the historic cottage, maintaining differentiation between new and old without high-contrast.

I think that the amended proposal now represents a reasonable compromise. It maintains the streetscape appearance of the main front section of the dwelling and the additions are reasonably well setback and of a scale, form and appearance such that their streetscape impact is acceptable.

Setbacks and Overshadowing

The upper level setbacks of the addition are at variance with PDC 21 of Council Wide – Residential Development which anticipates 2.5m setbacks for side walls 6m in height. The southern side of the addition is located on the boundary and the northern side is setback 900mm, both substantial departures from a quantitative perspective. While this is noted, there is merit for the addition given the context of the addition in relation to the immediate neighbouring dwellings to the north and south.

See aerial image overleaf:



The upper level addition will be located adjacent to the roofing of the neighbouring dwellings where visual impacts will be negligible as the structure will not be readily visible.

A consequence in the shortfall of upper level setbacks is the impact of overshadowing to the south of the addition. The proposal benefits from being a maisonette as the majority of the shadow cast will be cast over the roof space of the southern dwelling. The morning shadow will impact what is only a minor amount of unroofed private open space of the southern dwelling and as the day progresses the shadow will deviate south and to the east over the roof space where impacts to private open space will be negligible.

The existing private open space of the southern dwelling is currently subject to overshadowing as shown in the aerial below which shows shadows cast during the morning to the west and over the majority of the private open space. The impacts of the additional shadows cast during the early hours of the morning will cover a majority of space which is currently subject to shadowing and therefore will not introduce additional shadowing that will unfavourably impact the southern neighbouring private open space.

7. Conclusion

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal as amended on balance satisfies the relevant provisions of the Development Plan. The proposal is broadly consistent with the desired character of the zone and will not detrimentally impact upon the amenity of the adjoining properties of the locality. Accordingly, the proposal warrants Development Plan Consent subject to conditions.

- 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 resolves to grant Development Plan Consent to Development Application 110/01048/20 subject to the following conditions:**

PLANNING CONDITIONS

- 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 upstairs windows on the northern and western elevations shall have minimum window sill heights of 1.7 metres above finished floor level, or otherwise treated to obscure views to adjoining properties to the satisfaction of Council.**
- 3. That the applicant provides on-site detention and retention sufficient to limit peak flow as a result of the development in a 100 year event (1% AEP) to not more than the 5 year (20% AEP) predevelopment flow rate and the volume of flow not exceed predevelopment volume.**