

TO: **COUNCIL ASSESSMENT PANEL**  
 DATE: **27 MAY 2020**  
 SUBJECT: **COUNCIL ASSESSMENT REPORT**  
 AUTHOR: **CRAIG WATSON**  
 ATTACHMENTS: **1. LOCALITY PLAN**  
**2. SUBMITTED PLANS**  
**3. REPRESENTATION**  
**4. APPLICANT'S RESPONSE TO REPRESENTATION**

HEARING OF REPRESENTORS: **ROGER OR SUZANNE HORSTMANN**  
 HEARING OF APPLICANT: **MARCUS ROLFE ON BEHALF OF APLICANT**

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DA NO.	:	110/00051/20
APPLICANT	:	A SHANAHAN
LOCATION	:	30 QUANDONG STREET, NORTH BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	TWO, TWO STOREY DWELLINGS WITH GARAGES ADJOINING SIDE BOUNDARIES AND SWIMMING POOL TO REAR OF DWELLING 1
EXISTING USE	:	DETACHED DWELLING
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	CONSENT WITH CONDITIONS

### 1. Site and Locality

The subject site is on the northern side of Quandong Street adjoining a public reserve. It presently comprises a single storey detached dwelling on a relatively flat site. Two young street trees have recently been planted in front of the site.

The locality comprises predominantly single storey detached and semi-detached dwellings with some residential flats and group dwellings.

*Refer to Attachment 1*

### 2. Background and Development Assessment Process

DA 110/00850/19 for a land division creating two lots from one including a hammerhead lot was granted development approval on 10/12/19. At the land division stage approval was granted to remove the eastern tree.

### 3. Proposed Development

The development comprises two, two storey dwellings. Dwelling 1 will have a direct frontage to Quandong Street and an independent driveway. A swimming pool is sited to the rear of dwelling 1.

Dwelling 2 is to the rear of dwelling 1 on a hammerhead site. Following public notification amended plans were submitted, which increased the rear upper level setback for dwelling 2.

*Refer to Attachment 2*

### Development Data

Aspect	Proposed	Required/Allowed	Compliance
<b>Site Area</b> Dwelling 1 Dwelling 2	413m <sup>2</sup> 405m <sup>2</sup>	400m <sup>2</sup>	Yes. Approved by land division
<b>Site Frontage</b> Dwelling 1 Dwelling 2	13.9m 4.36m	12m 4m	Yes. Approved by land division
<b>Building height (walls)</b>	6m	7m	Yes
<b>Site coverage</b> Dwelling 1 Dwelling 2	54% 44%	50% max.	Minor non-compliance for dwelling 1.
<b>Front Setbacks</b>	Approx. 5.3m at closest	Adjacent dwelling approx.7m at closest	No
<b>Upper side boundaries</b> Dwelling 1  Dwelling 2	1.12m western boundary and 6m from eastern boundary 2.8m from western boundary and 4.7m from eastern boundary	2.5m from eastern and western boundaries.	No  Yes
<b>Upper rear boundary</b> Dwelling 1 Dwelling 2	9.5m 8.8m	6m	Yes
<b>Car Parking Provision</b>	2 spaces for each dwelling	2	Yes
<b>Private Yard Space</b> Dwelling 1 Dwelling 2	30% of site 25% of site	Min 20% of site	Yes
<b>Boundary wall</b>	3m x 6.3m	3m x 8m	Yes

#### 4. Public Consultation

The development was subject to a category 2 public notification. One representation from the rear resident at 23 Balmoral Avenue was received. A summary of the representation follows:

- Two storey dwelling on battle-axe lot not consistent with Development Plan;
- Lot sizes at variance with Land division Principle 10;
- Rear and side setbacks at variance with Residential development Principles 21 and 22;
- Highly reflective colour proposed;
- Removal of existing trees; and
- Overlooking from dwelling 2.

*Refer to Attachment 3*

The applicant has responded to the representation and advises:

- Amended plans submitted where upper level of dwelling 2 has been increased to 8.8 metres;
- Lot sizes have already been approved as part of the land division approval;
- The scale and 2.8 metre setback from western boundary is appropriate given the site adjoins a public reserve over which it will provide passive surveillance;
- The amended upper level rear setback (8.8 metres) will not create an unreasonable sense of enclosure or overshadowing; and
- The colour of the upper level has been amended to Dulux Namadji which is grey in colour and less reflective.

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

<b>Crime Prevention</b>	
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.
<b>Design and Appearance</b>	
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.	Most dwellings within the locality are single storey however the site is also subject to the Residential Code which allows for two storey development albeit not on hammerhead sites.
2. Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.	Complies.
3. Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as: (a) articulation (b) colour and detailing (c) small vertical and horizontal components (d) design and placing of windows (e) variations to facades.	Complies
4. 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 dwelling 2 boundary wall abuts existing outbuildings on adjoining site.
5. Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.	Complies.
7. The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties or drivers.	Complies - colour amended.

<b>Design and Appearance (Cont)</b>	
9. Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.	Complies.
11. Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.	Complies.
12. Buildings (other than ancillary buildings or group dwellings) should be designed so that their main façade faces the primary street frontage of the land on which they are situated.	Complies for dwelling 1.
17. The setback of development from public roads should: (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality (b) contribute positively to the streetscape character of the locality (c) not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.	Front setback is forward of adjacent dwelling however compatible with closer setbacks of other dwellings in the locality.
<b>Energy Efficiency</b>	
1. Development should provide for efficient solar access to buildings and open space all year around.	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.
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.	Generally complies.
4. Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by: (a) taking into account overshadowing from neighbouring buildings (b) designing roof orientation and pitches to maximise exposure to direct sunlight.	Complies

<b>Hazards</b>	
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.
5. Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following: (a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event (b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.	Complies.
<b>Landscaping, Fences and Walls</b>	
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.	Complies subject to standard condition.
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.
4. Existing substantial vegetation should be retained and incorporated within landscaping of new development where practicable.	Existing non-regulated trees recently removed.
7. Front fencing should be open in form to allow cross ventilation and access to sunlight.	No front fencing proposed.

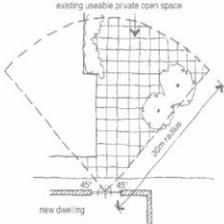
<b>Orderly and Sustainable Development</b>	
1. Development should not prejudice the development of a zone for its intended purpose.	Complies.
<b>Residential Development</b>	
1. Residential allotments and sites should have the appropriate orientation, area, configuration and dimensions to accommodate: (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 access and off street parking (d) passive energy design.	Complies.
2. Buildings on hammerhead/battleaxe allotments or the like should be single storey and be designed to maintain the privacy of adjoining properties.	Does not comply however given amended setbacks will not have unreasonable visual or shading impacts on adjacent dwelling sites.
5. Where a dwelling has direct frontage to a street the dwelling should be designed to provide surveillance and address the street.	Complies.
6. Entries to dwellings should be clearly visible from the streets that they front to enable visitors to identify a specific dwelling easily.	Complies for dwelling 1.
9. 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.
11. 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.	Complies.
12. 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.
13. 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.

<b>Residential Development (Cont)</b>							
<p>15. Garages and carports facing the street should not dominate the streetscape and should be designed in accordance with the following:</p> <p>(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</p> <p>(b) be located at least 0.5 metres behind the main face of the associated dwelling</p> <p>(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:</p> <p>(i) two individual doors with a distance of not less than 300 millimetres between them</p> <p>(ii) double tilt-up doors with moulded door panels having a maximum width of no more than 5 metres</p> <p>(d) be constructed of materials that integrate with those of the associated dwelling, or pre-coloured treated metal.</p>	Complies.						
18. Garages, carports and outbuildings should be designed within the following parameters:							
<p><b>On a side or rear boundary</b>            Sites 600 square metres or more: 60 square metres            Sites 400-600 square metres: 40 square metres            Sites less than 400 square metres: 30 square metres</p>	Complies.						
<p><b>Wall height above natural ground level</b>            3 metres</p>	Complies.						
<p><b>Wall length</b>  <b>On a side or rear boundary</b>            8 metres, provided the total length of all existing and proposed boundary walls does not exceed 30 per cent of the total common boundary length</p>	Complies.						
<p><b>Setback from any existing structure on the site located on the same boundary</b></p> <p><b>On side or rear boundary</b>            6 metres</p>	Complies.						
<p>20. Dwellings should be set back from allotment or site boundaries to:</p> <p>(a) contribute to the desired character of the area</p> <p>(b) provide adequate visual privacy by separating habitable rooms (all rooms excluding bathrooms, laundries and hallways) from pedestrian and vehicle movement.</p>	Complies.						
<p>21. 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 <b>primary road frontage in accordance with the following table:</b></p> <table border="1"> <thead> <tr> <th><b>Setback difference between buildings on adjacent allotments with frontage to the same primary street</b></th> <th><b>Setback of new building</b></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>	<b>Setback difference between buildings on adjacent allotments with frontage to the same primary street</b>	<b>Setback of new building</b>	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.	Does not comply however a significant number of other dwellings have similar or less setback with Quandong Street.
<b>Setback difference between buildings on adjacent allotments with frontage to the same primary street</b>	<b>Setback of new building</b>						
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.						

<b>Residential Development (Cont)</b>												
<p>23. 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>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.	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>Complies – 1.12 metres.</p> <p>Does not comply for dwelling 1 (west boundary) – 1.12 metres. Considered satisfactory as site adjoins a reserve with substantial tree screening.</p> <p>Complies</p> <p>Complies</p>
Parameter	Value											
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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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>24. Dwellings and or residential flat buildings on an allotment in the form of a hammerhead/battleaxe configuration should:</p> <p>(a) be setback a minimum of 4 metres from the side boundary to the two storey component of any part of the building</p> <p>(b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction</p> <p>(c) enhance the streetscape character by:</p> <p>(i) ensuring that no fencing is located between the main face of the dwelling and the front property boundary</p> <p>(ii) providing additional landscaping and/or deviation of the driveway where a driveway length exceeds 20 metres</p> <p>(d) minimise impact on the amenity of neighbouring properties by locating the driveway:</p> <p>(i) on the side of the property that is adjacent to an existing neighbouring garage, carport or driveway</p> <p>(ii) a minimum of 2 metres from a bedroom window of an existing dwelling on neighbouring land where separated by a fence measuring a minimum of 1.8 metres above the driveway pavement.</p>		<p>Dwelling 2 does not comply from western side boundary at 2.8 metres. However adjacent to reserve and has no impact on adjoining residential properties. Exceeds setback to eastern side boundary at 4.7 metres.</p> <p>Driveway exceeds 20 metres however approved as part of the land division and has sufficient on-site manoeuvring.</p>										
<p>25. Side boundary walls in residential areas should be limited in length and height to:</p> <p>(a) minimise their visual impact on adjoining properties</p> <p>(b) minimise the overshadowing of adjoining properties</p>		<p>Complies.</p>										

<b>Residential Development (Cont)</b>								
26. Walls associated with a dwelling located on a side boundary should be designed in accordance with the following parameters: (a) a height not exceeding 3 metres above natural ground level (b) a length not exceeding 8 metres (c) the wall, when its length is added to the length of any other relevant walls or structures located on that boundary: (i) will not result in all such relevant walls and structures exceeding a length equal to 45 per cent of the length of the boundary (ii) will not be within 3 metres of any other relevant wall or structure located along the boundary, except where the side wall is located immediately abutting the wall of an existing or simultaneously constructed building on the adjoining site and is constructed to the same or to a lesser length and height.		Complies.						
29. Carports and garages should be set back from road and building frontages so as to: (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		Complies.						
30. 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: <table border="1" data-bbox="159 1108 638 1288"> <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><b>Site with an area greater than 300 square metres</b></td> <td><b>50 per cent</b></td> </tr> </tbody> </table>		Parameter	Value	Site with an area less than or equal to 300 square metres	60 per cent	<b>Site with an area greater than 300 square metres</b>	<b>50 per cent</b>	Dwelling 1 does not comply – 54% however sufficient space to meet requirements of Principle 31 below.
Parameter	Value							
Site with an area less than or equal to 300 square metres	60 per cent							
<b>Site with an area greater than 300 square metres</b>	<b>50 per cent</b>							
31. Site coverage should be limited to ensure sufficient space is provided for: (a) vehicle parking (b) domestic storage (c) outdoor clothes drying (d) a rainwater tank (e) private open space and landscaping (f) front, side and rear boundary setbacks that contribute to the desired character of the area (g) convenient storage of household waste and recycling receptacles		Complies						
104. Private open space should, where possible: (a) achieve comfortable year-round use by having a northerly aspect; (b) not be significantly shaded by the associated dwelling or adjacent development during winter; and (c) be shaded in summer.		Complies.						
32. Site coverage determinations for group dwellings and residential flat building sites should not include common areas such as access ways, driveways and landscaping.		Complies.						

<b>Residential Development (Cont)</b>	
<p>33. 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</p> <p>(b) generally at ground level to the side or rear of a dwelling and screened for privacy</p> <p>(c) to take advantage of but not adversely affect natural features of the site</p> <p>(d) to minimise overlooking from adjacent buildings</p> <p>(e) to achieve separation from bedroom windows on adjoining sites</p> <p>(f) to have a northerly aspect to provide for comfortable year-round use</p> <p>(g) to not be significantly shaded during winter by the associated dwelling or adjacent development</p> <p>(h) to be shaded in summer.</p>	Complies.
<p>34. Dwellings should have associated private open space of 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>35. 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.
<p><b>Site area of dwelling</b> - 250 square metres or greater.</p>	
<p><b>Minimum area of private open space</b> - 20 per cent of site area.</p>	Complies.
<p>36. 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 in residential flat buildings and group dwellings, and should have a minimum dimension of:</p> <p>(a) 2.5 metres for ground level or roof-top private open space</p> <p>(b) 2 metres for upper level balconies or terraces.</p>	Complies.
<p>39. Site facilities for group dwellings, residential parks and residential flat buildings and should include:</p> <p>(a) mail box facilities sited close to the major pedestrian entrance to the site</p> <p>(b) bicycle parking for residents and visitors</p> <p>(c) household waste and recyclable material storage areas away from dwellings</p> <p>(d) external clothes drying areas, which are readily accessible to each dwelling and complement the development and streetscape character for dwellings which do not incorporate ground level private open space</p> <p>(e) a storage area of not less than 8 square metres for each dwelling.</p>	Complies.
<p>40. Development should protect privacy by minimising direct overlooking from upper level windows and external balconies, terraces and decks to habitable room (all rooms excluding bathrooms, laundries and hallways) windows and useable private open spaces of other dwellings.</p>	Complies.

<b>Residential Development (Cont)</b>	
<p>41. Where development is greater than single storey:            (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. Upper windows at 1.7 metres or have obscure glass to 1.7 metres.</p>
<p>43. 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.</p>
<p>48. Driveway crossovers should be:            (a) single width and appropriately separated, to preserve and enhance street character, and facilitate opportunities for landscaping, fencing and street tree planting            (b) minimised in number so as to optimise the provision of on-street visitor parking            (c) placed to avoid relocation of street trees, utility and infrastructure inspection points, poles and equipment            (d) a maximum of 30 per cent of the frontage of the site (except in <b>Institution Policy Area 4, South West Policy Area 7 and Seacliff Policy Area 12</b>)            (e) located a minimum of 1 metre from property boundaries, existing street trees, stormwater side entry pits and above ground utility and infrastructure equipment and poles. Where trees or infrastructure require deviation in the crossover, the maximum deviation between the garage/carport and the crossover at the boundary is 20 degrees, as illustrated in the following figure:</p>	<p>Generally complies. One street tree to be removed and approved. Dwelling 1 driveway has been narrowed as far as practicable to maximise front yard landscaping.</p>
<p>49. Paving and driveway surfaces should not constitute more than 50 percent of the area between the front property boundary and the forward most building alignment of a dwelling.</p>	<p>Complies.</p>
<p>50. On-site parking should be provided having regard to:            (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)</p>	<p>Complies.</p>
<p>51. Parking areas servicing more than one dwelling should be of a size and location to:            (a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely            (b) provide adequate space for vehicles to manoeuvre between the street and the parking area            (c) reinforce or contribute to attractive streetscapes</p>	<p>Complies.</p>

<b>Residential Development (Cont)</b>				
55. Except where located within the <b>Residential Character Zone</b> , a dwelling should only be developed on an allotment in the form of a hammer head or battleaxe configuration (including for group dwellings), where all of the following is achieved: (a) sufficient area is provided for a vehicle to enter and exit the allotment in a forward direction (b) the driveway or 'handle' portion of the allotment is located in a manner that is compatible with the prevailing pattern of development and would not result in multiple access points onto the road in order to minimise the impact of access points on the amenity of the streetscape (c) the driveway or 'handle' portion of the allotment has a maximum deviation angle for driveway tapering of no more than 20 degrees (d) the minimum width of the driveway or 'handle' portion of the allotment (including a landscaped strip on each side of the driveway, which is at least 0.5 metres wide or 1 metre wide where the driveway provides access to 8 or more dwellings) is not less than that shown in the following table:		Complies.		
<b>Dwellings or lots to be served</b>	1	2-7	8 or more	
First 6 metres	4 metres	8 metres (adjacent arterial road) 6 metres (other roads)	8	Complies
Width beyond 6 metres	3.5 metres	4 metres	6 metres	Complies.
Widening for passing	Nil	6 metres (at a point 25 metres from front and every 25 metres thereafter)	Not required	Not required.
61. Swimming pools, outdoor spas and associated ancillary equipment and structures should be sited so as to protect the privacy and amenity of adjoining residential land.		Complies – pool pump located 6 metres from dwelling 2.		
<b>Transport and Access</b>				
10. Driveway cross-overs affecting pedestrian footpaths should maintain the level of the footpath.		Complies subject to standard condition.		
22. Development should have direct access from an all weather public road.		Complies.		
23. Development should be provided with safe and convenient access which: (a) avoids unreasonable interference with the flow of traffic on adjoining roads (b) provides appropriate separation distances from existing roads or level crossings (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 (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties		Complies.		

<b>Residential Development (Cont)</b>	
<p>33. 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 <b>Glenelg Policy Area 2</b></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 – at least 2 spaces for each dwelling are proposed (2 spaces per dwelling required).

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

<b>RESIDENTIAL ZONE</b>	
<b>Objectives</b>	
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.	Complies.
3. Development that contributes to the desired character of the zone.	Larger scale than anticipated, otherwise complies.
<b>Desired Character</b>	
<p>Development outside of the policy areas will be suburban in nature and evolve in response to progressive infill development of existing individual sites and through consolidation of sites to form larger comprehensive redevelopment opportunities. Infill development outside of the Policy Areas will not compromise the suburban character but will progressively increase dwelling densities through unobtrusive small-scale developments. In this regard, infill development will have a comparable height, mass, scale and setbacks to that of existing dwellings in the relevant locality.</p> <p>The zone's primarily suburban character outside of the policy areas is defined by detached dwellings on individual allotments. Infill development in these suburban areas will contribute to the city's housing diversity through development opportunities that (in order of preference):</p>	
(a) increase dwelling numbers on allotments that have dual road frontages	Not applicable.
(b) provide low scale dwellings at the rear of large allotments with street frontages wide enough to accommodate appropriate sited and sized driveway access and landscaping	Does not comply.
(c) semi-detached dwellings, where site considerations permit.	Not applicable.
Development outside of the policy areas will comprise:	
<ul style="list-style-type: none"> <li>• Single storey in areas east of Brighton Road, and up to two storeys in areas west of Brighton Road.</li> </ul>	Does not comply.
<ul style="list-style-type: none"> <li>• Buildings both domestic and contemporary in design and character to support and reinforce the essentially suburban character through typical domestic design forms, low front fencing and landscaping.</li> </ul>	Complies.
<ul style="list-style-type: none"> <li>• Landscaping that will help define the public realm and private property boundaries, and substantial landscaped front yards that will contribute to the locality, with the retention of mature trees.</li> </ul>	Complies.
<ul style="list-style-type: none"> <li>• Development that will have side and rear building setbacks that incorporate an access path on one side, with on-boundary built form limited in height, length and location to the equivalent of typical open carports or garaging.</li> </ul>	Complies.
<ul style="list-style-type: none"> <li>• Vehicle garaging that will be set back clearly behind the immediately adjacent part of the front building facade.</li> </ul>	Complies.

<b>RESIDENTIAL ZONE</b>			
<b>Desired Character</b>			
<ul style="list-style-type: none"> <li>Development that will enhance and protect streetscape character by minimising driveway access points and width of crossovers and driveways.</li> </ul>	Side by side driveways but with reasonable front yard landscaping.		
<ul style="list-style-type: none"> <li>Undercroft car parking that will also be avoided on flat sites and sites that slope down from the street level.</li> </ul>	Complies.		
<ul style="list-style-type: none"> <li>Buildings that will be stepped and articulated at the front elevation to achieve visual relief and architectural interest as viewed from the street.</li> </ul>	Complies.		
<ul style="list-style-type: none"> <li>materials and finishes that respond to the character of the immediate locality and utilise brick, stone and rendered finishes to provide visual interest to facades.</li> </ul>	Complies.		
<ul style="list-style-type: none"> <li>architectural design and detailing that responds to localised character by way of fenestration, doorways, windows, eaves and roof forms.</li> </ul>	Complies.		
<ul style="list-style-type: none"> <li>setbacks and be orientated to minimise impacts of the privacy of neighbouring residents.</li> </ul>	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>health and welfare service</li> <li>open space</li> <li>primary and secondary school</li> <li>recreation area</li> <li>supported accommodation.</li> </ul> </li> </ul>		Complies.	
7. A dwelling should, except where specified in a particular policy area or precinct, have a minimum site area (and in the case of group dwellings and residential flat buildings, an average site area per dwelling) and a minimum frontage to a public road not less than that shown in the following table:	<b>Site area (square metres)</b>	<b>Minimum frontage (Except for allotments in the form of a hammerhead configuration)</b>	
Detached	400 minimum	12 metres	Complies.
Semi-detached	350 minimum	12 metres	
Group dwelling	350 average	12 metres	
Residential flat building	350 average	12 metres	
Row dwelling	350 minimum	10 metres	
8. Dwellings and residential flat buildings, except where specified in a particular policy area or precinct, should not exceed the maximum heights shown in the following table:			

<b>Principles of Development Control (Cont)</b>			
<b>Location of the dwelling</b>	<b>Maximum wall height above natural ground level</b>	<b>Maximum height above natural ground level</b>	
West of Brighton Road or Tapleys Hill Road	7 metres	Two storeys	Does not comply.
East of Brighton Road or Tapleys Hill Road	3.5 metres	One storey, or two storeys if the second storey is incorporated within the roof space and the floor area of the second storey does not exceed 40 percent of the ground floor footprint of the dwelling, including attached garages.	
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

The development is at variance with Residential Development Principle 2, the Desired Character of the Residential Zone and Residential Zone Principle 8, which seek low scale dwellings at the rear of large allotments and single storey dwellings with wall heights not exceeding 3.5 metres. The intent of the policies is to limit the visual, privacy and shading impacts from rear of site developments on adjoining properties while also maintaining the predominant single storey scale east of Brighton Road. There are mitigating circumstances however that reduce the significance of the non-compliances including:

- The site is within a Residential Code area where two storey dwellings can be considered albeit not on the rear hammerhead site. A two storey detached dwelling approved under the Residential Code is presently under construction at 22 Vincent Avenue on the western side of the reserve. A similar dwelling could be constructed on the front lot on the subject site as of right albeit with a slightly greater upper storey setback to the western side boundary.
- The upper storey of dwelling 2 as amended considerably exceeds the required setbacks from side and rear boundaries. The rear setback of 8.8 metres and eastern side setback of 4.7 metres will substantially reduce the visual and shading impacts on the two adjoining residential properties. There will be no overshadowing of the rear adjoining property subject of the representation. High window sill heights of 1.8 metres on the northern elevation of the upper storey will reasonably minimise overlooking and exceeds the Development Plan requirements.
- The site immediately adjoins a public reserve to the west, thereby minimising the number of residential properties otherwise affected. The proposed two storey on the front allotment will provide passive surveillance of the reserve as required by General Section Crime Prevention Principle 2.

Having regard to the above circumstances it is considered that the scale of the dwellings as proposed is reasonable.

### Setbacks

Dwelling 1 has varied setbacks from the angled front boundary to Quandong Street. The ground floor varies from approximately 5.3 metres to 7 metres while the upper floor, which is setback

further varies from approximately 6 metres to 8 metres. The adjacent eastern dwelling is setback approximately 7 to 8 metres from Quandong Street. Although not entirely aligned with the adjacent dwelling as required by Residential Development Principle 19, the variation is considered minor having regard to the street setback pattern, which includes many dwellings with similar or lesser setbacks and the location of screening trees on the adjoining reserve.

The upper storey western side setback of dwelling 1 (1.12 metres) is at variance with Residential Development Principle 21 (2.5 metres). The variation is not considered significant given the site adjoins the open reserve on the west, which has a number of screening trees. The eastern side setback of 6 metres from the hammerhead driveway and 9.5 metres from the eastern adjoining property substantially exceeds the requirement.

The ground floor of dwelling 2 is consistent with required setbacks and with the boundary wall length and height as required by Residential Development Principle 24. The upper storey is at variance with the western side boundary setback as required by Principle 22 (4 metres for hammerhead sites). The proposed 2.8 metre setback is considered reasonable given it adjoins a reserve and will not impact adjacent residential properties. The 4.7 metre setback from the eastern boundary exceeds the requirement. The upper floor setback of 8.8 metres from the rear boundary substantially exceeds that required (6 metres) and will significantly reduce visual bulk.

#### **Site coverage and Private open Space**

The site coverage for dwelling 1 (44.5%) slightly exceeds the maximum required by Residential Development Principle 28 (50%) however there is sufficient open space to accommodate pedestrian and vehicle access and parking, storage, outdoor cloths drying, rain water tank, private open space and landscaping in accordance with Principle 29.

Private open space for dwelling 1 and 2 is 30% and 25% of site respectively, which exceeds the minimum required (20%) by Residential Development Principle 32.

#### **Amenity**

The rear adjoining property will not be significantly impacted either by visual bulk given the setbacks, overshadowing as shadows will fall predominantly to the south or by overlooking as windows on the northern elevation have 1.8 metre sill heights. No windows are proposed on the eastern elevation of the upper storey and windows on the southern side will have obscure glass to 1.8 metres to provide privacy to dwelling 1. Afternoon shadows from both dwellings will not significantly impact the adjoining eastern property.

#### **Access and Parking**

Access is provided by two adjacent drives and either two adjacent crossovers or one large crossover. To maximise landscaping adjoining the street the driveway for dwelling 1 is tapered so that its width at the boundary is approximately 30% in accordance with Transportation and Access Principle 20(d). A landscape strip is provided along the driveway for dwelling 2. A street tree in front of the driveway for dwelling 2 has been approved for removal. Each dwelling has provision for two on-site covered parking spaces in accordance with Table HoB/1. No on-site visitor spaces for detached dwellings are required however sufficient space is available on the drive for dwelling 1 and at least one on-street

visitor space. Sufficient on-site manoeuvring area is available for dwelling 2 to allow vehicles to exit in a forward direction.

### **Conclusion**

Although the scale of both dwellings is larger than anticipated within this portion of the zone there are sufficient reasons for support. These include comparisons with what could be built as of right under the Residential Code, the sites location adjoining a public reserve and substantial boundary setbacks which minimise visual, shading and privacy impacts on adjacent residential properties.

The development is consistent with open space, access and parking requirements of the Development Plan.

Having regard to the above the development is not seriously at variance with the Development Plan and has merit for approval.

## **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 Council Assessment Panel resolves to grant Development Plan Consent, to Development Application 110/00051/20 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 amended plans dated 1/04/20 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.**
- 4. That the finished level of the crossover at the property boundary shall be a minimum of 75mm above the top of kerb in accordance with AS2890.1, and the maximum gradient of the driveway shall not be greater than 5% across the footpath, with the invert profile conforming to AS2876.**
- 5. Furthermore, the footpaths on either side shall be graded to the driveway preventing tripping hazards at this junction, without any steep grades along the footpath.**
- 6. The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.**

7. That upstairs windows on the northern elevation of dwelling 1 and all elevations of dwelling 2 shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall be manufactured obscure glass and fixed shut or as otherwise approved by Council. Further details of this requirement shall be provided at Building Rules Assessment stage.
8. That landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tubestock. All such landscaping shall be established within 3 months of substantial completion of the development and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
9. That stormwater from each dwelling shall be collected and connected to a 1000 litre (minimum) rainwater tank with a sealed system over flow connection to the street water table. Final details of the location and size of the tank(s) shall be submitted to Council for approval prior to the issue of full Development Approval. Furthermore, all stormwater from the dwelling and the site shall be collected and disposed of in a manner that does not adversely affect any properties adjoining the site or the stability of any building on adjacent sites.

**NOTE:** Stormwater shall not be disposed of over a vehicle crossing place and any connection to the street water table, including remedial works to footpaths, verges or other Council infrastructure, is subject to any necessary approvals from Council and will be at the applicant's cost.

10. The stormwater disposal system shall cater for a 5 year rainfall event with discharge to the street not to exceed 10 litres per second. Any excess above this flow is to be detained on site to the reasonable satisfaction of Council.
11. That all domestic mechanical plant and equipment including refrigerated air conditioners, but excluding evaporative air conditioners, shall be mounted on the ground and fitted with an approved acoustic enclosure incorporating correctly designed ventilation, to minimize environmental harm, which includes nuisance from noise, to occupants on adjacent premises.
12. 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.
13. That the filter pump associated with the swimming pool be enclosed in such a way that noise levels do not exceed 54 dB(A) between the hours of 7am and 10pm and 45dB(A) between the hours of 10pm and 7am measured at adjoining property boundaries.