

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **24 APRIL 2019**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **ALEXANDER STAMATOPOULOS**
DEVELOPMENT OFFICER - PLANNING
1. LOCALITY PLAN
2. PROPOSED PLANS
 HEARING OF REPRESENTORS: **NOT APPLICABLE**
 HEARING OF APPLICANT: **NOT APPLICABLE**

DA NO.	:	<u>110/00134/19</u>
APPLICANT	:	<u>HEYENEN PLANNING CONSULTANTS</u>
LOCATION	:	<u>39 HOLDER ROAD, HOVE</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>RESIDENTIAL CODE – LIMITED ASSESSMENT</u>
PROPOSAL	:	<u>TWO, TWO STOREY DWELLINGS (RESIDENTIAL CODE)</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATION	:	<u>NOT APPLICABLE</u>
RECOMMENDATION		<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

1. Site and Locality

The subject site is located west of King George Avenue, on the southern side of Holder Road. It currently contains a modest single storey detached dwelling with large rear yard. The immediate locality (for the purpose of this assessment, defined as within a radius of 100 metres from the subject site) is characterised by a variety of site configurations including larger Torrens Title and smaller Torrens Title, hammerhead and group dwelling resulting from land division. The predominant character is single storey detached dwellings however there are examples of two storey buildings.

Refer to Attachment 1

2. Proposed Development and Background

The proposed development comprises the construction of a pair of two storey dwellings with integral garages and walls located on the internal boundary. An application was previously lodged on the subject land (DA 110/00368/18) which was refused by the Council Assessment Panel on three occasions due to compromise plans failing to satisfy the initial reasons for refusal.

The assessment pathway of this current application differs to the initial land use (DA 110/00368/18) that was deemed refused by the Council Assessment Panel. This application was lodged to be assessed under the Residential Code requesting limited assessment on the frontage width of the dwellings. For this reason, the application is Category 1. An assessment against the Residential Code

was conducted and revealed that the primary setbacks of the dwellings were the only component that did not meet the criteria set out in the code.

As a result this component is to be assessed “on merit” pursuant to Section 35(1c) of the Development Act, 1993 which states that:

s35(1c) If a proposed development meets all but 1 criteria necessary for the development to be complying development, the aspect or aspects of the development that are consistent with the development being complying development must be regarded accordingly and the balance of the development will be assessed as merit development.

Accordingly, this sets a process whereby only the proposed front boundary setback is to be considered “on merit” and that all other aspects of the proposed dwelling “must be” regarded as “complying” given they satisfy the relevant provisions of the Residential Code.

Refer to Attachment 2

Development Assessment Data

RESIDENCE 1	Proposed	Development Plan Requirement	Development Plan Satisfied?
Frontage	9.295m	12m	No
RESIDENCE 2	Proposed	Development Plan Requirement	Development Plan Satisfied?
Frontage	9.295m	12m	No

Refer to Attachment 2

3. Development Plan Provisions

The following tables contain a detailed assessment of the proposal against the provisions in the Holdfast Bay (City) Development Plan consolidated 2 June 2016 that are relevant to the frontage width component of the application:

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT

General Section – Design & Appearance	
Objectives	Assessment
1 Development of a high standard and appearance that responds to and reinforce positive aspects of the local environment and built form.	Complies. The side-by-side allotment configuration reinforces the established rhythm of allotment formation within the locality, facilitating dwellings that front the street for a positive built form outcome.
Principles	
16. Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.	Complies. The side-by-side allotment configuration ensures that entry points to future dwellings provide perceptible and direct access from public street frontages.

General Section – Orderly & Sustainable Development	
Objectives	Assessment
General Section – Residential Development	
Objectives	Assessment
1 Safe, convenient, pleasant and healthy living environments that meet the full range of needs and preferences of the community.	Complies. The side-by-side arrangement would ensure that occupants are not isolated from the street.
2 A diverse range of dwelling types and sizes available to cater for changing demographics, particularly smaller household sizes and supported accommodation.	Complies. There are few side-by-side allotments with narrow frontages to offer choice for residents.
6 Increased affordable housing opportunities through land division and the conversion of buildings to a residential use.	Complies (as per above)
Principles	Assessment
3 Residential allotments should be of varying sizes to encourage housing diversity.	Complies. The proposed allotments offer choice for residents to reside in dwellings with low maintenance yards and care free living.
6 Entries to dwellings should be clearly visible from the streets that they front to enable visitors to identify a specific dwelling easily.	Complies. The side-by-side allotment provide perceptible and direct access from public street frontages.
Residential Zone	
Objectives	Assessment
2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.	Complies
3 Development that contributes to the desired character of the zone.	Complies. The prevailing character of development in the locality is reinforced by the proposed side-by-side allotments.
DESIRED CHARACTER	
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.	Complies. The side-by-side allotments repeats the pattern found along Holder Road.
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): <ul style="list-style-type: none"> (a) increase dwelling numbers on allotments that have dual road frontages (b) provide low scale dwellings at the rear of large allotments with street frontages wide enough to accommodate appropriate sited and sized driveway access and landscaping semi-detached dwellings, where site considerations permit. 	Complies.
Principles of Development Control	Assessment
3 Except where specified in a particular policy area, vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.	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	Does not comply.

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:

Dwelling type	Site area (square metres)	Minimum frontage (Except for allotments in the form of a hammerhead configuration)
Detached	400 minimum	12 metres
Semi-detached	350 minimum	12 metres
Group dwelling	350 average	12 metres
Residential flat building	350 average	12 metres
Row dwelling	350 minimum	10 metres

4. Summary of Assessment

Zone and Land Use

The Residential Zone anticipates a predominately low-density suburban form with the progressive redevelopment of existing individual sites. Allowances for infill developments are designed to contribute to housing diversity through development opportunities via increasing dwelling numbers on allotments that have dual road frontages and low scale dwellings at the rear of large allotments.

The proposed development addresses the Desired Character of the Residential Zone by facilitating low-density development with allotments in a formation that continues the typical pattern of detached dwellings on individual allotments that have frontage to the street.

Although the Desired Character references infill development that contributes to housing diversity by way of the division of corner allotments and hammerhead developments, the predominant intent is to achieve a character predominately defined by detached dwellings on individual allotments. For example, where there is a site of 800 square metres with a frontage of 24 metres, the Desired Character would ultimately anticipate the division of two allotments fronting the street in preference to a hammerhead division. Although housing diversity, including hammerhead development, is encouraged and allowed in the Residential Zone, the preference remains for a predominance of detached dwellings on individual allotments fronting the street.

The subject site could accommodate two allotments of 350m² for group dwelling accommodation in a hammerhead formation as of right, although the intent for preferencing hammerhead allotments needs to be understood before dismissing alternative allotment configurations. Where the broad intent for espousing hammerhead allotments is not achievable, then pursuing such a design based solely on a single guiding provision in the Development Plan needs rethinking. The intent behind the promotion of hammerhead allotments in the Residential Zone is to retain as much of the traditional streetscape character as possible by retaining the existing dwelling and concealing any infill to the rear. However, in the case of the allotment at 39 Holder Road, the existing dwelling on the allotment cannot be retained if the land is to be divided due to its deep setback to the street; it must be replaced with a new dwelling. A hammerhead configured land division would only serve to facilitate two stacked dwellings, retaining neither the built form character nor the allotment pattern intended by the balance of provisions in the Development Plan.

Frontage Widths

The Residential Code assessment comprises the creation of two allotments of 391m², where the Development Plan anticipates a minimum site area of 400m² per detached dwelling or 350m² for

semi-detached dwellings. The allotments contain frontages that are notably under the width anticipated by the Development Plan, which seeks a minimum frontage of 12 metres per dwelling. The proposal comprises a pair of sites with equal frontages of 9.295 metres.

In assessing the frontage width shortfall, regard is given to the pattern of development within the immediate locality. There are no other allotments within the immediate locality that have frontages that are less than 12 metres. When considering the areas outside of the immediate locality, there are some rare examples of allotments with frontages that are less than 12 metres wide. One example is to the east of the subject land at 20 Holder Road Hove. Further, there are few examples of group dwellings and residential flat buildings to which those patterns of development are expressly different from the pattern of division typically found and predominant within the locality (detached dwellings).

Where applying the quantitative provisions of the Development Plan, the subject site would accommodate a single detached dwelling or a pair of group dwellings with a parcel of common land for vehicle access and manoeuvring. Therefore as of right, the subject site would accommodate a group dwelling development in a hammerhead configuration. However, there is only one example of group dwellings in the general locality. Therefore the development of group dwellings would notably alter the existing character and form of development.

Ultimately, a shortfall of frontage width by way of 2.705 metres per dwelling is not considered so severe that a development comprising a hammerhead configuration is regarded as a better overall planning outcome. It is important to note that the application fails only one quantitative Development Plan provision, which is concerning the frontage width that is being considered as a merit assessment as part of the Residential Code assessment pathway. The frontage width provision, as all other development plan provisions, serves as a guide in achieving a form of development that is suitable for the subject site and surrounding locality.

Minor Departure

Minor departures from the Residential Code assessment were noted and are shown below:

- Centrally located wall height exceeding 6.00 m at 6.08 m (a 8 cm departure);
- Side facing upper level retreat windows (not visible on the side elevations); and
- Terrace wall setback of 3.927m v 4000mm.

Section 35 1(1b) of the Development Act 1993 states that a development that is assessed by a relevant authority as being a minor variation from complying development may be determined by the relevant authority to be complying development. In this case the minor shortfall mentioned above are classed to be a minor variation from requirements of the Residential Code and therefore complying.

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 on balance satisfies the relevant provisions of the Development Plan. Accordingly, the proposal warrants Development Plan Consent subject to conditions.

5. 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 resolves to grant Development Plan Consent to Development Application 110/00134/19 for the construction of a pair of two storey dwellings with integral garages on a hammerhead configuration at 39 Holder Road, Hove, 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.