

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **26 AUGUST 2020**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **ALEXANDER STAMATOPOULOS**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS: **1. LOCALITY MAP**
2. PROPOSAL PLANS
3. PLANNING REPORT IN SUPPORT OF APPLICATION

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

DA NO.	:	<u>110/00405/20</u>
APPLICANT	:	<u>SIMON WHITE</u>
LOCATION	:	<u>42 MARY STREET, GLENELG NORTH</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL CHARACTER ZONE - STREETSCAPE POLICY AREA 14 (GLENELG AND GLENELG NORTH)</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF NEW TWO STOREY DETACHED DWELLING WITH WALL LOCATED ON SOUTHERN BOUNDARY, PERGOLA LOCATED FORWARD OF DWELLING, MASONRY WALL LOCATED ON NORTHERN SIDE BOUNDARY, BASEMENT AND SWIMMING POOL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT</u>

1. Site and Locality

The subject site is located in the Streetscape Character (Glenelg and Glenelg North) Policy Area 14 of the Residential Character Zone. The existing dwelling is a Post-War Conventional style dwelling. It is inconsistent with desired character and does not contribute positively to streetscape character. The site is relatively flat and contains a frontage of 18.29m and a depth varying from 26.82 to 28.50m.

The streetscape character of Mary Street is derived from a predominance of dwellings dating from late 1800s cottages and villas to 1920s bungalows. The streetscape character immediately south of the subject site is typified by early 1900s cottages but this character quickly dissipates at the northern end of the street where there are dwellings of more recent origins including circa late 1960s home units adjacent to the north of the subject site and a circa 1960s residential flat building opposite. Furthermore, the adjacent dwelling to the south, although built in the early 1900s, has been the subject of some alteration, to the detriment of its character.

Refer to Attachment 1

2. Proposed Development

The proposal seeks to construct a two storey dwelling which contains a garage wall located on the southern boundary, pergola located forward of the dwelling, masonry wall located on northern side boundary, a swimming pool and basement located under natural ground level.

The dwelling contains a conventional two storey built form however is sympathetic to the streetscape. The upper level contains a substantial setback from the primary boundary and front dwelling wall. The dwelling has been architecturally designed incorporating a variety of materials and finishes particularly to the façade. The upper level component of the dwelling will be clad in revolution roofing europlus interlocking cladding finished in matt windspray.

The swimming pool is located between the dwelling and northern side boundary and the associated plant equipment is located in the north-eastern corner of the allotment. The pergola is located in the front yard and replaces an existing structure with a similar built form. The wall located on the northern side boundary is comprised of masonry construction 2.1m high finished in render and painted dark grey. The basement is located toward the centre of the dwelling and will function as a wine cellar.

Refer to Attachment 2

3. Procedural Matters

The application is a Category 1 Development subject to Schedule 9 Part 1 2 (a)(i) of the Development Regulations. The dwelling contains a wall located on the boundary however the total height from natural ground level is noted on the plans to be no higher than 2.75m. The application does not warrant any referrals subject to Schedule 8 of the Development Regulations 2008.

4. Development Data

DEVELOPMENT DATA			
Aspect	Proposed	Development Plan	Compliance
<u>Site Area</u>	501m ²		
<u>Site Coverage</u>	312m ² or 61.5%	50% maximum	<u>11.5% Variance</u>
<u>Private Open Space</u>	125m ² or 25%	20% minimum	<u>Complies</u>
<u>Primary Setback</u>			
Garage	10m	6.75m	<u>Complies</u>
Façade	5m	6.75m	<u>1.75m shortfall</u>
<u>Rear Setback</u>	2.95m (lower) 2.49m (upper)	4m 6m	<u>3.05 shortfall</u> <u>3.51m shortfall</u>
<u>Total Wall height</u>	7.2m	7m	<u>200mm shortfall</u>

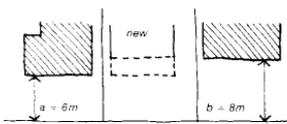
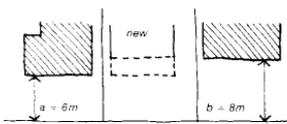
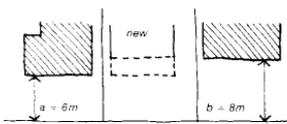
DEVELOPMENT DATA			
Aspect	Proposed	Development Plan	Compliance
Side Setbacks			
Upper Storey (North)	9.6m	3.7m	<u>Complies</u>
Upper Storey (South)	3.48m	3.7m	<u>220mm shortfall</u>
Lower Storey (Northern Master Bedroom)	1m	2m	<u>1m shortfall</u>
Lower Storey (South)	1.29m	1.5m	<u>210mm shortfall</u>
Boundary Development			
Garage			
Length	6.52m	8m	<u>Complies</u>
Height	2.75m	3m	<u>Complies</u>
Upper level area % of ground floor footprint	28%	40%	<u>Complies</u>

5. Development Plan Provisions

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

Design and Appearance	
1. Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: (a) building height, mass and proportion (b) external materials, patterns, colours and decorative elements (c) roof form and pitch (d) façade articulation and detailing (e) verandahs, eaves, parapets and window screens.	Complies
3. The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties or drivers.	Complies
10. The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: (a) windows of habitable rooms (b) upper-level private balconies that provide the primary open space area for a dwelling (c) solar collectors (such as solar hot water systems and photovoltaic cells).	Complies
11. Development should minimise direct overlooking of habitable rooms and private open spaces of dwellings through measures such as: (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct (b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms (c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.	Complies
16. Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.	Complies

Residential Development	
<p>1. Residential allotments and sites should maximise solar orientation and have the area and dimensions to accommodate:</p> <ul style="list-style-type: none"> (a) the siting and construction of a dwelling and associated ancillary outbuildings (b) the provision of landscaping and private open space (c) convenient and safe vehicle, pedestrian and cycling access and parking (d) water sensitive design systems that enable the storage, treatment and reuse of stormwater. 	Complies
<p>5. Residential development should be designed to ensure living rooms have an external outlook.</p>	Complies
<p>8. The vertical distance between any lower floor of a building and the natural ground level should not exceed 1.5 metres at any point to minimise the depth of excavation and/or height of filling of land, as illustrated by the figure below:</p>	Complies
<p>10. The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to:</p> <ul style="list-style-type: none"> (a) windows of habitable rooms (all rooms excluding bathrooms, laundries and hallways), particularly living areas (b) ground-level private open space (c) upper-level private balconies that provide the primary open space area for any dwelling (d) access to solar energy. 	Complies
<p>11. Development should ensure that north-facing windows to habitable rooms (all rooms excluding bathrooms, laundries and hallways) of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 5 pm on the 21 June.</p>	Complies
<p>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:</p> <ul style="list-style-type: none"> (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). <p>Development should not increase the overshadowed area by more than 20 per cent in cases where overshadowing already exceeds these requirements.</p>	Complies
<p>13. Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.</p>	Complies.
<p>14. Garages and carports facing the street should not dominate the streetscape and should be designed in accordance with the following:</p> <ul style="list-style-type: none"> (a) have a maximum total width of garage or carport openings of 6 metres or 50 per cent of the dwelling frontage width, whichever is the lesser (b) be located at least 0.5 metres behind the main face of the associated dwelling (c) where it is in the form of an enclosed double carport or garage, be setback at least 8 metres from the primary road frontage and incorporate one of the following: <ul style="list-style-type: none"> (i) two individual doors with a distance of not less than 300 millimetres between them (ii) double tilt-up doors with moulded door panels having a maximum width of no more than 5 metres (d) be constructed of materials that integrate with those of the associated dwelling, or pre-coloured treated metal. 	<ul style="list-style-type: none"> (a) Complies (b) Does not comply (c) Complies (d) Complies

Residential Development (Cont)										
<p>19 Except where specified in a particular zone, policy area or precinct or Residential High Density Zone, the main face of a building should be set back from the primary road frontage in accordance with the following table:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; background-color: #cccccc;">Setback difference between buildings on adjacent allotments with frontage to the same primary street</th> <th style="width: 50%; background-color: #cccccc;">Setback of new building</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Up to 2 metres</td> <td style="text-align: center;">The same setback as one of the adjacent buildings, as illustrated below:</td> </tr> <tr> <td colspan="2" style="text-align: center;">  <p style="text-align: center; font-size: small;">When $b > a$: setback of new dwelling = a or b</p> </td> </tr> <tr> <td style="text-align: center;">Greater than 2 metres</td> <td style="text-align: center;">At least the average setback of the adjacent buildings.</td> </tr> </tbody> </table>		Setback difference between buildings on adjacent allotments with frontage to the same primary street	Setback of new building	Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:	 <p style="text-align: center; font-size: small;">When $b > a$: setback of new dwelling = a or b</p>		Greater than 2 metres	At least the average setback of the adjacent buildings.	Does not comply
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Greater than 2 metres	At least the average setback of the adjacent buildings.									
<p>20. Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to:</p> <p>(a) minimise the visual impact of buildings from adjoining properties (b) minimise the overshadowing of adjoining properties.</p>		Complies								
<p>21. Residential development (other than where located on a boundary) should be setback from side and rear boundaries in accordance with the following parameters:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Parameter</th> <th style="width: 50%;">Value</th> </tr> </thead> <tbody> <tr> <td>Side walls with a height up to (and including) 3 metres at any point above the natural ground level.</td> <td>1 metre</td> </tr> <tr> <td>Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground.</td> <td>1.5 metres plus an additional 500mm for every metre in height above 4 metres.</td> </tr> <tr> <td>Side walls greater than 6 metres at any point above the natural ground level</td> <td>2.5 metres plus the increase in wall height above 6 metres</td> </tr> </tbody> </table>		Parameter	Value	Side walls with a height up to (and including) 3 metres at any point above the natural ground level.	1 metre	Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground.	1.5 metres plus an additional 500mm for every metre in height above 4 metres.	Side walls greater than 6 metres at any point above the natural ground level	2.5 metres plus the increase in wall height above 6 metres	<p>N/A</p> <p>Does not comply.</p> <p>Does not comply.</p>
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Side walls greater than 6 metres at any point above the natural ground level	2.5 metres plus the increase in wall height above 6 metres									
Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level	4 metres	Does not comply								
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								
<p>24. Walls associated with a dwelling located on a side boundary should be designed in accordance with the following parameters:</p> <p>(a) a height not exceeding 3 metres above natural ground level (b) a length not exceeding 8 metres</p>		<p>(a) Complies. (b) Complies.</p>								

Residential Development (Cont)								
<p>27. Carports and garages should be set back from road and building frontages so as to:</p> <p>(a) contribute to the desired character of the area (b) not adversely impact on the safety of road users (c) provide safe entry and exit (d) not dominate the appearance of dwellings from the street</p>		<p>(a) Complies. (b) Complies. (c) Complies. (d) Complies.</p>						
<p>28. Site coverage (the proportion of a site covered by ground floor level buildings and structures including dwelling, garage, carport, verandahs and outbuildings but excluding unroofed pergolas and unroofed balconies) should not exceed the following values:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Parameter</th> <th style="text-align: left;">Value</th> </tr> </thead> <tbody> <tr> <td>Site with an area less than or equal to 300 square metres</td> <td>60 per cent</td> </tr> <tr> <td>Site with an area greater than 300 square metres</td> <td>50 per cent</td> </tr> </tbody> </table>	Parameter	Value	Site with an area less than or equal to 300 square metres	60 per cent	Site with an area greater than 300 square metres	50 per cent		11.5% 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							
<p>29. Site coverage should be limited to ensure sufficient space is provided for:</p> <p>(a) vehicle parking (b) domestic storage (c) outdoor clothes drying (d) a rainwater tank (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles</p>		Complies.						
<p>31. Private open space (land available for exclusive use by residents of each dwelling) should be provided for each dwelling (including a dwelling within a residential flat building) and should be sited and designed:</p> <p>(a) to be accessed directly from the internal living areas of the dwelling (b) generally at ground level to the side or rear of a dwelling and screened for privacy (c) to take advantage of but not adversely affect natural features of the site (d) to minimise overlooking from adjacent buildings (e) to achieve separation from bedroom windows on adjoining sites (f) to have a northerly aspect to provide for comfortable year-round use (g) to not be significantly shaded during winter by the associated dwelling or adjacent development (h) to be shaded in summer.</p>		Complies.						
<p>32. Dwellings and residential flat buildings at ground level should include private open space that conforms to the requirements identified in the following table:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td>Site area of dwelling - 250 square metres or greater.</td> </tr> <tr> <td>Minimum area of private open space - 20 per cent of site area.</td> </tr> </tbody> </table>	Site area of dwelling - 250 square metres or greater.	Minimum area of private open space - 20 per cent of site area.		Complies.				
Site area of dwelling - 250 square metres or greater.								
Minimum area of private open space - 20 per cent of site area.								
<p>33. Private open space should not include driveways, front yards (except where it is a group dwelling that has no frontage to a public road and the private open space is screened from adjacent dwellings), effluent drainage areas, rubbish bin storage, sites for rainwater tanks and other utility areas and common areas such as parking areas and communal open space.</p>		Complies.						

Residential Development (Cont)	
34. Private open space at ground level should be designed to provide a consolidated area of deep soil (an area of natural ground which excludes areas where there is a structure underneath, pools and non-permeable paved areas) to: (a) assist with ease of drainage (b) allow for effective deep planting (c) reduce urban heat loading and improve micro-climatic conditions around sites and buildings.	Complies.

HOLDFAST BAY (CITY) DEVELOPMENT – ASSESSMENT – RESIDENTIAL CHARACTER ZONE

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.	Does not comply.
2. Development that is designed to reflect the traditional character elements of the area, particularly as presented to the streetscape	Complies
3. Development that contributes to the desired character of the zone.	Complies
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. Development should retain existing older style dwellings of attractive appearance and sound condition which are consistent with the desired character of the policy area.	
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
5. Development should not be undertaken unless it is consistent with the desired character for the zone.	Complies

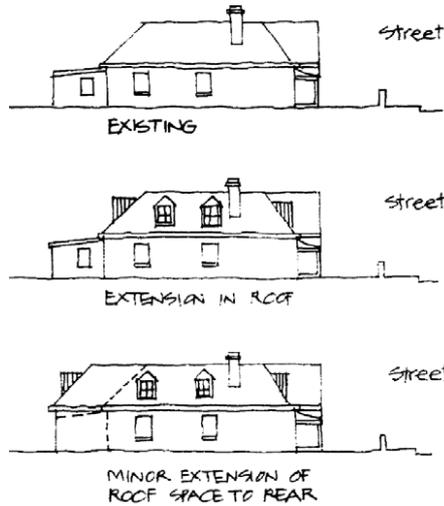
Principles of Development Control Cont)	
6 Development should preserve and enhance streetscapes within the zone by: (a) the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality (b) limiting the number of driveway crossovers.	Complies
8. Where a new dwelling is constructed alongside or within a group of older style residential buildings, the new dwelling should be of a similar height, scale and proportions and be constructed of materials that complement and reinforce the character and design elements of existing buildings.	Complies
STREETSCAPE CHARACTER (GLENELG AND GLENELG NORTH) POLICY AREA 14	
Objectives	
1. Preservation of the existing development patterns and built form of the policy area.	Complies
3. Development that contributes to the desired character of the policy area.	Complies
Desired Character	
The policy area features consistent design themes comprising single storey brick and stone dwellings with substantial hipped or gabled roof forms, consistent building setbacks, landscaped front yards and visually permeable fencing facing public streets. The Glenelg North portion of the policy area is characterised by smaller scale and simplified building forms. While some infill residential flat development has occurred in parts of the policy area, this does not represent the predominant character and is not the form of desired future development.	
The Glenelg portion of the policy area is characterised by a variety of single and two storey dwelling forms, typically on individual allotments. This part of the policy area contains some examples of buildings that were constructed in the earliest period of settlement of South Australia, which are characterised by their low scale, relatively small dimensions and simple building details.	
The majority of dwellings were constructed between the 1880s and 1920s, are predominantly single storey in height and built on allotments that range in area from 200 to 600 square metres. These dwellings typically comprise semi-detached, small detached and row dwelling forms with small setbacks from the street. Setbacks typically range between 3 and 6 metres (and less from secondary frontages for corner allotments). These setbacks create small front yards that, when added to the low (less than 1 metre in height) and simple fencing forms such as timber picket, paling, woven wire on timber frames or rolled steel fencing, and typical cottage gardens, add to the intimate scale of the established streetscape.	
Relative to other residential areas, development in the policy area will be slow and progressive, resulting in the existing predominant character being maintained, albeit in a modified form, with increasing numbers of new dwellings as older dwellings are replaced with contemporary, sympathetically designed buildings and housing forms that respond to new lifestyle choices. Development will respect and enhance the special character qualities of the policy area, without necessarily replicating existing older building forms to achieve this outcome.	

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

STREETSCAPE CHARACTER (GLENELG AND GLENELG NORTH) POLICY AREA 14

Desired Characters (Cont)

4. Development should be limited to one storey, except where a dwelling faces a public road (i.e. is not sited in a battle-axe allotment or at the rear of a development site) and any of the following is proposed:
 (a) the development is located east of Brighton Road in which case it must not have a vertical wall height exceeding 3.5 metres at any point above natural ground level
 (b) sympathetic two-storey additions that use existing roof space or incorporate minor extensions of roof space to the rear of the dwelling (refer to the figure below)



(a) N/A.

(b) N/A.

(c) in new dwellings, a second storey within the roof space where the overall building height, scale and form is compatible with existing single-storey development in the locality (refer to the figure below)



(c) Not applicable

(d) dormer windows with a total length less than 30 per cent of the total roof length along each elevation

(d) Not applicable

(e) the floor area of the second storey should be a maximum of 40 percent of the ground floor footprint of the dwelling and attached garage.

(e) Complies – 28%.

STREETSCAPE CHARACTER (GLENELG AND GLENELG NORTH) POLICY AREA 14	
Desired Characters (Cont)	
6. Development should conserve, enhance and complement the distinctive features of existing dwellings in the policy area, including their: (a) front, side and rear dwelling setbacks (b) scale (c) roof forms (d) roof materials (e) external materials (f) facade details (g) fencing	Complies
7. Garages and carports facing the street (other than an access lane way) should be designed with a maximum width (including the total width of any support structure) of 6.5 metres or 30 per cent of the building site frontage width, whichever is the lesser distance.	Complies

6. Summary of Assessment

The application complies with a majority of the quantitative objectives and principles of the Holdfast Bay Development plan. The following assessment will touch on aspects of the application which requires further discussion.

Zoning

The proposed dwelling is located in Residential Character Zone Policy Area 14 on the western side of Tapleys Hill Road. The Desired Character of the Policy Area emphasises single storey construction, however also anticipates some circumstances where site dimensions enable two-storey development, primarily for detached dwellings, provided this development contributes to the streetscape through other key characteristics (eg development footprint, height, massing and architectural design).

The purpose of the Policy Area is to retain and reinforce the character of streetscapes in Glenelg and Glenelg North. The immediate locality surrounding the subject site does not contain a consistent built form of dwellings displaying character elements. The streetscape character immediately south of the subject site is typified by early 1900s cottages but this character quickly dissipates at the northern end of the street where there are dwellings of more recent origins including circa late 1960s home units adjacent to the north of the subject site and a circa 1960s residential flat building opposite. Furthermore, the adjacent dwelling to the south, although built in the early 1900s, has been the subject of some alteration, to the detriment of its character.

The emphasis of the Policy Area is to maintain a single storey built form as viewed from the streetscape however also anticipates two storey development. PDC 4(e) of the policy area states that

4. Development should be limited to one storey, except where a dwelling faces a public road (i.e. is not sited in a battle-axe allotment or at the rear of a development site) and any of the following is proposed:

- (a) the development is located east of Brighton or Tapleys Hill Road in which case it must not have a vertical wall height exceeding 3.5 metres at any point above natural ground level

- (b) sympathetic two-storey additions that use existing roof space or incorporate minor extensions of roof space to the rear of the dwelling
- (c) in new dwellings, a second storey within the roof space where the overall building height, scale and form is compatible with existing single-storey development in the locality
- (d) dormer windows with a total length less than 30 per cent of the total roof length along each elevation.
- (e) the floor area of the second storey should be a maximum of 40 percent of the ground floor footprint of the dwelling and attached garage.**

As the development is not located on the eastern side of Tapley's Hill Road wall heights greater than 3.5m are anticipated to be appropriate subject to satisfying PDC 4(e). The upper level footprint of the dwelling is 28% of the ground floor footprint, well within the 40% anticipated maximum. Considering the above, consideration should be given to assessing the merits of a conventional two storey dwelling.

Built Form

The Council referred the application to consulting heritage architect Andrew Stevens in order to assess its suitability. A summary of Andrew's comments are shown below:

Taking into account the compromised streetscape character in the immediate locality and the fact that this is not an Historic Conservation Area, I think that the proposed dwelling is supportable.

The upper storey component is reasonably discreet. It's projection above the ridge is minor and, although it projects almost the full depth of the proposed dwelling, its width is relatively minor and it is well setback from side boundaries.

The proposed dwelling therefore largely presents to the streetscape as a single storey dwelling. It has a pitched roof form and a scale and proportions that are sufficiently consistent with streetscape character. Proposed materials and colours (a palette of mid to dark greys and bagged brick, sandstone and steel) are compatible with streetscape character.

The proposed dwelling is inconsistent with traditional development patterns as it has a much broader frontage width than traditional dwellings and smaller side setbacks. Taking into account its location at the northern end of the traditional character dwellings, this might not be considered fatal.

Andrew's assessment determined that the built form of the dwelling is suitable for the locality.

The proposed dwelling contains a conventional two storey built form with a floor area ratio similar to an in-roof upper storey being substantially less than 40% of the ground floor. The result is an upper-storey that is setback from the main face of the dwelling and presents as a secondary visual element to the lower level. Furthermore, the upper-storey addition is setback 9.1 metres from the primary boundary reducing the appearance of height and visual bulk to the streetscape.

The dwelling has been designed to take advantage of the northern aspect as the private open spaces areas have been orientated to the northern side of the allotment. The dwelling itself also benefits from the northern orientation. High level windows associated with the living area and large floor to ceiling windows adjacent to the hallway will allow adequate amounts of natural light to enter the dwelling. The pergola proposed in the front yard will replace an existing structure with a similar built form. The pergola will function as a front courtyard with a vine proposed growing along the exposed beams which will compliment the façade of the dwelling and provide visual interest to the already substantially landscaped front yard.

The site plan shows a carport located forward of the dwelling façade which can be interpreted as a dominant structure. When viewing the elevations and 3D perspectives of the dwelling this is not the case. The area noted as a “carport” on the site plan is technically the front verandah of the dwelling which spans across to the master bedroom. The front verandah is a notable visual element of the façade and when viewed from the streetscape the “carport” area does appear as a visually prevailing standalone structure dominating the façade.

The dwelling exceeds the quantitative anticipated maximum site coverage requirement of 50% by 11.5%. The development plan also references qualitative requirements that provide a more practical measure for determining the appropriateness of a structures total footprint. The proposal satisfies PDC 29 as it provides sufficient space for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space and landscaping, and convenient storage of household waste and recycling receptacles.

Setbacks

The assessment identified non-compliances associated with the primary, side and rear walls of the dwelling. The unit located to north of the site contains a primary setback of 8.5m and the dwelling to the south 5m resulting in an average setback of 6.75m. The primary setbacks of the proposal that will be referenced will be measured from the dwelling façade and not the verandah as it is an open structure.

The closest part of the dwelling is to the north which is 5m from the primary boundary. The primary setback then gradually increases to the south as the dwelling wall steps back and the angled primary boundary tapers away from the dwelling. The primary setback of the dwelling façade increases from 5m to 10m to the garage. The verandah element of the façade is located in line with the wall of the dwelling to the south and well behind the front verandah and carport.

The primary setback patterns of the eastern side of Mary Street vary and lack consistency. The dwellings located south of the subject site, between Albert and Melbourne Street, are located close to the primary boundary and contain setbacks consistent with the proposal varying from 3m to 6m. The three dwellings located between the subject land and Albert Street contain setbacks that vary from 5m to 7.5m. Further, the three storey residential flat building opposite the site contains a primary setback of 5.5m.

It is noted that the proposal will be located forward of the northern neighbouring units however when considering the prevailing character of setbacks along Mary street the siting of the dwelling is fitting.

The total height of the dwelling is 7.2m which warrants a side setback minimum of 3.7m. The northern upper level is setback in excess of 9m from the side boundary and the southern side is 3.48m, a shortfall of 220mm. The southern lower wall contains a 1.29m setback, where 1.5m is anticipated given its wall height. The shortfalls are not considered to be detrimental as visual and overshadowing impacts are considered to be minor.

The dwelling to the south contains ancillary structures built to a portion of the northern side boundary where any existing north facing windows will not be subject to additional overshadowing. Further, the driveway located on the northern side of the neighbouring property contains a width of 4.5m width which provides an ideal amount of separation of 8m between the proposed upper level to the northern façade of the southern house. This separation will allow adequate sunlight in the southern neighbouring allotment therefore satisfying PDC 10, 11 and 12 of the General Section – Residential Development.

The northern wall associated with the front verandah and master bedroom contains a total height 5.3m where it is pitched at its highest point. The height of the wall before it starts to pitch away is 3.8m. As the wall contains a total height of 5.3m, it warrants a setback of 2m. The wall will be located adjacent to the driveway of the northern unit which leads into a covered parking space. Given its siting on the allotment, visual impacts are considered to be minor and the 1m shortfall is justified.

The rear single storey wall contains a setback of 2.95m from the rear boundary where 4m is anticipated. The shortfall in setback has come about due to the design of the house maximising benefits of the northern orientation. This has resulted in the private open space being located to the northern side of the dwelling as opposed to the conventional location of to the rear. As a result the rear setback is shorter than anticipated.

The design of the dwelling has also resulted in upper level encroaching closer to the rear boundary than anticipated in the development plan. PDC 21 of Residential Development anticipates upper level rear setbacks to be 6m from the rear boundary, the proposed is setback 2.49m. The upper level of the dwelling is sited to the southern side of the dwelling and spans vertically down the allotment as opposed to horizontally across. This benefits the design of the dwelling as it allows the upper level to have a minimal presence to the streetscape and also allows the lower level to remain as private open space taking advantage of the northern aspect.

The impacts of the rear upper level setback shortfall are not considered to be detrimental to the merits of the application. The proposed first floor when viewed from the adjoining property to the east will not be visually dominant as it contains a modest width in comparison to the total width of the allotment. The first floor will occupy approximately 28% of total width of the allotment with the remaining built form being comprised of the lower storey.

The 3D perspectives show the view of the addition from the rear yard of the eastern adjoining allotment. Typically the rear of dwellings contain a consistent continual built form as there is little incentive for articulation given the lack of streetscape presence. The proposal benefits from the architectural design as it is comprised of a variety of materials and architectural features that provides visual interest.

Overshadowing to the private open space of the eastern dwelling will not be unreasonable given the orientation of the allotments to the sun. The private open space of the eastern adjoining dwelling will receive in excess of 3 hours of sunlight during the early morning and mid-afternoon hours of the day.

7. Conclusion

The proposal is a good example where modern design marries in well with an existing locality on the fringe of a policy area where character dissipates. The design of the dwelling is sympathetic to the streetscape and although quantitative shortfalls were noted the overall qualitative components of the dwelling contain substantial merit.

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. 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.

8. 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 110/00405/20 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 southern and northern 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 stormwater from the 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 storm water 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:

Storm water 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.

4. 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
5. That the associated filter pump associated with the swimming pool be enclosed in such a way that noise levels do not exceed 45db(a) between 10pm and 7am and 52db(a) between 7am and 10pm measured at adjoining property boundaries.