

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **23 SEPTEMBER 2020**
 SUBJECT: **COUNCIL ASSESSMENT PANEL REPORT**
 AUTHOR: **CRAIG WATSON**
TEAM LEADER DEVELOPMENT ASSESSMENT

ATTACHMENTS: **1. LOCALITY PLAN**
2. SUBMITTED PLANS AND INFORMATION
3. REPRESENTATION
4. APPLICANT'S RESPONSE TO REPRESENTATION

HEARING OF REPRESENTORS **GEORGE STEPHEN OR DIMITRA VERNEY**
 HEARING OF APPLICANT **BEN GILBERT**

| | | |
|------------------------|---|---|
| DA NO. | : | <u>110/00325/20</u> |
| APPLICANT | : | <u>ROSSDALE HOMES PTY LTD</u> |
| LOCATION | : | <u>215 SEACOMBE ROAD, SOUTH BRIGHTON</u> |
| DEVELOPMENT PLAN | : | <u>CONSOLIDATED 2 JUNE 2016</u> |
| ZONE AND POLICY AREA | : | <u>RESIDENTIAL</u> |
| NATURE OF DEVELOPMENT: | | <u>MERIT</u> |
| PROPOSAL | : | <u>TWO STOREY DETACHED DWELLING WITH INTEGRAL GARAGE ADJOINING EASTERN BOUNDARY</u> |
| EXISTING USE | : | <u>SINGLE STOREY DETACHED DWELLING</u> |
| REFERRALS | : | <u>NIL</u> |
| CATEGORY | : | <u>TWO</u> |
| REPRESENTATIONS | : | <u>ONE</u> |
| RECOMMENDATION | : | <u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS AND RESERVED MATTER</u> |

1. Site and Locality

The subject site is on the northern side of Seacombe Road, east of Stewart Street. The site presently contains a single storey detached dwelling with gravel driveway adjoining the eastern boundary. The site slopes down from Seacombe Road with a difference in level of approximately 2.6 metres between Seacombe Road and the rear boundary.

The locality comprises a mix of detached dwellings and group dwellings predominantly of single storey scale. Immediately to the west are 3 single storey row dwellings facing Stewart Street with shallow rear yards adjoining the subject site. To the north are 4 single storey residential flats two of which have shallow rear yards adjoining the subject site. To the east are 4 single storey group dwellings, two of which are adjacent to the subject site.

Refer to Attachment 1

2. Proposed Development

The development proposes a part two storey detached dwelling stepped down at the rear. The front portion, (slightly more than half its length) will be single storey with the rear portion two storeys. The existing crossover will be retained and a garage constructed to the eastern boundary. The design includes skillion roofs at the front and hipped roof over the two storey section. A combination of wall materials including brick, texture coated render panels, face blockwork, tiles and vertical cladding infill panels are proposed.

Refer to Attachment 2

Development Data

| Aspect | Proposed | Required/Allowed | Compliance |
|-------------------------|--|---|--|
| Site Area | 686m ² | 400m ² | Yes |
| Building height (walls) | 6.2m for two storey portion | 3.5m | No |
| Site coverage | 55% | 50% max. | No |
| Front Setbacks | 7m to 8.8m | Adjacent dwelling approx. 7m at closest | Yes |
| Upper side boundaries | 2.53m from western and 2.76m from eastern boundaries | 2.7m from eastern and western boundaries. | Minor non-compliance from western boundary |
| Upper rear boundary | 6.9m | 6m | Yes |
| Car Parking Provision | 3 spaces | 2 | Yes |
| Private Yard Space | 26% of site | Min 20% of site | Yes |
| Boundary wall | 2.9m x 6.5m | 3m x 8m | Yes |

3. Public Consultation

The application was subject to a category 2 notification. One representation from the owners of eastern adjoining properties at 211A and 213 Seacombe Road was received. The representation is summarised as follows:

- Two storey homes contravenes the zoning;
- Overlooking and overshadowing;
- Reversing movements onto Seacombe Road;
- Site coverage and open space requirements are not met; and
- Existing retaining walls and fences built within the representor's property and should not be removed.

Refer to Attachment 3

The applicant has responded to the representation and advises:

- Desired Character anticipates 'generally' single storey heights thereby some two storey can be considered;
- Most of the building is single storey including that portion viewed from Seacombe Road;
- Plans have been amended to increase side boundary setbacks resulting in only a minor non-compliance for portion of the western elevation;
- Having regard to the private open space which exceeds the minimum desired the marginal non-compliance with the site coverage does not reduce the overall planning merit;
- Upper windows have been amended and are either obscured or have sill heights of 1886mm;

- Most shadows will fall over Seacombe Road with some equally distributed shadows to the east and west with an outcome consistent with that sought by the Development Plan; and
- An existing access will be used and traffic movements will not be different to the existing use; and
- Applicant is aware of obligations regarding the existing retaining wall however any dispute would be a civil matter. The length and height of the boundary wall is consistent with the relevant development Plan policy.

Refer to Attachment 4

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

| Crime Prevention | |
|---|--|
| 1. Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable. | Complies. |
| 2. Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance. | Complies. |
| 3. Development should provide a robust environment that is resistant to vandalism and graffiti. | Complies. |
| 7. Site planning, buildings, fences, landscaping and other features should clearly differentiate public, communal and private areas. | Complies. |
| 8. Buildings should be designed to minimise and discourage access between roofs, balconies and windows of adjoining dwellings. | Complies. |
| Design and Appearance | |
| 1. Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: (a) building height, mass and proportion (b) external materials, patterns, colours and decorative elements (c) roof form and pitch (d) façade articulation and detailing (e) verandas, eaves, parapets and window screens. | The wording of the Desired Character allows for consideration of some two storey buildings. There are some two storey dwellings within the locality to the north and the development presents a single storey appearance to Seacombe Road. |
| 2. Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise: (a) the visual impact of the building as viewed from adjoining properties (b) overshadowing of adjoining properties and allow adequate sun light to neighbouring buildings. | 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. |
| 5. Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces. | Complies. |
| 10. The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: (a) windows of habitable rooms (b) upper-level private balconies that provide the primary open space area for a dwelling (c) solar collectors (such as solar hot water systems and photovoltaic cells). | Complies. No continuous overshadowing through the day. |

| | |
|---|---------------------|
| Design and Appearance (Cont) | |
| 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. |
| 13. 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. |
| 14. Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality. | Complies. |
| 15. Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view. | Complies. |
| 16. Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas. | Complies. |
| Energy Efficiency | |
| 1. Development should provide for efficient solar access to buildings and open space all year around. | 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. |
| Hazards | |
| 1. Development should be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of hazards. | Complies. |
| 4. Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property. | 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. |

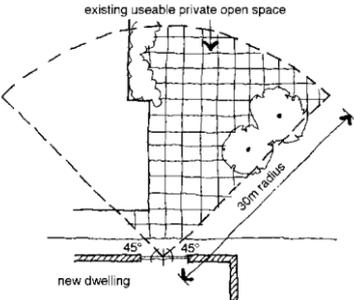
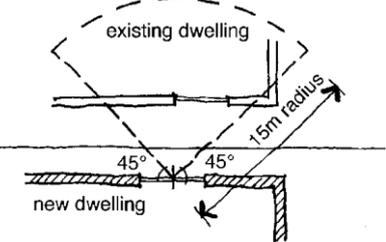
| Hazards (Cont) | |
|---|--|
| <p>6. Development, including earthworks associated with development, should not do any of the following:</p> <ul style="list-style-type: none"> (a) impede the flow of floodwaters through the land or other surrounding land (b) increase the potential hazard risk to public safety of persons during a flood event (c) aggravate the potential for erosion or siltation or lead to the destruction of vegetation during a flood (d) cause any adverse effect on the floodway function (e) increase the risk of flooding of other land (f) obstruct a watercourse. | Complies. |
| <p>8. Where flood protection measures are not provided for development situated on low-lying or flood affected land, development should be at least 0.25 metres above the minimum 1-in-100 year average return interval flood.</p> | Complies. |
| Landscaping, Fences and Walls | |
| <p>1. Development should incorporate open space and landscaping and minimise hard paved surfaces in order to:</p> <ul style="list-style-type: none"> (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. Landscape plan for front yard submitted and sufficient area to sides of dwelling to accommodate landscaping adjacent two storey component. |
| <p>2. Landscaping should:</p> <ul style="list-style-type: none"> (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. | No regulated trees to be removed. |
| <p>5. Fences and walls, including retaining walls, should:</p> <ul style="list-style-type: none"> (a) not result in damage to neighbouring trees (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street (e) assist in highlighting building entrances (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land (h) be constructed of non-flammable materials. | Complies. |

| Hazards (Cont) | |
|---|--|
| 6. Retaining walls should be constructed as a stepped series of low walls, incorporate landscaping to soften the appearance of the retaining wall and use locally indigenous plant species where possible. | Generally complies with retaining wall up to approximately 850mm at rear north west corner. Existing retaining wall on eastern side towards front of site is to be retained. |
| 7. Front fencing should be open in form to allow cross ventilation and access to sunlight. | No details provided. |
| Residential Development | |
| 1. Residential allotments and sites should maximise solar orientation and have the area 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, pedestrian and cycling access and parking (d) water sensitive design systems that enable the storage, treatment and reuse of stormwater. | Complies. |
| 5. Residential development should be designed to ensure living rooms have an external outlook. | 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. |
| 8. The vertical distance between any lower floor of a building and the natural ground level should not exceed 1.5 metres at any point to minimise the depth of excavation and/or height of filling of land, as illustrated by the figure below: | Complies. |
| 9. Development on sloping sites should be designed to reduce the bulk and scale of the proposed development and where possible include a split level design that follows the fall of the land. | Split level is included however two storey portion is still prominent. |
| 10. The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to: (a) windows of habitable rooms (all rooms excluding bathrooms, laundries and hallways), particularly living areas (b) ground-level private open space (c) upper-level private balconies that provide the primary open space area for any dwelling (d) access to solar energy. | Some shadowing of rear windows and courtyards of units on adjoining western property in morning periods and rear courtyard of 215 Seacombe Road during afternoon periods however consistent with Principle 11. |
| 11. Development should ensure that north-facing windows to habitable rooms (all rooms excluding bathrooms, laundries and hallways) of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 5 pm on the 21 June. | Complies. |
| 12. Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9 am and 3 pm on 21 June to at least the smaller of the following: (a) half of the existing ground-level open space (b) 35 square metres of the existing ground-level open space (with at least one of the area's dimensions measuring 2.5 metres). Development should not increase the overshadowed area by more than 20 per cent in cases where overshadowing already exceeds these requirements. | Complies. |
| 13. Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling. | Complies. |

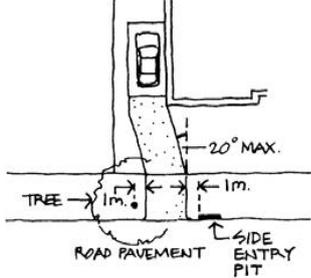
| Residential Development (Cont) | |
|---|-----------|
| <p>14. Garages and carports facing the street should not dominate the streetscape and should be designed in accordance with the following:</p> <p>(a) have a maximum total width of garage or carport openings of 6 metres or 50 per cent of the dwelling 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. |
| 17. Garages, carports and outbuildings should be designed within the following parameters: | |
| <p>Total floor area (maximum)</p> <p>Within 3 metres of side or rear boundary 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> <p>On a side or rear boundary 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>Wall height above natural ground level 3 metres</p> | Complies. |
| <p>Wall length</p> <p>Within 3 metres of side or rear boundary 9 metres</p> <p>On a side or rear boundary 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>Maximum height 4.5 metres</p> | Complies. |
| <p>Setback from any existing structure on the site located on the same boundary</p> <p>On side or rear boundary 6 metres</p> | 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"> <thead> <tr> <th>Setback difference between buildings on adjacent allotments with frontage to the same primary street</th> <th>Setback of new building</th> </tr> </thead> <tbody> <tr> <td>Up to 2 metres</td> <td>The same setback as one of the adjacent buildings, as illustrated below:</td> </tr> <tr> <td>Greater than 2 metres</td> <td>At least the average setback of the adjacent buildings.</td> </tr> </tbody> </table> | | Setback difference between buildings on adjacent allotments with frontage to the same primary street | Setback of new building | Up to 2 metres | The same setback as one of the adjacent buildings, as illustrated below: | Greater than 2 metres | At least the average setback of the adjacent buildings. | Complies. | | | | | | |
| Setback difference between buildings on adjacent allotments with frontage to the same primary street | Setback of new building | | | | | | | | | | | | | |
| Up to 2 metres | The same setback as one of the adjacent buildings, as illustrated below: | | | | | | | | | | | | | |
| Greater than 2 metres | At least the average setback of the adjacent buildings. | | | | | | | | | | | | | |
| <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</p> <p>(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"> <thead> <tr> <th>Parameter</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Side walls with a height up to (and including) 3 metres at any point above the natural ground level.</td> <td>1 metre</td> </tr> <tr> <td>Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground.</td> <td>1.5 metres plus an additional 500mm for every metre in height above 4 metres.</td> </tr> <tr> <td>Side walls greater than 6 metres at any point above the natural ground level</td> <td>2.5 metres plus the increase in wall height above 6 metres</td> </tr> <tr> <td>Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level</td> <td>4 metres</td> </tr> <tr> <td>Rear boundary setback for a building of two or more storeys with a wall height more than 3 metres above natural ground level</td> <td>6 metres</td> </tr> </tbody> </table> | | Parameter | Value | Side walls with a height up to (and including) 3 metres at any point above the natural ground level. | 1 metre | Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground. | 1.5 metres plus an additional 500mm for every metre in height above 4 metres. | Side walls greater than 6 metres at any point above the natural ground level | 2.5 metres plus the increase in wall height above 6 metres | Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level | 4 metres | Rear boundary setback for a building of two or more storeys with a wall height more than 3 metres above natural ground level | 6 metres | Does not comply with side boundaries – Upper storey storey 2.53 metres from western boundary and 2.76 metres from eastern boundary proposed (2.7 metres required based on wall height). Complies with rear boundary. |
| Parameter | Value | | | | | | | | | | | | | |
| Side walls with a height up to (and including) 3 metres at any point above the natural ground level. | 1 metre | | | | | | | | | | | | | |
| Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground. | 1.5 metres plus an additional 500mm for every metre in height above 4 metres. | | | | | | | | | | | | | |
| Side walls greater than 6 metres at any point above the natural ground level | 2.5 metres plus the increase in wall height above 6 metres | | | | | | | | | | | | | |
| Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level | 4 metres | | | | | | | | | | | | | |
| Rear boundary setback for a building of two or more storeys with a wall height more than 3 metres above natural ground level | 6 metres | | | | | | | | | | | | | |
| <p>23. 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> | | Complies. | | | | | | | | | | | | |

| Residential Development (Cont) | | | | | | | |
|--|--------------------|-------|---|-------------|---|--------------------|------------------------|
| 24. 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. | | | | | | |
| 27. 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. | | | | | | |
| 28. Site coverage (the proportion of a site covered by ground floor level buildings and structures including dwelling, garage, carport, verandas and outbuildings but excluding unroofed pergolas and unroofed balconies) should not exceed the following values: <table border="1" data-bbox="140 1025 654 1198"> <thead> <tr> <th>Parameter</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Site with an area less than or equal to 300 square metres</td> <td>60 per cent</td> </tr> <tr> <td>Site with an area greater than 300 square metres</td> <td>50 per cent</td> </tr> </tbody> </table> | Parameter | Value | Site with an area less than or equal to 300 square metres | 60 per cent | Site with an area greater than 300 square metres | 50 per cent | Does not comply – 55%. |
| Parameter | Value | | | | | | |
| Site with an area less than or equal to 300 square metres | 60 per cent | | | | | | |
| Site with an area greater than 300 square metres | 50 per cent | | | | | | |
| 29. Site coverage should 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) convenient storage of household waste and recycling receptacles | Complies. | | | | | | |
| 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: (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. | Complies. | | | | | | |
| 32. Dwellings and residential flat buildings at ground level should include private open space that conforms to the requirements identified in the following table: | Complies. | | | | | | |

| Residential Development (Cont) | |
|---|-----------------|
| Site area of dwelling - 250 square metres or greater. | |
| Minimum area of private open space - 20 per cent of site area. | Complies. – 26% |
| <p>Provisions</p> <p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</p> <p>One part of the space should be directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> | |
| <p>34. Private open space at ground level should be designed to provide a consolidated area of deep soil (an area of natural ground which excludes areas where there is a structure underneath, pools and non-permeable paved areas) to:</p> <p>(a) assist with ease of drainage</p> <p>(b) allow for effective deep planting</p> <p>(c) reduce urban heat loading and improve micro-climatic conditions around sites and buildings.</p> | Complies. |
| <p>41. Where development is greater than single storey (excluding the Minda Incorporated Brighton Campus):</p> <p>(a) any upper storey window that directly overlooks the private open space of an adjoining residential property that is within 30 metres from the vertical centre line of the overlooking window and beyond a 45 degree angle from the plane of the wall containing the overlooking window (as illustrated by the figure below) should be glazed in fixed obscure glass or have window sills a minimum of 1.7 metres above the upper floor level:</p>  | Complies. |
| <p>(b) any upper storey window that directly overlooks habitable rooms (all rooms excluding bathrooms, laundries and hallways) of residential buildings that are within 15 metres from the vertical centre line of the overlooking window and beyond a 45 degree angle from the plane of the wall containing the overlooking window (as illustrated by the figure below) should be glazed in fixed obscure glass or have window sills a minimum of 1.7 metres above the upper floor level:</p>  | Complies. |
| <p>(c) any upper storey balcony should be located and/or designed to avoid directly overlooking the private open space of adjoining residential properties and into habitable rooms (all rooms excluding bathrooms, laundries and hallways) of other dwellings.</p> | |

| Residential Development (Cont) | |
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| 42. Noise generated by fixed noise sources such as air conditioning units and pool pumps should be located, designed and attenuated to avoid causing potential noise nuisance to adjoining landowners and occupiers. | Standard air-conditioning condition recommended. |
| 44. Residential development close to high noise sources (eg major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, or protect these areas with appropriate noise attenuation measures. | Complies. |
| Siting and Visibility | |
| 4. Buildings and structures should be designed to minimise their visual impact in the landscape, in particular: (a) the profile of buildings should be low and the rooflines should complement the natural form of the land (b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land (c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings. | Rear portion of building is prominent however is reasonably articulated with eaves, windows and satisfactory setbacks as amended. |
| 5. The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape. | Complies. |
| 8. Development should be screened through the establishment of landscaping using locally indigenous plant species: (a) around buildings and earthworks to provide a visual screen as well as shade in summer, and protection from prevailing winds (b) along allotment boundaries to provide permanent screening of buildings and structures when viewed from adjoining properties and public roads (c) along the verges of new roads and access tracks to provide screening and minimise erosion. | Landscape plan for front yard and sufficient space to the side and rear of the two storey portion for screen planting. |
| Transport and Access | |
| 8. Development should provide safe and convenient access for all anticipated modes of transport. | Complies. |
| 10. Driveway cross-overs affecting pedestrian footpaths should maintain the level of the footpath. | Uses existing crossover. |
| 11. Driveway crossovers should be separated and the number minimised to optimise the provision of on- street visitor parking (where on-street parking is appropriate). | Uses existing crossover |
| 23. 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 Institution Policy Area 4, South West Policy Area 7 and Seacliff Policy Area 12). | Uses existing crossover. |

| Residential Development (Cont) | |
|---|--|
| <p>(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><i>Crossovers should have a 1m clearance to street trees, stobie poles and stormwater side entry pits</i></p> | Complies. |
| <p>24. 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> | Complies. |
| <p>26. On-site parking and manoeuvring areas servicing development abutting arterial roads should be designed to enable all vehicles to enter and exit the site in a forward direction.</p> | Does not comply however the traffic movements would not change compared with existing. |
| <p>29. Development should be provided with safe and convenient access which:</p> <ul style="list-style-type: none"> (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. |
| <p>31. The number of vehicle access points onto arterial roads shown on Overlay Maps - Transport should be minimised, and where possible access points should be:</p> <ul style="list-style-type: none"> (a) limited to local roads (b) shared between developments. | Complies. Uses existing crossover. |
| <p>34. Development with access from arterial roads or roads as shown on Overlay Maps - Transport should be sited to avoid the need for vehicles to reverse on to or from the road.</p> | Does not comply however no different to existing use. |
| <p>40. Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with zone requirements or, if not specified by the zone, <i>Table HoB/1 - Off Street Vehicle Parking Requirements</i> (with resultant numerical figure rounded to the nearest whole number) unless all the following conditions are met:</p> <ul style="list-style-type: none"> (a) the site is located within the Glenelg Policy Area 2 (b) an agreement is reached between the Council and the applicant for a reduced number of parking spaces (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. | Complies. |

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

| RESIDENTIAL ZONE | |
|---|---|
| Objectives | |
| 2. Increased dwelling densities in close proximity to centres, public transport routes and public open spaces. | Does not comply. Maintains existing density. |
| 3. Development that contributes to the desired character of the zone. | Does not comply regarding building scale. |
| 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. 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): | |
| (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 | Not applicable. |
| (c) semi-detached dwellings, where site considerations permit. | Not applicable. |
| Development outside of the policy areas will comprise: | |
| <ul style="list-style-type: none"> Generally single storey in areas east of Brighton Road, and up to two storeys in areas west of Brighton Road. | Reasonably complies given single storey appearance to Seacombe Road other two storey dwellings within the locality. |
| <ul style="list-style-type: none"> 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. | Complies. |
| <ul style="list-style-type: none"> 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. | Complies. |
| <ul style="list-style-type: none"> 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. | Complies. |
| <ul style="list-style-type: none"> Vehicle garaging that will be set back clearly behind the immediately adjacent part of the front building facade. | Complies. |
| <ul style="list-style-type: none"> Development that will enhance and protect streetscape character by minimising driveway access points and width of crossovers and driveways. | Complies. |
| <ul style="list-style-type: none"> Undercroft car parking that will also be avoided on flat sites and sites that slope down from the street level. | Complies. |
| <ul style="list-style-type: none"> Buildings that will be stepped and articulated at the front elevation to achieve visual relief and architectural interest as viewed from the street. | Complies. |
| <ul style="list-style-type: none"> 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. | Complies. |

| RESIDENTIAL ZONE | | | |
|--|---|---|---|
| Desired Character | | | |
| <ul style="list-style-type: none"> architectural design and detailing that responds to localised character by way of fenestration, doorways, windows, eaves and roof forms. | | Complies. | |
| <ul style="list-style-type: none"> setbacks and be orientated to minimise impacts of the privacy of neighbouring residents. | | Complies | |
| Principles of Development Control | | | |
| 1. The following forms of development are envisaged in the zone: <ul style="list-style-type: none"> affordable housing domestic outbuilding in association with a dwelling domestic structure dwelling dwelling addition small scale non-residential use that serves the local community, for example: <ul style="list-style-type: none"> child care facility health and welfare service open space primary and secondary school recreation area supported accommodation. | | Complies. | |
| 6. Development should not be undertaken unless it is consistent with the desired character for the zone. | | Considered to comply. | |
| 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: | | | |
| Location of the dwelling | Maximum wall height above natural ground level | Maximum height above natural ground level | |
| 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. | Does not comply. Rear wall height approximately 6.2 metres. |
| 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

Scale

The Desired Character for this part of the Zone states that development will generally be single storey in height while Residential Zone Principle 8, requires single storey buildings with wall heights of 3.5 metres. The wording of the Desired Character Statement, which does not use the language of should or must suggests that some consideration can be given to two storey dwellings.

It is noted that the properties immediately north of the subject site are within a Residential Code area, where potentially two storey dwellings may be built as of right. There are a number of two storey dwellings within that area as identified within the Heynen response to the representations.

Although the subject site and other properties facing Seacombe Road are not subject to the Code the development maintains a single storey presentation to Seacombe Road, thereby maintaining the existing low built form character of Seacombe Road.

The main impact will be on adjoining residential properties, particularly 3/217 Seacombe Road, 2 and 3/29 Stewart Street and 213 Seacombe Road. The group dwelling at 211A Seacombe Road (eastern adjoining at rear of subject site) is not as readily affected due to its private yard and main outlook being located away from the subject site.

Setbacks

The dwelling is setback between 7 and 8.8 metres from Seacombe Road, which is reasonably in alignment with dwellings on adjoining properties and consistent with Residential Development Principle 19.

Based on the wall height of the two storey portion, which is approximately 6.2 metres above existing ground, Residential Development Principle 21 requires side boundary setbacks of 2.7 metres. In response to comments from Council administration and the representation amended plans have been submitted, which have reduced the size of the rear upper storey component, thereby increasing the side boundary setbacks. The amended setbacks to the upper floor are 2.53 metres from the western boundary and 2.76 metres from the eastern boundary. The non-compliance with the western boundary setback requirement is not considered so significant as to warrant refusal, particularly given shading impacts are of limited duration

Site Coverage and Private Open Space

The site coverage (55%) exceeds the maximum required by Residential Development Principle 28 (50%). There is however sufficient space for pedestrian and vehicle access, storage, clothes drying, rain water tanks and private open space in accordance with Principle 29.

The private open space to rear and sides of the dwelling (26% of site) exceeds the minimum requirements of Principle 32 (20% of site).

Access and Parking

The access and parking arrangement is inconsistent with Transportation and Access Principle 26 in that it encourages the reversing movements of vehicles onto Seacombe Road. The Court has held that it is reasonable to have regard to existing situations in considering the significance of any non-compliance. In that regard the development utilises an existing crossover and is similar to existing parking arrangements which also result in reversing movements onto Seacombe Road, as do most other detached dwellings facing Seacombe Road. The development does not increase dwelling densities and will not exacerbate the existing conditions as the number of traffic movements will be similar to existing. While there may be sufficient front yard space to accommodate a reversing bay it would be at the expense of front yard landscaping.

Amenity

Amenity impacts are primarily confined to adjoining properties at 3/217 Seacombe Road, 2 and 3/29 Stewart Street and 213 Seacombe Road. These properties have private open space and rear windows facing the rear of the subject site and will be affected by visual bulk, some overshadowing and overlooking pending window design. Overshadowing will be limited to either morning (3/217 Seacombe Road) or afternoon (213 Seacombe Road) and is consistent with Residential Development Principles 11 and 12. The properties at 2 and 3/29 Stewart Street will not be affected by overshadowing.

The upper storey windows have been amended and now have sill heights greater than 1.7 metres or obscure glass and comply with Residential Development Principles 40 and 41 to maintain reasonable privacy on adjoining properties.

City Asset's comments

Council's engineer advises the developer needs to show they have designed a system to reliably transfer storm water from their site to Council infrastructure, and also show that they are providing detention/or retention with post-development flows from the site in a 100year ARI event not to exceed pre-development flows for a 5 year ARI event. The applicant has had insufficient time to obtain this information but advise they are willing to accept this matter being dealt with as a reserved matter.

Conclusion

Although relevant policy encourages single storey development, two storey dwellings can still be considered and may be appropriate depending on the circumstances. The proposed development does provide a single storey scale to Seacombe Road and its rear of site two storey component is adjacent to sites subject to the Residential Code where two storey built form might be accommodated as of right. In response to the representation side boundary setbacks have been increased and which have reasonably reduced impacts on adjoining properties. Private open space, privacy and overshadowing aspects are all consistent with relevant Development Plan policies. The proposed dwelling uses an existing crossover and will not change the nature or number of vehicle movements. Any issues relating to the retaining wall as raised within the representation would be dealt with through civil law procedures.

The development is not seriously at variance with the Development Plan and as amended 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 110/00325/20 subject to the following conditions and reserved matter:**

Reserved Matter

The following detailed information shall be submitted for further assessment and approval by the Assessment Manager as a reserved matter pursuant to Section 33(3) of the Development Act 1993:

1. Amended storm water documentation shall be submitted to Council for approval and shall be to the requirements and satisfaction of Council's engineer.

Pursuant to Section 33(1) of the Development Act 1993, the Council Assessment Panel reserves its decision on the form and substance of any further conditions of development plan consent that it considers appropriate to impose in respect of the reserved matter set out above.

Planning Conditions

1. That the design and siting of all buildings and structures and site works shall be as shown on the amended plans 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 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.
5. 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 minimise environmental harm, which includes nuisance from noise, to occupants on adjacent premises.