

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **9 DECEMBER 2020**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **CRAIG WATSON**
 ATTACHMENTS: **1. LOCALITY PLAN**
2. SUBMITTED PLANS
3. REPRESENTATION
4. APPLICANTS RESPONSE

HEARING OF REPRESENTORS **P CALDICOTT**
 HEARING OF APPLICANT **MURRAY ROBERTS & ASSOCIATES**

DA NO.	:	<u>110/00555/20</u>
APPLICANT	:	<u>MURRAY ROBERTS</u>
LOCATION	:	<u>4 BINDARRA ROAD, 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>OUTBUILDING COMPRISING DEPENDENT ACCOMMODATION AND GARAGE</u>
EXISTING USE	:	<u>DETACHED DWELLING</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS</u>

1. Site and Locality

The subject site extends between Bindarra Road and Elm Lane and is the second allotment west of Elm Street. An existing single storey dwelling faces Bindarra Road. In addition to access from Bindarra Road a free standing garage is to the rear of the site with access from Elm lane.

The locality comprises a mix of shops and dwellings on the northern side of Elm Lane while on the southern side of Elm Lane are residential uses. Elm Lane services both the retail and residential properties.

Refer to Attachment 1

2. Proposed Development

The development proposes an outbuilding with mezzanine comprising living/kitchen two bed rooms and bath (dependant accommodation) together with store and double garage setback 1 metre from Elm Lane. It will be constructed to the eastern boundary and setback 2.84 metres to the western boundary. The building will comprise matt black colorbond custom orb materials.

Refer to Attachment 2

Development Data

Aspect	Proposed	Required/Allowed	Compliance
Site Area	617m ²	600m ²	Yes.
Building height (walls)	5m to 6.5m	7m	Yes
Site coverage	Approximately 50%	Max 50%	Yes
Elm Lane Setback	1m	4m	No
Upper side boundaries	Nil eastern side and 2.84m western side	3m	No
Car Parking Provision	2 spaces for existing dwelling and 1 space for dependent accommodation	2 spaces each	Yes
Common Outdoor Space	Approximately 195m ²	100m ²	Yes
Boundary wall	6.5m long x 6.5m high	3m x 8m	No regarding height.

3. Public Consultation

The application was subject to a category 2 public notification. One representation was received from the western adjacent resident and concerned overshadowing and height.

Refer to Attachment 3

The applicant has submitted amended plans, which have reduced the total height from 8 metres to 6.5 metres and advises:

- The development will provide accommodation, private office space and garage;
- Height and style is similar to others within the locality;
- The building will provide privacy from two storey buildings in the vicinity and noise protection from nearby commercial uses;
- Overshadowing is consistent with relevant Development Plan provisions. Shading diagrams submitted;
- View from neighbouring property will be diminished by intended landscaping along the western boundary.

Refer to Attachment 4

4. 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) verandas, eaves, parapets and window screens.	Complies.
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.	Eastern boundary wall is adjacent a garage on the adjoining site which minimises its impact on that site. It is setback a reasonable distance from the western boundary.
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.
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.
14. Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.	Complies. Not viewed from primary street frontage.
15. Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.	Complies.

Energy Efficiency	
1. Development should provide for efficient solar access to buildings and open space all year around.	Will overshadow private rear yard on subject site.
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.
Interface between Land Uses	
2. Development should be sited and designed to minimise negative impact on existing and potential future land uses considered appropriate in the locality.	Complies.
4. Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.	Complies. Provides privacy protection from commercial/residential development.
Landscaping, Fences and Walls	
1. Development should incorporate open space and landscaping and minimise hard paved surfaces in order to: (a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components) (b) enhance the appearance of road frontages (c) screen service yards, loading areas and outdoor storage areas (d) minimise maintenance and watering requirements (e) enhance and define outdoor spaces, including car parking areas (f) maximise shade and shelter (g) assist in climate control within and around buildings (h) minimise heat absorption and reflection (i) maintain privacy (j) maximise stormwater re-use (k) complement existing vegetation, including native vegetation (l) contribute to the viability of ecosystems and species (m) promote water and biodiversity conservation (n) establish buffers to adjacent development and areas.	Complies. Landscape screening proposed along western boundary.
Orderly and Sustainable Development	
1. Development should not prejudice the development of a zone for its intended purpose.	Complies.
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.	Does not comply but is not the main living area.

Residential Development (Cont)	
<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> <p>(a) windows of habitable rooms (all rooms excluding bathrooms, laundries and hallways), particularly living areas</p> <p>(b) ground-level private open space</p> <p>(c) upper-level private balconies that provide the primary open space area for any dwelling</p> <p>(d) access to solar energy.</p>	Complies. No significant overshadowing.
<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> <p>(a) half of the existing ground-level open space</p> <p>(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> <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> <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>	Consistent with character where most dwellings facing Bindarra Road have garages adjacent Elm Lane.
<p>15. Garages, carports and domestic outbuildings should be set back from the secondary road frontage in line with or greater than the setback of the associated dwelling.</p>	Elm Lane setback is consistent with others in the locality.

Residential Development (Cont)	
16. Residential outbuildings, including garages and sheds, should not be constructed unless in association with an existing dwelling.	Complies.
7. Garages, carports and outbuildings should be designed within the following parameters:	
Total floor area (maximum) 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 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	Does not comply but includes residential floor area.
Wall height above natural ground level 3 metres	Does not comply - 5.5 to 6.5 metres.
Wall length Within 3 metres of side or rear boundary 9 metres 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	12.4 metres x 6.6 metres dimensions. Complies – 6.6 metres
Maximum height 4.5 metres	Does not comply – 6.5 metres.
Setback from any existing structure on the site located on the same boundary On side or rear boundary 6 metres	Complies.
18. An outbuilding should not reduce the area of useable private open space by less than 80 per cent of that required by the relevant zone, policy area or precinct.	Complies.
20. Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to: (a) minimise the visual impact of buildings from adjoining properties (b) minimise the overshadowing of adjoining properties.	Amended height considered satisfactory.

Residential Development (Cont)														
<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	<p>Minor non-compliance with western side boundary – 2.84 metres proposed, 3 metres required. Does not comply with eastern side boundary but impacts reduced due to boundary built form on adjoining site.</p>
Parameter	Value													
Side walls with a height up to (and including) 3 metres at any point above the natural ground level.	1 metre													
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Rear boundary setback for a building of two or more storeys with a wall height more than 3 metres above natural ground level	6 metres													
<p>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 (b) minimise the overshadowing of adjoining properties</p>		<p>Impacts on adjoining eastern site are minimised due to building location on adjoining property.</p>												
<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 (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.</p>		<p>Complies with length but not height but limited impact.</p>												
<p>25. Walls with a height of up to (and including) 3 metres above natural ground level (excluding veranda, porch and balcony structures) should be setback 2 metres from the secondary street frontage</p>		<p>Does not comply – 1 metre.</p>												
<p>26. Walls with a height of more than 3 metres above natural ground level (excluding verandah, porch and balcony structures) should be setback 4 metres from the secondary street frontage.</p>		<p>Does not comply.</p>												

Residential Development (Cont)							
<p>27. Carports and garages should be set back from road and building frontages so as to:</p> <ul style="list-style-type: none"> (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. Consistent with character of Elm Lane.						
<p>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:</p> <table border="1"> <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	Complies.
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> <ul style="list-style-type: none"> (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.						
<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> <ul style="list-style-type: none"> (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.						

Residential Development (Cont)	
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.
Site area of dwelling - 250 square metres or greater.	
Minimum area of private open space - 20 per cent of site area.	Complies.
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.
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.
49. Dependent accommodation (ie accommodation where the living unit is connected to the same services of the main dwelling) should be developed on the same allotment as the existing dwelling only where: (a) the site is of adequate size and configuration and the minimum total site is 600 square metres (b) the accommodation has a small floor area relative to the associated main dwelling with a floor area not exceeding 60 square metres (c) adequate outdoor space of a minimum of 100 square metres is provided for the use of all occupants (d) adequate on-site car parking is provided by one additional car parking space being provided on the site which can be used exclusively by the occupants of the dependent accommodation (e) the building is designed to, and comprises colours and materials that will, complement the original dwelling.	Complies with (a) – 617m ² Does not comply with (b) but relatively small compared with main dwelling Complies with (c) – 195m ² of private open space. Complies with (d) - 3 spaces available. Complies with (e) – colour considered appropriate.
Transport and Access	
29. Development should be provided with safe and convenient access which: (a) avoids unreasonable interference with the flow of traffic on adjoining roads (b) provides appropriate separation distances from existing roads or level crossings (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties	Complies.
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: (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	
1. A residential zone comprising a range of dwelling types, including a minimum of 15% affordable housing.	Complies.
2. Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.	Complies.
3. Development that contributes to the desired character of the zone.	Complies.
Desired Character	
<p>Development outside of the policy areas will be suburban in nature and evolve in response to progressive infill development of existing individual sites and through consolidation of sites to form larger comprehensive redevelopment opportunities. Infill development outside of the Policy Areas will not compromise the suburban character but will progressively increase dwelling densities through unobtrusive small-scale developments. In this regard, infill development will have a comparable height, mass, scale and setbacks to that of existing dwellings in the relevant locality.</p> <p>The zone's primarily suburban character outside of the policy areas is defined by detached dwellings on individual allotments. Infill development in these suburban areas will contribute to the city's housing diversity through development opportunities that (in order of preference):</p>	
(a) increase dwelling numbers on allotments that have dual road frontages	Complies.
(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	The scale is considered satisfactory given the character of the locality.
(c) semi-detached dwellings, where site considerations permit.	Not applicable.
Development outside of the policy areas will comprise:	
<ul style="list-style-type: none"> • Single storey in areas east of Brighton Road, and up to two storeys in areas west of Brighton Road. 	Complies.
<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. 	Landscaping proposed along western boundary.
<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. 	Does not comply however scale considered satisfactory.
<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. 	Not applicable.
<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. 	Considered satisfactory given location and character of Elm Lane.
<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.
<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.

RESIDENTIAL ZONE			
Principles of Development Control			
1. The following forms of development are envisaged in the zone:		Complies.	
<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. 			
5. The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.		Complies.	
6. Development should not be undertaken unless it is consistent with the desired character for the zone.		Complies.	
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	
West of Brighton Road or Tapleys Hill Road	7 metres	Two storeys	Complies.
East of Brighton Road or Tapleys Hill Road	3.5 metres	One storey, or two storeys if the second storey is incorporated within the roof space and the floor area of the second storey does not exceed 40 percent of the ground floor footprint of the dwelling, including attached garages.	
9. Dwellings and/or residential flat buildings should be setback a minimum of 1 metre from one side boundary to incorporate pedestrian access.		Complies.	

5. Summary of Assessment

Scale and Setbacks

The subject site is within the Residential Zone outside of a policy area. The Desired Character anticipates increased densities through small scale unobtrusive developments with comparable height, mass, scale and setbacks to that of existing dwellings. Residential Zone Principle 1 requires a maximum wall height of 7 metres above ground. Residential Development Principle 21 requires side boundary setbacks of 3.5 metres (based on wall height), while Residential Development Principle 26 requires a setback from Elm Street (secondary road frontage) of 4 metres (based on wall height).

In response to the representation and concern from Council administration the total height has been significantly reduced from 8 metres to 6.5 metres. As amended the building height is now compliant with Zone Principle 1 and the scale is now more comparable with the two storey built form on the northern side of Elm Lane and two storey dwellings to the southern side of Elm Lane. Although not

compliant with the road setback it is consistent with the setback pattern in Elm Lane, which on the southern side comprises garages on or very close to the road.

The development is still at variance with required side boundary setbacks, however only to a minor extent from the western boundary (2.84 metres proposed, 3 metres based on wall height required). The applicant advises of the intent to plant trees between the building and the western boundary to further minimise its impact. Although built to the eastern boundary it adjoins a garage it adjoins a garage on the adjoining property and will not impact the main private open space, which is on the eastern side of the neighbouring dwelling.

Dependent Accommodation

The development is largely consistent with Residential Development Principle 49 in so far as it:

- Is on the same site of the main dwelling and will be connected to the same services as the existing dwelling;
- The site is greater than 600m²;
- There is adequate outdoor space for all occupants which exceeds 100m²;
- The car parking requirements for both the existing dwelling and dependent accommodation are exceeded.

Although of different colours and materials to the existing dwelling they are compatible with garages on the southern side of Elm Lane. The non-compliance with the maximum 60m² is not considered serious given the limited impacts as discussed elsewhere.

Amenity

Given the roof lights and high level window there will be no overlooking of adjoining properties.

A shadow plan has been submitted with the response to the representation. This plan was based on the original 8 metre high building. Nevertheless it demonstrates that the adjoining properties will have access to more than the 2 hours direct sunlight between 9am and 3pm at the winter's solstice as required by Residential Development Principle 12. The building as amended of course will have even less shading impacts.

The visual impacts on the adjoining eastern property is limited due to the siting of the building and main open space area on that property. The building will be more directly viewed from the western adjoining neighbour who submitted the representation. The reduction in height and proposed setback will reasonably reduce its visual scale and proposed landscape screening will further assist.

Conclusion

The use of the building for dependent accommodation is appropriate within the zone. Its amended scale and appearance is considered reasonable given the character of the locality and limited visual, shading and privacy impacts.

The development is not seriously at variance with the Development Plan and has merit for consent.

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 110/00555/20, subject to the following conditions:

PLANNING CONDITIONS

1. That the design and siting of all buildings and structures and site works shall be as shown on the amended plans dated 12/11/2020 submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. That the structure herein approved be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.
3. That the premises shall not be used, directly or indirectly, for the purpose now approved until all work has been completed in accordance with the plan approved and the conditions of consent have been complied with, except those conditions that continue to apply.
4. That the area between the building and the western boundary be planted with trees that on maturity reasonably screen the building to the reasonable satisfaction of Council.
5. 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.