

TO: **COUNCIL ASSESSMENT PANEL**  
 DATE: **25 SEPTEMBER 2019**  
 SUBJECT: **COUNCIL ASSESSMENT REPORT**  
 AUTHOR: **DEAN SPASIC**  
**DEVELOPMENT OFFICER PLANNING**

ATTACHMENTS: **1. LOCALITY PLAN**  
**2. PROPOSED PLANS**  
**3. STATEMENTS OF REPRESENTATIONS**  
**4. APPLICANT'S REPLY TO REPRESENTATIONS**

HEARING OF REPRESENTORS: **JOHN AND LESLYE ROUGHAN OF 45 MARLBOROUGH STREET, BRIGHTON**

HEARING OF APPLICANT: **LARES HOMES PTY LTD**

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DA NO.	:	<u>110/00487/19</u>
APPLICANT	:	<u>LARES HOMES PTY LTD</u>
LOCATION	:	<u>41-43 MARLBOROUGH STREET, 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>CONSTRUCTION OF FOUR TWO STOREY DETACHED DWELLINGS WITH INTEGRAL GARAGES AND VERANDAHS, ONE OF WHICH IS LOCATED ON A HAMMERHEAD SITE, DECKS AND RETAINING WALLS WITH ASSOCIATED FENCING AT 41 AND 43 MARLBOROUGH STREET, BRIGHTON</u>
EXISTING USE	:	<u>DETACHED DWELLINGS</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS RECEIVED :		<u>THREE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

### 1. Site and Locality

The subject site comprises land associated with 41 and 43 Marlborough Street, each currently containing two dwellings. The total site area is 1773 square metres. The land is located on the southern side of Marlborough Street and in between the Esplanade and Seaview Terrace.

The locality comprises a predominance of older housing stock of single and two storey built form, however also has examples of newer housing stock. The Residential Zone encourages a variety of built form and land division configurations, including hammerhead.

## 2. Background

A land division application (110/00480/19) has been submitted, which is also subject to consideration by the Council Assessment Panel.

## 3. Proposed Development

The proposal comprises the construction of four two storey detached dwellings with integral garages and verandahs, one of which is located on a hammerhead site, decks and retaining walls with associated fencing.

### Assessment Table

Dwelling 1	Proposed	Development Plan	Summary
Site areas	560 square metres	Minimum 400 square metres	Complies
Site coverage	38 percent	Maximum 50 percent of the site area	Complies
Private open space	21 percent	Minimum 20 percent	Complies
'Front' setback	1.3 metres (internal)	Consistent with the setbacks of neighbouring buildings	Complies
Northern and southern 'side' setback	Garage wall located on the northern side boundary with a height of 3.4 metres and length of 6.8 metres.  Remaining dwelling setback 7.3 metres+ from side boundaries	Wall located on a boundary up to 3 metres high and 8 metres in length	Complies
		Ground level wall setback 1 metre	Complies
		Upper level wall setback 2.5 metres	Complies
Western 'rear' setback	Garage wall located on the southern side boundary with a height of 3.4 metres and length of 7.5 metres.  Ground level 1.2 metres and upper level 1.6 metres	Ground level 4 metres and upper level 6 metres	Does not comply
Dwelling 2	Proposed	Development Plan	Summary
Site areas	343 square metres	Minimum 400 square metres	Does not comply
Site coverage	64 percent	Maximum 50 percent of the site area	Does not comply
Private open space	31 percent	Minimum 20 percent	Complies
Primary street setback	4.4 to 6 metres	Consistent with the setbacks of neighbouring buildings	Does not comply
Northern and southern 'side' setback	Garage wall located on the southern side (internal) boundary with a height of 3.4 metres and length of 6.8 metres.  Remaining ground level wall setback 980mm Upper level wall setback 2 metres	Wall located on a boundary up to 3 metres high and 8 metres in length	Complies
		Ground level wall setback 1 metre	Complies
		Upper level wall setback 2.5 metres	Does not comply
Western 'rear' setback	Ground level wall 6.3 metres Upper level wall 10.5 metres	Ground level 4 metres and upper level 6 metres	Complies

<b>Dwelling 3</b>	<b>Proposed</b>	<b>Development Plan</b>	<b>Summary</b>
<b>Site areas</b>	368 square metres	Minimum 400 square metres	Does not comply
<b>Site coverage</b>	59 percent	Maximum 50 percent of the site area	Does not comply
<b>Private open space</b>	34 percent	Minimum 20 percent	Complies
<b>Primary street setback</b>	4.9 to 6.5 metres	Consistent with the setbacks of neighbouring buildings	Does not comply
<b>Northern and southern 'side' setback</b>	Garage wall located on the southern side (internal) boundary with a height of 3.4 metres and length of 6.8 metres. Remaining ground level wall setback 980mm Upper level wall setback 2 metres	Wall located on a boundary up to 3 metres high and 8 metres in length  Ground level wall setback 1 metre Upper level wall setback 2.5 metres	Complies  Complies Does not comply
<b>Western 'rear' setback</b>	Ground level wall 7.8 metres Upper level wall 15.1 metres	Ground level 4 metres and upper level 6 metres	Complies Complies
<b>Dwelling 4</b>	<b>Proposed</b>	<b>Development Plan</b>	<b>Summary</b>
<b>Site areas</b>	368 square metres	Minimum 400 square metres	Does not comply
<b>Site coverage</b>	59 percent	Maximum 50 percent of the site area	Does not comply
<b>Private open space</b>	32 percent	Minimum 20 percent	Complies
<b>Primary street setback</b>	5.5 to 6.7 metres	Consistent with the setbacks of neighbouring buildings	Does not comply
<b>Northern and southern 'side' setback</b>	Garage wall located on the southern side (internal) boundary with a height of 3.4 metres and length of 7.9 metres. Remaining ground level wall setback 980mm Upper level wall setback 2 metres	Wall located on a boundary up to 3 metres high and 8 metres in length  Ground level wall setback 1 metre Upper level wall setback 2.5 metres	Complies  Complies Does not comply
<b>Western 'rear' setback</b>	Ground level wall 7.4 metres Upper level wall 14.7 metres	Ground level 4 metres and upper level 6 metres	Complies Complies

#### 4. Public Consultation

The development is assigned as Category 2, as prescribed by the Procedural Matters within the Residential Zone of the Holdfast Bay (City) development Plan. A total of five representations were received, and summarised as follows:

Gavin Franklin and Jeannie Franklin of 46 Marlborough Street, Brighton

- Visual impact of square glass and masonry structures;
- Higher density of housing compared to the rest of the locality;
- Compromises the existing traditional family culture of the street and suburb;
- Invasion of privacy into front rooms of our property; and
- Demolition of Brighton's few remaining heritage homes (Administration Note: The dwellings are not heritage listed, nor located in a Historic Conservation Area).

Neil and Jody Styles of 39 Marlborough Street, Brighton

- Overshadowing impacts (lounge, laundry, clothesline and living area);
- The second storey will block our current views to the sea;
- Clarification of fencing and retaining walls;
- Overhang of Dwelling 2 is forward of the block;

- Access to property during construction; and
- Visual privacy.

Claire Lindop of 42 Marlborough Street, Brighton

- Loss of valuable street parking due to another driveway;
- Amount of permeable surface being lost with 4 homes and 4 driveways; and
- Visual privacy.

John and Leslye Roughan of 45 Marlborough Street, Brighton

- Does the development comply with all of the development guidelines for the zone?;
- Visual privacy;
- Damage to existing buildings and structures;
- Fencing and retaining wall clarification;
- Location of air conditioning unit;
- Overshadowing (Dwelling 4 should be single storey to address this);
- Power connection during construction;
- Garage wall finish; and
- We would like a green hedge of trees between our property and the new development to help with the green forest environment that Council is trying to cultivate.

Applicant's reply to Statements of Representations:

Matthew King of URPS has prepared a detailed report addressing the concerns raised by the Representors. A summary of his reply is as follows:

- Overshadowing on neighbouring properties will be minimal and within the guidelines outlined in the Development Plan, specifically Residential Zone PDC 11 and 12;
- Retaining will be established where marked on the site works plan and replace any existing retaining which is deemed to be unstable. All proposed retaining will be effectively the same as existing retaining wall heights;
- All fencing will comprise Colorbond 'good neighbour' fencing up to 1.8 metres in height;
- The garage wall is proposed to have an acrylic render finished in a Hames 'half dune' colour (i.e. a light grey);
- The upper level above Dwelling 1 will not significantly impact the current view enjoyed from 39 Marlborough Street, particularly as the new dwelling will be setback further than where the existing two storey dwelling sits;
- Visual privacy has been managed with a mix of techniques including the use of raised sill heights and obscure glazing to windows and a high balustrade to the balcony to up to 1.7 metres above the floor level, as per PDC 40;
- Air conditioning noise will be mitigated by way of its position behind a fence and located at least 7 metres from the Roughan's dwelling. The proposed system is a Panasonic which produces sound up to a maximum of 55 decibels;
- Landscaping is proposed throughout the development site, which will contribute to providing a green buffer between properties as well as contribute to the overall visual amenity of the locality;
- The proposal provides at least 3 on-site car parking spaces per dwelling, which exceeds the minimum of 2 per dwelling;
- Hard surface areas have been minimised by way of tapered driveways and large garden spaces; and

- The proposed density is the same as the existing density. There are currently four dwellings over the development site, and four dwellings are proposed. The average site area per dwelling is 444 square metres.

## 5. Development Plan Provisions

### HOLDFAST BAY (CITY) DEVELOPMENT PLAN

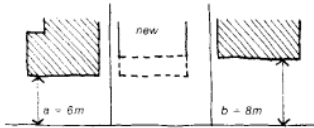
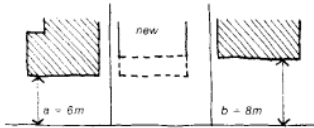
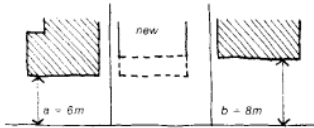
<b>General Section – Design and Appearance</b>	
<b>Objectives</b>	
1 Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.	Complies
<b>Principles of Development Controls</b>	<b>Assessment</b>
1 Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: <ul style="list-style-type: none"> <li>(a) building height, mass and proportion</li> <li>(b) external materials, patterns, colours and decorative elements</li> <li>(c) roof form and pitch</li> <li>(d) façade articulation and detailing</li> <li>(e) verandahs, eaves, parapets and window screens.</li> </ul>	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: <ul style="list-style-type: none"> <li>(a) the visual impact of the building as viewed from adjoining properties</li> <li>(b) overshadowing of adjoining properties and allow adequate sun light to neighbouring buildings.</li> </ul>	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
4 Structures located on the roofs of buildings to house plant and equipment should form an integral part of the building design in relation to external finishes, shaping and colours.	Complies
5 Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.	Complies
6 Balconies should: <ul style="list-style-type: none"> <li>(a) be integrated with the overall form and detail of the building and make a positive contribution to the external and external amenity of residential buildings</li> <li>(b) be sited adjacent to the main living areas, such as the living room, dining room or kitchen to extend the dwelling’s living space</li> <li>(c) include balustrade detailing that enables line of sight to the street</li> <li>(d) be recessed where wind would otherwise make the space unusable</li> <li>(e) have a minimum dimension of 2 metres for upper level balconies or terraces.</li> </ul>	Complies
<b>Overshadowing</b> 10 The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: <ul style="list-style-type: none"> <li>(a) windows of habitable rooms</li> <li>(b) upper-level private balconies that provide the primary open space area for a dwelling</li> <li>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</li> </ul>	Complies

<b>General Section – Design and Appearance</b>	
<b>Principles of Development Controls (Cont)</b>	<b>Assessment</b>
<p>Visual Privacy</p> <p>11 Development should minimise direct overlooking of habitable rooms and private open spaces of dwellings through measures such as:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> <li>(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.</li> </ul>	Complies
12 Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.	Complies
<p>Relationship to the Street and Public Realm</p> <p>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.</p>	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 emphasize pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.	Complies
<b>General Section – Landscaping, Fences and Walls</b>	
<b>Objectives</b>	<b>Assessment</b>
1 The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.	Complies
2 Functional fences and walls that enhance the attractiveness of development.	Complies
<b>Principles of Development Controls</b>	<b>Assessment</b>
<p>1 Development should incorporate open space and landscaping and minimise hard paved surfaces in order to:</p> <ul style="list-style-type: none"> <li>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</li> <li>(b) enhance the appearance of road frontages</li> <li>(c) screen service yards, loading areas and outdoor storage areas</li> <li>(d) minimise maintenance and watering requirements</li> <li>(e) enhance and define outdoor spaces, including car parking areas</li> <li>(f) maximise shade and shelter</li> <li>(g) assist in climate control within and around buildings</li> <li>(h) minimise heat absorption and reflection</li> <li>(i) maintain privacy</li> <li>(j) maximise stormwater re-use</li> <li>(k) complement existing vegetation, including native vegetation</li> <li>(l) contribute to the viability of ecosystems and species</li> <li>(m) promote water and biodiversity conservation</li> <li>(n) establish buffers to adjacent development and areas.</li> </ul>	Complies

<b>General Section – Landscaping, Fences and Walls (Cont)</b>	
<b>Principles of Development Controls</b>	<b>Assessment</b>
2 Landscaping should: <ul style="list-style-type: none"> <li>(a) include mature vegetation, the planting of locally indigenous species where appropriate and species tolerant of salt-laden winds near the coast</li> <li>(b) be oriented towards the street frontage</li> <li>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</li> </ul>	Complies
3 Landscaping should not: <ul style="list-style-type: none"> <li>(a) unreasonably restrict solar access to adjoining development</li> <li>(b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding</li> <li>(c) introduce pest plants</li> <li>(d) increase the risk of bushfire</li> <li>(e) remove opportunities for passive surveillance</li> <li>(f) increase leaf fall in watercourses</li> <li>(g) increase the risk of weed invasion</li> <li>(h) obscure driver sight lines</li> <li>(i) create a hazard for train or tram drivers by obscuring sight lines at crossovers.</li> </ul>	Complies
4 Existing substantial vegetation should be retained and incorporated within landscaping of new development where practicable.	Reasonably complies
5 Fences and walls, including retaining walls, should: <ul style="list-style-type: none"> <li>(a) not result in damage to neighbouring trees</li> <li>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</li> <li>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</li> <li>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</li> <li>(e) assist in highlighting building entrances</li> <li>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</li> <li>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security</li> <li>(h) without adversely affecting the visual amenity or access to sunlight of adjoining land be constructed of non-flammable materials.</li> </ul>	Complies
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.	Complies.
<b>General Section – Residential Development</b>	
<b>Objectives</b>	<b>Assessment</b>
1 Safe, convenient, pleasant and healthy-living environments that meet the full range of needs and preferences of the community.	Complies
2 A diverse range of dwelling types and sizes available to cater for changing demographics, particularly smaller household sizes and supported accommodation.	Complies
3 Medium and high density residential development in areas close to activity centres, public and community transport and public open spaces.	Complies
4 The revitalisation of residential areas to support the viability of community services and infrastructure.	Complies
5 Affordable housing, student housing and housing for aged persons provided in appropriate locations.	Complies
6 Increased affordable housing opportunities through land division and the conversion of buildings to a residential use.	Complies

<b>General Section – Residential Development</b>	
<b>Objectives</b>	<b>Assessment</b>
<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"> <li>(a) the siting and construction of a dwelling and associated ancillary outbuildings</li> <li>(b) the provision of landscaping and private open space</li> <li>(c) convenient and safe vehicle, pedestrian and cycling access and parking</li> <li>(d) water sensitive design systems that enable the storage, treatment and reuse of stormwater.</li> </ul>	Complies
2 Buildings on hammerhead/battleaxe allotments or the like should be single storey and be designed to maintain the privacy of adjoining properties.	Does not comply (existing dwelling to be replaced is 2 storey)
3 Residential allotments should be of varying sizes to encourage housing diversity.	
<p>Design and Appearance</p> <p>4 Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</li> <li>(b) individual entries for ground floor accommodation</li> <li>(c) opportunities to overlook adjacent public space.</li> </ul>	
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
<p>Overshadowing</p> <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"> <li>(a) windows of habitable rooms (all rooms excluding bathrooms, laundries and hallways), particularly living areas</li> <li>(b) ground-level private open space</li> <li>(c) upper-level private balconies that provide the primary open space area for any dwelling</li> <li>(d) access to solar energy.</li> </ul>	Complies
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
<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"> <li>(a) half of the existing ground-level open space</li> <li>(b) 35 square metres of the existing `ground-level open space (with at least one of the area’s dimensions measuring 2.5 metres).</li> </ul> <p>Development should not increase the overshadowed area by more than 20 per cent in cases where overshadowing already exceeds these requirements.</p>	Complies

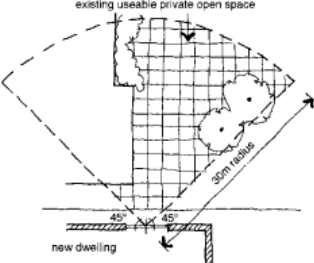
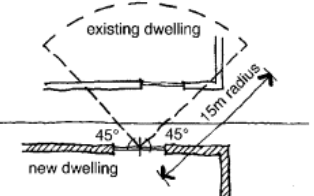


General Section – Residential Development		Assessment																		
Objectives																				
Garages, Carports and Outbuildings 13 Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.																				
14 Garages and carports facing the street should not dominate the streetscape and should be designed in accordance with the following: <ul style="list-style-type: none"> <li>(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</li> <li>(b) be located at least 0.5 metres behind the main face of the associated dwelling</li> <li>(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"> <li>i. two individual doors with a distance of not less than 300 millimetres between them</li> <li>ii. double tilt-up doors with moulded door panels having a maximum width of no more than 5 metres</li> </ul> </li> <li>(d) be constructed of materials that integrate with those of the associated dwelling, or pre-coloured treated metal.</li> </ul>	Complies																			
17 Garages, carports and outbuildings should be designed within the following parameters:	<table border="1"> <thead> <tr> <th>Parameter</th> <th>Total floor area (maximum)</th> <th>Wall height above natural ground level</th> <th>Wall length</th> <th>Maximum height</th> <th>Setback from any existing structure on the site located on the same boundary</th> </tr> </thead> <tbody> <tr> <td>Within 3 metres of a side or rear boundary</td> <td>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</td> <td>3 metres</td> <td>9 metres</td> <td>4.5 metres</td> <td>n/a</td> </tr> <tr> <td>On a side or rear boundary</td> <td>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</td> <td>3 metres</td> <td>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</td> <td>4.5 metres</td> <td>6 metres</td> </tr> </tbody> </table>	Parameter	Total floor area (maximum)	Wall height above natural ground level	Wall length	Maximum height	Setback from any existing structure on the site located on the same boundary	Within 3 metres of 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	3 metres	9 metres	4.5 metres	n/a	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	3 metres	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	4.5 metres	6 metres	Complies
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Street and Boundary Setbacks 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:		Complies																		
<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:    <small>When b &gt; a: 2, setback of new dwelling = a or b</small> </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:  <small>When b &gt; a: 2, setback of new dwelling = a or b</small>	Greater than 2 metres	At least the average setback of the adjacent buildings.	Does not comply. See subheading <i>Primary Street Setbacks</i> .													
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<b>General Section – Residential Development (Cont)</b>														
<b>Principles of Development Controls</b>		<b>Assessment</b>												
20 Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to: <ul style="list-style-type: none"> <li>(a) minimise the visual impact of buildings from adjoining properties</li> <li>(b) minimise the overshadowing of adjoining properties.</li> </ul>		Complies												
21 Residential development (other than where located on a boundary) should be setback from side and rear boundaries in accordance with the following parameters:	<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>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 500 millimetres 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 500 millimetres 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 See subheadings Side Boundary Setbacks and Rear Boundary Setbacks
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22 Dwellings and or residential flat buildings on an allotment in the form of a hammerhead/battleaxe configuration should: <ul style="list-style-type: none"> <li>(a) be setback a minimum of 4 metres from the side boundary to the two storey component of any part of the building</li> <li>(b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction</li> <li>(c) enhance the streetscape character by: <ul style="list-style-type: none"> <li>i. ensuring that no fencing is located between the main face of the dwelling and the front property boundary</li> <li>ii. providing additional landscaping and/or deviation of the driveway where a driveway length exceeds 20 metres</li> </ul> </li> <li>(d) minimise impact on the amenity of neighbouring properties by locating the driveway: <ul style="list-style-type: none"> <li>i. on the side of the property that is adjacent to an existing neighbouring garage, carport or driveway</li> <li>ii. a minimum of 2 metres from a bedroom window of an existing dwelling on neighbouring land where separated by a fence measuring a minimum of 1.8 metres above the driveway pavement.</li> </ul> </li> </ul>		Complies												
23 Side boundary walls in residential areas should be limited in length and height to: <ul style="list-style-type: none"> <li>(a) minimise their visual impact on adjoining properties</li> <li>(b) minimise the overshadowing of adjoining properties.</li> </ul>		Complies												
24 Walls associated with a dwelling located on a side boundary should be designed in accordance with the following parameters: <ul style="list-style-type: none"> <li>(a) a height not exceeding 3 metres above natural ground level</li> <li>(b) a length not exceeding 8 metres</li> <li>(c) the wall, when its length is added to the length of any other relevant walls or structures located on that boundary: <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul> </li> </ul>		Does not comply Wall height more than 3 metres above Natural ground level												

General Section – Residential Development (Cont)								
Principles of Development Controls		Assessment						
<p>27 Carports and garages should be set back from road and building frontages so as to:</p> <ul style="list-style-type: none"> <li>(a) contribute to the desired character of the area</li> <li>(b) not adversely impact on the safety of road users</li> <li>(c) provide safe entry and exit</li> <li>(d) not dominate the appearance of dwellings from the street.</li> </ul>		Complies						
<p>Site Coverage</p> <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		Does not comply
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 ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> <li>(a) pedestrian and vehicle access and vehicle parking</li> <li>(b) domestic storage</li> <li>(c) outdoor clothes drying</li> <li>(d) rainwater tanks</li> <li>(e) private open space and landscaping</li> <li>(f) convenient storage of household waste and recycling receptacles.</li> </ul>		Complies						
<p>30 Site coverage determinations for group dwellings and residential flat building sites should not include common areas such as access ways, driveways and landscaping.</p>		Complies						
<p>Private Open Space</p> <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"> <li>(a) to be accessed directly from the habitable rooms of the dwelling</li> <li>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</li> <li>(c) to take advantage of, but not adversely affect, natural features of the site</li> <li>(d) to minimise overlooking from adjacent buildings</li> <li>(e) to achieve separation from bedroom windows on adjoining sites</li> <li>(f) to have a northerly aspect to provide for comfortable year-round use</li> <li>(g) to not be significantly shaded during winter by the associated dwelling or adjacent development</li> <li>(h) to be shaded in summer</li> <li>(i) to minimise noise and air quality impacts that may arise from traffic, industry or other business activities within the locality</li> <li>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</li> </ul>		Complies						

General Section – Residential Development (Cont)			Assessment
Principles of Development Controls			Assessment
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	Minimum area of private open space	Provisions	
250 square metres or greater	20 per cent of site area	<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 1.7 metres and a maximum gradient of 1-in-10.</p>	
Less than 250 square metres	35 square metres	<p>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</p> <p>One part of the space is directly accessible from a lounge room, dining room or living room (excluding a bedroom) and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</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.			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 nonpermeable paved areas) to:			Complies
<ul style="list-style-type: none"> <li>(a) assist with ease of drainage</li> <li>(b) allow for effective deep planting</li> <li>(c) reduce urban heat loading and improve micro-climatic conditions around sites and buildings.</li> </ul>			
36 Private open space located above ground level should have a minimum dimension of 2 metres and be directly accessible from a habitable room.			Complies
<b>Visual Privacy</b> 40 Except for buildings of 3 or more storeys in the Minda Incorporated Brighton Campus, upper level windows, balconies, terraces and decks that overlook habitable room windows or private open space of dwellings should maximise visual privacy through the use of measures such as sill heights of not less than 1.7 metres or permanent screens having a height of 1.7 metres above finished floor level.			Complies

General Section – Residential Development	
Principles of Development Controls (Cont)	Assessment
<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>  <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>  <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>	Complies
Zone Section – Residential Zone	
Objectives	Assessment
1 A residential zone comprising a range of dwelling types, including a minimum of 15 per cent 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.

Zone Section – Residential Zone (Cont)	
Objectives	Assessment
<p><b>Desired character</b> The zone contains the majority of the city’s living areas, which are of predominantly low-density suburban form, but within policy areas include medium-to-high density forms of housing on the coast, along key transport corridors and within Glenelg, as well as coordinated development opportunities within large institutional sites. The zone includes five policy areas, three of which cater for coastal development, one for the City’s residential institutions (including Minda and Masonic Homes) and one for medium density development along the key transit routes of Brighton Road, Anzac Highway, Tapleys Hill Road and along sections of the Seaford railway transit corridor.</p>	
<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> <ul style="list-style-type: none"> <li>(a) increase dwelling numbers on allotments that have dual road frontages</li> <li>(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</li> <li>(c) semi-detached dwellings, where site considerations permit.</li> </ul>	
<p>Development outside of the policy areas will generally be single storey in height in the areas east of Brighton Road, and up to two storeys in height in the areas west of Brighton Road. Buildings will be 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. Landscaping will help define the public realm and private property boundaries, and substantial landscaped front yards will contribute to the locality, with the retention of mature trees. Development 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. Vehicle garaging will be set back clearly behind the immediately adjacent part of the front building facade. Development will enhance and protect streetscape character by minimising driveway access points and width of crossovers and driveways. Undercroft car parking will also be avoided on flat sites and sites that slope down from the street level. Buildings will be stepped and articulated at the front elevation to achieve visual relief and architectural interest as viewed from the street.</p>	
<p>Residential development outside of the policy areas will utilise 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. Development will also incorporate architectural design and detailing that responds to localised character by way of fenestration, doorways, windows, eaves and roof forms. Development will be setback and orientated to minimise impacts of the privacy of neighbouring residents.</p>	

Zone Section – Residential Zone																				
Principles of Development Control		Assessment																		
1 The following forms of development are envisaged in the zone: <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ domestic outbuilding in association with a dwelling</li> <li>▪ domestic structure</li> <li>▪ dwelling</li> <li>▪ dwelling addition</li> <li>▪ small scale non-residential use that serves the local community, for example: <ul style="list-style-type: none"> <li>- child care facility</li> <li>- health and welfare service</li> <li>- open space</li> <li>- primary and secondary school</li> <li>- recreation area</li> </ul> </li> <li>▪ supported accommodation.</li> </ul>		Complies																		
2 Development listed as non-complying is generally inappropriate.		Complies																		
6 Development should not be undertaken unless it is consistent with the desired character for the zone.		Complies																		
Zone Section – Residential Zone (Cont)																				
7 A dwelling should, except where specified in a particular policy area or precinct, have a minimum site area (and in the case of group dwellings and residential flat buildings, an average site area per dwelling) and a minimum frontage to a public road not less than that shown in the following table:		Complies (existing site has similar dimensions)																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Dwelling type</th> <th style="text-align: center;">Site area (square metres)</th> <th style="text-align: center;">Minimum frontage (Except for allotments in the case of a hammerhead configuration)</th> </tr> </thead> <tbody> <tr> <td>Detached</td> <td style="text-align: center;">400 minimum</td> <td style="text-align: center;">12 metres</td> </tr> <tr> <td>Semi-detached</td> <td style="text-align: center;">350 minimum</td> <td style="text-align: center;">12 metres</td> </tr> <tr> <td>Group dwelling</td> <td style="text-align: center;">350 average</td> <td style="text-align: center;">12 metres</td> </tr> <tr> <td>Residential flat building</td> <td style="text-align: center;">350 average</td> <td style="text-align: center;">12 metres</td> </tr> <tr> <td>Row dwelling</td> <td style="text-align: center;">350 minimum</td> <td style="text-align: center;">10 metres</td> </tr> </tbody> </table>			Dwelling type	Site area (square metres)	Minimum frontage (Except for allotments in the case of a hammerhead configuration)	Detached	400 minimum	12 metres	Semi-detached	350 minimum	12 metres	Group dwelling	350 average	12 metres	Residential flat building	350 average	12 metres	Row dwelling	350 minimum	10 metres
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9 Dwellings and/or residential flat buildings should be setback a minimum of 1 metre from one side boundary to incorporate pedestrian access.		Complies																		

## 6. Summary of Assessment

### Zone and Land use

The proposal is considered to adhere to the Desired Character Statement and Residential Zone requirements, which includes infill development to increase dwelling densities of varying housing styles.

Although there are some individual site areas that fail to achieve the minimum site area of 400 square metres and the frontages are less than 12 metres, the average site areas are 444 square metres per dwelling, the frontages are consistent with the existing sites, and the density matches the existing density found over the development site (4 dwellings).

The proposal ultimately presents a redevelopment of older housing stock with the same density and similar configuration.

### **Site Coverage**

Each individual dwelling is considered to satisfy site coverage provisions found in the Development Plan (PDC 28, maximum 50 percent of the site area and PDC 29, the provision of sufficient space to accommodate access, storage, clothes drying, rainwater tanks, private open space and waste storage).

Dwellings 2, 3 and 4 comprises site coverage in the range of 60 to 64 percent of the site area, hence failing PDC 28, however the variance is considered negligible, particularly as PDC 29 is achieved. Further, the overall site coverage of the development site is 49 percent.

### **Private Open Space**

Each of the proposed dwellings satisfy the private open space provisions found in the Development Plan, including PDC 31, 32, 33, 34 and 36.

Dwelling 1 has private open space totaling 130 square metres (not including the land comprising the steep slope), which is 23 percent of the site area.

Dwellings 2 to 4 have private open space areas in the range of 108 (36 percent of the site area) to 124 square metres (33 percent of the site area).

### **Primary Street Setbacks**

Dwellings 2 to 4 face Marlborough Street and are setback in the range of 4.6 to 7 metres. The eastern adjacent building is setback 9.9 metres from the street boundary and the western adjacent building is setback 7 metres from the street boundary, hence an average setback of 8.45 metres. The proposed development therefore fails to satisfy the Development Plan with respect to Street Setbacks (specifically PDC 19).

Although the proposed dwellings fail to satisfy PDC 19, the general setback pattern of the southern side of Marlborough Street is fairly diverse, with setbacks ranging from only 1 metre to 9.9 metres. The proposed building setbacks are considered reasonable in the context of the development site, and it is typical for new dwellings to be established forward of neighbouring buildings, particularly where the street does not contain a uniform setback pattern.

### **Side Boundary Setbacks**

The Development Plan anticipates walls located on side boundaries where the wall height does not exceed 3 metres above the natural ground level and the wall length does not exceed 8 metres.



Residences 1 and 4, each have garage walls located on their side boundaries, with wall heights of 3.4 metres above the natural ground levels and overall length not more than 8 metres. The wall heights are at variance by 400mm, which is a reflection of the sloping topography of the land (a balance of achieving usable ground levels and avoiding excessive retaining heights).

The ground level walls of Dwelling 1 is 3.4 metres above the natural ground level and setback a minimum of 6.8 metres from the side boundaries.

The upper level walls of Dwelling 1 are in the range of 6.2 metres above the natural ground level and setback and setback a minimum of 6.8 metres from the side boundaries.

The ground level walls of Dwellings 2 to 4 comprise heights of 3.1 metres (Dwelling 4 has side walls that are in the range of 4.4 metres due to the sloping nature of the site at the rear). The ground level walls are setback a minimum distance of 1.08 metres from the side boundaries. The Development Plan anticipates a minimum setback of 1.5 metres where the wall height exceeds 3 metres, however given the wall height is only generally slightly above 3 metres and considering the context of the sloping land, the proposed setbacks are considered reasonable.

The upper level walls of Dwellings 2 to 4 are in the range of 6.2 metres above the natural ground level and setback and setback a minimum 2 metres from the side boundaries. The Development Plan anticipates a minimum setback of 2.7 metres where a wall height is in the range of 6.2 metres. The 700mm setback variance however is considered reasonable in the context of the development site, particularly as the western adjacent building is setback at least 3.8 metres from the side boundary.

### **Rear Boundary Setback**

Residence 1 has a garage wall located on the rear boundary, with a wall height of metres above the natural ground level and overall length of 7.5 metres. The wall height is at variance by 400mm, which is a reflection of the sloping topography of the land (a balance of achieving usable ground levels and avoiding excessive retaining heights).

The ground level wall at the rear of Dwelling 1 is between 3.4 and 5.4 metres in height, due to the sloping nature to the west of the site. The ground level wall is setback 1.1 to 1.6 metres from the southern rear boundary (which is the side boundary of the southern adjacent property)

The ground level wall at the rear of Dwelling 1 is between 6.5 and 10 metres in height, due to the sloping nature to the west of the site. The upper level wall is setback 1.6 metres from the southern rear boundary (which is the side boundary of the southern adjacent property). This wall abuts a shed and rear yard associated with the southern adjacent property.

The proposed building fails to satisfy the rear boundary setback of 4 metres at the ground level and 6 metres at the upper level. In considering the severity of the rear boundary setback deficiencies, regard should be given to the visual and overshadowing impacts. Visually, the walls will be rendered and painted, and upper level windows have sill heights of 1.7 metres. The roof is a hipped profile, which assists in reducing the overall bulk and scale. In terms of overshadowing, the building will cast a shadow over part of the rear yard of the southern adjacent property, however the majority of the yard retains access to sunlight, and particularly the front garden, which appears to be the predominant space used for private open space purposes, or at least, the largest area.

### **Vehicle maneuvering and carparking**

The proposal has been designed in such a way that forward entry and exit is accommodated for the hammerhead site (Dwelling 1). Each dwelling proposes 3 on-site car parking, thus exceeding the minimum of 2 spaces required per dwelling. This results in overall surplus car parking of 4 spaces over the development site.

### **Visual Privacy**

The proposed development satisfies the Development Plan PDC 40 and 41 with respect to ensuring the visual privacy of adjacent properties is not compromised. This is achieved by way of side and rear and front of Dwelling 1 having windows, balconies and decks being screened in such a way as to avoid views into adjacent properties.

The front windows associated with Dwellings 2, 3 and 4 are part of the public realm and do not require any screening treatment.

### **Solar Access**

The Shadow Diagram submitted as part of the application, demonstrates the shadow cast at 9am, 12pm and 3pm during the winter solstice. The diagram clearly demonstrates that the proposed development complies with Development Plan Residential Zone, PDC 11 and 12, whereby;

All north facing windows to habitable rooms on adjoining allotments received at least 3 hours of direct sunlight over a portion of their surface between 9am and 5pm on the 21 June.

Ground level private open space areas of adjacent buildings achieve a minimum of 2 hours of sunlight between 9am and 3pm on the 21 June to at least half the existing ground level private open space and at least 35 square metres of existing ground level private open space with minimum dimensions of 2.5 metres.

## **7. Conclusion**

Although the proposal fails to satisfy the Development Plan in some respects (frontages, site coverage, boundary setbacks), on balance, it presents a kind of development that is envisaged in the Residential Zone and demonstrates sufficient planning merit in the overall design so as to warrant planning consent.

## **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 110/00487/19 comprising the construction of four two storey detached dwellings with integral garages and verandahs, one of which is located on a hammerhead site, decks and retaining walls with associated fencing at 41 and 43 Marlborough Street, Brighton**

**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, including those prepared by
  - a. Gama Consulting, Drawing No. 18840-C01, Revision A, 19/06/2019;
  - b. Lares Homes, Job No. LH123, LH126-128, Sheet 1 dated May 19;
  - c. Lares Homes, Job No. LH123, Sheet P1 dated June 19;
  - d. Lares Homes, Job No. LH126-8, Sheet 7 dated 03/09/19;
  - e. Lares Homes, Job No. LH123, Sheet 8 dated 03/06/19;
  - f. Lares Homes, Job No. LH123, Sheet 2 dated May 19;
  - g. Lares Homes, Job No. LH123, Sheet 3 dated May 19;
  - h. Lares Homes, Job No. LH123, Sheet 4 dated May 19;
  - i. Lares Homes, Job No. LH126, Sheet 2 dated May 19;
  - j. Lares Homes, Job No. LH126, Sheet 3 dated May 19;
  - k. Lares Homes, Job No. LH126, Sheet 4 dated May 19;
  - l. Lares Homes, Job No. LH126, Sheet 5 dated May 19;
  - m. Lares Homes, Job No. LH127, Sheet 2 dated May 19;
  - n. Lares Homes, Job No. LH127, Sheet 3 dated May 19;
  - o. Lares Homes, Job No. LH127, Sheet 4 dated May 19;
  - p. Lares Homes, Job No. LH127, Sheet 5 dated May 19;
  - q. Lares Homes, Job No. LH128, Sheet 2 dated May 19;
  - r. Lares Homes, Job No. LH128, Sheet 3 dated May 19;
  - s. Lares Homes, Job No. LH128, Sheet 4 dated May 19;
  - t. Lares Homes, Job No. LH128, Sheet 5 dated May 19;
  
2. That stormwater from each dwelling shall be collected and connected to a 1000 litre (minimum) rainwater tank with a sealed system over flow connection to the street water table. Final details of the location and size of the tank(s) shall be submitted to Council for approval prior to the issue of full Development Approval. Furthermore, all stormwater from the dwelling and the site shall be collected and disposed of in a manner that does not adversely affect any properties adjoining the site or the stability of any building on adjacent sites.

NOTE: Stormwater shall not be disposed of over a vehicle crossing place and any connection to the street water table, including remedial works to footpaths, verges or other Council infrastructure, is subject to any necessary approvals from Council and will be at the applicant's cost.
  
3. That landscaping shall be established as per the plan prepared by Lares Homes, Job No. LH126-8, Sheet 7 dated 26/08/19 and comprise 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.
  
4. That all upstairs windows, terraces above natural ground level and balconies on the eastern, western and southern elevations, and north elevation of Dwelling 1 shall be designed in such a way that prevents a view into adjacent properties.

5. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.
6. That dust emissions from the site shall be controlled by a dust suppressant or by watering (subject to any relevant water restrictions) regularly to the reasonable satisfaction of Council.
7. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
8. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
9. That no solid or liquid trade wastes be discharged to the stormwater system.
10. That all domestic mechanical plant and equipment, including air conditioners, should be selected, designed, and installed to comply with the following mandatory criteria:
  - (a) Noise level not to exceed 52dB(A) between the hours of 7am and 10pm when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007\*, and
  - (b) Noise level not to exceed 45dB(A) between the hours of 10pm and 7am when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007\*, and
  - (c) Where marked with an \* the above noise levels must include a penalty for each characteristic where tonal/modulating/ impulsive/low frequency characteristics are present in accordance with the Environment Protection (Noise) Policy 2007.

**NOTE:** That no synthetic grass is installed on the Council verge in accordance with the City of Holdfast Bay Verge Policy.