

TO: **COUNCIL ASSESSMENT REPORT**
 DATE: **27 FEBRUARY 2019**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **ALEXANDER STAMATOPOULOS**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS: **1. LOCALITY MAP**
2. PROPOSAL PLANS
3. REPRESENTATIONS

HEARING OF REPRESENTORS: **L JOHNSON**

DA NO.	:	110/00846/18
APPLICANT	:	SAM STAGG
LOCATION	:	21 GOLFLANDS TERRACE, GLENELG NORTH
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT	:	MERIT
PROPOSAL	:	SHED LOCATED TO REAR OF DWELLING ON EASTERN SIDE BOUNDARY
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	TWO
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

1. Background

An application was lodged to the Council on 2 November 2018 to construct a garage with a wall located on the eastern side boundary. The application was subject to Category 2 public notification as outlined in procedural matters of the Holdfast Bay Development Plan. The application ceased notification on 30 May 2018, two representations were received.

The application was initially lodged with the garage containing 3.6m high walls. The application went through the notification process and received two representations. The applicant was advised to reduce the height of the walls to better suit the 3m maximum wall height anticipated in the Holdfast Bay Development Plan. Amended plans were received showing the wall height reduced from 3.6m to 3.3m.

2. Site and Locality

The subject site is rectangular in nature with a primary frontage of 19.8m metres and a depth of 42.7m. The subject land contains a ground level higher than the adjoining neighbours to the north and east of approximately 800mm. Large domestic outbuildings and ancillary structures are common in the locality with multiple examples evident when viewed from an aerial image.

Refer to Attachment 1

3. Proposed Development

The proposed garage contains a conventional built form comprising of a 10 degree pitched roof and a 3.3m wall height from natural ground level. The garage contains dimensions of 6m x 9.1m totalling 54.6 m². It is located 2m from the northern rear boundary and contains a 9.1m wall located on the eastern side boundary. The garage is proposed to be finished in 'Woodland Grey' colourbond sheeting.

Refer to Attachments 2 - 2.1

4. Development Data

DEVELOPMENT DATA		
Aspect	Proposed	Compliance
Site Coverage	303m ² or 35%	Complies
Private Open Space	310m ² or 37%	Complies
Garage Dimensions		
Area	54.6 m ²	Complies
Wall height	3.3m	300mm variance
Total height	3.833m	Complies
Wall length on boundary	9.1m	1.1m variance
% on boundary	21%	Complies
Northern rear setback	2.2m	Complies

5. Public Consultation

The proposed development was subject to Category 2 public notification, two representations were received. A summary of the representations are shown below:

L and M Johnson - 1 Stewart Avenue, Glenelg North

- Amenity impacted visually as design of shed is industrial;
- Proposed location is 4.6m from bedroom window and will block daylight;
- Impacts of glare from sun and noise of rain on tin roof; and
- Size indicates workshop activities will take place from garage.

A and G Milograd - 23 Golflands Terrace, Glenelg North

- The shed does not comply with wall height restrictions;
- The shed is large for a residential property;
- Assurance is sought to ensure that the proposed shed will be used for domestic purposes; and
- The size of the shed will result in loss of visual amenities, detracting from the open space appeal of the rear yard.

A response to the representations was not provided by the applicant.

Refer to Attachment 3

6. Development Plan Provisions

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

RESIDENTIAL ZONE	
Objectives	
3. Development that contributes to the desired character of the zone.	Complies
RESIDENTIAL ZONE	
Desired Character	
<p>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 zones 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> <p>(a) increase dwelling numbers on allotments that have dual road frontages</p> <p>(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</p> <p>(c) semi-detached dwellings, where site considerations permit.</p>	Complies

RESIDENTIAL ZONE (Cont)	
Desired Character	
<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. 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>	<p>Refer to previous page.</p>
<p>1. The following forms of development are envisaged in the zone:</p> <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. 	<p>Complies</p>
<p>6. Development should not be undertaken unless it is consistent with the desired character for the zone.</p>	<p>Complies</p>

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

Residential Development							
9. The vertical distance between any lower floor of a building and the natural ground level should not exceed 1.5 metres at any point to minimise the depth of excavation and/or height of filling of land,	Complies						
13. Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.	Complies						
Residential Development (Cont)							
17. 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 m ² Sites 400-600 square metres: 40m ² Sites less than 400 square metres: 30 m ² On a side or rear boundary Sites 600 square metres or more: 60m ² Sites 400-600 square metres: 40m ² Sites less than 400 square metres: 30m ²	Complies						
Wall height above natural ground level 3 metres	300mm variance						
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	Rear garage exceeds anticipated length on boundary by 1.1m						
Maximum height 4.5 metres	Complies						
23. Side boundary walls in residential areas should be limited in length and height to: (a) minimise their visual impact on adjoining properties (b) minimise the overshadowing of adjoining properties	Complies						
38. Site coverage (the proportion of a site covered by ground floor level buildings and structures including dwelling, garage, carport, verandas and outbuildings but excluding unroofed pergolas and unroofed balconies) should not exceed the following values: <table border="1"> <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						

Residential Development (Cont)	
<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) front, side and rear boundary setbacks that contribute to the desired character of the area (g) 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
<p>32. Dwellings and residential flat buildings at ground level should include private open space that conforms to the requirements identified in the following table:</p>	
<p>Site area of dwelling - 250 square metres or greater.</p>	
<p>Minimum area of private open space - 20 per cent of site area.</p>	
<p>Provisions Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. One part of the space should be directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p>	Complies
<p>33. Private open space should not include driveways, front yards (except where it is a group dwelling that has no frontage to a public road and the private open space is screened from adjacent dwellings), effluent drainage areas, rubbish bin storage, sites for rainwater tanks and other utility areas and common areas such as parking areas and communal open space.</p>	Complies
<p>34 Private open space at ground level should be designed to provide a consolidated area of deep soil (an area of natural ground which excludes areas where there is a structure underneath, pools and non-permeable paved areas) to:</p> <ul style="list-style-type: none"> (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

7. Summary of Assessment

Garage on rear boundary

The assessment identified 3 quantitative non-compliances being:

1. Wall height exceeding the anticipated maximum by 300mm; and
2. The length of the boundary wall exceeding the anticipated maximum by 1.1m.

The quantitative provisions of the Holdfast Bay Development Plan serve as a guide with the intention of enabling appropriate development. As some of the quantitative requirements are not met an assessment of the impacts the development will have on adjoining neighbours and the overall locality must be taken into consideration.

Concerns were raised from the northern adjoining neighbour regarding amenity issues. Whilst the garage contains a wall height 300mm greater than anticipated it is considered that this is alleviated by the fact that the northern wall is setback 2m from the rear boundary. It must be taken into consideration that Pursuant to Schedule 4 Part 1 (2) of the Development Regulations an outbuilding with a wall height of 3m, wall length of 8m and total height of 5m can be built on a boundary, including the rear. Such an outcome is considered to have greater impacts to the northern neighbour as opposed the garage in its current form offset 2m from the rear boundary.

The majority of the impacts from the garage will be to the eastern adjoining neighbour as the wall be sited on that respective boundary. The assessment will focus on the additional wall height and boundary length to determine if those departures will result in detrimental impacts to the eastern adjoining neighbour.

The impacts that need to be assessed are of a visual nature. Whilst the height of the garage wall exceeds the 3m maximum, the total height of the structure is well below the 4.5m maximum anticipated by the Development Plan. The total height of the garage is 3.8m, 700mm lower than what is considered appropriate. The 1.1m of excess wall located on the boundary is not considered to impact in a manner that is detrimental to the adjoining neighbour. As the total height of the garage is 700mm lower than what is anticipated the additional wall length is not deemed to impact negatively.

It can be argued that if the garage was built with an 8m long wall on the boundary, a wall height of 3m and a total height of 4.5m, impacts would be greater in comparison to what is proposed yet it would satisfy the quantitative provisions of the Development Plan. Furthermore, an aerial assessment of the immediate locality determined that outbuildings and ancillary structures located on boundaries is common. A condition will be placed on approval to ensure that all activities conducted in the shed, if any, are to be of a domestic nature only.

Conclusion

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal as amended on balance satisfies the relevant provisions of the Development

Plan. The proposal is broadly consistent with the desired character of the zone and will not detrimentally impact upon the amenity of the adjoining properties of the locality. Accordingly, the proposal warrants Development Plan Consent subject to conditions.

8. RECOMMENDATION

- 1. That 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, and consideration of representations, the application is considered to be reasonably consistent with the relevant provisions of the Development Plan and that the Council Assessment Panel resolves to grant Development Plan Consent, to DA 110/00846/18 subject to the following conditions:**

PLANNING CONDITIONS

- 1. That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
- 2. That 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.**
- 3. That adequate provision be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods.**
- 4. That the domestic outbuilding approved herein shall be used for domestic purposes only and the incidental parking of motor vehicles belonging to the owner of the land. No activities shall be undertaken that would create any appreciable noise, smoke, smell, dust or other nuisances.**